

1990

1990 ORDINANCES & RESOLUTIONS

ORDINANCE NUMBER	DATE PASSED	DESCRIPTION
114	1/8/1990	MASTER ECONOMIC DEVELOPMENT PLAN
119	7/9/1990	ANNEXATION PLAN
121	9/14/1990	LINE OF CREDIT ESTABLISHED FOR WATER STORAGE TOWER
124	10/22/1990	GUARDRAILS
125	10/22/1990	ANNEXATION OF GILLENWATER/ COATS PROPERTY
126	11/12/1990	WASTEWATER FACILITY PROPOSAL
127	12/21/1990	ANNEXATION PLAN
128	12/21/1990	ECONOMIC REVITALIZATION

RESOLUTION NUMBER	DATE PASSED	DESCRIPTION
476	3/12/1990	BUILDING REGULATION FOR THE TOS
477	5/29/1990	SALARY ORDINANCE
478	5/29/1990	FLOOD HAZARD ORDINANCE
479	6/11/1990	AMENDMENT OF H-475 SALARY ORDINANCE
479-A	6/7/1990	TAX LEVY
481	9/24/1990	DE-ANNEXATION OF M-C SALES
482	9/24/1990	AMMNDMENT TO # 475 SALARY ORDINANCE
482-A	6/25/1990	AMMENDMENT TO # 435 NUISANCE ORDINANCE
483	10/8/1980	TOWN HALL NON SMOKING FACILITY
483-A	8/13/1990	TRANSFER OF APPROPRIATIONS
484	10/8/1990	TOWN HALL NON SMOKING FACILITY
485	10/8/1990	NAMING OF STREETS
486	10/22/1990	CUMULATIVE CAPITOL FUND
487	10/22/1990	ANNEXATION OF GILLENWATER/COATS PROPERTY
488	12/10/1990	SEWER RATE SCHEDULE
489	12/10/1990	SEWER REGULATIONS
490	11/12/1990	SEWER EXENSIONS /BONDS FOR SEWERS

411
ORDINANCE NO. 474

WHEREAS, the Police Department for the Town of Sellersburg has, in the past, received holiday pay and longevity pay for the performance of services to the Town of Sellersburg; and

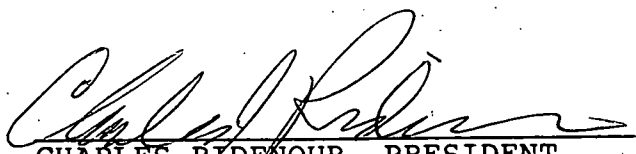
WHEREAS, said holiday pay was suspended by previous Ordinance as of November, 1989; and

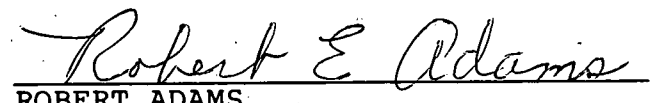
WHEREAS, the Town of Sellersburg is desirous of reinstating the holiday pay policy for the police offices of the Town of Sellersburg.

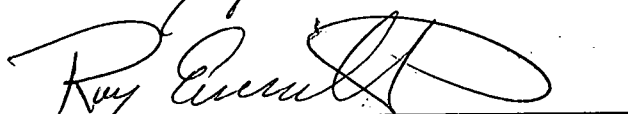
NOW, THEREFORE, BE IT ORDAINED by the the Town Council for the Town of Sellersburg that holiday pay for all police officers shall be reinstated effective January 1, 1990. Said holiday pay shall be calculated and paid in the same manner as done for calendar year, 1989.


BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that longevity pay shall be earned and paid to the police officers beginning the first anniversary date of employment.

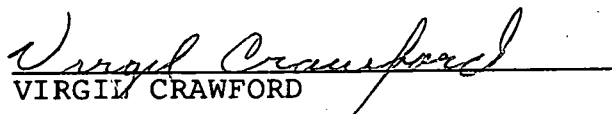
SO ORDAINED THIS 12TH DAY OF FEBRUARY, 1990.

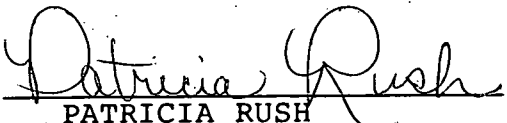

CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERETT


MARYANN DELLAROSA


VIRGIL CRAWFORD

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: February 12, 1990

ORDINANCE NO. 475

1990 SALARY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary and longevity pay of employees of the Town; and

WHEREAS, said Ordinance is necessary for the efficient administration of the Town.

NOW, THEREFORE, BE IT ORDAINED, this 8th day of January, 1990, by the Town Council of the Town of Sellersburg, that:

1. The following annual/weekly/hourly wage and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1990:

SEWER DEPARTMENT FUND

Superintendent	\$525.00 per week
Laborer	6.65 per hour
Laborer	6.20 per hour
Plant operator	6.73 per hour
Deputy Clerk Treasurer	6.56 per hour
Town Board Trustee	1,730.00 per year
Town Board Trustee	1,730.00 per year
Town Board Trustee	1,730.00 per year
Town Board Trustee	1,730.00 per year
Town Board Trustee	1,730.00 per year
Clerk Treasurer	\$8,126.56 per year

STREET AND SANITATION DEPARTMENT FUND

Superintendent	\$446.25 per week
Truck driver	6.73 per hour
Laborer	6.20 per hour
Laborer	6.20 per hour
Laborer	6.20 per hour
Laborer	6.20 per hour
Laborer	6.20 per hour
Laborer	6.20 per hour

GENERAL FUND

Town Board Trustee	\$720.00 per year
Town Board Trustee	\$720.00 per year
Town Board Trustee	\$720.00 per year
Town Board Trustee	\$720.00 per year
Town Board Trustee	\$720.00 per year
Clerk Treasurer	\$1,805.96 per year
Commissioner	345.00 per year
Commissioner	345.00 per year
Commissioner	345.00 per year
Commissioner	345.00 per year
Commissioner	345.00 per year

WATER DEPARTMENT FUND

Town Board Trustee	\$2,050.00 per year
Town Board Trustee	2,050.00 per year
Town Board Trustee	2,050.00 per year
Town Board Trustee	2,050.00 per year
Town Board Trustee	2,050.00 per year
Clerk Treasurer	8,126.56 per year
Superintendent	446.25 per week
Heavy Equipment Operator	8.65 per hour
Plant operator	7.00 per hour

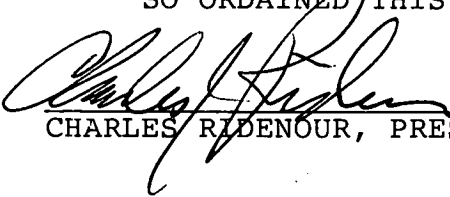
Plant operator	6.20 per hour
Meter repairman	6.20 per hour
Clerk	5.25 per hour
Clerk	4.98 per hour

POLICE DEPARTMENT FUND

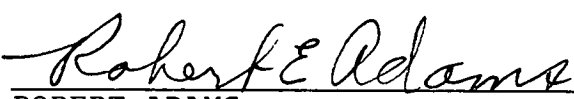
	<u>Salary</u>	<u>Longevity</u>
Chief	\$481.24 per week	\$1,286.46
Major	466.43 per week	1,470.40
Capt.	397.34 per week	1,654.02
Sgt.	370.72 per week	1,194.70
Ptln.	353.46 per week	183.78
Ptln.	353.46 per week	459.45
Ptln.	353.46 per week	367.56
Ptln.	353.46 per week	91.90
Ptln.	353.46 per week	459.45
Ptln.	353.46 per week	91.90
Rookie	318.41 per week	_____
Rookie	318.41 per week	_____
Dispatcher	225.75 per week	_____
Dispatcher	225.75 per week	_____
Dispatcher	225.75 per week	_____
Dispatcher	225.75 per week	_____
1 part time	5.36 per hour	_____

2. Additionally, Ordinance No. 460, previously passed by the Town of Sellersburg, is hereby amended, to reflect that those employees of the Police Department, previously receiving holiday pay, shall continue to receive said holiday pay to and including November 30, 1989. All holiday pay for employees of the Police Department shall cease effective December 1, 1989.

SO ORDAINED THIS 8TH DAY OF JANUARY, 1990.



 CHARLES RIDENOUR, PRESIDENT




 ROBERT ADAMS

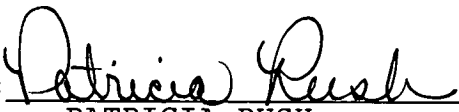
 ROY EVERETT



 MARYANN DELLAROSA



 VIRGIL CRAWFORD

ATTEST: 

 PATRICIA RUSH
 CLERK TREASURER

DATE: January 8, 1990

ORDINANCE 476

An Ordinance regulating the erection, construction, enlargement, alternation, repair, location, moving removal, demolition, convention, occupancy, equipment, use, height area, maintenance of all buildings on structures, their apurtenances and accessory structures in the Town of Sellersburg, Indiana; and providing for the insurance of permits, therefore, providing penalties for the violation thereof, and repealing all ordinances and part of ordinances in conflict therewith.

The Town Council of the Town of Sellersburg, Indiana does ordain as follows:

All construction as explained in the first paragraph in the Town of Sellersburg, Indiana shall be regulated by the adoption of building rules.

ADOPTION OF BUILDING RULES, CODES AND STANDARDS BY REFERENCE.

- A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this (ordinance, chapter, code) and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:
1. Article 13 - Building Codes
 - (a) Fire and Building Safety Standards (675 IAC 13-1)
 - (b) Indiana Building Code (675 IAC 13-2)
 - (c) Indiana Building Code Standards (675 IAC 13-3)
 - (d) Indiana Handicapped Accessibility Code (675 IAC 13-4)
 2. Article 14 - One and Two Family Dwelling Codes
 - (a) Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)
 - (b) CABO One and Two Family Dwelling Code: Amendments (675 IAC 14-2.1)
 - (c) Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)
 3. Article 16 - Plumbing Codes
 - (a) BOCA National Plumbing Code, 7th Edition/1987
 4. Article 17 - Electrical Codes
 - (a) Indiana Electrical Code (675 IAC 17-1.1)
 - (b) Safety Code for Health Care Facilities (675 IAC 17-2)
 5. Article 18 - Mechanical Codes
 - (a) Indiana Mechanical Code (675 IAC 18-1)

ORDINANCE NO. 477

AMENDMENT TO 1990 SALARY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg previously passed an Ordinance No. 475 to establish the salary and longevity pay of employees of the Town; and

WHEREAS, said Ordinance needs to be amended as a result of assumption of additional duties and new hires in the Sewer Department.

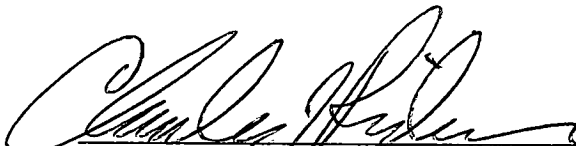
NOW, THEREFORE, BE IT ORDAINED, this ^{29 CR ~~14th~~ ~~14th~~ ~~day~~ ~~of~~ ~~May~~, 1990,} by the Town Council of the Town of Sellersburg that Ordinance No. 475 shall be amended as follows:


1. The following annual/weekly/hourly wage and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective as indicated:

		Effective Date
Superintendent	\$432.69	April 9, 1990
Laborer	\$6.65 per hour	January 1, 1990
Laborer	\$6.35 per hour	May 14, 1990
Plant operator	\$7.23 per hour	March 1, 1990

All other provisions of Ordinance No. 475 shall remain in full force and effect to the extent modified herein.

SO ORDAINED THIS ^{29th CR ~~14th~~ ~~14th~~ ~~day~~ ~~of~~ ~~May~~, 1990.}

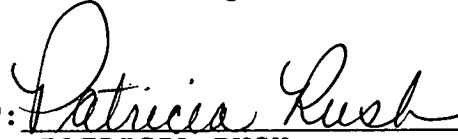

CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERETT


MARYANN DELLAROSA

RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: May 29, 1990

6. Article 19 - Energy Conservation Codes

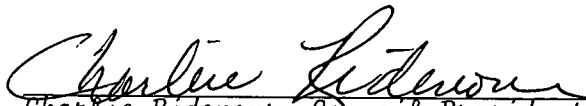
- (a) Indiana Energy Conservation Code (675 IAC 19-1)
- (b) Modifications to the Model Energy Code (675 IAC 19-2)

7. Article 20 - Swimming Pool Codes

- (a) Indiana Swimming Pool Code (675 IAC 20-1)


Any Homeowner performing the above work in Sellersburg shall have to sign a Homeowner's Affidavit Form before work is done or permit issued.

SO ORDAINED THIS 12 DAY OF March, 1990.


Charlie Ridenour, Council President


Mary Ann DellaRosa, Council Member


Robert Adams, Council Member


Roy Everitt, Council Member

ATTESTED BY: 
Patricia Rush
Clerk-Treasurer

DATE: March 12, 1990

INDIANA MODEL ORDINANCE FOR FLOOD HAZARD AREAS

Ordinance No. 478

Be it ordained by the ~~City Council~~/Town Board of the ~~City~~/Town of Sellersburg, Indiana, as follows:

SECTION 1. STATUTORY AUTHORIZATION. The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

SECTION 2. STATEMENT OF PURPOSE. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Sellersburg ~~City Council~~/Town Board of Trustees hereby adopts the following floodplain management regulations in order to accomplish the following:

- a. to prevent unwise developments from increasing flood or drainage hazards to others;
- b. to protect new buildings and major improvements to buildings from flood damage;
- c. to protect human life and health from the hazards of flooding;
- d. to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- e. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- f. to make federally subsidized flood insurance available for property in the Town of Sellersburg by fulfilling the requirements of the National Flood Insurance Program.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, the following definitions are adopted:

- a. Building - see "structure."
- b. Development - any man-made change to improved or unimproved real estate including but not limited to:
 1. construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;

2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of bridges or culverts;
7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

" Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

- c. Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- d. Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- e. FHBM - means Flood Hazard Boundary Map.
- f. FIRM - means Flood Insurance Rate Map.
- g. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- h. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

- i. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- j. Floodway - means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- k. Floodway fringe - means those portions of the flood hazard areas lying outside the floodway.
- l. Lowest Floor - means the lowest of the following:
 - 1. the basement floor;
 - 2. the garage floor, if the garage is the lowest level of the building;
 - 3. the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - 4. the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor.
 - (b). such enclosed space shall be usable for non-residential purposes and building access.
- m. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- n. New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- o. Recreation vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

- p. Regulatory Flood - means the flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 5 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."
- q. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the ~~City~~/Town that are subject to inundation by the regulatory flood. The SFHAs of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated 8-1-1980. The SFHAs of those parts of unincorporated CLARK County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for CLARK County by the Federal Emergency Management Agency and dated 8-1-80.
- r. Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.
- s. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 40 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

SECTION 4. DUTIES OF THE ADMINISTRATOR. The Zoning ^{Board}~~Administrator~~ for the Town of Sellersburg is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

- a. Ensure that all development activities within the SFHAs of the jurisdiction of the City/Town meet the requirements of this ordinance.
- b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- c. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

- d. Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.
- e. Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to Section 8 of this Ordinance.
- f. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- g. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

SECTION 5. REGULATORY FLOOD ELEVATION. This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- a. The regulatory flood elevation for the SFHAs of OHIO River and Silver Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the (City, Town or County) prepared by the Federal Emergency Management Agency and dated 8-1-80.
- b. The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the (City, Town or County).
- c. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the (City, Town or County) shall be according to the best data available as provided by the Department of Natural Resources.
- d. The regulatory flood elevation for the SFHAs of those parts of unincorporated CLARK County that are within the extra-territorial jurisdiction of the City or that may be annexed into the City shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of CLARK County prepared by the Federal Emergency Management Agency and dated 8-1-80.

If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated as "Zone A" on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

SECTION 6. IMPROVEMENT LOCATION PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Town Zoning Board. The Zoning Board shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

- a. The application for an Improvement Location Permit shall be accompanied by the following:
1. A description of the proposed development.
 2. Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
 3. A legal description of the property site.
 4. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 5. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).
- b. Upon receipt of an application for an Improvement Location Permit, the Building Official shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.
1. If the site is in an identified floodway the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Building Official until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Building Official may issue the local Improvement Location Permit provided the provisions contained in Section 7 and 8 of this ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Building Official until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Building Official has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Section 7 and 8 of this ordinance have been met.

SECTION 7. PREVENTING INCREASED DAMAGES. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- a. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 1. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
 2. For all projects involving channel modifications or fill (including levees) the City/Town shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data
- b. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
 1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

c. Public Health Standards in all SFHAs

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of section 8 of this ordinance.
2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

SECTION 8. PROTECTING BUILDINGS. In addition to the damage prevention requirements of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

a. This building protection requirement applies to the following situations:

1. construction or placement of any new building valued at more than \$1,000;
2. structural alterations made to an existing building that increase the market value of the building by more than 40% (excluding the value of the land);
3. reconstruction or repairs made to a damaged building that are valued at or more than 40% of the market value of the building (excluding the value of the land) before damage occurred;
4. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
5. installing a travel trailer on a site for more than 180 days.

b. This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 4 of this ordinance.

1. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 - (a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - (b). The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 - (c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or

bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

- (d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (e). The lowest floor (see definition of lowest floor in Section 3. Definitions) shall be at or above the FPG.

2. A residential or nonresidential building may be elevated in accordance with the following:

- (a). The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

- (1). Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above the enclosed area's floor.

- (2). Any enclosure below the elevated floor is used for non-residential purposes and building access.

- (b). The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.

