

1994

1994 ORDINANCES & RESOLUTIONS

ORDINANCE NUMBER	DATE PASSED	DESCRIPTION
94-583	1/10/1994	AMENDMENT FOR THE CONTROL OF CATS/DOGS
94-584	1/24/1994	TRANSFER OF APPROPRIATIONS
94-585	2/14/1994	AMENDMENT TO ORDINANCE # 92-541
94-586	2/28/1994	HAZARDOUS WASTE DISPOSAL
94-587	3/14/1994	TRANSFER OF APPROPRIATIONS
94-588	3/14/1994	BUILDING FUND TOWN HALL
94-589	5/9/1994	VACATING AN ALLEY
94-590	7/9/1994	VACATING AN ALLEY
94-591	7/9/1994	VACATING A STREET
94-592	7/9/1994	VACATING A STREET
94-595	7/11/1994	ORDINANCE VACATING ALLEY IN FAIRVIEW ADDITION
94-596	8/8/1994	AMENDMENT TO ORDINANCE # 509
94-597	8/8/1994	INCREASE WEIGHT LIMIT ON TERRY LANE
94-598	8/08/1994	STOP SIGN AT OHIO AVENUE
94-599	8/08/1994	SALARY ORDINANCE
94-600	8/8/1994	SALARY ORDINANCE
94-601	9/26/1994	INDUSTRIAL PRETREATMENT ORDINANCE
94-602	9/26/1994	AMENDMENT OF ORDINANCE # 22 DISCHARGE OF WEAPONS
94-603	10/10/1994	ORDINANCE # 509 SEWER RATE CREDITS
94-604	10/10/1994	TRANSFER OF APPROPRIATIONS
94-605	10/24/1994	AMENDMENT OF ORDINANCE # 93-577
94-606	10/24/1994	AMENDMENT OF ORDINANCE # 93-577
94-607	10/24/1994	TRANSFER OF APPROPRIATIONS
94-608	11/14/1994	TRANSFER OF APPROPRIATIONS
94-609	12/12/1994	TRANSFER OF APPROPRIATIONS
94-610	12/26/1994	TRANSFER OF APPROPRIATIONS

RESOLUTION NUMBER	DATE PASSED	DESCRIPTION
1994-20	1/10/1994	MORATORIUM CONSTRUCTION
1994-21	1/24/1994	NSF FEES
1994-22	3/28/1994	ROAD/STREET FUNDS
1994-23	3/28/1994	STORM SEWERS PLAN
1994-24	3/24/1994	CFF SUBMITTAL APPLICATION
1994-25	3/24/1994	CLOSE ON TOWN PROPERTY

ORDINANCE NO. 94- 583

AN ORDINANCE AMENDING AN ORDINANCE PROVIDING FOR
THE CONTROL OF DOGS/CATS WITHIN SELLERSBURG, INDIANA,
AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 27th day of July, 1992, pass Ordinance No. 92-535 establishing control of dogs/cats within Sellersburg, Indiana, and providing for penalties for violation thereof; and

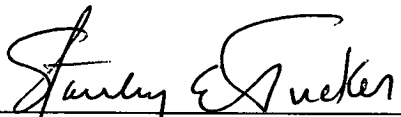
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did not include in said Ordinance any local laws concerning the humane treatment for domestic animals; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that in order to make said Ordinance more effective that a section concerning the humane treatment for domestic animals should be included in said Ordinance;

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 93-535 shall be, and hereby is, amended to include a section which concerns the humane treatment for domestic animals as follows: No owner shall fail to provide his/her animal(s) with proper food and water, proper shelter, where appropriate, and reasonable care to prevent suffering.

BE IT FURTHER ORDAINED, by the Town Council for the Town of Sellersburg, Indiana, that said amendment to the Ordinance shall constitute Section Twelve of said Ordinance, styled Humane Treatment for Domestic Animals.

SO ORDAINED THIS 10 DAY OF January, 1994.

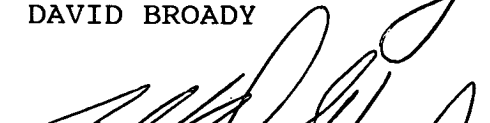


STANLEY E. TUCKER




DAVID BROADY

ROY E. EVERITT



AULTON D. EDDINGS



KARL N. TRUMAN

ATTEST: 

LINDA SCHAFER
CLERK/TREASURER

ORDINANCE NO. 94-584

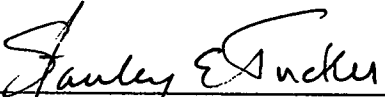
AN ORDINANCE FOR THE TRANSFER OF FUNDS FROM THE UTILITY
CASH RESERVE FUND TO THE DEBT SERVICE RESERVE FUND

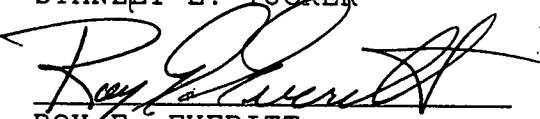
WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council of the need to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund for the purpose of satisfying a \$10,000.00 debt due and owing to the Farmers Home Administration for the purchase of a garbage packer; and

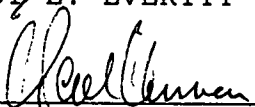
WHEREAS, there is currently insufficient funds in the Debt Service Reserve Fund to pay said debt to the Farmers Home Administration.

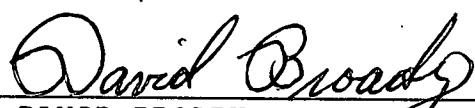
BE IT NOW ORDAINED by the Sellersburg Town Council that the Town of Sellersburg Clerk/Treasurer shall be authorized to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund in an amount sufficient to satisfy the outstanding debt due and owing to the Farmers Home Administration for the purchase of a garbage packer in the amount of \$10,000.00;

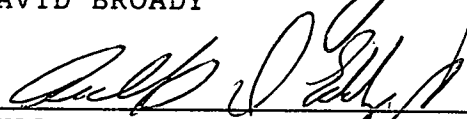
SO ORDAINED THIS 24TH DAY OF JANUARY, 1994.

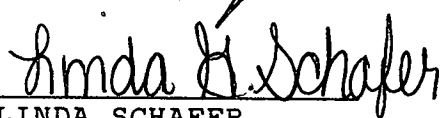

STANLEY E. TUCKER


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DAVID BROADY


AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFFER
CLERK/TREASURER

ORDINANCE NO. 94-

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CASH RESERVE FUND TO THE DEBT SERVICE RESERVE FUND

WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council of the need to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund for the purpose of satisfying a \$10,000.00 debt due and owing to the Farmers Home Administration for the purchase of a garbage packer; and

WHEREAS, there is currently insufficient funds in the Debt Service Reserve Fund to pay said debt to the Farmers Home Administration.

BE IT NOW ORDAINED by the Sellersburg Town Council that the Town of Sellersburg Clerk/Treasurer shall be authorized to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund in an amount sufficient to satisfy the outstanding debt due and owing to the Farmers Home Administration for the purchase of a garbage packer in the amount of \$10,000.00;

SO ORDAINED THIS 24TH DAY OF JANUARY, 1994.

STANLEY E. TUCKER



ROY E. EVERITT

KARL N. TRUMAN

DAVID BROADY

AULTON D. EDDINGS

ATTEST: _____

LINDA SCHAFFER
CLERK/TREASURER

ORDINANCE NO. 94-

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WHEREAS, there is currently insufficient funds in the Debt Service Reserve Fund to pay said debt to the Farmers Home Administration.

BE IT NOW ORDAINED by the Sellersburg Town Council that the Town of Sellersburg Clerk/Treasurer shall be authorized to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund in an amount sufficient to satisfy the outstanding debt due and owing to the Farmers Home Administration for the purchase of a garbage packer in the amount of \$10,000.00;

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STANLEY E. TUCKER

DAVID BROADY

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AULTON D. EDDINGS

KARL N. TRUMAN

ATTEST:

LINDA SCHAFFER
CLERK/TREASURER

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WHEREAS, there is currently insufficient funds in the Debt Service Reserve Fund to pay said debt to the Farmers Home Administration.

BE IT NOW ORDAINED by the Sellersburg Town Council that the Town of Sellersburg Clerk/Treasurer shall be authorized to transfer funds from the Utility Cash Reserve Fund to the Debt Service Reserve Fund in an amount sufficient to satisfy the outstanding debt due and owing to the Farmers Home Administration for the purchase of a garbage packer in the amount of \$10,000.00;

SO ORDAINED THIS 24TH DAY OF JANUARY, 1994.

STANLEY E. TUCKER

DAVID BROADY

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ATTEST: _____
LINDA SCHAFER
CLERK/TREASURER

ORDINANCE NO. 94-585

AN ORDINANCE AMENDING ORDINANCE NO. 92-541,
REGARDING THE INDIANA MODEL ORDINANCE FOR FLOOD HAZARD AREAS

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 9th day of November, 1992, adopt Ordinance No. 92-541, regarding the Indiana Model Ordinance for Flood Hazard Areas; and

WHEREAS, the Town Council for the Town of Sellersburg, has been informed by the Indiana Department of Natural Resources that said Ordinance No. 92-541, contains various information which must be corrected; and

WHEREAS the Town Council for the Town of Sellersburg, Indiana, has determined in an open meeting in which the public was allowed to participate, that Ordinance No. 92-541, should be amended to reflect the changes requested by the Indiana Department of Natural Resources.

Be it ordained by the Town Board of the Town of Sellersburg, Indiana, as follows:

SECTION 1. STATUTORY AUTHORIZATION. The Indiana Legislature granted the power to local units of government (I.C. 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 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 fo 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 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 ridges 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 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.
- i. FBFM - Flood Boundary and Floodway Map.
- h. FEMA - Federal Emergency Management Agency.
- i. 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.
- j. 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.
- k. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- l. Floodway - means the channel of a river or stream and those portions of the flood plains adjoining the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- m. Floodway fringe - means those portions of the flood hazard areas lying outside the floodway.
- n. Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

- o. Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- p. Lowest Floor - means the lowest of the following:
 - 1. the top of basement floor;
 - 2. the top of the garage floor, if the garage is the lowest level of the building;
 - 3. the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 - 4. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provided 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 such openings shall be no higher than one (1) foot above grade.
 - (b) such enclosed space shall be usable for the parking of vehicles 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 part 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 Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency and dated August 1, 1980. The SFHAs of those parts of unincorporated Clark County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Clark County by the Federal Emergency Management Agency and dated February 18, 1983.
- 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 50 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 alternation will not preclude the structures continued designation as a "historic structure".

SECTION 4. DUTIES OF THE ADMINISTRATOR. The Building Inspector for the Town of Sellersburg shall implement this ordinance and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the Town of Sellersburg is appointed to review all development and subdivisiion 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 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. Inspect before, during and after construction.
- 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, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data and 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 and floodway limits for the SFHAs of Muddy Fork Creek and Silver Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town dated February, 1980, and corresponding FIRM dated August 1, 1980 prepared by

Federal Emergency Management Agency.

- 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 Town.
- c. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an "A Zone" in the Flood Insurance Rate Map of the Town shall be according to the best data available as provided by the Department of Natural Resources.
- d. The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Clark County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be delineated on the 100 year Flood Profiles in the Town 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 March, 1980, and the corresponding FBFM dated September 30, 1980, prepared by FEMA.
- e. If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 Zoning Administrator 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 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 Floodproofed 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; or greater than 400 square feet, whichever is less.
2. structural alternations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land) or any structural alternation made previously (one time only alteration);
3. any subsequent alterations;
4. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred.

5. 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 if lawfully occupied before it was removed to avoid flood damage; and
 6. 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. The 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 foundations 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 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 Planning Commission 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 eliminate 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 an lot of one-half acres 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.

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.
- b. The Sellersburg Zoning and Planning 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 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 Town Council to fulfill the requirements of the National Flood Insurance Program. 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.

Passed and enacted by the Town of Sellersburg, Indiana, on the

14th day of February, 1994.


STANLEY E. TUCKER



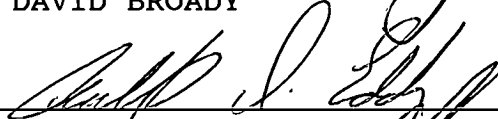
ROY E. EVERITT



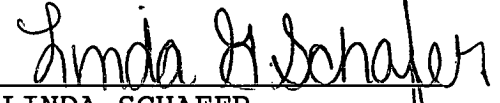
KARL N. TRUMAN



DAVID BROADY



AULTON D. EDDINGS

ATTEST: 

LINDA SCHAFER,
CLERK/TREASURER

ORDINANCE NO. 94- 586

AN ORDINANCE CONCERNING HAZARDOUS
WASTE DISPOSAL IN THE TOWN OF SELLERSBURG

WHEREAS, the Clark County Commissioners did on or about the 7th day of December, 1993, pass an Ordinance concerning hazardous waste disposal within Clark County, Indiana, and

WHEREAS, the Town Council for the Town of Sellersburg desires to adopt similar local legislation to regulate and control hazardous waste disposal within the Town of Sellersburg town limits; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the adoption of a hazardous waste disposal ordinance is in the best interest of all residents within the town limits of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the adoption of a hazardous waste disposal will provide for a better quality of life for all residents within the Town of Sellersburg; Indiana, and

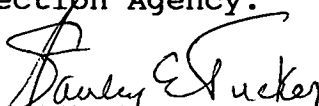
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has considered the proposed ordinance at an open meeting, after proper notice to the public concerning their right to attend and participate.


BE IT NOW HEREBY ORDAINED that the Town of Sellersburg prohibits within its town limits facilities intended for disposal, destruction of or recycling of toxic chemicals, radio active waste, heavy metals, asbestos, and other forms of hazardous waste,

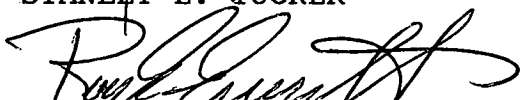
whether through incineration, land filling, or other mechanical, chemical or technological means.

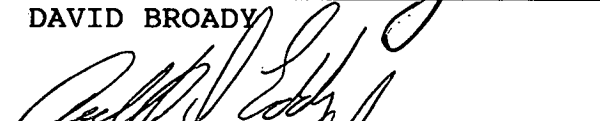
BE IT FURTHER ORDAINED by the Town Council of the Town of Sellersburg, that any such facility not restricted in the foregoing paragraph shall not be located within one (1) mile of any other business, residence, church, school, health care facility, or child care facility, as measured from the point of admission, discharge, or regulated activity to the nearest property limit.


BE IT FURTHER ORDAINED that any such facility not restricted in the proceeding paragraphs must meet all applicable construction and operating standards of local, state and federal regulatory agencies, including but not limited to, Clark County Health Department, Indiana State Board of Health, Indiana Department of Environmental Management, and Indiana State Environmental Protection Agency.

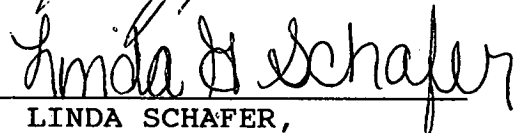

STANLEY E. TUCKER


DAVID BROADY


ROY E. EVERITT


AULTON D. EDDINGS


KARL N. TRUMAN

ATTEST: 
LINDA SCHAFER,
CLERK/TREASURER

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG POLICE DEPT., SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK-TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

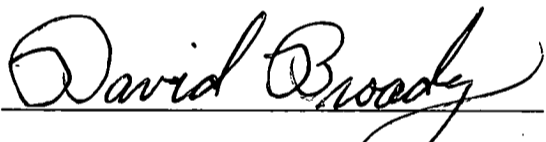
WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into a different categorie than was appropriated in the annual budget for the various function of the Sellersburg Police Dept. to meet the existing conditions.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purpose specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME, & AMOUNT		TO ACCT.#, NAME, & AMOUNT	
	<u>POLICE DEPT.</u>		<u>POLICE DEPT.</u>
361- CLEANING SERVICES	1,200.00	364- REPAIRS POLICE BLDG.	1,200.00

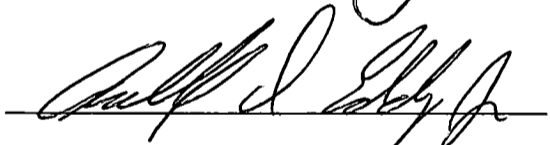
SO ORDAINED THIS 14 DAY OF march 1994.