- (c). All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

3. Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:

- (a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation,

collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

- (1). outside a manufactured home park or subdivision;
 - (2). in a new manufactured home park or subdivision;
 - (3). in an expansion to an existing manufactured home park or subdivision; or
 - (4). in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
- (b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

4. Recreation vehicles placed on a site shall either:
- (a). be on the site for less than 180 consecutive days;
 - (b). be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (c). meet the requirements for "manufactured homes" in paragraph (3) of this section.
5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
- (a). a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - (b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

SECTION 9. OTHER DEVELOPMENT REQUIREMENTS.

- a. The (Plan Commission, Building Commissioner, or other review agency or official) shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the (review agency or official) finds the subdivision to be so located, the (review agency or individual) shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The (review agency or individual) shall require appropriate changes and modifications in order to assure that:
1. it is consistent with the need to minimize flood damages;
 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or iminate flood damage;
 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 4. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- b. Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- c. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHMB or FIRM develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

SECTION 10. VARIANCES.

- a. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
1. there exists a good and sufficient cause for the requested variance;
 2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

- b. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
1. No variance or exception for a residential use within a floodway subject to Section 7 (a) or (b) may be granted.
 2. Any variance or exception granted in a floodway subject to Section 7 (a) or (b) will require a permit from Natural Resources.
 3. Variances or exceptions to the Building Protection Standards of Section 8 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 4. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
 5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
 6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

SECTION 11. DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

SECTION 12. VIOLATIONS. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Sellersburg (name of community).

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.

- b. The Sellersburg Zoning ~~Board~~ Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- c. Nothing herein shall prevent the TOWN (~~City, Town, or County~~) from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SECTION 13. ABROGATION AND GREATER RESTRICTIONS. This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program, including: N/A. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence.

SECTION 14. SEPARABILITY. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its passage by the Town Council (City Council/Town Board/County Commissioners).

Passed and enacted by the Town of Sellersburg, Indiana on the 29 day of May 1990.

TOWN of
Sellersburg, Indiana
Charles Fisher
Marybeth Kason
Robert Adams
Ray Everett

Attest:
Patricia Rush

ORDINANCE NO. 479

AMENDMENT TO 1990 SALARY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg previously passed an Ordinance No. 475 to establish the salary and longevity pay of employees of the Town; and

WHEREAS, said Ordinance needs to be amended as a result of assumption of additional duties and new hires in the Water Department.


NOW, THEREFORE, BE IT ORDAINED, this 11 of June, 1990, by the Town Council of the Town of Sellersburg that Ordinance No. 475 shall be amended as follows:

1. The following annual/weekly/hourly wage and longevity pay, as indicated, shall be paid to the following employee, from the fund as indicated, effective as indicated:


		Effective Date
Plant Operator	\$5.25 per hour	May 30, 1990

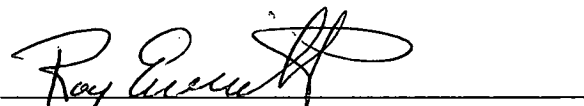
All other provisions of Ordinance No. 475 shall remain in full force and effect to the extent modified herein.


SO ORDAINED THIS 11 DAY OF June, 1990.


CHARLES RIDENOUR, PRESIDNET


MARYANN DELLAROSA


ROBERT ADAMS


ROY EVERITT


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK-TREASURER

DATE: June 11, 1990

ORDINANCE NO. 479-A

REESTABLISHMENT OF TAX LEVY

WHEREAS, the Town of Sellersburg has adopted its annual budget and tax levies in accordance with I.C. 6-1.1 et seq.; and

WHEREAS, the Town of Sellersburg has the statutory authority to adopt tax levies to raise revenue for operation of the Town; and

WHEREAS, said tax levies have previously been adopted and are now being reestablished;


NOW, THEREFORE, in accordance with the appropriate provisions of the Indiana Code, the Town of Sellersburg does hereby adopt the following tax levies for fiscal year 1991:

Capital Cumulative Development Fund .12 of each \$100.00 of assessed valuation

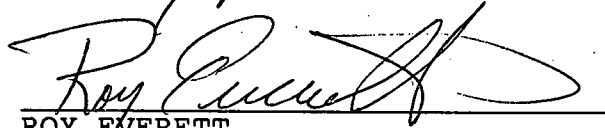
Metro Police Pension Fund .025 of each \$100.00 of assessed valuation

This tax levy, as adopted by the Town of Sellersburg, shall be filed with the County Auditor and Tax Commissioner's office on the date of execution hereof.

SO ORDAINED THIS 7TH DAY OF SEPTEMBER, 1990.

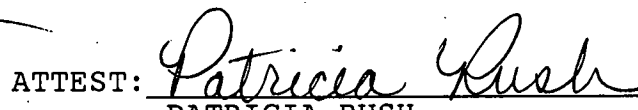

CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERETT


MARYANN DELLAROSA


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: Sept. 7, 1990

Patty Rush
Town of Sellersburg

1/14.00

P.O. Box 85

Sellersburg In 47172

ORDINANCE NO. 481

DEANNEXING PROPERTY OF M-C SALES, INC.

WHEREAS, M-C Sales, Inc. filed a Petition for Deannexation on November 1, 1988 pursuant to I.C. 36-4-13-17(a)(2), and

WHEREAS, said Petition desires to have certain property deannexed which property is contiguous to and forms the outer boundaries of the Town of Sellersburg and is in excess of one (1) acre; and

WHEREAS, said real estate described in the Petition For Deannexation was previously annexed by the Town of Sellersburg on June 23, 1980 and April 8, 1985 as set forth in Ordinance Nos. 331 and 404; and

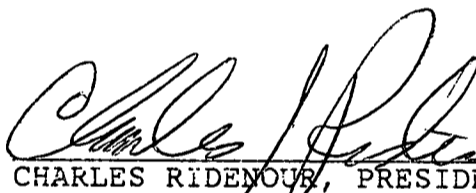
WHEREAS, a Notice of Publication was property filed and a hearing in fact was held with respect to deannexation of this territory; and


WHEREAS, the Town originally denied said Petition For Deannexation which was subsequently appealed to the Clark Circuit Court, Clark County, Indiana, Cause NO. 10C01-8909-CP-533; and,


WHEREAS, pursuant to said litigation, the parties are now in agreement that said territory can and should be deannexed from the Town of Sellersburg.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWN OF SELLERSBURG, that the property described in Tract I and Tract II, legal descriptions and plats of which are attached as Exhibit A, be and hereby is deannexed from the Town of Sellersburg.

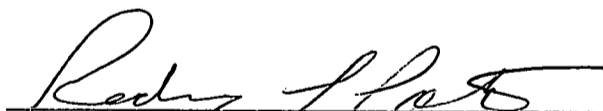
SO ORDAINED THIS 24TH DAY OF SEPTEMBER, 1990.


CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERITT


MARYANN DELLAROSA


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: Sept 24, 1990

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

OCT 10 1990


AUDITOR CLARK COUNTY

RECEIVED
FOR RECORD

Oct 10 3 53 PM '90
Deed 22
RECORDED IN CLARK COUNTY
INSTR. NO. 11669
CAROLYN P. MAKOWSKY
RECORDER OF CLARK CO.

ORDINANCE NO. 482

AMENDMENT TO 1990 SALARY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg previously passed an Ordinance No. 475 to establish the salary and longevity pay of employees of the Town; and

WHEREAS, said Ordinance needs to be amended as a result of assumption of additional duties in the Sewer and Water Departments.

NOW, THEREFORE, BE IT ORDAINED, this 24th day of September, 1990, by the Town Council of the Town of Sellersburg that Ordinance No. 475 shall be amended as follows:

1. The following annual/weekly/hourly wage and longevity pay, as indicated, shall be paid to the following employees, from the funds of the Sewer Department, effective as indicated:

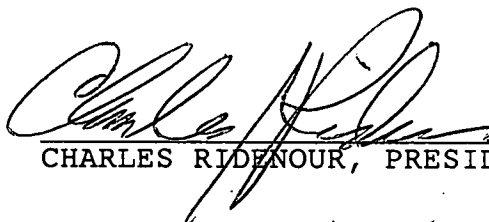
		Effective Date
Laborer	\$7.15 per hour	9-15-90
Plant operator	\$8.50 per hour	9-15-90


2. The following annual/weekly/hourly wage and longevity pay, as indicated, shall be paid to the following employee, from the funds of the Water Department, effective as indicate:

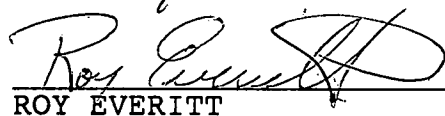
		Effective Date
Plant Operator	\$6.20 per hour	10-1-90

All other provisions of Ordinance No. 475 shall remain in full force and effect to the extent modified herein.

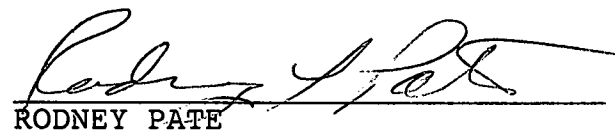
SO ORDAINED THIS 24TH DAY OF SEPTEMBER, 1990.


CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERITT


MARYANN DELLAROSA


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: Sept. 24, 1990

ORDINANCE NO. 482-A

WHEREAS, the Town is desirous of amending its Ordinance No. 435, the Town's Nuisance Ordinance in order to protect the Town and insure the safety and peacefulness of its citizens; and

WHEREAS, said amendment to Ordinance No. 435 is necessary in order to address abandoned property and vehicles within the Town;

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Sellersburg, this 25th day of June, 1990, that:

1. Ordinance No. 435, Section 16, paragraph 2 is hereby amended to read, "Motor vehicles unfit for further use: means and includes any style or type of motor driven vehicle used for the conveyance of persons or property, which is in a dangerous condition generally as to be unfit for further use as a conveyance, or one which is parked or abandoned upon any residential property or upon the streets of the Town without current registration and license plates."

2. All other provisions of this Ordinance shall remain unchanged and in full force and effect.

CHARLES RIDENOUR, PRESIDENT

ROBERT ADAMS

ROY EVERETT

MARYANN DELLAROSA

RODNEY PATE

ATTEST:

PATRICIA RUSH
PATRICIA RUSH
CLERK TREASURER

DATE: June 25, 1990

ORDINANCE NO. 483

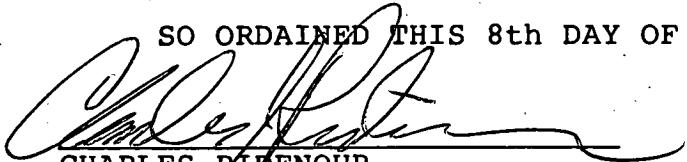
WHEREAS, the town of SELLERSBURG is concerned with protecting the health of its employees; and

WHEREAS, the council has been requested to designate the town hall to be a non-smoking environment;

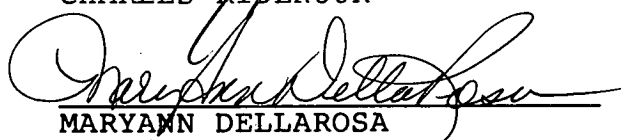
NOW, THEREFORE, BE IT ORDAINED THAT:

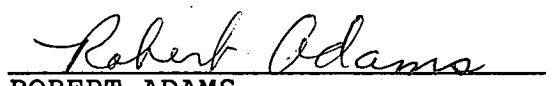
The town hall for and of the town of Sellersburg be and is hereby designated a NON-SMOKING environment and it shall be unlawful to smoke any products within the town hall.

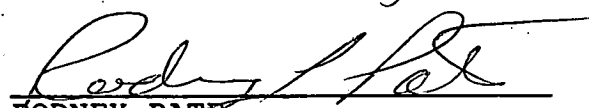
SO ORDAINED THIS 8th DAY OF OCTOBER, 1990.

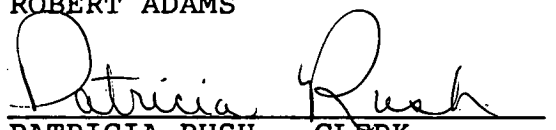

CHARLES RIBENOUR

ROY EVERITT


MARYANN DELLAROSA


ROBERT ADAMS


RODNEY PATE


PATRICIA RUSH - CLERK

10/8/90
DATE

ORDINANCE NO. 483-A

WHEREAS, the Town of Sellersburg desires to transfer monies between inter-departmental funds; and,

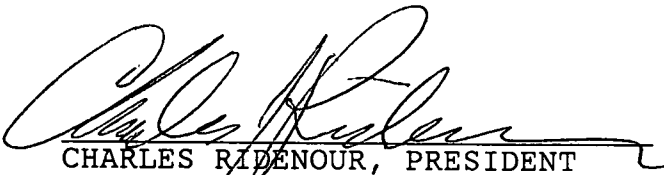
WHEREAS, the General Fund has insufficient funds within its account designated Professional Services, Account No. 313, for the payment of debts as they become due; and,

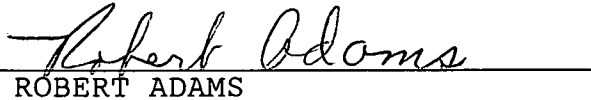
WHEREAS, the General Fund has sufficient funds within its account styled Heat & Gas, Account No. 352, for which excessive funds will be available after all incoming debts are paid;

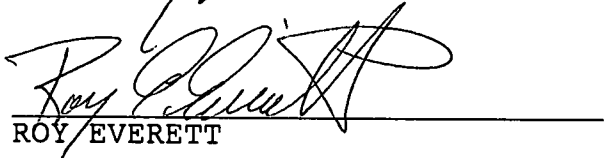
WHEREAS, the Town of Sellersburg desires to transfer funds from the Heat & Gas Account to the Professional Services Account in the amount of Two Thousand Dollars (\$2,000.00), pursuant to the Indiana Code for the continued efficient operation of the General Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SELLERSBURG, that the Clerk-Treasurer of the Town of Sellersburg is hereby authorized to transfer the sum of Two Thousand Dollars (\$2,000.00) from the Heat & Gas Account to the Professional Services Account of the Town of Sellersburg.

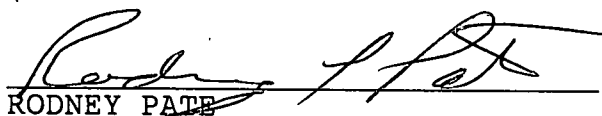
SO ORDAINED THIS 13TH DAY OF AUGUST, 1990.


CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERETT

MARYANN DELLAROSA


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: August 13, 1990

ORDINANCE NO. 484


WHEREAS, the town of SELLERSBURG is concerned with protecting the health of its employees; and

WHEREAS, the council has been requested to designate the town hall to be a non-smoking environment;

NOW, THEREFORE, BE IT ORDAINED THAT:


The town hall for and of the town of Sellersburg be and is hereby designated a NON-SMOKING environment and it shall be unlawful to smoke any products within the town hall.

SO ORDAINED THIS 8th DAY OF OCTOBER, 1990.

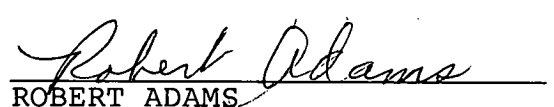


CHARLES RIDENOUR

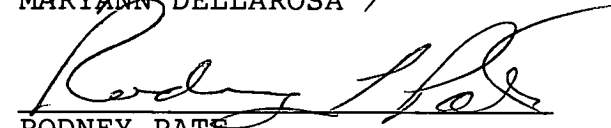
ROY EVERITT



MARYANN DELLAROSA



ROBERT ADAMS



RODNEY PATE



PATRICIA RUSH - CLERK

October 8, 1990
DATE

ORDINANCE NO. 485

WHEREAS, in accordance with the authority granted by I.C. 36-9-2-5, the TOWN OF SELLERSBURG desires to dedicate and name streets within the town,

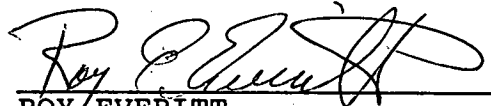
NOW, THEREFORE BE IT ORDAINED, THAT:

The following streets are hereby named and dedicated to the Town:

NAME	LOCATION
Prather Lane	off N. Indiana Ave.
Nunn Road	south, off Hwy. 31(E)
Miller West	continuation of Miller Ave.,
	connected by Church and Cherry
Walk Road	between All Hands and Utica
Novel Lane	near library, from Hauss to 31(E)
Alabama	extended to ST. Joe Road
Allen Road	off Allentown Road
Sharps Lane	existing
Mosley Park Rd.	from Oak into park
Smith LANE	off UTICA, next to MASONIC Lodge

SO ORDAINED THIS 8th DAY OF OCTOBER, 1990.


CHARLES RIDENOUR



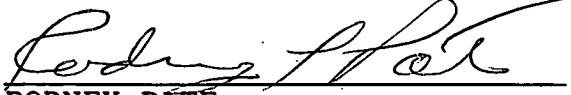
ROY EVERITT



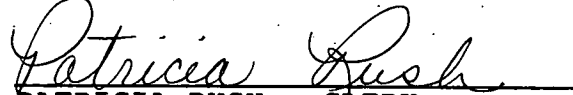
MARYANN DELLAROSA



ROBERT ADAMS



RODNEY PATE



PATRICIA RUSH - CLERK

Oct. 8, 1990
DATE

ORDINANCE NO. 486ESTABLISHING A CUMULATIVE CAPITAL
DEVELOPMENT FUND

The proper legal officers of The Town of Sellersburg, Clark County, Indiana, after complying with the statutes pertaining to the establishment of a Cumulative Fund, hereby adopts a Cumulative Capital Development Fund pursuant to I.C. 36-9-15.5.