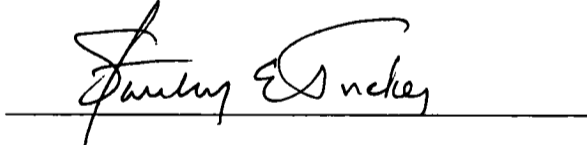
 DAVID BROADY



 KARL TRUMAN



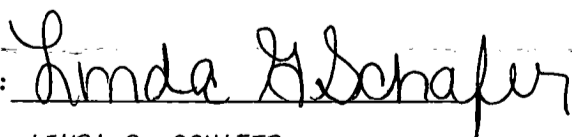
 AULTON D. EDDINGS JR.



 STANLEY E. TUCKER



 ROY E. EVERITT

ATTEST: 

 LINDA G. SCHAFER
 CLERK TREASURER

ORDINANCE 94-588

AN ORDINANCE ESTABLISHING A BUILDING FUND
FOR THE CONSTRUCTION OF A NEW SELLERSBURG TOWN HALL

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has approved the sale of certain parcels of property belonging to the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg, has determined that all funds obtained from the sale of said real property shall be used for the construction of the new Sellersburg Town Hall; and

WHEREAS, the funds received from the sale of said real property shall be ear-marked for the construction of a new Sellersburg Town Hall; and

WHEREAS, the Town Council for the Town of Sellersburg desires to establish a building fund in which to deposit said ear-marked funds; and


WHEREAS, by the establishment of a building fund and by the Town of Sellersburg depositing of funds received from the sale of the Town's real property, the Town may be eligible to receive matching funds from the State of Indiana; and

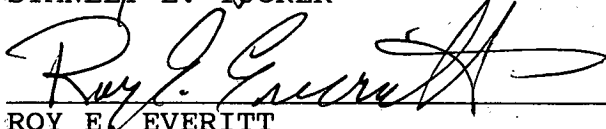
WHEREAS, the Town Council of the Town of Sellersburg has determined that the establishment of building fund is in the best interest of the Town and is necessary for the efficient and effective administration of Town government.

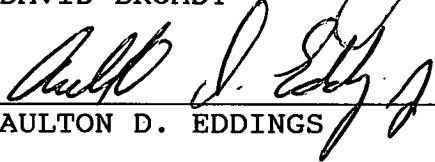
BE IT THEREFORE ORDAINED by the Town Council of the Town of Sellersburg, that the Sellersburg Clerk/Treasurer open and

establish a building fund account for the purpose of constructing a new Sellersburg town hall, in which all moneys/funds received from the sale of real property belonging to the Town of Sellersburg shall be deposited.


STANLEY E. TUCKER

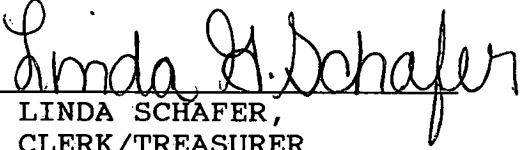

DAVID BROADY


ROY E. EVERITT


AULTON D. EDDINGS


KARL N. TRUMAN

ATTEST:


LINDA SCHAFER,
CLERK/TREASURER

8842

AN ORDINANCE VACATING AN ALLEY
IN THE TOWN OF SELLERSBURG, INDIANA

1. Whereas, on the 9 day of May, 1994, the Town of Sellersburg Town Council filed with the Town of Sellersburg Planning and Zoning Commission their request to vacate an alley in the Town of Sellersburg, Clark County, Indiana, pursuant to Indiana Code 35-7-3-12;

2. Whereas, notice was given as required by Indiana Code 5-3-1-1 et al; and as required by Indiana Code 36-7-3-12, of a public hearing on said request to vacate an alley in the Town of Sellersburg, Clark County, Indiana, for the 9th day of May, 1994, at 6:15 o'clock p.m.;

3. And Whereas, a public hearing was held on the request to vacate an alley on the date and time scheduled therefore. And the Town Council for the Town of Sellersburg having heard and considered all input by the public at said public hearing regarding said request to vacate an alley. There was evidence in support of the request to vacate said alley.

NOW THEREFORE, in consideration of the foregoing,

BE IT ENACTED as follows:

The following described alley in the Town of Sellersburg, Clark County, Indiana, to-wit:

A part of a ten (10) foot wide alley between Highland Park Addition and Scheller's 2nd Addition to the Town of Sellersburg, Indiana, described as follows:

Beginning at an iron pipe which marks the south corner of Lot 15 of the Highland Park Addition and is in the northwest line of a ten (10) foot wide alley, thence the following courses of the boundary:

South 54 deg. 30 min. 00 sec. East, 5.00 feet to the centerline of the above mentioned alley;

North 35 deg. 30 min. 00 sec. East, 50.00 feet with the centerline of said alley to a point in the southwest line of Bucheit Avenue;

South 54 deg. 30 min. 00 sec. East, 5.00 feet with the southwest line of Bucheit Avenue to the north corner of Lot 23 of Scheller's 2nd Addition, which point is in the southeast line of the above-mentioned alley;

South 35 deg. 30 min. 00 sec. West, 117.96 feet with said alley to a point in the northeast line of New Prather Lane;

North 71 deg. 17 min. 14 sec. West, 10.45 feet with New Prather Lane to a point in the northwest line of said alley;

North 35 deg. 30 min. 00 sec. East, 70.98 feet with said alley to the true place of beginning and containing 0.022 acres of land, more or less.

See Exhibits A and B attached.

Be, and it is hereby vacated.

That title to said alley hereby reverts to abutting property owners.

That the vacation of the alley described herein above is subject to the rights of any appropriate utility to maintain, repair and replace any existing utilities contained in said vacated alley.

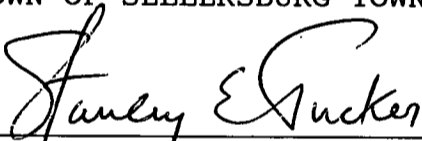
First Reading: May 9, 1994.

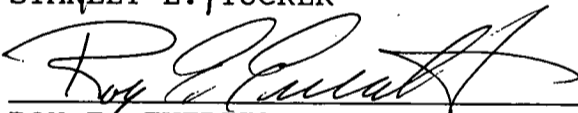
Second Reading: May 9, 1994.

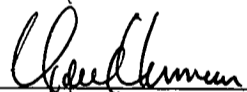
Third Reading: May 9, 1994.

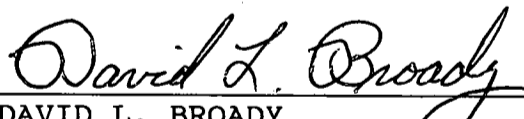
Unanimously passed and adopted by the Town Council for the Town of Sellersburg on this 9th day of May, 1994.

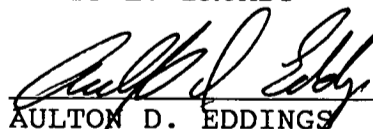
TOWN OF SELLERSBURG TOWN COUNCIL:



STANLEY E. TUCKER


ROY E. EVERITT


KARL N. TRUMAN


DAVID L. BROADY


AULTON D. EDDINGS


ATTEST:

LINDA G. SCHAFER,
CLERK-TREASURER

RECEIVED
FOR RECORD

JUN 9 2 56 PM '94
RECORDED IN 26 DRA
INSTR NO. 8842
RALPH C. STEMLER
RECORDER OF CLARK CO.

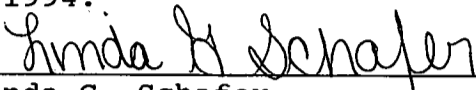
DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUN 9 1994


AUDITOR CLARK COUNTY

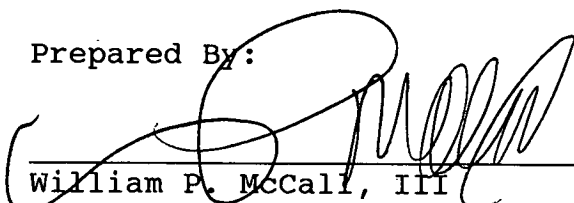
I, the undersigned, Clerk-Treasurer of the Town of Sellersburg, do hereby certify that the above and foregoing is a true and correct copy of Ordinance passed on the 9th day of May, 1994, by the Town of Sellersburg Town Council, which document is maintained in my possession, and I further certify that said ordinance has not been amended or rescinded.

Dated this 9th day of May, 1994.



Linda G. Schafer
Clerk-Treasurer
Town of Sellersburg

Prepared By:



William P. McCall, III
Sellersburg Town Attorney
Attorney #14159-10
425 Watt Street, P.O. Box 729
Jeffersonville, Indiana 47131
Telephone: (812) 282-8429



**DESCRIPTION OF VACATION TRACT "C"
(PART OF A TEN (10) FOOT WIDE ALLEY)**

A part of a ten (10) foot wide alley between Highland Park Addition and Scheller's 2nd Addition to the Town of Sellersburg, Indiana, described as follows:

Beginning at an iron pipe which marks the south corner of Lot 15 of the Highland Park Addition and is in the northwest line of a ten (10) foot wide alley, thence the following courses of the boundary:

- South 54 deg. 30 min. 00 sec. East, 5.00 feet to the centerline of the above mentioned alley;
- North 35 deg. 30 min. 00 sec. East, 50.00 feet with the centerline of said alley to a point in the southwest line of Bucheit Avenue;
- South 54 deg. 30 min. 00 sec. East, 5.00 feet with the southwest line of Bucheit Avenue to the north corner of Lot 23 of Scheller's 2nd Addition, which point is in the southeast line of the above-mentioned alley;
- South 35 deg. 30 min. 00 sec. West, 117.96 feet with said alley to a point in the northeast line of New Prather Lane;
- North 71 deg. 17 min. 14 sec. West, 10.45 feet with New Prather Lane to a point in the northwest line of said alley;
- North 35 deg. 30 min. 00 sec. East, 70.98 feet with said alley to the true place of beginning and containing 0.022 acres of land, more or less.

12.⁰⁰
Perry McCall

✓

8843

AN ORDINANCE VACATING AN ALLEY
IN THE TOWN OF SELLERSBURG, INDIANA

1. Whereas, on the 9 day of May, 1994, the Town of Sellersburg Town Council filed with the Town of Sellersburg Planning and Zoning Commission their request to vacate an alley in the Town of Sellersburg, Clark County, Indiana, pursuant to Indiana Code 35-7-3-12;

2. Whereas, notice was given as required by Indiana Code 5-3-1-1 et al; and as required by Indiana Code 36-7-3-12, of a public hearing on said request to vacate an alley in the Town of Sellersburg, Clark County, Indiana, for the 9th day of May, 1994, at 6:15 o'clock p.m.;

3. And Whereas, a public hearing was held on the request to vacate an alley on the date and time scheduled therefore. And the Town Council for the Town of Sellersburg having heard and considered all input by the public at said public hearing regarding said request to vacate an alley. There was evidence in support of the request to vacate said alley.

NOW THEREFORE, in consideration of the foregoing,

BE IT ENACTED as follows:

The following described alley in the Town of Sellersburg, Clark County, Indiana, to-wit:

A part of a ten (10) foot wide alley between Highland Park Addition and Scheller's 2nd Addition to the Town of Sellersburg, Indiana, described as follows:

Beginning at an iron pipe which marks the south corner of Lot 15 of the Highland Park Addition and is in the northwest line of a ten (10) foot wide alley, thence the following courses of the boundary:

North 35 deg. 30 min. 00 sec. East, 50.00 feet with the southeast line of said Lot 15, which is also the northwest line of said alley, to a point in the southwest line of Bucheit Avenue;

South 54 deg. 30 min. 00 sec. East, 5.00 feet with Bucheit Avenue to a point in the centerline of said alley;

South 35 deg. 30 min. 00 sec. West, 50.00 feet with said centerline;

North 54 deg. 30 min. 00 sec. West, 5.00 feet to the true place of beginning and containing 0.006 acres of land, more or less.

See Exhibits A and B attached.

Be, and it is hereby vacated.

That title to said alley hereby reverts to abutting property owners.

That the vacation of the alley described herein above is subject to the rights of any appropriate utility to maintain, repair and replace any existing utilities contained in said vacated alley.

First Reading: May 9, 1994.

Second Reading: May 9, 1994.

Third Reading: May 9, 1994.

Unanimously passed and adopted by the Town Council for the Town of Sellersburg on this 9th day of May, 1994.

TOWN OF SELLERSBURG TOWN COUNCIL:

Stanley E. Tucker

STANLEY E. TUCKER

Roy E. Everitt

ROY E. EVERITT

Karl N. Truman

KARL N. TRUMAN

David L. Broady

DAVID L. BROADY

Aulton D. Eddings

AULTON D. EDDINGS

Keith D. ...
AUDITOR CLARK COUNTY

ATTEST:

Linda G. Schafer
LINDA G. SCHAFFER,
CLERK-TREASURER

I, the undersigned, Clerk-Treasurer of the Town of Sellersburg, do hereby certify that the above and foregoing is a true and correct copy of Ordinance passed on the 9th day of May, 1994, by the Town of Sellersburg Town Council, which document is maintained in my possession, and I further certify that said ordinance has not been amended or rescinded.

Dated this 9th day of May, 1994.

Linda G. Schafer
Linda G. Schafer
Clerk-Treasurer
Town of Sellersburg

RECEIVED FOR RECORD

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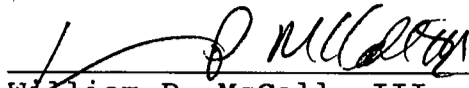
RECORDED IN DRA 86 8843

INSTR NO. RALPH C. STEMLER RECORDER OF CLARK CO

DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

JUN 9 1994

Prepared By:



William P. McCall, III
Sellersburg Town Attorney
Attorney #14159-10
425 Watt Street, P.O. Box 729
Jeffersonville, Indiana 47131
Telephone: (812) 282-8429



**DESCRIPTION OF VACATION TRACT "D"
(PART OF A TEN (10) FOOT WIDE ALLEY)**

A part of a ten (10) foot wide alley between Highland Park Addition and Scheller's 2nd Addition to the Town of Sellersburg, Indiana, described as follows:

Beginning at an iron pipe which marks the south corner of Lot 15 of the Highland Park Addition and is in the northwest line of a ten (10) foot wide alley, thence the following courses of the boundary:

North 35 deg. 30 min. 00 sec. East, 50.00 feet with the southeast line of said Lot 15, which is also the northwest line of said alley, to a point in the southwest line of Bucheit Avenue;
South 54 deg. 30 min. 00 sec. East, 5.00 feet with Bucheit Avenue to a point in the centerline of said alley;
South 35 deg. 30 min. 00 sec. West, 50.00 feet with said centerline;
North 54 deg. 30 min. 00 sec. West, 5.00 feet to the true place of beginning and containing 0.006 acres of land, more or less.