This fund is to be used for any one or all purposes for which property taxes may be imposed within the municipality under the authority of:

- IC 8-16-3; (improvements to railroad grade crossings)
- IC 8-22-3-25; (establishment of cumulative building fund)
- IC 13-2-31-26; (soil and land conservation)
- IC 13-3-3-89; (establishment of cumulative maintenance fund)
- IC 16-12.2-5-32; (cumulative hospital building fund)
- IC 36-8-14; (cumulative fire fighting building, equipment, and police radio fund)
- IC 36-9-4-48; (cumulative transportation fund)
- IC 36-9-16-2; (cumulative building and capital improvement fund)
- IC 36-9-16-3;
 - (1) To acquire land or right-of-ways to be used for public ways or sidewalks.
 - (2) To construct and maintain public ways or sidewalks.
 - (3) To acquire land or right-of-ways for the construction of sanitary or storm sewers, or both.
 - (4) To construct and maintain sanitary or storm sewers, or both.
 - (5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.
 - (6) To purchase or lease land, buildings, or right-of-ways for the use of any utility that is acquired or operated by the unit.

- (7) To purchase or acquire land, with or without buildings, for park or recreation purposes.
- (8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and fire fighting vehicles with the necessary equipment, ladders, and hoses.
- (9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvements funds.
- (10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.
- (11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.

IC 36-9-16.5 (Cumulative street fund)

IC 36-9-17 (General improvement fund)

IC 36-9-26; (Cumulative building fund for sewers)

IC 36-9-27-100; (Cumulative drainage fund)

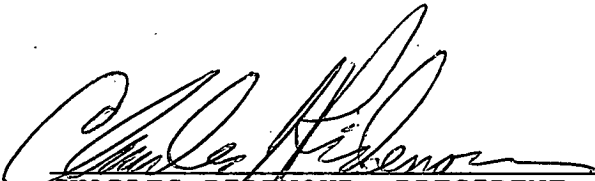
IC 36-10-3-21; (Cumulative building fund) or

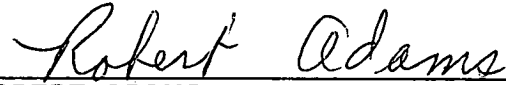
IC 36-10-4-36; (Cumulative sinking and building fund).

Pursuant to IC 36-9-15.8-8, these funds may also be used to protect the public health, welfare, or safety of the Town or its members in an emergency situation that demands immediate action or to make a contribution to an authority established under IC 36-7-23.

Sellersburg hereby adopts a tax levy of \$.12 on each \$100.00 of assessed valuation of taxable real and personal property for the year 1991 payable in 1992. The Town Council also hereby adopts a tax levy of \$.12 for 1992 payable in 1993, and \$.12 tax levy for 1993 payable in 1994.


This Ordinance for establishing a Cumulative Capital Development Fund and a tax levy for same is hereby approved and adopted as of October 22, 1990.

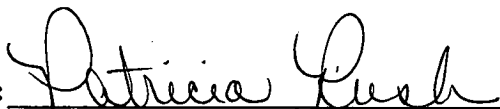

CHARLES RIDENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERETT


MARYANN DELLAROSA


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: October 22, 1990

16343
16343

ORDINANCE NO. 489

AN ORDINANCE CONCERNING THE ANNEXATION
OF ADJACENT AND CONTIGUOUS TERRITORIES

WHEREAS, the boundary of the Town of Sellersburg, Indiana,
is adjacent to the real estate described herein;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of
Sellersburg, Indiana:

SECTION ONE

That the following described land be, and the same is, hereby
annexed to and declared a part of the Town of Sellersburg, Indiana.

Annexation of the Gillenwater/Coates tract, Davis
tract, and Dreyer tract, as described in the exhibits
attached hereto.

SECTION TWO

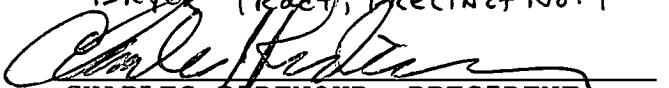
BE IT FURTHER ORDAINED, that the boundaries of the Town of
Sellersburg, Indiana, shall be, and the same are, hereby declared to
be extended so as to include all the real estate hereinabove described
as part of the Town of Sellersburg, Indiana.

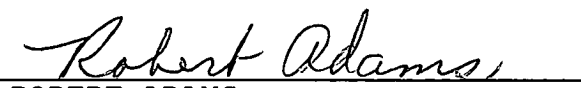
SECTION THREE

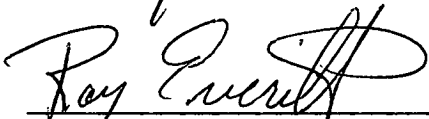
This Ordinance shall be in full force and effect from and after
its passage, promulgation, and publication in accordance with the laws
of the State of Indiana.

The property herein described is assigned to the Town of
Sellersburg municipal legislative body district, precinct No. as follows:

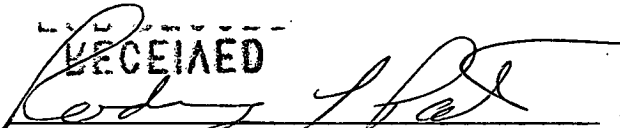
Gillennwater/Coates and Davis - Precinct No. 5
Dreyer Tract, Precinct No. 1

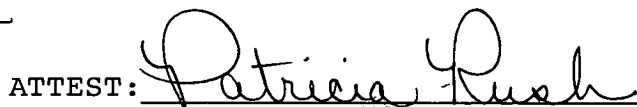

CHARLES RADENOUR, PRESIDENT


ROBERT ADAMS


ROY EVERITT


MARYANN DELLAROSA

RECEIVED

RODNEY PAPE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DATE: October 22, 1990

RECEIVED
FOR RECORD

Dec 31 3:34 PM '91
RECORDED IN Seed 23
INSTR. NO. 16343
RALPH C. STEHLER
RECORDER OF CLARK CO.

March 20, 1990

DESCRIPTION OF THE PAUL E. AND LUCILLE DAVIS PROPERTY
TO BE ANNEXED TO SELLERSBURG, INDIANA

A part of Survey No. 66 of the Illinois Grant in Silver Creek Township of Clark County, Indiana, being a part of the same 29.716 acre tract conveyed to Paul E. and Lucille Davis at Deed Drawer 1, Instrument No. 5543 and Deed Drawer 3, Instrument No. 2868 and bounded as follows:

Commencing at a point in the north line of said Survey No. 66 where it intersects the westerly Right-of-Way line of US31E, thence the following courses:

South 50 deg. West, 2428 feet, more or less, with the north line of said Survey No. 66 to the centerline of State Road 60;
South 40 deg. East, 950 feet, more or less, with the centerline of State Road 60 the True Place of Beginning.

Thence the following courses of the boundary of the area to be annexed:

North 54 deg. 05 min. East, 117 feet, more or less, with the north line of said Davis tract;
North 6 deg. 53 min. East, 100 feet, more or less, with the north line of said Davis tract to a point in the existing boundary of the Town of Sellersburg, Indiana;
North 51 deg. 30 min. East, 1116 feet, more or less, with the north line of said Davis tract and the Town Boundary Line;
South 40 deg. East, 990 feet, more or less, with the easterly line of said Davis tract;
South 48 deg. 55 min. West, 1283 feet, more or less, with the southerly line of said Davis tract to the centerline of State Road 60;
North 40 deg. West, 931 feet, more or less, with the westerly line of said Davis tract which is the centerline of State Road 50 the True Place of Beginning and containing 29.716 acres of land.

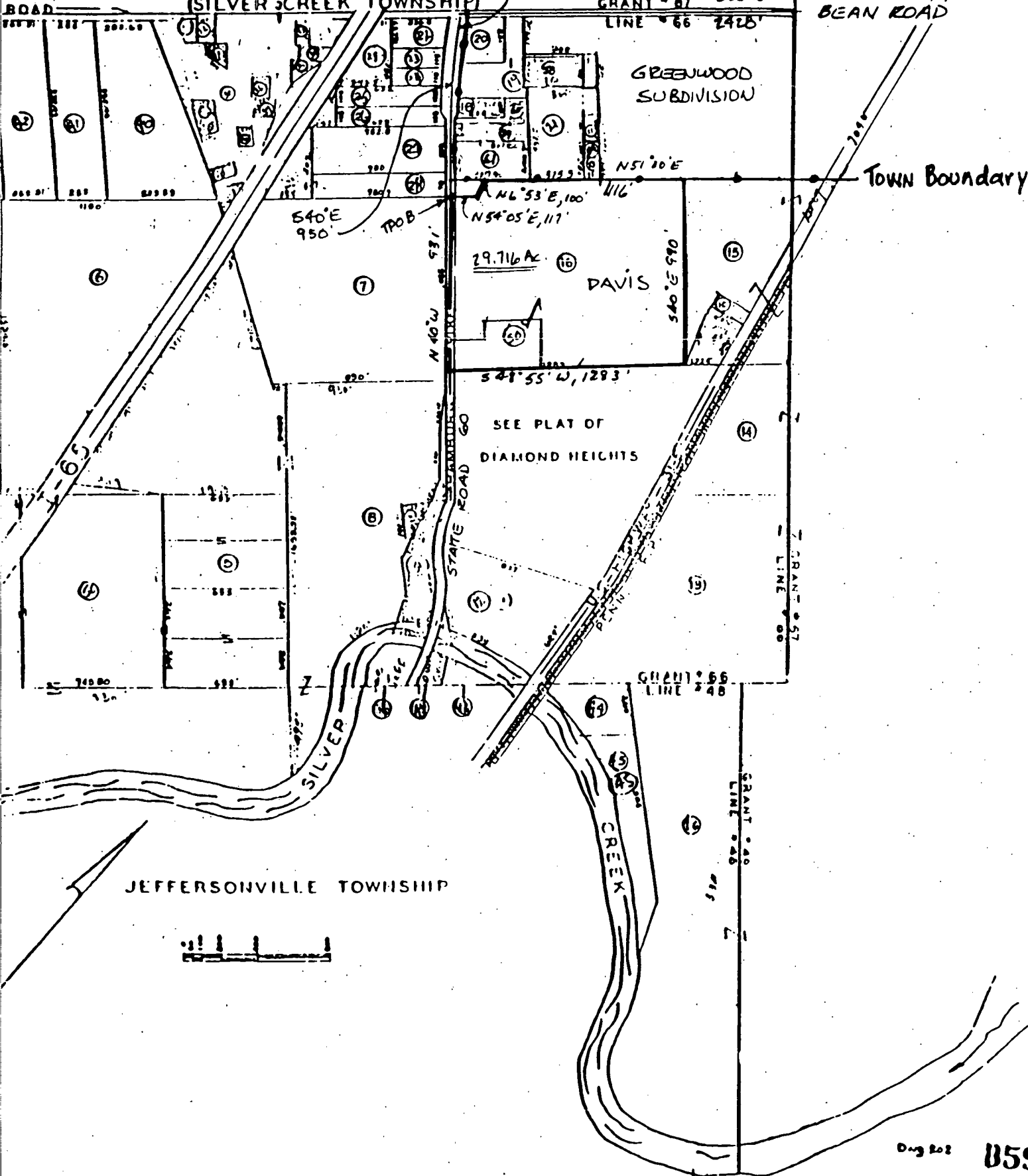
COUNTY ASSESSOR'S PLAT FOR

ANNEXATION PLAT
DAVIS
29.716 ACRES

BLOCK No. _____ OUTLOT No. _____ SUBDIVISION _____

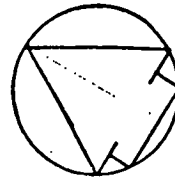
TOWNSHIP _____ RANGE _____

GRANTS 66 47 & 48
(SILVER CREEK TOWNSHIP)

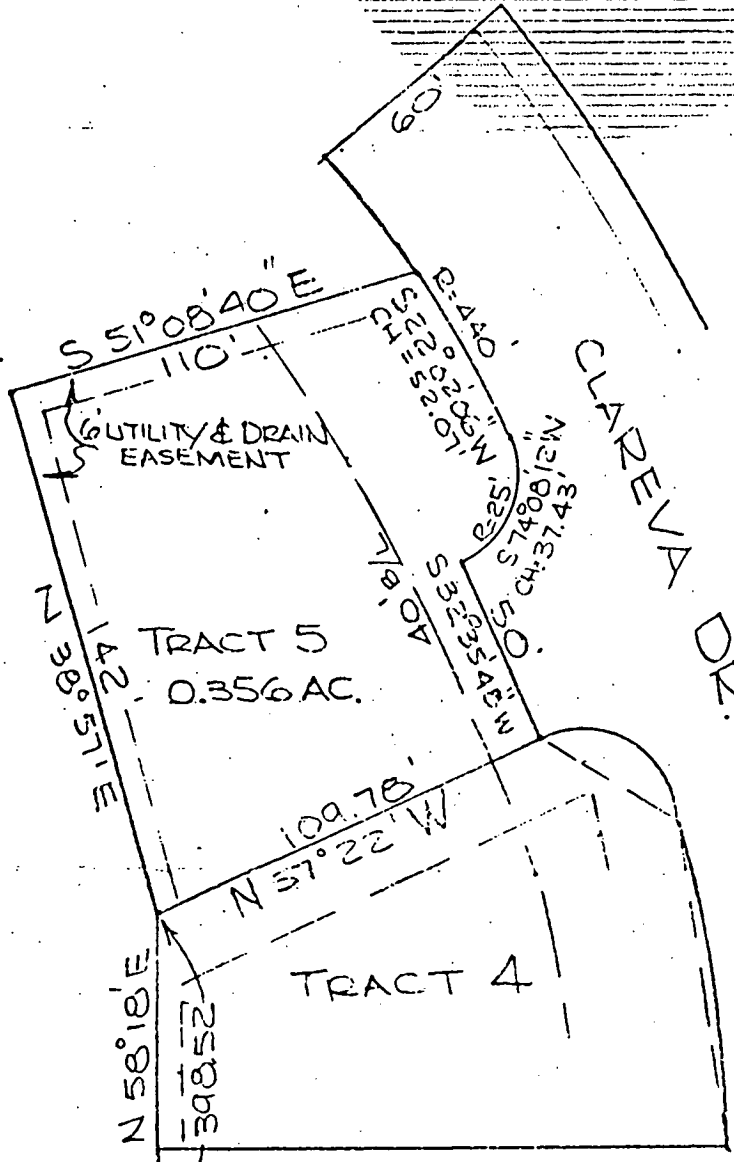


JEFFERSONVILLE TOWNSHIP





NORTH
SCALE: 1" = 50'
CLARK CO. IN.



MULBERRY ST.



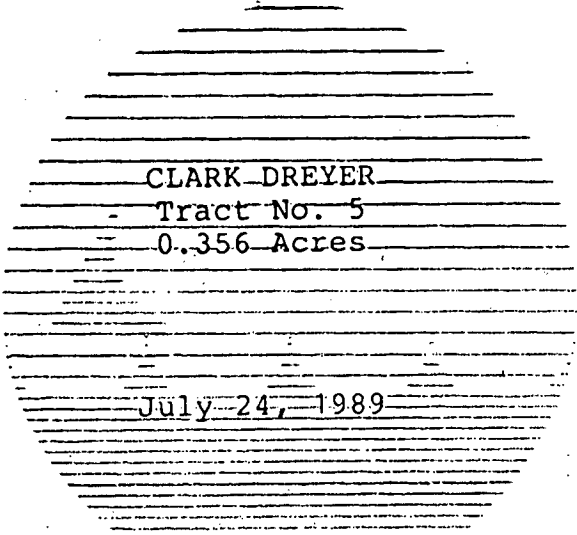
Robert Lee Isgrigg
60 R/L

SURVEY FOR:
CLARK DREYER
JULY 21, 1989

1537.5' SOUTH COR SURVEY NO. 130
DREYER LN. N 35° 42' W

Bob Isgrigg & Associates 940 COTTONWOOD • CLARKSVILLE, IN 47130 • PHONE: (812) 945-6990

LAND SURVEYORS • CIVIL-ENVIRONMENTAL ENGINEERS



CLARK DREYER

Tract No. 5

0.356 Acres

July 24, 1989

A part of Survey No. 130 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, described as follows:

Beginning at the South corner of Survey No. 130,

Thence N 35° 42' W 1537.5 feet along the survey line to a point in Dreyer Lane,

Thence N 54° 18' E 398.52 feet to an iron pin, THE TRUE PLACE OF BEGINNING,

Thence N 38° 57' E 142 feet to an iron pin,

Thence S 51° 08' 40" E 110 feet to an iron pin on the North line of Clareva Drive,

Thence with Clareva Drive on a curve to the right with a radius of 440 feet and a chord bearing S 22° 02' 06" W 52.07 feet,

Thence with Clareva Drive on a curve to the right with a 25 foot radius and chord bearing S 74° 08' 12" W 37.43 feet,

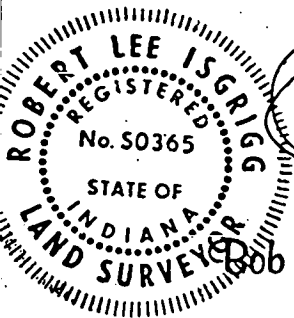
Thence S 32° 35' 48" W 50 feet along Clareva Drive,

Thence N 57° 22' W 109.78 feet to THE TRUE PLACE OF BEGINNING,

Containing 0.356 acres more or less,

Subject to a 6 foot wide Utility and Drainage Easement along the entire Northwest and Northeast sides of the above described tracts,

Also subject to a 40 foot Building Set Back Line from Clareva Drive.



Handwritten signature of Robert Lee Isgrigg.