12.00

Kerry McCall

✓

8844

AN ORDINANCE VACATING A STREET WITHIN
THE TOWN OF SELLERSBURG, INDIANA

1. Whereas, on the 9 day of May, 1994, the Town of Sellersburg Town Council filed with the Town of Sellersburg Planning and Zoning Commission their request to vacate a street in the Town of Sellersburg, Clark County, Indiana, pursuant to Indiana Code 35-7-3-12;

2. Whereas, notice was given as required by Indiana Code 5-3-1-1 et al; and as required by Indiana Code 36-7-3-12, of a public hearing on said request to vacate a street in the Town of Sellersburg, Clark County, Indiana, for the 9th day of May, 1994, at 6:15 o'clock p.m.;

3. And Whereas, a public hearing was held on the request to vacate a street on the date and time scheduled therefore. And the Town Council for the Town of Sellersburg having heard and considered all input by the public at said public hearing regarding said request to vacate a street. There was evidence in support of the request to vacate said street.

NOW THEREFORE, in consideration of the foregoing,

BE IT ENACTED as follows:

The following described street in the Town of Sellersburg, Clark County, Indiana, to-wit:

A part of Bucheit Avenue north of State Road 311 and adjacent to Scheller's 2nd Addition, more particularly described as follows:

Beginning at an iron pipe at the intersection of the northwest line of State Road 311 and the southwest line of Bucheit Avenue, thence the following courses of the boundary:

North 54 deg. 30 min. 00 sec. West, 117.71 feet with the southwest line of Bucheit Avenue to the southeast line of a ten (10) foot wide alley, which point is also the north corner of Lot 23 of Scheller's 2nd Addition to the Town of Sellersburg:

North 35 deg. 30 min. 00 sec. East, 15.00 feet to the centerline of bucheit Avenue:

South 54 deg. 30 min. 00 sec. East, 121.73 feet with said centerline to the northwest line of State Road 311;

South 50 deg. 24 min. 12 sec. West, 15.53 feet with slaid line to the true place of beginning and containing 0.041 acres of land, more or less.

See Exhibits A and B attached.

Be, and it is hereby vacated.

That the vacation of the street described herein above is subject to the rights of any appropriate utility to maintain, repair and replace any existing utilities contained on said vacated street.

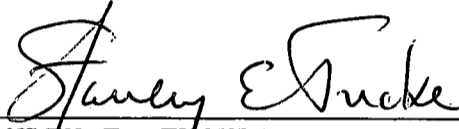
First Reading: May 9, 1994.

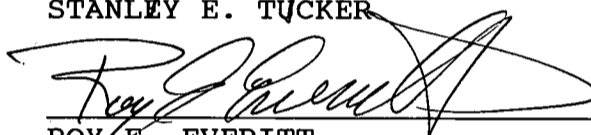
Second Reading: May 9, 1994.


Third Reading: May 9, 1994.

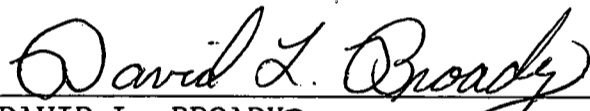
Unanimously passed and adopted by the Town Council for the Town of Sellersburg on this 9th day of May, 1994.

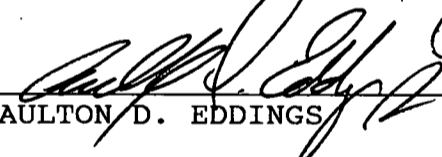
TOWN OF SELLERSBURG TOWN COUNCIL:


STANLEY E. TUCKER



ROY E. EVERITT


KARL N. TRUMAN


DAVID L. BROADY



AULTON D. EDDINGS

ATTEST:

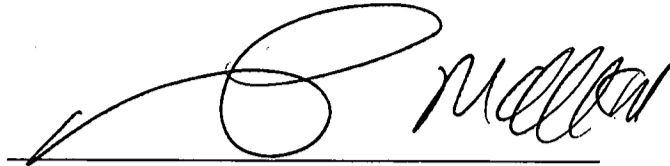

LINDA G. SCHAFER,
CLERK-TREASURER

I, the undersigned, Clerk-Treasurer of the Town of Sellersburg, do hereby certify that the above and foregoing is a true and correct copy of Ordinance passed on the 9th day of May, 1994, by the Town of Sellersburg Town Council, which document is maintained in my possession, and I further certify that said ordinance has not been amended or rescinded.

Dated this 9th day of May, 1994.


Linda G. Schafer
Clerk-Treasurer
Town of Sellersburg

Prepared By:



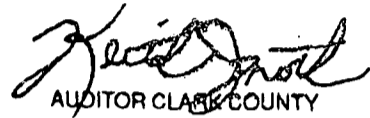
William P. McCall, III
Sellersburg Town Attorney
Attorney #14159-10
425 Watt Street, P.O. Box 729
Jeffersonville, Indiana 47131
Telephone: (812) 282-8429

RECEIVED
FOR RECORD

JUN 9 2 ⁵⁸ ~~28~~ PM '94
RECORDED IN dra 26
INSTR NO. 8844
RALPH C. STEMLER
RECORDER OF CLARK CO.

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUN 9 1994



AUDITOR CLARK COUNTY



**DESCRIPTION OF VACATION TRACT "E"
(SOUTHERLY HALF OF BUCHEIT AVENUE)**

A part of Bucheit Avenue north of State Road 311 and adjacent to Scheller's 2nd Addition, more particularly described as follows:

Beginning at an iron pipe at the intersection of the northwest line of State Road 311 and the southwest line of Bucheit Avenue, thence the following courses of the boundary:

North 54 deg. 30 min. 00 sec. West, 117.71 feet with the southwest line of Bucheit Avenue to the southeast line of a ten (10) foot wide alley, which point is also the north corner of Lot 23 of Scheller's 2nd Addition to the Town of Sellersburg;

North 35 deg. 30 min. 00 sec. East, 15.00 feet to the centerline of Bucheit Avenue;

South 54 deg. 30 min. 00 sec. East, 121.73 feet with said centerline to the northwest line of State Road 311;

South 50 deg. 24 min. 12 sec. West, 15.53 feet with said line to the true place of beginning and containing 0.041 acres of land, more or less.

12.00
Perry McCall



8845

AN ORDINANCE VACATING A STREET WITHIN
THE TOWN OF SELLERSBURG, INDIANA

1. Whereas, on the 9 day of May, 1994, the Town of Sellersburg Town Council filed with the Town of Sellersburg Planning and Zoning Commission their request to vacate a street in the Town of Sellersburg, Clark County, Indiana, pursuant to Indiana Code 35-7-3-12;

2. Whereas, notice was given as required by Indiana Code 5-3-1-1 et al; and as required by Indiana Code 36-7-3-12, of a public hearing on said request to vacate a street in the Town of Sellersburg, Clark County, Indiana, for the 9th day of May, 1994, at 6:15 o'clock p.m.;

3. And Whereas, a public hearing was held on the request to vacate a street on the date and time scheduled therefore. And the Town Council for the Town of Sellersburg having heard and considered all input by the public at said public hearing regarding said request to vacate a street. There was evidence in support of the request to vacate said street.

NOW THEREFORE, in consideration of the foregoing,

BE IT ENACTED as follows:

The following described street in the Town of Sellersburg, Clark County, Indiana, to-wit:

A part of Bucheit Avenue north of State Road 311 and adjacent to Scheller's 2nd Addition, more particularly described as follows:

Beginning at an iron pipe at the intersection of the northwest line of State Road 311 and the southwest line of Bucheit Avenue, thence the following courses of the boundary:

North 50 deg. 24 min. 12 sec. East, 15.53 feet with the northwest line of State Road 311 to the center line of Bucheit Avenue, thence the following courses of the boundary:

North 54 deg. 30 min. 00 sec. West, 121.73 feet with the centerline of Bucheit Avenue;

North 35 deg. 30 min. 00 sec. East, 15.00 feet to the northeast line of Bucheit Avenue;

South 54 deg. 30 min. 00 sec. East, 125.74 feet with the northeast line of Bucheit Avenue to the northwest line of State Road 311;

South 50 deg. 24 min. 12 sec. West, 15.53 feet with the northwest line of State Road 311 to the true place of beginning and containing 0.043 acres of land, more or less.

See Exhibits A and B attached.

Be, and it is hereby vacated.

That the vacation of the street described herein above is subject to the rights of any appropriate utility to maintain, repair and replace any existing utilities contained on said vacated street.

First Reading: May 9, 1994.

Second Reading: May 9, 1994.

Third Reading: May 9, 1994.

Unanimously passed and adopted by the Town Council for the Town of Sellersburg on this 9th day of May, 1994.

TOWN OF SELLERSBURG TOWN COUNCIL:

Stanley E. Tucker

STANLEY E. TUCKER

Roy E. Everitt

ROY E. EVERITT

Karl N. Truman

KARL N. TRUMAN

David L. Broady

DAVID L. BROADY

Aulton D. Eddings

AULTON D. EDDINGS

ATTEST:

Linda G. Schaffer

LINDA G. SCHAFER,
CLERK-TREASURER

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUN 9 1994

Ralph C. Stemler
AUDITOR CLARK COUNTY

RECEIVED
FOR RECORD


JUN 9 2 59 PM '94
Deed

RECORDED IN ORA 26

INSTR NO. 8845
RALPH C. STEMLER
RECORDER OF CLARK CO.

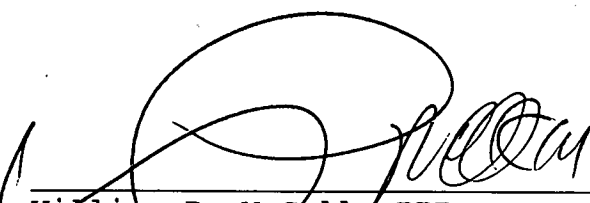
I, the undersigned, Clerk-Treasurer of the Town of Sellersburg, do hereby certify that the above and foregoing is a true and correct copy of Ordinance passed on the 9th day of May, 1994, by the Town of Sellersburg Town Council, which document is maintained in my possession, and I further certify that said ordinance has not been amended or rescinded.

Dated this 9th day of May, 1994.



Linda G. Schafer
Clerk-Treasurer
Town of Sellersburg

Prepared By:



William P. McCall, III
Sellersburg Town Attorney
Attorney #14159-10
425 Watt Street, P.O. Box 729
Jeffersonville, Indiana 47131
Telephone: (812) 282-8429

11018

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

JUL 18 1994

ORDINANCE NO. 94-595
AN ORDINANCE VACATING PUBLIC ALLEYWAYS
IN FAIRVIEW ADDITION, SILVER CREEK TOWNSHIP

David J. [Signature]
AUDITOR CLARK COUNTY

WHEREAS, Indiana Vocational Technical College, Ivy Tech Southcentral, filed a Petition to Vacate a Public Way; and

WHEREAS, a public hearing was held at the Town of Sellersburg on the 11th day of July, 1994 on such petition; and

WHEREAS, notice of such hearing was duly and properly given by publication in the Evening News and the Clark County Journal in accordance with Indiana law as is evidenced by the Publisher's Affidavit of *July 11* dated *1994*; and

WHEREAS, there were no remonstrances against such petition; and

WHEREAS, the vacation requested will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the vacation requested will not make access to any lands by public way difficult or inconvenient; and

WHEREAS, the vacation requested will not hinder the public's access to a church, school, or other public buildings or place; and

WHEREAS, the vacation requested will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Sellersburg, Clark County, Indiana as follows:

The alleyways running along the southeastern boundary of lots no. 1 through 16 of "Block E" of Fairview Addition, and lots 10 and 16 of "Block D" of Fairview Addition, in Silver Creek Township, Clark County, Indiana shall be, and is hereby vacated and abandoned.

The alleyway running all along and adjacent to the east of Lot 1 "Block E" of Fairview Addition, in Silver Creek Township,

Clark County, Indiana shall be, and is hereby vacated and abandoned.

This ordinance was adopted by the Town Council for the Town of Sellersburg, Clark County, Indiana, pursuant to I.C. 36-7-3, and in accordance with the provisions of I.C. 5-3-1-2 and I.C. 5-14-1.5 on this 11 day of July, 1994.

TOWN COUNCIL, TOWN OF SELLERSBURG:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

RECEIVED FOR RECORD

JUL 19 1 37 PM '94
RECORDED IN Seed DRA 26
INSTR. NO. 11018
RALPH C. STEHLER
RECORDER OF CLARK CO.

Attest:

[Signature]
Clerk-Treasurer
Town of Sellersburg

7-11-94
Date

This is a true and exact copy of the original [Signature] Clerk Treasurer.

Dated this 13th day of July, 1994.
County of Clark
State of Indiana

[Signature]
Cheryl L. Dean
Notary Public

Clark County, Indiana shall be, and is hereby vacated and abandoned.

This ordinance was adopted by the Town Council for the Town of Sellersburg, Clark County, Indiana, pursuant to I.C. 36-7-3, and in accordance with the provisions of I.C. 5-3-1-2 and I.C. 5-14-1.5 on this 11 day of July, 1994.

TOWN COUNCIL, TOWN OF SELLERSBURG:

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

RECEIVED

RECEIVED FOR RECORD

JUL 19 1 37 PM '94
RECORDED IN Seed DRA 26
INSTR. NO. 11018
RALPH G. STEMLER
RECORDER OF CLARK CO.

Attest:

[Signature]
Clerk-Treasurer
Town of Sellersburg

7-11-94
Date

This is a true and exact copy of the
Original [Signature] Clerk Treasurer.

CLERK OF CLARK COUNTY
STATE OF INDIANA
RALPH G. STEMLER
RECORDER OF CLARK CO.

[Signature]
Cheryl L. Dean
Notary Public
My Commission Expires 06-16-97

ORDINANCE NO. 94-596

AN ORDINANCE AMENDING ORDINANCE NO. 509

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 9th day of September, 1991, pass and adopt Ordinance No. 509; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, wishes to clarify language which appears in paragraph B of Ordinance 509.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG that Paragraph B of Ordinance 509 shall now read as follows:

Each owner, upon application for these services shall pay an application fee of \$25.00; for each year thereafter a service fee of \$25.00 will be assessed.

SO ORDAINED THIS 25 DAY OF July, 1994

Stanley E. Tucker
STANLEY E. TUCKER

David Broady
DAVID BROADY

Roy E. Everitt
ROY E. EVERITT

Aulton D. Eddings
AULTON D. EDDINGS

Karl W. Truman
KARL W. TRUMAN

ATTEST: Linda G. Schaffer
LINDA SCHAFFER
CLERK/TREASURER

ORDINANCE NO. 94-597

AN ORDINANCE INCREASING WEIGHT LIMIT ON
TERRY LANE AND WILSON LANE FROM
SIX (6) TONS TO EIGHT (8) TONS

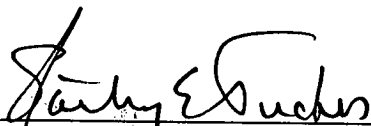
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that the best interests of the Town of Sellersburg can be served by a weight limit increase from six (6) tons to eight (8) tons on Terry Lane and Wilson Lane, which is located within the Town of Sellersburg; and

WHEREAS, the issue of a weight limit increase on said streets was discussed in an open meeting in which the public was invited to participate; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that said Ordinance is in the best interest of the Town of Sellersburg, Indiana, and its residents.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that the weight limit on Terry Lane and Wilson Lane, located in the Town of Sellersburg, Indiana, shall be, and hereby is, increased from a six (6) ton limit to an eight (8) ton limit.

SO ORDAINED THIS 8 DAY OF August, 1994.