Bob Isgrigg & Associates 940 COTTONWOOD • CLARKSVILLE, IN 47130 • PHONE: (812) 945-6990

LAND SURVEYORS • CIVIL-ENVIRONMENTAL ENGINEERS

March 20, 1990

DESCRIPTION OF THE GILLENWATER/COATS TRACT
TO BE ANNEXED INTO SELLERSBURG

A part of the unincorporated Town of Hamburg of Silver Creek Township of Clark County, Indiana, being a part of the same tract conveyed to C. M. and N. Gillenwater and D. K. and M. C. Coats at Deed Drawer 21, Instrument No. 10265 and bounded as follows:

Beginning at a point in the existing boundary of the Town of Sellersburg in the east Right-of-Way line of State Road 311 (formerly New Albany Street) which marks the centerline of Market Street (vacated), thence the following courses:

- Eastwardly, 198.90 feet, more or less, with the centerline of the vacated Market Street;
- Southeastwardly, 27.35 feet, more or less, to the northwest corner of Lot No. 2;
- Westwardly, 30 feet, more or less, with the southerly Right-of-Way line of the vacated Market Street to the northeast corner of Lot No. 3;
- Southerly, 130 feet, more or less, with the east line of said Lot No. 3 to the centerline of a vacated alley;
- Westwardly, 180 feet, more or less, with the centerline of said vacated alley to said east Right-of-Way line of State Road 311;
- Northwardly, 155 feet, more or less, with said east Right-of-Way line of State Road 311 which is the west line of Lots No. 16 and 14 and the existing boundary of the Town of Sellersburg, to the True Place of Beginning and containing 0.654 acres of land.

Duly Entered for Taxation
Subject To Final Acceptance
For Transfer

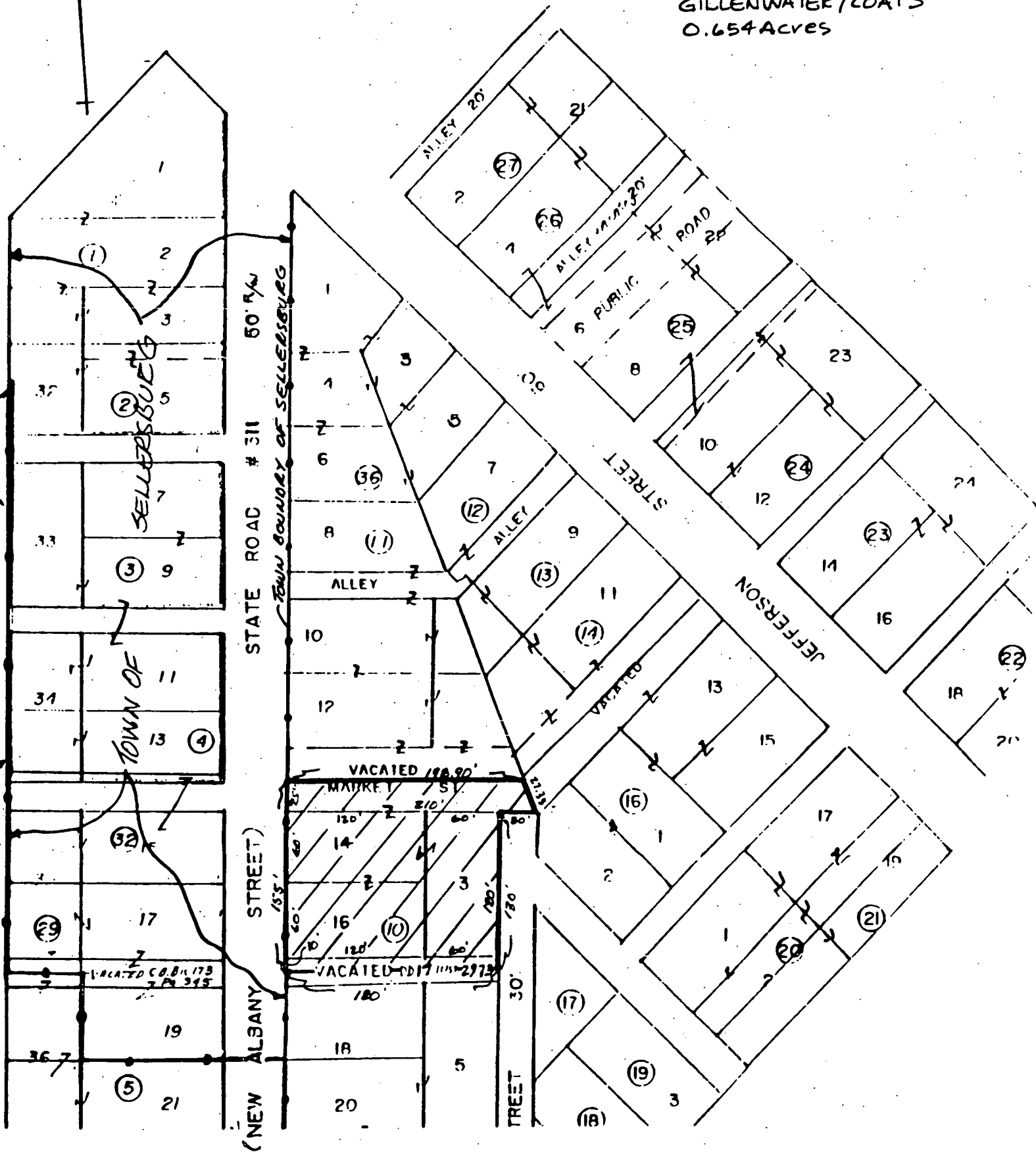
Dec. 31, 1991



Auditor Clark County

HAMBURG SILVER CREEK TWP.

ANNEXATION PLAT
GILLENWATER/COATS
0.654 ACRES



ORDINANCE NO. 488

An ordinance establishing a schedule of rates and charges to be collected by the Town of Sellersburg from the owners of property served by the sewage works of said Town and other matters connected therewith.

WHEREAS, the Town has heretofore constructed and has in operation a sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner and has heretofore authorized construction of improvements thereto financed in part by grants from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town is the recipient of a grant from the U.S. Environmental Protection Agency and the State of Indiana; and

WHEREAS, the Town will sell revenue bonds to fund that portion of the cost of the sewage works not covered by grants; and

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances of the Town has revealed that the schedule creates inequities as between the classes of users, and fails to meet the guidelines set by the U.S. Environmental Protection Agency for recipients of federal grants; and

WHEREAS, it is necessary to establish a new schedule of rates and charges to produce sufficient revenue to pay expenses of maintenance and operation, to pay the principal and interest on outstanding and proposed revenue bonds, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of the Indiana Department of Environmental Management and the U.S. Environmental Protection Agency; now therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Sellersburg, or any duly authorized officials acting on its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- (c) "Town" shall mean the Town of Sellersburg acting by and through the Council.
- (d) "Debt service costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (e) "Excessive strength surcharges" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".

- (f) "Industrial wastes" shall mean the wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- (h) "NH₃" (or ammonia) shall have the same meaning as defined in the Use Ordinance.
- (i) "Normal domestic sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l
S.S. not more than 250 mg/l
NH₃ not more than 30 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

- (j) "Operation and maintenance costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement.)
- (k) "Other service charges" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.
- (l) "P" (or phosphorus) shall have the same meaning as defined in the Use Ordinance.
- (m) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (n) "Replacement costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (o) "S.S." (or suspended solids) shall have the same meaning as defined in the Use Ordinance.
- (p) "Shall" is mandatory; "May" is permissive.
- (q) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.

- (r) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and use of public and private sewers.
- (s) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- (t) "User Class" shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business or service which, based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

- (a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works equipment.
- (b) The various classes of users of the treatment works for the purposes of this Ordinance, shall be as follows:

- Class I - 1. Residential
- 2. Commercial
- 3. Governmental
- 4. Institutional
- 5. Industrial

Section 3. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewerage system of the Town of Sellersburg. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Metered Water Users:

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

1) Treatment Rate - per 1,000 gallons of usage per month:

	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
All users	\$ 2.33	\$ 1.42	\$ 3.75

plus;

2) Base Rate - per month, as follows:

<u>Base Rate</u>	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
Meter Size:			
5/8 - 3/4 inch	\$.58	\$ 7.92	\$ 8.50
1 inch	.58	19.82	20.40
1 1/2 inch	.58	45.97	46.55
2 inch	.58	79.22	79.80
3 inch	.58	182.17	182.75
4 inch	.58	316.82	317.40
6 inch	.58	720.72	721.30

(b) Unmetered Water Users:

For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

<u>User</u>	<u>Monthly Rate</u>		
	<u>User Charge</u>	<u>Debt Service</u>	<u>Total</u>
<u>Residential:</u> Single family residence/unit	\$12.77	\$15.35	\$28.12

- (c) For the service rendered to the Town of Sellersburg, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (d) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but not less than \$25 per sample. This charge will be reviewed and revised on the same basis as all other rates and charges in this ordinance.

Section 4. The rates and charges as herein set forth in Section 3 and Section 8 shall become effective for all customers of the Town (connected or to be connected) on the first billing period after completion of construction but no later than the monthly consumption period ending December 31, 1992, so that billings for full rates and charges shall be rendered no later than January 1, 1993.

Section 5. In order to produce an amount sufficient to meet the interest on the revenue bonds, and other expenses, payable prior to the completion of the works, after the contract for construction of sewer system has been let and actual work commenced thereunder, the owners of each and every lot, parcel of real estate or building currently connected or to be connected with the Town's sanitary sewage system, as a result of construction of said works, shall pay, each month the following rates and charges in an amount determinable as follows:

(1) Customers Connected to the Town's Sewage System:

- (a) Except herein otherwise provided, sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use.
- (b) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

Metered Rates

<u>Quantity of Water Used Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 3,000 gallons per month	\$ 4.32
Next 1,000 gallons per month	8.64
Over 4,000 gallons per month	2.30

The minimum charge for sewage services shall be as follows:

	<u>Rate Per Month</u>
Minimum charge	\$12.96

(2) Customers to be Connected to the Town's Sewage System as a Result of the Proposed Construction Project:

Rate Per Month

Flat rate

\$15.80

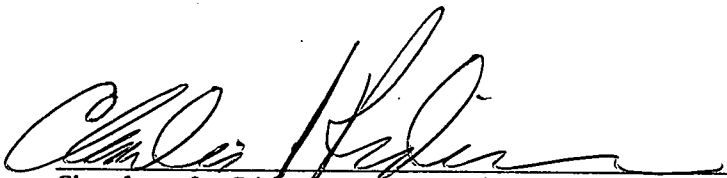
Section 6. The rates and charges as herein set forth in Section 5 and Section 8 shall become effective for all customers (connected or to be connected) on January 1, 1991, and shall remain in effect until the rates and charges set forth herein in Section 3 become effective for all customers of the Town.

Section 7. The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section. The Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewerage system.

- (a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for determining of sewage discharge.
- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids in the Town's sanitary sewerage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

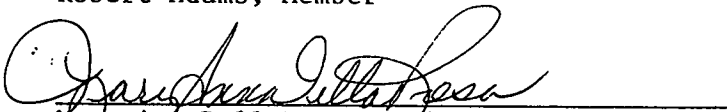
8. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Inspector of the Town of Sellersburg, Indiana.
9. No person, firm, or corporation, whether as owner, lessee, sublessee or occupant shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Town. Any person violating the provisions of this ordinance or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.
10. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall be affected thereby.
11. This ordinance shall be in full force and effect on the 9 day of July, 1990, according to the laws of the State of Indiana. All former ordinances which conflict with this ordinance are hereby repealed.

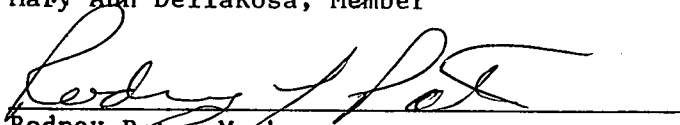
Passed this 9th day of July, 1990.


Charles J. Riderour, President

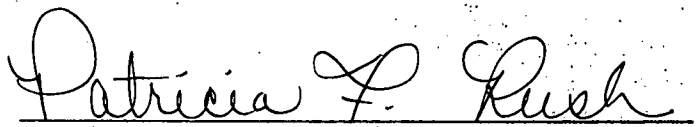

Roy Everitt, Member


Robert Adams, Member


Mary Ann DellaRosa, Member


Rodney Pate, Member

ATTEST:


Patricia F. Rush, Clerk-Treasurer

- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or building served through the single water meter.
- (d) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewerage system either directly or indirectly, and uses water in excess of 10,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewerage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (e) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

Section 8. In order that the rates and charges may reflect the costs of providing service rendered to users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewerage system, in such manner and by such method as the Town may deem practicable in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid, suspended solids in excess of 250 milligrams per liter of fluid, or ammonia nitrogen in excess of 30 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(1) Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 19 cents per pound of suspended solids for suspended solids received in excess of 250 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of 23 cents per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon NH₃

There shall be an additional charge of 62 cents per pound of ammonia for NH₃ received in excess of 30 milligrams per liter of fluid.

- (b) The determination of Suspended Solids, Five-day Biochemical Oxygen Demand and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants," Regulation CFR Part 136, published in the Federal Register on October 16, 1973.

Section 9. The owner of any lot, parcel of real estate or building connecting to the sewage works shall, prior to being permitted to make a connection, pay a connection charge in the amounts as outlined in Ordinance No. 397 of the Town of Sellersburg.

Section 10. Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly and at the end of each year each user shall be given notice, in conjunction with a regular bill, of the rates charged for operation, maintenance, and replacement for that user for the next year.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at fifteen (15) days after the date of mailing of the bill.

Section 11. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first 2 years of operation, following the date on which this ordinance goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems. The Town shall adjust its rates and charges to reflect the results of the study.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness, equity and proportionality of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study revise and adjust the rates and charges, as necessary in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 12. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewerage system, pumping stations and sewage conveyance system, for the construction and use of house sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its discretion, are deemed harmful to the operation of the sewage treatment works of the Town or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Town of Sellersburg.

Section 13. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 14. That the rules and regulations promulgated by the Town, after approval of the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the user charge to the Town Council and that any decision concerning user charges of the Town Council may be appealed to a court of competent jurisdiction under the Appeal Procedures provided for in the Indiana Administrative Adjudication Act.

Section 15. The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and such rate shall be limited to such costs. Said contract shall be in compliance with Public Law 92-500 and 95-217.

Section 16. The Council shall not grant free service or use of the sewage treatment system to any person, group or entity. It is not necessary for an area or parcel of real estate to be annexed to the Town to receive sewage treatment.

Section 17. This ordinance shall be in full force and effect from and after its passage.

ORDINANCE NO. 489

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Town of Sellersburg, Indiana, and providing penalties for violations of thereof.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) "Biochemical oxygen demand" (or BOD) shall mean the quantity of oxygen expressed in mg/l utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees C.

(b) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building drain - Storm - A building drain which conveys storm water or other clearwater drainage, but no wastewater.

(c) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer - Storm - A building sewer which conveys storm-waste or other clearwater drainage, but no sanitary or industrial sewage.

(d) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (1) chemical oxygen demand,
- (2) total organic carbon,
- (3) phosphorus and phosphorus compounds,
- (4) nitrogen and nitrogen compounds, and
- (5) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

(e) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(f) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(g) "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.

(h) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(i) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

(j) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.

(k) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)

(l) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(m) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

(n) "Inspector" shall mean the person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

(o) "Major contributing industry" shall mean an industry that:

- (1) has a flow of 50,000 gallons or more per average work day;

- (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) or PL 92-500; or
- (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

(p) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

(q) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(r) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.

(s) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

(t) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.

(u) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

(v) "Private sewer" shall mean a sewer which is not owned by a public authority.

(w) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

(x) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force Main shall mean a pipe in which wastewater is carried under pressure.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(y) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.

(z) "Sewage" shall mean the combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

(aa) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(bb) "Sewer" shall mean a pipe or conduit for carrying sewage.

(cc) "Shall" is mandatory; "May" is permissive.

(dd) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during normal operation and shall adversely affect the collection system.

(ee) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

(ff) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

(gg) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Sellersburg, Indiana, or his authorized deputy, agent or representative.

(hh) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering under standard laboratory procedure.

(ii) "Total solids" shall mean the sum of suspended and dissolved solids.

(jj) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

(kk) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(ll) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.

(mm) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

(nn) "NH₃N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (ff).

(oo) "P" or Phosphorus shall mean the chemical element Phosphorus.

Section 2.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the Town or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.

(b) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwaters, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility.

(c) Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made to any sanitary or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

(d) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.

(e) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.

(f) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(g) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line.

Section 3.

(a) Where a public sanitary sewer is not available under the provisions of Section 2 (g), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of twenty dollars (\$20.00) shall be paid to the Town at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the works at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3 (d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

(g) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 4.

(a) No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(b) There shall be two (2) classes of building sewer permits:

(1) for residential and commercial service, and

(2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the inspector.

A permit and inspection fees of twenty dollars (\$20.00) for residential or commercial building sewer permit and fifty dollars (\$50.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice No. FD-5 shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice in No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installations.

(j) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the said Inspector or his representative. The applicant shall provide access to all structures (and areas of structures) to the Inspector for the purpose of establishing compliance with Section 4(h).

(k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town.

Section 5.

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic (as described in Section 307A of the Clean Water Act) or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (5) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.
- (6) Any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (7) Any waters or wastes having pH in excess of 9.5.
- (8) Materials which exert or cause:
 - (i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Waters or wastes containing substance which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment only to such degree that the sewage treatment effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(b) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5 (a) of this article, and which in judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Require any industries to submit information on wastewater quantities and characteristics and obtain prior approval for discharges.
- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
- (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.

- (4) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
- (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and laws.

(c) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(d) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(e) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and Suspended Solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(f) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

Section 6. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and any subsequent State or Federal Guidelines and Rules and Regulations.

Section 7. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 8. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

Section 9. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section.

Section 10. The Town may require users of the treatment works, other than residential users, to supply pertinent information on waste-water flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

Section 11. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town.

Section 12. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection.