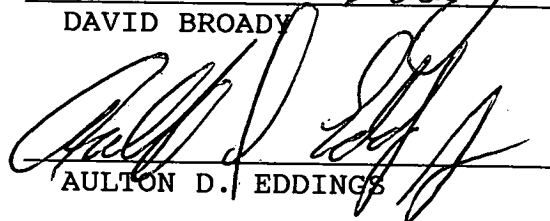
STANLEY E. TUCKER



DAVID BROADY



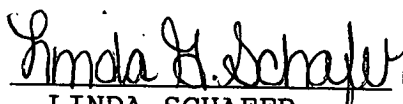
ROY E. EVERITT



AULTON D. EDDINGS



KARL N. TRUMAN

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

ORDINANCE NO. 94-598

AN ORDINANCE AUTHORIZING PLACEMENT OF A STOP SIGN
AT THE INTERSECTION OF OHIO AVENUE AND ENTERPRISE WAY


WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed that there is a traffic problem at the intersection of Ohio Avenue and Enterprise Way; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has, in open meetings, discussed the current traffic problems at the intersection of Ohio Avenue and Enterprise Way; and

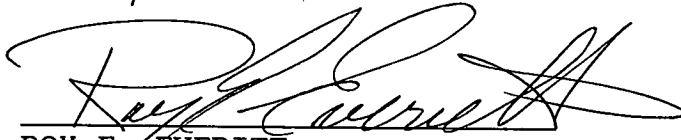
WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that it is in the best interest of safety and the citizens of the Town of Sellersburg, Indiana, that the yield sign which currently exists at the intersection of Ohio Avenue and Enterprise Way be replaced with a stop sign;

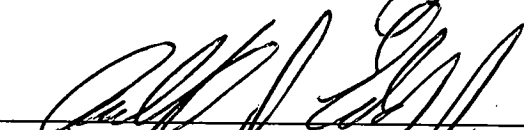
THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that the yield sign currently in place at the corner of Ohio Avenue and Enterprise Way be replaced and a stop sign shall be placed at the said intersection.


SO ORDAINED THIS 8 DAY OF August, 1994.



STANLEY E. TUCKER


DAVID BROADY


ROY E. EVERITT


AULTON D. EDDINGS


KARL N. TRUMAN

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

File

Karl's Salary Ordinance

ORDINANCE NO 599

1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday 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 _____ day of _____, 1994, by the Town Council of the Town of Sellersburg, That:

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1995:

SEWER DEPARTMENT

Superintendent	578.72 per week	
Maint. Supervisor	423.60 per week	10.59 per hour
Laborer	356.00 per week	8.90 per hour
Laborer	335.20 per week	8.38 per hour
Laborer	330.00 per week	8.25 per hour
Laborer	309.20 per week	7.73 per hour
Chief Deputy Clerk	361.62 per week	
Clerk Treasurer	11,140.74 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Lab Tech	330.00 per week	8.25 per hour
Town Hall Clerk	273.20 per week	6.83 per hour
Town Manager	13,500.16 per year	

WATER DEPARTMENT

Superintendent	578.72 per week	
Heavy Equip. Oper.	430.80 per week	10.77 per hour
Plant Operator	309.20 per week	7.73 per hour
Laborer	330.00 per week	8.25 per hour
Meter Repair	309.20 per week	7.73 per hour
Billing Clerk	299.60 per week	7.49 per hour
Acct. Rec. Clerk	299.60 per week	7.49 per hour
Clerk Treasurer	11,140.74 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Town Manager	13,500.16 per year	

GENERAL FUND

Town Manager	3,000.04 per year
Clerk Treasurer	2,475.72 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Town Attorney	2,500.00 per year

ORDINANCE NO. _____

Page 2.

STREET AND SANITATION DEPARTMENT

Superintendent	578.72 per week	
Truck Driver	335.20 per week	8.38 per hour
Laborer	309.20 per week	7.73 per hour
Laborer	309.20 per week	7.73 per hour
Laborer	309.20 per week	7.73 per hour
Laborer	309.20 per week	7.73 per hour

POLICE DEPARTMENT

Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Part-time Dispatcher	217.60 per week	5.44 per hour

Holiday pay for Dispatchers will be determined on 3 persons for 9 holidays which will be 27 days x 8 hours which equals 216 hours.

Chief of Police Salary 01-01-95 thru 09-27-95	724.72 per week	
Chief of Police Salary 09-28-95 and 09-29-95	18.12 per hour x .16 =	289.92
Chief of Police Ins. 01-01-95 thru 09-30-95	106.70 x 9 =	960.30
Chief of Police Holiday 01-01-95 thru 09-30-95	44 x 18.12 =	797.28
Chief of Police Longevity	589.60 per year	
Chief of Police Perf Compensation 3 quarters x 1,362.01 per quarter =		4086.03

Chief of Police contract expires 09/30/95 at 11:59 p.m. Contract for new/ or current chief subject to negotiation and an ammendment to salary ordinance will be presented at time of a new chief's contract or current chiefs.

	<u>Salary</u>	<u>Holiday</u>	<u>Longevity</u>
Assistant Chief	580.58	1,044.72	825.44
Detective/Capt.	495.12	891.36	2,240.48
Sergeant	474.89	854.64	2,122.56
Sergeant -TBD-	474.89	854.64	
Patrolman	453.55	816.48	1,179.20
Patrolman	453.55	816.48	1,179.20
Patrolman	453.55	816.48	1,061.28
Patrolman	453.55	816.48	707.52
Patrolman	453.55	816.48	235.84
New Patrolman -TBA-	402.96	725.04	-0-
Patrolman (Oldham)			
01-01-95 - 09-06-95	402.96	443.08	-0-
09-07-95 - 12-31-95	453.54	317.52	-0-

The salary ordinance is subject to change due to section 03.02-vacations in the policies and procedures manual adopted by the Sellersburg Town Council 05/11/92

SO ORDAINED THIS _____ DAY OF _____, 1994 FOR THE COMING YEAR OF 1995.

David Broady

Karl Truman

Roy Everitt

Stanley E. Tucker

Aulton D. Eddings Jr.

Attest: Linda G. Schafer
Clerk Treasurer

1995 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday 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 August, 1994, by the Town Council of the Town of Sellersburg, that:

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1995:

SEWER DEPARTMENT

Superintendent	578.72 per week	
Maint. Supervisor	423.60 per week	10.59 per hour
Laborer	356.00 per week	8.90 per hour
Laborer	335.20 per week	8.38 per hour
Laborer	330.00 per week	8.25 per hour
Laborer	309.20 per week	7.73 per hour
Chief Deputy Clerk	361.62 per week	
Clerk Treasurer	11,697.78 per year	
Town Council Member	2,126.25 per year	
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Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Lab Tech	330.00 per week	8.25 per hour
Town Hall Clerk	273.20 per week	6.83 per hour
Town Manager	13,500.16 per year	

WATER DEPARTMENT

Superintendent	578.72 per week	
Heavy Equip. Oper.	430.80 per week	10.77 per hour
Plant Operator	309.20 per week	7.73 per hour
Laborer	330.00 per week	8.25 per hour
Meter Repair	309.20 per week	7.73 per hour
Billing Clerk	299.60 per week	7.49 per hour
Acct. Rec. Clerk	299.60 per week	7.49 per hour
Clerk Treasurer	11,697.78 per year	
Town Council Member	2,126.25 per year	
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Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Council Member	2,126.25 per year	
Town Attorney	11,250.00 per year	
Town Manager	13,500.16 per year	

GENERAL FUND

Town Manager	3,000.04 per year
Clerk Treasurer	2,599.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Town Council Member	472.50 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Commissioner	500.00 per year
Town Attorney	2,500.00 per year

STREET AND SANITATION DEPARTMENT

Superintendent	578.72 per week	
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Laborer	309.20 per week	8.38 per hour
Laborer	309.20 per week	7.73 per hour
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Laborer	309.20 per week	7.73 per hour
Laborer	309.20 per week	7.73 per hour

POLICE DEPARTMENT

Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Dispatcher	303.60 per week	7.59 per hour
Part-time Dispatcher	217.60 per week	5.44 per hour

Holiday pay for Dispatchers will be determined on 3 persons for 9 holidays which will be 27 days x 8 hours which equals 216 hours.