They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 13. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 14. All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal Requirements now, or projected to be in effect.

Section 15. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 16.

(a) The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in Section 16 (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5 (e).

(c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 17.

(a) Any person found to be violating any provisions of this ordinance except Section 15 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation (other than a violation of Section 2(b)) beyond the time limit provided for in Section 17 (a) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

(d) Any person violating or suspected of violating Section 2(b), shall be subjected to a surcharge as outlined in Ordinance No. 376 of the Town of Sellersburg.

Section 18. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 19. That the rules and regulations promulgated by the Town, after approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system to the Town Council and that any decision concerning sewage system of the Town Council may be appealed to a court of competent jurisdiction under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 20. This ordinance shall be in full force and effect from and after its passage, approval, recordings, and publications as provided by law.

Passed and adopted by the Town Council of the Town of Sellersburg, Indiana, the
10th day of December, 1990.

Councilmember
James D. [unclear]
Councilmember
Robert Adams
Councilmember
Kevin [unclear]
Councilmember
Roy [unclear]
Councilmember

ATTEST:

Patricia Rush
Clerk-Treasurer

ORDINANCE NO. 490

An Ordinance concerning the construction by the Town of Sellersburg, Indiana, of additions, improvements and extensions to its sewage works and the refunding of its outstanding sewage works revenue bonds, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of the issuance of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the Town of Sellersburg, Indiana (the "Town") has heretofore established, constructed and financed sewage works, and now owns and operates said sewage works pursuant to IC 36-9-23; and

WHEREAS, the Town has heretofore issued and now has outstanding revenue bonds payable from the revenues of said sewage works, designated "Sewage Works Revenue Bonds," dated September 1, 1951 (the "1951 Bonds"), now outstanding in the amount of \$6,000, maturing annually over a period ending September 1, 1991, which 1951 Bonds constitute a first charge upon the Net Revenues of the sewage works as hereinafter defined; and

WHEREAS, the Town has heretofore issued and now has outstanding revenue bonds payable from the revenues of said sewage works, designated "Sewage Works Revenue Bonds, "Second Series", dated September 1, 1962 (the "1962 Bonds"), now outstanding in the amount of \$98,000, maturing annually over a period ending September 1, 1999, which 1962 Bonds constitute a second charge upon the Net Revenues of the sewage works; and

WHEREAS, IC 5-1 authorizes the refunding of such 1951 Bonds and 1962 Bonds (collectively, the "Refunded Bonds") prior to the time such Refunded Bonds are subject to redemption or mature in order to remove restrictive covenants which impede additional financing by providing for the payment of the Refunded Bonds; and

WHEREAS, the Town finds that such refunding is not prohibited by the ordinances authorizing the Refunded Bonds and that the refunding will not adversely affect the owners of any of the Refunded Bonds; and

WHEREAS, the Town Council finds that certain improvements and extensions to said works are necessary; that plans, specifications and estimates have been prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions (as more fully set forth in summary fashion in Exhibit A hereto and made a part hereof) (the "Project"), which plans and specifications have been submitted to all governmental authorities having jurisdiction and have been approved by the aforesaid governmental authorities; and

WHEREAS, the Town has obtained engineers' estimates of the costs for the construction of the Project and has advertised for and received bids for the construction of the Project which bids are subject to the Town's obtaining funds to pay for said Project; that on the basis of these estimates and construction bids, the cost of said Project, as defined in IC 36-9-1-8, the refunding of the Refunded Bonds, and incidental expenses, is in the amount of Twelve Million Eight Thousand Seventy-five Dollars (\$12,008,075); and

WHEREAS, the Town Council finds that federal and state grants in the approximate amount of Seven Million Two Hundred Thirty-seven Thousand Nine Hundred Fifty Dollars (\$7,237,950), funds on hand in the approximate amount of Forty-five Thousand One Hundred Twenty-five Dollars (\$45,125) (the "Issuer's Funds") and interest earnings during construction in the approximate amount of One Hundred Thousand Dollars (\$100,000) will be made available to pay a portion of the cost of the Project and refunding; and

WHEREAS, the Town has determined to borrow the sum of \$4,625,000 and to execute and issue therefor its "Sewage Works Revenue Bonds of 1991" and bond anticipation notes ("BANs"), in the form and with terms as hereinafter provided for the

purpose of removing restrictive covenants securing the Refunded Bonds and providing, together with the "Issuer's Funds", for the payment of (i) the balance of the Project costs, (ii) the principal amount of the Refunded Bonds outstanding, (iii) the interest and redemption premium payable on such Refunded Bonds, which interest and redemption premium are due March 1, 1991, the redemption date of the Refunded Bonds, and (iv) costs of issuance; and

WHEREAS, the bonds to be issued pursuant to this ordinance are to rank on a parity one with another without regard to date of issuance and will constitute a first charge against the Net Revenues of the sewage works (as herein defined), subject to Section 14 hereof; and

WHEREAS, the Town has determined to escrow a portion of the proceeds and investment income of the bonds, together with a portion of the Issuer's Funds, in a Trust Account pursuant to the terms of a Trust Agreement (hereinafter the "Trust Agreement") with a trustee to be selected by the Town Council (hereinafter the "Trustee"); and

WHEREAS, the Town intends to purchase Government Obligations (as defined in the Trust Agreement) with a portion of the bond proceeds and a portion of the Issuer's Funds and to deposit these Government Obligations and a sufficient amount of cash to accomplish the refunding with the Trustee to provide for the payment of principal, interest and redemption premium on the Refunded Bonds from the date of delivery of the bonds issued hereunder through the redemption date and, therefore, to economically defease the Refunded Bonds; and

WHEREAS, the Town desires to authorize the issuance of BANs hereunder if necessary, payable solely from proceeds of sewage works revenue bonds issued to finance the aforementioned cost of the Project, and to authorize the refunding of said BANs, if issued, by the issuance of revenue bonds as hereinafter provided; and

WHEREAS, the Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of said revenue bonds and the BANs have been complied with in accordance with the provisions of the governing ordinances and statutes; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA:

Section 1. The Town proceed with the refunding of the Refunded Bonds and said Project, in accordance with the plans and specifications heretofore prepared and filed by Commonwealth Engineers, Inc., Greenwood, which plans and specifications are by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein. The Town now finds, based upon the advice of H.J. Umbaugh and Associates, that said refunding will remove restrictive covenants securing the Refunded Bonds which impede additional financing; namely, the covenants regarding the deposit of revenues into various funds and accounts of the sewage works that restrict the availability of these revenues for other purposes, require more frequent than necessary rate increases and limit the Town's ability to issue parity bonds. The cost of said advance refunding and Project shall not exceed the sum of Twelve Million Eight Thousand Seventy-five Dollars (\$12,008,075), plus investment earnings on BAN and bond proceeds, without further authorization from this Town Council. The terms "sewage treatment works," "works," and other like terms where used in this ordinance shall be construed to mean and include all structures and property of the Town's sewer utility, including the Project and the items defined at IC 36-9-1-8. The Project shall be acquired and constructed and the BANs and bonds herein authorized shall be issued pursuant to and in accordance with the provisions of the Act (as defined below).

Section 2. The Town shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of said Project and refunding. The Town shall issue its BANs in an amount not to exceed Four Million Six Hundred Twenty-five Thousand Dollars (\$4,625,000) to be designated "Sewage Works Bond Anticipation Notes". Said BANs shall be numbered consecutively from 1 upward, shall be in multiples of \$1,000, shall be dated as of the day of delivery thereof, and shall bear interest at a rate not to exceed eight percent (8%) per annum (the exact rate or rates to be determined through negotiations with the Indiana Bond Bank ("Bond Bank"), a financial institution or any other purchaser) payable at maturity or upon prepayment. The BANs will mature 180 days after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 8% per annum (the exact rate or rates to be negotiated with the Bond Bank or a financial institution or any other purchaser). The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1.5 if sold to the Bond Bank and pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser and shall be payable solely from and refunded by the issuance of revenue bonds pursuant to and in the manner prescribed by IC 5-1 and IC 36-9-23 and acts amendatory thereof and supplemental thereto (sometimes hereinafter referred to collectively as the "Act"), which revenue bonds will be payable solely out of, and constitute a first charge against, subject to Section 14 herein, the Net Revenues (herein defined as gross revenues after deduction only for the reasonable expenses of operation, repair and maintenance) of said sewage works, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired.

The Town shall issue its sewage works revenue bonds designated "Sewage Works Revenue Bonds of 1991" in the amount of Four Million Six Hundred Twenty-five Thousand Dollars (\$4,625,000), sold at par or at a discount not to exceed three percent (3%), for the purpose of procuring funds to apply on the cost of said refunding and Project and issuance costs and the refunding of the BANs, if issued.

Said bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000) or integral multiples thereof, numbered consecutively from 1 up, dated as of and bearing interest from the first day of the month in which sold or, if sold to the Bond Bank, from the date of initial delivery to the Bond Bank, and shall bear interest at a rate or rates not exceeding nine and one-half percent (9 1/2%) per annum payable on the first days of January and July in each year, beginning July 1, 1991. The bonds shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and such bonds shall mature serially on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1994	\$ 75,000	2006	\$190,000
1995	80,000	2007	205,000
1996	85,000	2008	220,000
1997	95,000	2009	240,000
1998	100,000	2010	260,000
1999	110,000	2011	285,000
2000	120,000	2012	305,000
2001	130,000	2013	330,000
2002	140,000	2014	360,000
2003	150,000	2015	390,000
2004	160,000	2016	420,000
2005	175,000		

A qualified institution shall be selected by the President and the Clerk-Treasurer and shall serve as Registrar and Paying Agent for the bonds ("Registrar" or "Paying

Agent") and is hereby charged with the responsibility of authenticating the bonds. The Clerk-Treasurer is hereby authorized to enter into such agreements or understandings with the Registrar as will enable the institution to perform the services required of a registrar and paying agent. The Clerk-Treasurer is further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Sinking Fund established to pay the principal of and interest on the bonds as fiscal agency charges.

As to the BANs, and if, as an alternative to public sale, the bonds are sold to the Bond Bank as described herein, the Clerk-Treasurer will be designated the Registrar and Paying Agent and will be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent.

The principal of the bonds and the principal of and interest on the BANs shall be payable at the principal office of the Paying Agent. All payments of interest on the bonds shall be paid by check, mailed to the registered owners thereof as of the fifteenth day of the month preceding an interest payment date at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. All payments on the BANs and the bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each bond shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the principal office of the Registrar by the registered owner thereof in person, or by his attorney duly authorized in writing, upon surrender of such bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate

principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town. The Town, Registrar and Paying Agent for the bonds may treat and consider the person in whose name such bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

Bonds shall bear an original date of the first day of the month in which they are sold, or the date of delivery thereof if sold to the Bond Bank. Interest on the bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the bonds unless the bonds are authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the bonds are authenticated on or before June 15, 1991, in which case they shall bear interest from the original date, until the principal shall be fully paid.

Section 3. The BANs are prepayable by the Town, in whole or in part, at any time upon seven days notice to the owner of the BANs. The bonds of this issue maturing on January 1, 2002, and thereafter, are redeemable at the option of the Town on January 1, 2001, or any interest payment date thereafter, on thirty (30) days' notice, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value, together with the following premiums:

- 3% if redeemed on January 1, 2001, or July 1, 2001;
- 2% if redeemed on January 1, 2002, or July 1, 2002;
- 1% if redeemed on January 1, 2003, or July 1, 2003;
- 0% if redeemed on January 1, 2004, or thereafter prior to maturity;

plus accrued interest to the date of redemption. Notice of redemption shall be mailed to the address of the registered owner as shown on the registration record of the Town

unless notice is waived by the owner of the bond or bonds redeemed. The notice shall specify the date and place of redemption and the dates of maturity of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

Section 4. Said BANs and bonds shall be signed in the name of the Town of Sellersburg by the manual or facsimile signature of the President of the Town Council and attested by the manual or facsimile signature of its Clerk-Treasurer, who shall affix the seal of said Town to each of said BANs and bonds manually or shall have the seal imprinted or impressed thereon by facsimile or any other means. Said officials, by the signing of the Signature and No Litigation Certificate, shall adopt as and for their own proper signatures their facsimile signatures appearing on said BANs or bonds. Subject to the provisions hereof for registration, said BANs and bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana.

Said bonds and any bonds hereafter issued 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 first charge upon all the Net Revenues, subject to Section 14 herein. The Town shall not be obligated to pay said bonds or the interest thereon except from the Net Revenues of said works, and said 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 5. The form and tenor of said bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

STATE OF INDIANA

UNITED STATES OF AMERICA

COUNTY OF CLARK

TOWN OF SELLERSBURG
SEWAGE WORKS
REVENUE BOND OF 1991

Maturity Date Interest Rate Original Date Authentication Date

PRINCIPAL SUM:

REGISTERED OWNER:

The Town of Sellersburg, in Clark County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above or registered assigns, solely out of the special fund hereinafter referred to, the Principal Sum set forth above on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Sum is paid at the Interest Rate per annum specified above, from the interest payment date to which interest has been paid next preceding the authentication date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this bond is authenticated on or before June 15, 1991, in which case it shall bear interest from the Original Date, which interest is payable semiannually on the first days of January and July of each year, beginning on July 1, 1991.

The principal on this bond is payable at the office of the _____, Indiana. _____ (the "Registrar" or "Paying Agent"), in _____, Indiana. All payments of interest on this bond shall be paid by check mailed to the registered owner hereof as of the fifteenth day of the month preceding an interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

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 thereon except from the special fund provided from the Net Revenues as set forth herein.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE HEREOF AND SUCH TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

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

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Town of Sellersburg, in Clark County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the President of its Town Council, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk-Treasurer.

TOWN OF SELLERSBURG, INDIANA

By: _____
President, Town Council

(SEAL)

Attest:

Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this bond is one of the bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

as Registrar

By: _____
Authorized Representative

(To be printed on Reverse Side)

This bond is one of an authorized issue of bonds of the Town of Sellersburg, of like date, tenor and effect, except as to numbering, interest rates and dates of maturity, in the total amount of Four Million Six Hundred Twenty-five Thousand Dollars (\$4,625,000), numbered from 1 up, issued for the purpose of providing funds to be applied on the cost of refunding bond anticipation notes issued to provide interim financing for, and to provide for, the costs of refunding outstanding sewage works revenue bonds (the

"Refunded Bonds") and the additions, extensions and improvements to the sewage works as authorized by an ordinance adopted by the Town Council of the Town of Sellersburg on the _____ day of November, 1990, entitled "An Ordinance concerning the construction by the Town of Sellersburg, Indiana, of additions, improvements and extensions to its sewage works and the refunding of its outstanding sewage works revenue bonds, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" (the "Ordinance"), and in strict compliance with the provisions of IC 5-1 and IC 36-9-23 (collectively, the "Act").

Pursuant to the provisions of said Act and said Ordinance, the principal and interest redemption premium of this bond and all other bonds of said issue and any bonds hereafter issued on a parity therewith, are payable solely from the Sewage Works Sinking 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, repair and maintenance) of the sewage works of the Town of Sellersburg, including the existing works, the improvements and extensions constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired.

Pursuant to the Ordinance and the Trust Agreement defined therein, the Town of Sellersburg has set aside securities (purchased from proceeds of the bonds of this issue and the Issuer's Funds, as defined in the Ordinance) and certain cash in a Trust Account to provide payment of principal of and interest and redemption premium on the Refunded Bonds.

The Town of Sellersburg irrevocably pledges the entire Net Revenues of said sewage works to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, 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, to provide for proper depreciation, and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Act and said Ordinance. In the event the Town or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all the rights and remedies provided for in said Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The Town of Sellersburg has designated the bonds as qualified tax-exempt bonds to qualify the bonds for the \$10,000,000 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986 relating to the disallowance of 100% of the deduction by financial institutions for interest expense allocable to tax-exempt obligations.

The Town of Sellersburg further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the Net Revenues of said works to

meet (a) the interest on all bonds payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, (c) the principal of all bonds payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety, to create and maintain the reserve required by said Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of said works, subject to Section 14 of the Ordinance.

The bonds of this issue maturing on January 1, 2002, and thereafter, are redeemable at the option of the Town on January 1, 2001, or any interest payment date thereafter, on thirty (30) days' notice, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value, together with the following premiums:

- 3% if redeemed on January 1, 2001, or July 1, 2001;
- 2% if redeemed on January 1, 2002, or July 1, 2002;
- 1% if redeemed on January 1, 2003, or July 1, 2003;
- 0% if redeemed on January 1, 2004, or thereafter prior to maturity;

plus accrued interest to the date fixed for redemption. Notice of redemption shall be mailed to the address of the registered owner as shown on the registration record of the Town not less than thirty (30) days prior to the date fixed for redemption unless said notice is waived by the registered owner of this bond. Any notice shall specify the date and place of redemption and the dates of maturity of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the Town may deposit in trust with its depository bank, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment, and the Town shall have no further obligation or liability in respect thereto.

The bonds are subject to defeasance prior to redemption or payment as provided in the Ordinance. The owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

This bond is transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The Town, the Registrar and any paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for

the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____
Signature Guaranteed: _____

NOTICE: Signature(s) must be guaranteed by a broker-dealer or a commercial bank or trust company

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Section 6. The Clerk-Treasurer is hereby authorized and directed to have said BANs and bonds prepared, and the President and Clerk-Treasurer are hereby authorized and directed to execute said BANs and bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said BANs and the bonds to the respective purchasers thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the Clerk-Treasurer shall collect the full amount which the respective purchasers have agreed to pay therefor, which amount shall not be less than the amount of the BANs set forth in the purchase agreement relating thereto, or 97% of the face value of said bonds, as the case may be. The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be binding special revenue obligations of the Town, payable solely out of the Net Revenues of the Town's sewage works to be set aside into the Sewage Works

Sinking Fund, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of refunding the Refunded Bonds and the Project, including issuance costs of the bonds and the refunding of the BANs, if issued. 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.

The Trust Agreement is hereby approved by the Town Council in substantially final form, and the President and Clerk-Treasurer are authorized and directed to execute and attest the same on behalf of the Town with any changes therein not inconsistent with this ordinance. The Town Council authorizes the President and Clerk-Treasurer to select a financial institution to serve as Trustee.

Section 7. Prior to the sale of said bonds, the Clerk-Treasurer shall cause to be published a notice of such sale in the Jeffersonville Clark Co. Journal and Jeffersonville News, newspapers of general circulation and published in Clark County, Indiana, two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, all in accordance with IC 5-1-11 and IC 5-3-1. The notice shall also be posted at least fifteen (15) days prior to the sale at the Town Hall and Town post office (local bank if no post office). A notice or summary notice of sale may also be published in The Indianapolis Commercial or in The Bond Buyer in New York, New York. The bond sale notice may state the time and place of sale, the character and amount of the bonds, the maximum rates of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable, and any summary notice may contain any information deemed so advisable. Said notice may provide, among other things, that each bid shall be accompanied by a certified or

cashier's check to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default; that bidders for said bonds will be required to name the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. No conditional bids or bids for less than 97% of the face value of the bonds will be considered. The opinion of Ice Miller Donadio & Ryan, bond counsel of Indianapolis, Indiana, approving the legality of said bonds will be furnished to the purchaser at the expense of the Town.

The bonds shall be awarded by the Clerk-Treasurer to the best bidder who has submitted his bid in accordance with the terms of this ordinance and the notice of sale. The best bidder will be the one who offers the lowest net interest cost to the Town to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any, and adding thereto the discount bid, if any. The right to reject any and all bids is hereby reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which provides a higher net interest cost to the Town than the best bid received at the time of the advertised sale will be considered.

As an alternative to public sale, the Clerk-Treasurer may negotiate the sale of said bonds to the Bond Bank at an interest rate not exceeding nine and one-half percent (9 1/2%) per annum. The President of the Town Council and the Clerk-Treasurer are hereby

authorized to (i) submit an application to the Bond Bank, (ii) execute a Purchase Agreement with the Bond Bank with terms conforming to this ordinance and (iii) sell such bonds upon such terms as are acceptable to the President and the Clerk-Treasurer consistent with the terms of this ordinance.

Section 8. (a) The accrued interest and premium, if any, received at the time of the delivery of the BANs and the bonds, if any, shall be deposited in the Sewage Works Sinking Fund (the "Sinking Fund") hereinafter referred to.

Concurrently with the delivery of the bonds, the Clerk-Treasurer shall acquire with a portion of the proceeds thereof, and the Issuer's Funds, direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations") to be used, together with certain cash from Issuer's Funds as set forth in the Trust Agreement, to refund and economically defease the Refunded Bonds, the Clerk-Treasurer shall deposit the Government Obligations and such cash, with the Trustee under the Trust Agreement in an amount sufficient to provide moneys for the payment of principal of and interest and redemption premium on the Refunded Bonds on March 1, 1991, the date when all of the Refunded Bonds shall be redeemed. For purposes of this ordinance, the refunding of the Refunded Bonds shall be deemed to occur when the Trust Account is sufficiently funded. The Clerk-Treasurer shall obtain a verification of an independent accountant as to the sufficiency of the funds deposited in the Trust Account under the Trust Agreement to accomplish said refunding and economic defeasance.

The balance of the bond proceeds (not otherwise used to refund the BANs) and the BAN proceeds shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Sewage Works Construction Account" ("Account"). All moneys deposited to the credit of said 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 IC 5-13, as amended and supplemented. Any income from such investment shall be deposited in the Account. The funds in said Account shall be expended only for the purpose of paying the cost of the Project, the costs of repaying the BANs, the incidental expenses incurred in connection with the Project or the issuance of the BANs and bonds, including the necessary engineering and legal expenses and Trustee fees, and to provide for necessary equipment all in accordance with the Act.

(b) Any balance or balances remaining unexpended in such Account after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, (i) may be deposited in the Sewage Works Sinking Fund, and may be used solely for the purposes of said Sewage Works Sinking Fund, or (ii) may be used for the same purpose or type of project for which the bonds could have been issued, all in accordance with IC 5-1-13, as amended and supplemented.

Section 9. Revenues. There is hereby created a fund known as the Sewage Works Revenue Fund (the "Revenue Fund") into which there shall be deposited upon receipt all income and revenues of the sewage works. This fund shall be maintained separate and apart from all other accounts of the Town. All moneys deposited in the Revenue Fund may be invested in accordance with IC 5-13-9, as amended or supplemented.

Section 10. Operation and Maintenance Fund. Any operation and maintenance moneys heretofore accumulated for the Refunded Bonds and not a part of the Issuer's Funds shall be credited to and become a part of the Operation and Maintenance Fund created hereby as of the date of the refunding of the Refunded Bonds. There shall be credited on the last day of each calendar month a sufficient amount of the revenues of the sewage works so that the balance in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months.

The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the moneys in such Fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.

Section 11. Sewage Works Sinking Fund. (a) There is hereby created, as of the date of the refunding of the Refunded Bonds, a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest, which fund shall be designated the Sewage Works Sinking Fund (the "Sinking Fund"). There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said sewage works to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby created in said Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account hereinafter described, equals the amount needed to redeem all of the then outstanding bonds.

(b) Bond and Interest Account. Beginning as of the date of issuance of the bonds, there shall be transferred on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account an amount of the Net Revenues equal to the sum of one-twelfth (1/12) of the principal and one-sixth (1/6) of the interest on all then outstanding bonds payable from Net Revenues on the next succeeding principal and interest payment dates, until the amount so credited shall equal the principal payable during the next succeeding twelve (12) calendar months and the interest

payable during the next succeeding six (6) calendar months. There shall similarly be credited to the Account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

(c) Debt Service Reserve Account. Beginning as of the date of issuance of the bonds, there shall be transferred on the last day of each calendar month to the Debt Service Reserve Account, after making the required deposit into the Bond and Interest Account, an amount of Net Revenues to attain a balance therein which equals but does not exceed the least of (i) maximum annual debt service on the bonds, (ii) 125% of average annual debt service on the bonds or (iii) 10% of the proceeds of the bonds plus a minor portion thereof, as defined in the Internal Revenue Code of 1986 ("Reserve Requirement"). The monthly deposits to the Debt Service Reserve Account shall be equal in amount and sufficient to accumulate the Reserve Requirement within five years of the date of delivery of the bonds. The balance in the Debt Service Reserve Account, allocable to the bonds, shall never exceed the Reserve Requirement. The Debt Service Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on all outstanding bonds, and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on said bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Debt Service Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay

principal and interest on outstanding bonds, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Debt Service Reserve Account in excess of the Reserve Requirement may be used for the prepayment of installments of principal on the then outstanding bonds which are then callable or prepayable, or for the purchase of outstanding bonds or installments of principal of fully registered bonds, or shall be transferred to the Sewage Works Improvement Fund.

Section 12. Sewage Works Improvement Fund. Any moneys held for improvements under the ordinances authorizing the Refunded Bonds and not a part of the Issuer's Funds shall be credited to and become a part of the Sewage Works Improvement Fund created hereby. After meeting the requirements of the Operation and Maintenance Fund, and the Sinking Fund, any excess revenues may be transferred or credited to the Sewage Works Improvement Fund, and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation and maintenance of the sewage works.

Section 13. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the Town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in the 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 obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, 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 14. Simultaneously with the issuance of the bonds, the moneys and investments in the accounts established pursuant to the ordinances authorizing the Refunded Bonds (the "Existing Ordinances") shall be used as set forth in the Trust Agreement and transferred and deposited into the Funds and Accounts established by this ordinance as provided in Sections 9, 10, 11 and 12 hereof. Thereafter, all such transferred moneys and investments, together with revenues of the sewage works, shall be applied by the Town in accordance with the terms of this ordinance so long as the cash and Government Obligations on deposit in the Trust Account are available and sufficient to pay when due the principal of, interest on and redemption premium on the Refunded Bonds. In the event that the cash and Government Obligations, together with any increment thereto and interest earned thereon, will not be sufficient to pay when due all principal of, interest on and redemption premium on the Refunded Bonds to and including the redemption date, the Town covenants and agrees that (i) the revenues of the sewage works shall be applied in accordance with the terms of the Existing Ordinances and (ii) the claim of the owners of the bonds issued hereunder is in all respects junior and subordinate to the rights of the holders of the Refunded Bonds under said Existing Ordinances.

Section 15. 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 works and all disbursements made on account of the works, also all transactions relating to said works. There shall be

prepared and furnished, upon written request, to the original purchasers of the 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 created or continued by this ordinance. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any owner or owners of the 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 sewage works. Such inspections may be made by representatives duly authorized by written instrument.

Section 16. The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the Town, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sinking Fund by said Act and this ordinance. 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, repair and maintenance, and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof, and shall be paid by the Town or the various departments thereof as the charges accrue.

Section 17. If, when any bonds issued hereunder shall have become due and payable in accordance with their terms, or shall have been duly called for redemption or irrevocable instructions to call all or any portion of the bonds for redemption shall have

been given, and the whole amount of the principal of, interest on and premium, if any, so due and payable upon all or any portion of the bonds then outstanding shall be paid; or (i) sufficient moneys, or (ii) 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 (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) 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, such bonds shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's sewage works.

Section 18. The Town reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs and payable solely from bond proceeds. The Town also reserves the right to authorize and issue additional bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, or for refunding bonds, subject to the following conditions:

(a) The interest on and principal of all obligations payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof.

(b) As of the date of issuance of such additional bonds, the balance in the Sinking Fund shall equal not less than the principal and interest requirements of the then outstanding bonds payable during the then next succeeding twelve calendar months.

(c) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall be not less than one hundred twenty-five percent (125%) of the

maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant employed by the Town for that purpose.

(d) The principal of said additional parity bonds shall be payable annually on January 1 and the interest on said additional parity bonds shall be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable.

Section 19. For the purpose of further safeguarding the interests of the owners of the BANs and bonds herein authorized, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of said sewage works 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 percent (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 employer's liability and public liability insurance as are required in the laws of the State of Indiana in the case of a public contract, and shall be governed in all respects by the laws of Indiana relating to public contracts.

(b) The improvements and extensions shall be constructed under the supervision and subject to the approval of such competent engineer as shall be designated by the Town Council. All estimates for work done or material furnished shall first be checked by the engineers and approved by the Town Council.

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

(d) So long as any of the BANS or bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said sewage 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 or repairing the property destroyed or damaged; or if not used for that purpose shall be treated and applied as Net Revenues of the works.

(e) So long as any of the BANS or bonds 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 replaced equipment which may become worn out or obsolete.

(f) Except as hereinbefore provided in Section 18 hereof, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works 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 all of the bonds herein authorized are redeemed, retired or defeased pursuant to Section 17 hereof coincidentally with the delivery of such additional bonds or other obligations.

(g) The Town shall take all actions or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(h) The provisions of this ordinance shall constitute a contract by and between the Town of Sellersburg and the owners of the BANs and of the bonds herein authorized, and after the issuance of said BANs and bonds, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of said BANs and bonds, nor shall the Town Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of said BANs or bonds or the interest thereon remain unpaid. Excluding the changes set forth in Section 22(a)-(f), this ordinance may be amended, however, without the consent of BAN and bond owners, if the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the BANs and bonds.

(i) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the BANs and bonds herein authorized for the uses and purposes herein set forth, and the owners of the BANs and bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of the Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this ordinance set forth. The owners of said BANs and bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act, including the right of owners of the bonds to have a receiver appointed to administer said sewage works in the event of default in the payment of the principal of or interest on any of the bonds herein authorized, or in the event of default in respect to any of the provisions of this ordinance or the Act.

Section 20. (a) The Clerk-Treasurer is hereby authorized to invest moneys pursuant to the provisions of this ordinance (subject to applicable requirements of federal law to insure such yield is then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the bonds under federal law.

(b) The Clerk-Treasurer shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts created or referenced herein. In order to comply with the provisions of the ordinance, the Clerk-Treasurer is hereby authorized and directed to employ consultants or attorneys from time to time to advise the Town as to requirements of federal law to preserve the tax exemption described in Section 21 hereof. The Clerk-Treasurer may pay any fees as operation expenses of the sewage works.

Section 21. In order to preserve the exclusion of interest on the BANs and bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the BANs or bonds ("Code") and as an inducement to purchasers of the BANs and bonds, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another state or local governmental unit, will use proceeds of the BANs or bonds or property financed by said proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by BAN or bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No BAN or bond proceeds will be loaned to any entity or person other than another state or local governmental unit. No BAN or bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the BAN or bond proceeds.

(c) No portion of the principal of or interest on the BANs or bonds is (under the terms of the BANs, bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of such property or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(d) The Town will not take any action nor fail to take any action with respect to the BANs or bonds that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the BANs or bonds pursuant to Section 103 of the Code.

(e) It shall not be an event of default under this ordinance if the interest on any BANs or bonds is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of the issuance of the BANs or bonds.

(f) The Town represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(g) The Town represents that:

(1) The BANs and bonds are not private activity bonds as defined in Section 141 of the Code;

(2) The Town hereby designates the BANs and bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; and

(3) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations but excluding other private activity bonds) which will be issued by the Town and all entities subordinate to the Town during 1990 or 1991 does not exceed \$10,000,000.

(4) The Town has not designated more than \$10,000,000 of qualified tax-exempt obligations during 1990 or 1991.

Therefore, the BANs and bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

Section 22. Subject to the terms and provisions contained in this section and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) 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, 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 sewage works 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; or

(f) A reduction in the Reserve Requirement.

The owners of not less than sixty-six and two thirds percent (66-2/3%) in aggregate principal amount of the bonds outstanding under this ordinance 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 owner 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 contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town or its officers from adopting the same, or from taking any action pursuant to the 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 owners 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 owners 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 owners of all bonds issued pursuant to this ordinance then outstanding.

Section 23. (a) The Town, having satisfied all the statutory requirements for the issuance of its bonds may elect to issue its BAN or BANs pursuant to a Bond Anticipation Note Purchase Agreement (the "Purchase Agreement") to be entered into between the Town and the purchaser of the BANs. The Town Council hereby authorizes the issuance

and execution of the BAN or BANs in lieu of initially issuing bonds to provide interim financing for the construction of the Project described in this ordinance until permanent financing becomes available. It shall not be necessary for the Town to repeat the procedures for the issuance of its bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the bonds and the use of the proceeds to repay the BAN or BANs.

(b) The President of the Town Council and Clerk-Treasurer are hereby authorized and directed to execute a Bond Anticipation Note Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The President of the Town Council and the Clerk-Treasurer may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the bonds in the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Section 24. The estimate of the rates and charges are set forth in Ordinance No. 488, to be adopted by the Town Council on Dec. 10, 1990. Said ordinance is incorporated herein by reference.

Section 25. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the BANs and bonds from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 26. Except for the Existing Ordinances, all ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be construed as adversely affecting the rights of the holders of the aforementioned outstanding Refunded Bonds.

Section 27. This ordinance shall be in full force and effect from and after its passage.

Adopted this 12 day of November, 1990.

TOWN COUNCIL OF THE TOWN OF
SELLERSBURG

Charles Hedden

Robert Adams

Ed Hat

Ray Bennett

Attest:

Patricia Rush

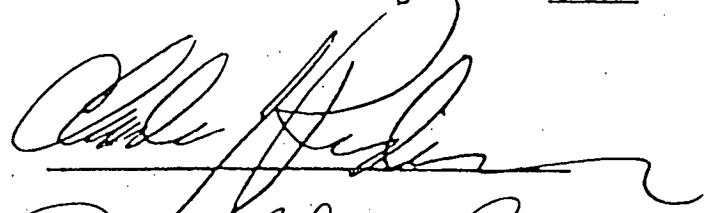
Clerk-Treasurer

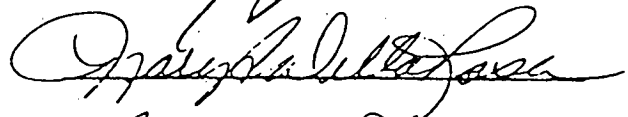
(Seal)

EXHIBIT A

Upgrade and expand the existing treatment facilities by constructing a new 1.5 MGD oxidation ditch facility, sewer system rehabilitation and improvements, including the elimination of most sources of inflow, reduction of identified infiltration, and upgrading pumping and conveyance systems to handle peak flows, and the extension of service (gravity sewers) into areas not presently served by the Town.

Passed and adopted by the Town Council of the Town of Sellersburg on the 10th
day of December, 1990.





Robert Adams

Rodney Hark

Roy Everett
Town Council

Patricia Rush
Attest: Clerk-Treasurer

ORDINANCE NO. 491


WHEREAS, the Town of Sellersburg desires to transfer monies between inter-departmental funds.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SELLERSBURG, that the Clerk-Treasurer of the Town of Sellersburg is hereby authorized to transfer monies as follows:

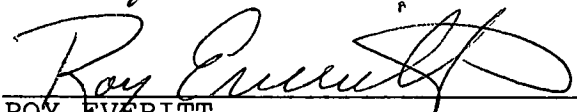
<u>ACCOUNT NO.</u>	<u>AMOUNT</u>	<u>TO ACCOUNT NO.</u>	<u>BALANCE</u>
361	\$1,507.89	352	0.00
431	2,601.83	222	0.00
221	1,551.22	222	0.00
241			\$ 10.00
351			300.00
361			10.00
111	580.00	363	0.00
121	11.47	363	0.00
122	57.07	363	0.00
221	519.68	363	0.00
241	2,449.67	363	0.00
311	197.00	363	0.00
321	133.48	363	0.00
331	234.30	363	0.00
341	1,157.00	363	0.00
351	1,135.41	363	0.00
361	52.88	363	0.00
362	1,594.46	363	0.00

TOTAL OF ACCOUNT 363 \$24,743.48

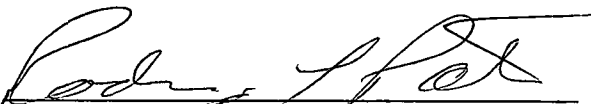
SO ORDAINED THIS 10TH DAY OF DECEMBER, 1990.

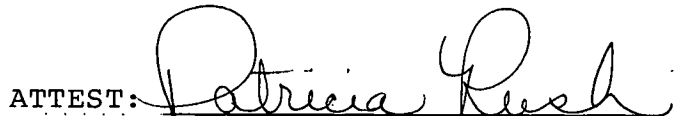

 CHARLES RIDENOUR, PRESIDENT


 ROBERT ADAMS


 ROY EVERITT


 MARYANN DELLAROSA


 RODNEY PATE

ATTEST: 
 PATRICIA RUSH,
 CLERK-TREASURER

DATE: 12/10/90

Being a part of Surveys No. 108 and 88 of the Illinois Grant, Clark County, State of Indiana, located at, and commonly known as 7404 Hwy. 311, Sellersburg, Indiana, and more particularly described as follows:

Beginning at a point, said point being north 83° east 17.6 feet from the southeast corner of lot No. 17, of the Platted Town of Hamburg; thence south 12° 41' west, 1.0 feet to a point, said point being on the corporate limits of The Town of Sellersburg; thence with the corporate limit south 6° 52' 30" west, 450 feet to a point, The True Place of Beginning; thence south 1° 14' 30" west, 557.5 feet more or less to a point in the center of State Road 311; thence south 85° 5' 30" east, 30.35 feet more or less to a point on the State Road right-of-way; thence with said right-of-way north 25° east, 1.16 feet to a concrete State Highway monument; thence north 85° 5' 30" west, 29.35 feet to a point; thence north, 1° 14' 30" east, 556.3 feet to a point on the corporate limits of The Town of Sellersburg; thence north 77° 09' 35" west, with said corporate limits 1.02 feet to the True Place of Beginning.

ALSO, a part of Survey No. 88 of the Illinois Grant, Clark County, State of Indiana, and being described as follows:

Beginning at the east corner of Survey 88, thence south 54° 22' west with the line dividing Surveys 88 and 108, 2260.0 feet to a steel post in the east right-of-way line of State Highway 31W; thence South 25° 00' west with said east right-of-way line 547.0 feet to an iron pipe, the True Place of Beginning; thence south 62° 50' east, 400 feet to an iron pipe; thence south 25° 10' west, 250 feet to an iron pipe; thence north 62° 50' west, 400 feet to a point; thence north 25° east, 250 feet to an iron pipe to the True Place of Beginning, containing 2.229 acres, more or less. Said conveyance is made subject to a 10 foot water line easement as shown of record in Deed Book 285, page 266.

TRACT I

A part of Survey 88 of the Illinois Grant, Clark County, Indiana, located at, and commonly known as, 7410 Hwy. 311, Sellersburg, Indiana, more particularly described as follows:

Beginning at the east corner of Survey 88, thence South 54 Deg. 22' 00" West with the line dividing Surveys 88 and 108, 2260 ft. to a steel post in the east line of Highway 31W; thence South 25 Deg. 00' 00" West with said east line 797 ft. to an iron post, the true point of beginning; thence South 63 Deg. 39' 51" East, 585.00 ft. to a 1-1/2" iron post; thence South 27 Deg. 20' 30" West, 313.11 ft. to a 5/8" rebar; thence North 65 Deg. 03' 58" West, passing a 1/2" iron pipe at 373.00 ft. in all 573.00 ft. to a square head iron rod in the easterly right of way line of Highway 31W; thence with the easterly right of way line of Highway 31W North 25 Deg. 10' 00" East, 327.15 ft. to the true point of beginning containing 4.2539 acres.

Also a part of Survey 88 of the Illinois Grant, Clark County, Indiana, more particularly described as follows:

Beginning at the East Corner of Survey 88, thence South 54d 22m 00s West with line dividing Surveys 88 and 108, 2260.00 feet to a steel post in the East line of Highway 31-W; thence South 25d 00m 00s West with said east line 797 feet to an iron post, the Northwest corner of the M. C. Sales, Inc. property; thence South 63d 39m 51s East, 400.00' to the True Point of Beginning of the 1.0615 Acre Tract described herein; thence Continuing South 63d 39m 51s East, 185.00 feet to a 1 1/4" iron post; thence North 25d 10m 00s East, 250.00 feet to a 1 1/4" iron post on or near the westerly line of Hornung; thence North 63d 39m 51s West, 185.00 feet to a point; thence with the Eastern most line of 0.229 Acre Tract previously conveyed to M. C. Sales, Inc. South 25d 10m 00s West, 250.00 feet to the True Point of Beginning containing 1.0615 Acres more or less and subject to all easements of record and apparent.

ORDINANCE NO. 492

WHEREAS, the boundary of the Town of Sellersburg, Indiana, is adjacent to the real estate described herein and attached as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana:

SECTION ONE

That the land, described as Exhibit A, be, and the same is, hereby annexed to and declared a part of the Town of Sellersburg, Indiana.

SECTION TWO


BE IT FURTHER ORDAINED, that the boundaries of the Town of Sellersburg, Indiana, shall be, and the same are, hereby declared to be extended so as to include all the real estate described herein as Exhibit A, as part of the Town of Sellersburg, Indiana.

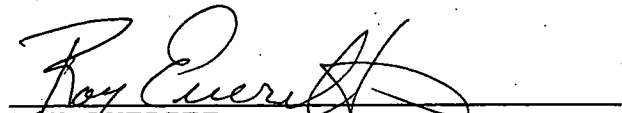
SECTION THREE

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

The property herein described is assigned to the Town of Sellersburg municipal legislative body district, Precinct No. 4.

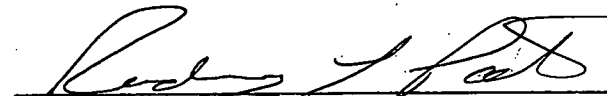
SO ORDAINED THIS 21st DAY OF DECEMBER, 1990.

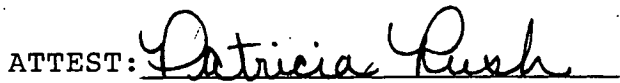

CHARLES RIDENOUR, PRESIDENT


ROY EVERITT


MARY ANN DELLAROSA


ROBERT ADAMS


RODNEY PATE

ATTEST: 
PATRICIA RUSH
CLERK TREASURER

DESCRIPTION OF SELLERSBURG ANNEXATION AREA 'C' 1990

A part of Survey No. 108 of the Illinois Grant in Silver Creek Township of Clark County, Indiana, and bounded as follows:

Beginning at the point where the southwest right-of-way line of Old State Road 60 intersects the southeast right-of-way line of State Road 311, said point being in the present Town Boundary of Sellersburg.

Thence the following courses of the boundary of Area 'C':

- South 15 deg. 27 min. West, 1000 feet, more or less, with said southeast right-of-way line of State Road 311 and the present Town Boundary, to the north corner of a tract of land conveyed at Deed Drawer 11, Instrument 8667, said point being the northeast corner of Annex Area 'A';
- North 64 deg. 50 min. West, 155 feet, more or less, with the northeast line of Area 'A' to the north corner thereof, said point also being the east corner of Annex Area 'B';
- North 64 deg. 50 min. West, 98.96 feet, more or less, with the northeast line of Area 'B' to the north corner thereof, said point also being the north corner of the tract conveyed at Deed Drawer 16, Instrument 2461;
- South 48 deg. 18 min. West, 205 feet, more or less, with the west line of Area 'B', across New State Road 60 to a point in the southwest right-of-way line of New State Road 60;
- Northwestwardly, 2345 feet, more or less, with said southwest right-of-way line of New State Road 60 to the intersection of New State Road 60 and Old State Road 60, which is a point in the Town Boundary;
- Southeastwardly, 1990 feet, more or less, with the southwest right-of-way line of Old State Road No. 60, which is the present Town Boundary to the True Place of beginning and containing 38.9 acres of land, more or less.

*1990 ANNEX
AREA C*

*FISCAL PLAN &
ANALYSIS*

*Town Council
of
Sellersburg*

December 1990



River Hills Economic Development
District and Regional Planning
Commission

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INTRODUCTION

The purpose of this report is to provide information necessary to make a fiscally responsible decision regarding the annexation of currently unincorporated territory. This report includes an analysis and comparison of projected revenues to be generated and estimated cost to be incurred as a result of the proposed annexation. This report will also serve as a written fiscal plan meeting annexation policy requirements which must be included in a resolution of the municipal body related to the annexation of the proposed area. Such a plan and policy is in conformance with State statutory requirements. This plan will clearly illustrate that the proposed annexation meets the requirements of IC36-4-3-13 (b) or (c); and (d).

STATUTORY REQUIREMENTS

A municipality, as provided by IC36-4-3-3 may, by ordinance, annex territory that is contiguous to the existing corporate boundaries of a municipality. Contiguity is defined as at least 1/8 of the aggregate external boundaries of the territory proposed to be annexed coinciding with the existing external boundaries of the municipality. IC36-4-3-4 provides exceptions to the contiguity requirement for areas that have certain land uses delineated in IC36-4-3-4 or otherwise meet the conditions of IC36-4-3-4.

In addition to the contiguity requirements, a municipality must also meet one of the following conditions of IC36-4-3-13 (b).

1. The resident population density is at least three persons per acre; or
2. Sixty percent of the territory is subdivided; or
3. The territory is zoned for commercial, business or industrial use.

IC36-4-3-13 (c) provides that an annexation may still take place even though the 1/8 contiguity requirements and one of the above three conditions of IC36-4-3-13 (b) are not met if the following conditions of IC36-4-3-13 (c) are met.

1. At least 1/4 of the aggregate external boundaries of the territory sought to be annexed coincides with the existing municipal boundaries; and
2. The territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

Additionally, as required by IC36-4-3-13 (d) the municipality must develop a written fiscal plan and establish a definite policy by resolution of the legislative body, as of the date of passage of the annexation ordinance relative to the territory to be annexed. The resolution must show:

- (1) The cost estimates of planned services to be furnished to the territory to be annexed;
- (2) The method or methods of financing the planned services;
- (3) The plan for the organization and the extension of services.

protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density;

- (5) that services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and storm water drainage facilities, will be provided to the annexed territory within three (3) years after the effective date to the annexation, in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria; and
- (6) the plan for hiring the employees of other governmental entities whose jobs will be eliminated by the proposed annexation, although the municipality is not required to hire any employees.

SUMMARY INFORMATION OF THE PROPOSED ANNEXATION AREA

The area proposed to be annexed is hereinafter referred to as 1990 Annex Area C. The tracts are fully described in the legal description attached as Exhibit 1 of each fiscal plan.

Population and Demographic Information

Total Acres ¹	Approximate Number of Households ²	Estimated Population Per Acre	Total Population ³	% Contiguous ¹
38.90	2	.154	6	51.0

Sources:

- 1. Legal Description.
- 2. Based on topographical maps, aerial maps and a windshield survey.
- 3. 1980 Census of Population and Housing, 507.02 Census Tract average person per household (Data was rounding after computing)

IC36-4-3-13 (b) or (c) Requirements

The proposed annexation of 1990 Annex Area C meets the following statutory conditions of IC36-4-3-13 (c):

- 1. 1990 Annex Area C meets the 1/4 contiguity requirement all being over 25 percent

contiguous to the existing external municipal boundaries. As shown above 1990 Annex Area C is 51% contiguous.

2. 1990 Annex Area C is territory that is needed and can be used by the municipality for its development in the reasonably near future.

1990 ANNEX AREA C ANALYSIS AND FISCAL PLAN FOR THE EXTENSION OF CAPITAL/NON-CAPITAL SERVICES

The proposed annexation will require the provision of services of a noncapital or capital improvement nature to 1990 Annex Area C in a manner equivalent in standard and scope to services now provided to the present municipality with similar topography, patterns of land use and population density. 1990 Annex Area C is approximately 38.9 acres in size and is fully described in the legal description attached as Exhibit 1 of this fiscal plan section of the report. 1990 Annex Area C contains an estimated population of 6 persons and 2 households. Also located with Annex Area C are commercial land uses that are in need of additional municipal services. Summary demographic information is included in Chapter II. of this report. This fiscal plan portion of the report analyzes the impact that the proposed annexation will have on the municipality in the form of additional cost and outlines a plan for the provision, organization, and extension of Capital/Non-Capital services delineating the method or methods of financing the extension of such services within the time frame requirements in accordance with IC36-4-3-13 (d). Compliance with IC36-4-3-13 (b) or (c) is summarized in Chapter II of this report and is more thoroughly illustrated individually for 1990 Annex Area C at the end of this section.

Fire Protection

Fire protection is now provided to 1990 Annex Area C and to the Town of Sellersburg, both of which are within the Sellersburg Volunteer Fire Department jurisdiction area which includes all of Silver Creek Township. Upon annexation, the provision of fire protection services, equivalent in standard and scope to fire protection services available to existing corporate areas and its residents, will continue to be provided by the Sellersburg Volunteer Fire Department at no additional cost to the municipality.

Streets

The Town of Sellersburg currently maintains 21.94 Certified Miles of streets. The town will not assume maintenance responsibility for any additional roads since 1990 Annex Area C contains no County roads. 1990 Annex Area C is boarded by New S.R. 60, Old S.R. 60 and S.R. 311. Thus, the proposed annexation will not require the acquisition of additional equipment or the hiring of additional personnel for street maintenance at no additional cost to the municipality.

By petition of residents along roads for which the town has maintenance responsibility, street lighting is installed with the cost borne by the electric utility and the ongoing operating cost assumed by the municipality. Street lighting installations closer than 400 feet from another street light are not considered necessary since the effective range of any two street lights would be duplicated. Street lighting to residents who reside along state highways or roads which are maintained by the county are the responsibility of those respective governmental entities. Since there are no County roads located in 1990 Annex Area C for which the town will assume maintenance responsibility, the provision of street light services to 1990 Annex Area C will not be the responsibility of the Town of Sellersburg. This is consistent with the existing town policy; and therefore, the provision of street light services as described above is in a manner equivalent in standard and scope to street lighting services now provided within the existing town boundaries and its residents.

Water Service

1990 Annex Area C is within the service area of the Sellersburg Municipal Water Department. Water service is now provided to 1990 Annex Area C and will continue upon annexation. The Sellersburg Municipal Water Department will continue to provide water service equivalent in standard and scope to water service provided to the existing corporate areas and its residents. Water service will continue with no improvements of a capital nature or additional noncapital services attributable to annexation at no additional cost to the municipality.

Recreation

All municipal recreational facilities can accommodate and will be available to residents of 1990 Annex Area C immediately upon annexation without significantly affecting the capacity of such facilities or the responsible administrative department at no additional cost to the municipality.

Police Protection

Upon annexation, 1990 Annex Area C will be served by Town of Sellersburg's Police Department. Patrols currently are made within areas adjacent to 1990 Annex Area C. The Sellersburg Police Department currently must utilize New S.R. 60, Old S.R. 60 and S.R. 311 to access and patrol currently incorporated areas of the municipality.

The addition of 1990 Annex Area C to the police department's jurisdiction and the provision of police protection services will not significantly affect the capacity of the Police Department. In fact, the additional roadways that must be patrolled are already routinely traveled and will provide a logical route to the areas that the police department must currently patrol.

Upon annexation, overall police protection and patrols equivalent in standard and scope to police service now provided to existing municipal residents will commence upon annexation of 1990 Annex Area C without significantly affecting the capacity of available police service. The additional area to receive police protection will not measurably increase cost and could be viewed as a logical addition to the jurisdictional limits of the Police Department.

Thus, there will be no need for the expenditure of additional funds through acquiring additional equipment, nor the hiring of additional personnel; and, therefore, will result in no additional cost to the municipality for the provision of police service to 1990 Annex Area C.

Garbage Collection

The Town of Sellersburg currently provides weekly refuse pick-up to residences at no charge. As is the case with the provision of police service, the additional routes would not add significant travel distance. Thus, the additional time, travel distance, and equipment capacity required to provide weekly garbage pick up to 1990 Annex Area C will not measurably increase cost and not significantly affect the capacity of the department. Upon annexation, garbage collection service to the area will begin in a manner equivalent in standard and scope to this service now being provided to existing corporate residents. Extending this service to 1990 Annex Area C will not significantly affect the capacity of the department providing this service; and thus, will not necessitate the expenditure of additional funds through the acquisition of

additional equipment, or hiring of personnel at no additional cost to the municipality for garbage collection services.

Zoning, Building Permits, and Inspection

The Town of Sellersburg's zoning regulations would become effective immediately upon the incorporation of 1990 Annex Area C. Upon annexation, the Town of Sellersburg will assume the administration and responsibility of zoning, building permit, inspections and other related services of 1990 Annex Area C in a manner equivalent in standard and scope to these services now provided to areas within the existing corporate limits. No measurable increase in operating or capital cost will occur with the extension of these services. Therefore, no additional cost to the town for the provision of these services will occur as a result of the incorporation of 1990 Annex Area C.

Sewers

The Town of Sellersburg is currently served by the town's municipal sewer system. No sanitary sewer service is presently available to 1990 Annex Area C. The Town of Sellersburg is currently on a sewer hook up ban until the town's 7 MGD sewage treatment facility, which is experiencing hydraulic and biological overloads, is replaced. The construction of a 1.5 MGD sewage treatment plant, that will increase its customer capacity from 2,500 to approximately 7,000 is planned regardless of this annexation and is expected to be operational some time in 1991. The extension of sewers to the residents of 1990 Annex Area C is planned as a portion of this project regardless of annexation. Because 1990 Annex Area C will be provided sanitary sewer service regardless of annexation, the cost of extending sewers to 1990 Annex Area C is unrelated to the annexation and is not considered attributable to the incorporation of 1990 Annex Area C.

As new developments occur, sanitary sewer service will be available to the new developments. It is the existing policy of the town, that the developer finance the extension of sanitary sewer lines to any proposed development. Prior to the three year requirement of the provision of capital improvements, the capacity of the sewer system will be expanded to the extent that it can accommodate any reasonable anticipated future development in 1990 Annex Area C.

Any future developments will be provided sanitary sewer service extensions with the cost to be financed by the developer at no cost to the municipality. New developments are likely to occur within the reasonably near future requiring the extension of sanitary sewer services that will be financed by the developer.

Thus, within the three year scope of this plan, sanitary sewer services will be extended to the existing residents of 1990 Annex Area C regardless of annexation at no cost to the municipality due to annexation. New developments will be provided sewer service within three years of the effective date of annexation but any associated sewer extensions will be the financial responsibility of the developer at no cost to the municipality. This is consistent with sanitary sewer service provided to existing municipal areas and its residents with similar topography, patterns of land use and population density.

Other Municipal Functions

The annexation of 1990 Annex Area C will not measurably impact other municipal services of a noncapital or capital improvement nature not previously mentioned. Upon annexation, any other capital or noncapital services not previously mentioned that are available within the Town and to its residents, will be provided within 1990 Annex Area C and to its residents, without the expenditure of additional funds, in a manner equivalent in standard and scope to such services that are now provided within the existing municipal boundaries.

Plan for Hiring

The annexation of 1990 Annex Area C will not require the hiring of new employees. The jobs of no employees of other governmental entities will be eliminated by the proposed annexation.

Summary of Cost/Financing Methods/Plan for Service Extensions

The following section summarizes the operating and capital cost, to the municipality, that can reasonably be expected to increase significantly as a result of the proposed annexation and the provision of services, of a noncapital nature or capital improvement nature, in a manner equivalent in standard and scope to those now provided to existing corporate areas that have similar topography, patterns of land use, and population density. Also summarized, are the methods of financing the extension of services, and the plan for the organization and extension of services. This section summarizes the above analysis and clearly illustrates compliance with IC36-4-3-13 (d).

Fire Protection

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

Upon annexation, the provision of fire protection services, equivalent in standard and scope to fire protection services available to existing corporate areas and its residents, will continue to be provided by the Sellersburg Volunteer Fire Department at no additional cost to the municipality.

Streets

Cost: Street Lighting

(Capital) \$0.00

(Noncapital) \$0.00

Method of Financing: General Fund

Plan for Service Extensions:

Because no County roads are located within 1990 Annex Area C for which the Town will assume maintenance responsibility, the extension of street lighting or street maintenance services will not be necessary.

Water Service

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

Water service is now provided to 1990 Annex Area C by the by the Sellersburg

Municipal Water Department and will continue upon annexation to 1990 Annex Area C at no additional cost to the town.

Recreation

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

All municipal recreational facilities can accommodate and will be available to residents of 1990 Annex Area C immediately upon annexation without significantly affecting the capacity of such facilities or responsible administrative department at no additional cost to the municipality.

Police Protection

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

Upon annexation, overall police protection and patrols equivalent in standard and scope to police service now provided to existing municipal residents will commence upon annexation of 1990 Annex Area C without significantly affecting the capacity of available police service.

Garbage Collection

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

Upon annexation, garbage collection service to the area will begin upon request (in a manner equivalent in standard and scope to this service now being provided to existing corporate residents) and will not significantly affect the capacity of the department providing this service.

Zoning, Building Permits and Inspections

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

The Town of Sellersburg's zoning regulations would become effective immediately upon the incorporation of 1990 Annex Area C. Upon annexation, the Town of Sellersburg will assume the administration and responsibility of zoning; building permit, inspections and other related services of 1990 Annex Area C in a manner equivalent in standard and scope to these services now provided to area within the existing corporate limits. No measurable increase in operating or capital cost will occur with the extension of these services.

Sewers

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

1990 Annex Area C will be served by the town's municipal sewer system regardless of annexation. Any future developments will have sanitary sewer service available with the cost of extensions to be financed by the developer at no cost to the municipality.

Other Municipal Functions

Cost: \$ 0

Method of Financing: N/A

Plan for Service Extensions:

Upon annexation, any other capital or noncapital services not previously mentioned that are available within the Town and to its residents, will be provided within 1990 Annex Area C and to its residents. The capacity of any other department not previously mentioned will not be measurably affected. Any such services will be extended without the expenditure of additional funds, in a manner equivalent in standard and scope to such services that are now provided within the existing municipal boundaries.

IC36-4-3-13 (b) or (c) Requirements

The proposed annexation of 1990 Annex Area C, meets the following statutory conditions of IC36-4-3-13 (c):

1. 1990 Annex Area C meets the 1/4 contiguity requirement being over approximately 51 percent contiguous to the existing external municipal boundaries.
2. 1990 Annex Area C is territory that is needed and can be used by the municipality for its development in the reasonably near future.

1990 Annex Area C has substantial development potential once the provision of municipal services, primarily access to a sewage system, that can accommodate the potential growth of 1990 Annex Area C, is made available. It is expected that this area will develop commercially and residentially. Without the availability of a sanitary sewer system, development is nearly prohibited and at least limited to slow developments within 1990 Annex Area C that must utilize on site sewage disposal systems. The potential for developments is severely hindered without the availability of and access to a sanitary sewer system and other municipal services. There is currently a shortage of vacant developable land within Sellersburg. Thus, 1990 Annex Area C is needed and can be used by the Town of Sellersburg for its development in the reasonably near future.

Conclusion

This fiscal plan has analyzed the impact of the annexation of 1990 Annex Area C on each municipal service category in terms of additional cost to the municipality. It

should be noted that any municipal service improvement needs or expenditure of funds necessary regardless of annexing 1990 Annex Area C are not attributable to the incorporation of 1990 Annex Area C and are not considered in this fiscal plan. Where applicable the source of funds necessary to finance the extension of required services were indicated and a plan was outlined for the provision organization and extension of Capital and Noncapital services. Thus, this fiscal plan section of the report conforms with and meets the requirements of IC36-4-3-13 (d). Also, as thoroughly illustrated above, the annexation of 1990 Annex Area C clearly complies with the requirements of IC36-4-3-13 (c).

COST/REVENUE ANALYSIS

Introduction

Although revenue estimates are not required by statute to be included in a fiscal plan for annexation, such estimates are necessary in order to make a fiscally responsible decision to annex territory. **This section is not a part of the fiscal plan but is provided to the town for informational and decision making purposes.** This section outlines and compares the cost to be incurred and the revenues to be generated as a result of the proposed annexation. The Fiscal Plan section of this report provided a reasonable estimate of the cost to be incurred for the extension of Capital/Non-Capital Services attributable to the incorporation of 1990 Annex Area C. This section of the report includes a conservative estimate of the revenues that can be expected and compares the projected revenues with the estimated cost attributable to extending services to territory being annexed.

Noncapital Cost Summary

As discussed in the Fiscal Plan section of this report, no measurable increase in noncapital cost will occur as a result of incorporating 1990 Annex Area C. Close proximity to existing town limits, insignificant effects on the capacity of town functional departments and services that are presently available, all contribute to the cost effectiveness of this annexation.

Capital Cost Summary

As discussed in the "Fiscal Plan for Capital/Non-Capital Services", no extension of services that will result in additional cost to the municipality will be necessary as a result of this annexation. The cost of any sewer extensions will be the financial responsibility of the individual or entity undertaking the development. The town's sewer system will have the capacity to accommodate any reasonably expected developments in 1990 Annex Area C within the three year time requirement for the provision of services of a capital improvement nature. Thus, any sanitary sewer extensions deemed appropriate by any future development will be financed by the developer and will be provided in a manner equivalent in standard and scope to the services of a capital improvement nature that are currently provided to the existing corporate areas and its residents.

Possibly at some time in the more distant future, there may develop a need for drainage or other capital improvements as development occurs. However, these needs will develop over time as new development occurs and is beyond the time frame of this analysis and plan.

Revenue Projection Methodology, Sources, and Assumptions

Upon annexation of 1990 Annex Area C, the town can expect to receive certain additional revenues from various sources. Since no additional sewer customers can be attributed to annexation, sewer revenues are not considered in this analysis. The following is a list of sources which a municipality can possibly expect to produce additional revenue as a result of typical annexations.

General Property Tax
Auto/Aircraft Excise Tax
Alcohol Tax

Cigarette Tax
Local Road and Streets
Motor Vehicle Highway
Sewer Tap-in/User Fees
Permits and Licenses
Cable Television Receipts
Interest on Deposits

Other sources of revenue such as Bank, Building and Loan Tax, Property rental income, Sale of Property, and Fines will almost certainly not be affected by this proposed annexation. Also, certain sources from the above list will be impacted only minimally and are not considered significant to an annexation decision based on feasibility or are near impossible to accurately estimate. In order to obtain a conservative estimate of reasonably expected future revenue, the remaining sources are estimated.

It should be realized that additional revenues will accrue to the municipality in varying time frames. Certain revenues are distributed by the State of Indiana on a per capita basis and are listed below.

Alcohol Tax
Cigarette Tax
Motor Vehicle Highway Funds
A portion of the Local Road and Street Funds

These are based on the last decennial census of the municipality. No increases in population attributable to annexation will be included in the 1990 census for annexations becoming effective after June 30, 1989. **For this reason, none of the population induced revenues will be received within the three year scope of this analysis.** However, a municipality can have a special census conducted by the U.S. Bureau of Census that would provide a means of certifying the newly annexed population for revenue distribution purposes by the state. Without a special census, population increases will not be considered until after the next decennial census in 2000. Except for the Cigarette Tax which is firmly based on the last decennial census, the special census will certify a new population count for use in per capita distributions formulas by the state. However, the municipality would have to consider that such a census would be costly and that there would still be some time delay in conducting and finalizing the special census data for use by the state. The decision will depend on the revenues that will be gained verses the cost of a special census. For the purpose of this report, it is assumed that no special census will be taken.

For revenues based on Certified Street Miles (part of the LRS funds), the new mileage gained from the annexation can be certified almost immediately upon annexation. The new mileage will be certified for distribution purposes the year following the year in which the annexation takes effect. Official maps and adopted ordinances must be submitted to the State Highway Commission-Road Inventory division by the end of the year prior to the year the new mileage is to be considered. For purposes of this report it is assumed that no new mileage will be certified until the year 1990 for use in the 1991 distribution.

The following table include a summary of estimated revenues that can reasonably be expected to be derived as a result of the proposed annexation. The table below examines only the three year scope of this analysis.

The following sources and assumptions were used to derive the revenue projections:

General Property Tax revenue increases are based on real property assessments of the area to be annexed as recorded in official county records. The existing municipal tax rate of 2.2967/ \$100 of assessed valuation was applied to the incremental assessment. It is assumed that these property tax revenues will not be received until 1992.

Auto/Aircraft Excise Tax revenue increases are assumed to increase in by the same percentage that general property taxes increased of the previous years total receipts.

Alcohol and Motor Vehicle Highway tax redistribution revenue increases can be projected by applying the per capita rates based on the 1988 receipts by fund to the projected population increase. If a special census were undertaken and certified for distribution purposes by 1992, additional revenues from these sources could be expected in 1992. It is assumed that no special census is will be conducted meaning that the new population will not be certified for distribution purposes until approximately 2002. Cigarette tax redistribution revenues are firmly based on the last decennial census and would not be affected by any special census.

LRS redistribution revenue increases are based solely on the 1988 rate per mile of certified municipal street mileage applied to the projected street mileage increase. 60% of the LRS distribution formula is based on population. Because it is assumed that a special census will not be undertaken, the 60% per capita based portion of the LRS revenues are not projected to be received until approximately 2002. If a special census were undertaken and certified for distribution purposes by 1992, the 1992 LRS revenues would include the increase attributable to mileage increases plus a per capita rate applied to the expected additional population.

The following page compares the revenues and cost attributable to the incorporation of 1990 Annex Area C for the three year scope of this report. The timing of cost to be incurred and receipt of revenues are considered in addition to a calculation of the cumulative effect of the cost and revenues.

COST REVENUE ANALYSIS

REVENUE SOURCE	1991	1992	1993
General Property Tax	0.00	6,682.25	6,682.25
Auto/Aircraft Excise Tax	0.00	1,608.64	1,608.64
Alcohol Gallonage Tax	0.00	0.00	0.00
Alcohol Excise Tax	0.00	0.00	0.00
Cigarette Tax-General Fund	0.00	0.00	0.00
Cigarette Tax- CCI	0.00	0.00	0.00
LRS Mileage Distribution	0.00	0.00	0.00
LRS Per Capita Distribution	0.00	0.00	0.00
Motor Vehicle Highway	0.00	0.00	0.00
TOTAL REVENUES	0.00	8,290.89	8,290.89
Operating Cost	0.00	0.00	0.00
Capital Cost	0.00	0.00	0.00
NET GAIN or (LOSS)	0.00	8,290.89	8,290.89
CUMULATIVE EFFECT	0.00	8,290.89	16,581.78

CONCLUSION

The close proximity of 1990 Annex Area C to the existing town boundaries make the extension of services to 1990 Annex Area C very cost effective. 1990 Annex Area C is predominantly surrounded by existing town boundaries where municipal services are either already provided or can be easily extended at a minimal or no cost.

Without the incorporation of this logical addition to the town, the town is fiscally strained because of the absence of revenues from 1990 Annex Area C which are physically but not legally part of the town. 1990 Annex Area C will benefit from the extensions of municipal services and the development it will facilitate. Although the existing residents of 1990 Annex Area C will receive sewer service regardless of annexation, further development is hindered without incorporation and subsequent further availability of a sewer system. The provisions of other municipal services will also increase property values and stimulate development of 1990 Annex Area C. The incorporation of 1990 Annex Area C is clearly financially feasible due largely to the minimal cost of extending municipal services. Most importantly, the town needs 1990 Annex Area C to ensure that an adequate amount of developable space is available for future growth and development.

From the evidence presented in this report, it is apparent that the annexation of 1990 Annex Area C will be a fiscally sound decision. It is further evident that the incorporation of 1990 Annex Area C meets all the legal requirements for annexation. This report clearly documents that the proposed annexation meets the requirements of IC36-4-3-13 (c) and (d).

DESCRIPTION OF SELLERSBURG ANNEXATION AREA 'C' 1990

A part of Survey No. 108 of the Illinois Grant in Silver Creek Township of Clark County, Indiana, and bounded as follows:

Beginning at the point where the southwest right-of-way line of Old State Road 60 intersects the southeast right-of-way line of State Road 311, said point being in the present Town Boundary of Sellersburg.

Thence the following courses of the boundary of Area 'C':

- South 15 deg. 27 min. West, 1000 feet, more or less, with said southeast right-of-way line of State Road 311 and the present Town Boundary, to the north corner of a tract of land conveyed at Deed Drawer 11, Instrument 8667, said point being the northeast corner of Annex Area 'A';
- North 64 deg. 50 min. West, 155 feet, more or less, with the northeast line of Area 'A' to the north corner thereof, said point also being the east corner of Annex Area 'B';
- North 64 deg. 50 min. West, 98.96 feet, more or less, with the northeast line of Area 'B' to the north corner thereof, said point also being the north corner of the tract conveyed at Deed Drawer 16, Instrument 2461;
- South 48 deg. 18 min. West, 205 feet, more or less, with the west line of Area 'B', across New State Road 60 to a point in the southwest right-of-way line of New State Road 60;
- Northwestwardly, 2345 feet, more or less, with said southwest right-of-way line of New State Road 60 to the intersection of New State Road 60 and Old State Road 60, which is a point in the Town Boundary;
- Southeastwardly, 1990 feet, more or less, with the southwest right-of-way line of Old State Road No. 60, which is the present Town Boundary to the True Place of beginning and containing 38.9 acres of land, more or less.

16341

ORDINANCE NO. 492

WHEREAS, the boundary of the Town of Sellersburg, Indiana, is adjacent to the real estate described herein; and attached as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana:

SECTION ONE

That the land, described as Exhibit A, be, and the same is, hereby annexed to and declared a part of the Town of Sellersburg, Indiana.

SECTION TWO

BE IT FURTHER ORDAINED, that the boundaries of the Town of Sellersburg, Indiana, shall be, and the same are, hereby declared to be extended so as to include all the real estate described herein as Exhibit A, as part of the Town of Sellersburg, Indiana.

SECTION THREE

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

The property herein described is assigned to the Town of Sellersburg municipal legislative body district, Precinct No. 4.

SO ORDAINED THIS 21st DAY OF DECEMBER, 1990.

Charles Ridemour
CHARLES RIDEMOUR, PRESIDENT

Roy Everitt
ROY EVERITT

Mary Ann Dellarosa
MARY ANN DELLAROSA

Robert Adams
ROBERT ADAMS

Rodney Pate
RODNEY PATE

ATTEST: Patricia Rush
PATRICIA RUSH
CLERK TREASURER

RECEIVED
FOR RECORD

DEC 31 3 31 PM '91
RECORDED IN 23
16341
INSTR. NO. _____
RALPH C. STEMLER
RECORDER OF CLARK CO.

Duly Entered for Taxation
Subject to Final Acceptance
for Transfer

Dec. 31, 1991
Richard P. Jones

Auditor Clark County