Chief of Police Salary 01-01-95 thru 09-27-95	724.72 per week
Chief of Police Salary 09-28-95 and 09-29-95	18.12 per hour x 16 = 289.92
Chief of Police Ins. 01-01-95 thru 09-30-95	106.70 x 9 = 960.30
Chief of Police Holiday 01-01-95 thru 09-30-95	44 x 18.12 = 797.28
Chief of Police Longevity	589.60 per year
Chief of Police Perf Compensation 3 quarters x 1,362.01 per quarter	= 4086.03

Chief of Police contract expires 09/30/95 at 11:59 p.m. Contract for new/ or current chief subject to negotiation and an ammendment to salary ordinance will be presented at time of a new chief's contract or current chiefs.

	Salary	Holiday	Longevity
Assistant Chief	580.58	1,044.72	825.44
Detective/Capt.	495.12	891.36	2,240.48
Sergeant	474.89	854.64	2,122.56
Sergeant -TBD-	474.89	854.64	
Patrolman	453.55	816.48	1,179.20
Patrolman	453.55	816.48	1,179.20
Patrolman	453.55	816.48	1,061.28
Patrolman	453.55	816.48	707.52
Patrolman	453.55	816.48	235.84
New Patrolman -TBA-	402.96	725.04	-0-
Patrolman (Oldman)			
01-01-95 - 09-08-95	402.96	443.08	-0-
09-07-95 - 12-31-95	453.54	317.52	-0-

The salary ordinance is subject to change due to section 03.02-vacations in the policies and procedures manual adopted by the Sellersburg Town Council 05/11/92

SO ORDAINED THIS 8th DAY OF August, 1994 FOR THE COMING YEAR OF 1995.

David Broady
David Broady

Karl Truman

Stanley E. Tucker

Stanley E. Tucker

Linda G. Schafer

Attest: Linda G. Schafer
Clerk Treasurer

Roy Everett

Aulton D. Eddings Jr.



**DESCRIPTION OF VACATION TRACT "F"
(NORTHERLY HALF OF BUCHEIT AVENUE)**

A part of Bucheit Avenue north of State Road 311 and adjacent to Scheller's 2nd Addition, more particularly described as follows:

Beginning at an iron pipe at the intersection of the northwest line of State Road 311 and the southwest line of Bucheit Avenue, thence the following courses:

North 50 deg. 24 min. 12 sec. East, 15.53 feet with the northwest line of State Road 311 to the centerline of Bucheit Avenue, thence the following courses of the boundary:

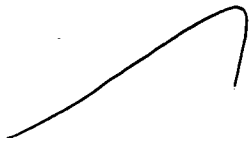
North 54 deg. 30 min. 00 sec. West, 121.73 feet with the centerline of Bucheit Avenue;

North 35 deg. 30 min. 00 sec. East, 15.00 feet to the northeast line of Bucheit Avenue;

South 54 deg. 30 min. 00 sec. East, 125.74 feet with the northeast line of Bucheit Avenue to the northwest line of State Road 311;

South 50 deg. 24 min. 12 sec. West, 15.53 feet with the northwest line of State Road 311 to the true place of beginning and containing 0.043 acres of land, more or less.

12.00
Perry McCall



STITES & HARBISON

323 EAST COURT AVENUE

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** ADMITTED IN INDIANA ONLY
AND KENTUCKY
*** ADMITTED IN TEXAS, FLORIDA
INDIANA AND KENTUCKY
**** ADMITTED IN PENNSYLVANIA
AND KENTUCKY
***** ADMITTED IN GEORGIA ONLY

July 27, 1994

Linda G. Schafer
Clerk-Treasurer
Town of Sellersburg
316 E. Utica
P.O. Box 85
Sellersburg, IN 47172

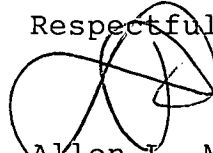
Re: Petition to Vacate Alleyways by
Indiana Vocational Technical College,
Ivy Tech Southcentral

Dear Ms. Schafer:

Enclosed is the recorded Ordinance in the above referenced matter.

Should you have any questions concerning this matter, please feel free to call me.

Respectfully,



Allen L. Morris

ALM/sib

Enclosure

JUL 18 1994

ORDINANCE NO. 94-595
AN ORDINANCE VACATING PUBLIC ALLEYWAYS
IN FAIRVIEW ADDITION, SILVER CREEK TOWNSHIP
AUDITOR CLARK COUNTY

WHEREAS, Indiana Vocational Technical College, Ivy Tech Southcentral, filed a Petition to Vacate a Public Way; and

WHEREAS, a public hearing was held at the Town of Sellersburg on the 11th day of July, 1994 on such petition; and

WHEREAS, notice of such hearing was duly and properly given by publication in the Evening News and the Clark County Journal in accordance with Indiana law as is evidenced by the Publisher's Affidavit of July 11 dated 1994; and

WHEREAS, there were no remonstrances against such petition; and

WHEREAS, the vacation requested will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the vacation requested will not make access to any lands by public way difficult or inconvenient; and

WHEREAS, the vacation requested will not hinder the public's access to a church, school, or other public buildings or place; and

WHEREAS, the vacation requested will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Sellersburg, Clark County, Indiana as follows:

The alleyways running along the southeastern boundary of lots no. 1 through 16 of "Block E" of Fairview Addition, and lots 10 and 16 of "Block D" of Fairview Addition, in Silver Creek Township, Clark County, Indiana shall be, and is hereby vacated and abandoned.

The alleyway running all along and adjacent to the east of Lot 1 "Block E" of Fairview Addition, in Silver Creek Township,

Jacobi, Toombs and Lanz, inc.
Consulting Engineers
120 Bell Avenue
Clarksville, Indiana 47129
812 288-6646



LETTER OF TRANSMITTAL

DATE	9-27-94	JOB NO.	8823 65
ATTENTION			
RE:			

TO LINDA SCHAFER
Clerk - Treasurer
Sellersburg

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order _____

REMARKS LINDA

Here is an "original" of
ORDINANCE 94601
FOR THE TOWN FILES
"INDUSTRIAL PRETREATMENT ORDINANCE"

COPY TO _____

SIGNED: *John Toombs*

If enclosures are not as noted, kindly notify us at once.

ORDINANCE 1994 - 94601

INDUSTRIAL PRETREATMENT ORDINANCE
TOWN OF SELLERSBURG, INDIANA

SEPTEMBER 1994

Prepared by:

*COMMONWEALTH ENGINEERS, INC.
ENVIRONMENTAL ENGINEERS AND CONSULTANTS
Indianapolis, Indiana*

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SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Town of Sellersburg and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the Federal Sludge Regulations (40 Code of Federal Regulations, Part 503). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the Town to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Wastewater Utility Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Wastewater Utility Superintendent may be delegated by the Wastewater Utility Superintendent to other Town personnel.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD₅ - Biochemical Oxygen Demand - Five Day
- CFR - Code of Federal Regulations
- COD₅ - Chemical Oxygen Demand - Five Day
- EPA - U.S. Environmental Protection Agency - Washington D.C.
- EPA Reg. V - U.S. Environmental Protection Agency, Region V - Chicago, Illinois
- FOG - Fats, Oil and Grease
- gpd - gallons per day
- IC - Indiana Code
- IDEM - Indiana Department of Environmental Management
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O & G - Oil and Grease
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*
- B. Approval Authority. The Regional Administration of U.S. EPA Region V.

- C. Authorized Representative of the User.
- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Council.
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
- E. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- F. Council. The Town Council of the Town of Sellersburg, Indiana.
- G. Town. The Town of Sellersburg under the jurisdiction of the Sellersburg Town Council.
- H. Composite Sampling. Method of sampling which weights sample volume with discharge flow rate.
- I. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Region V Water Management Division Director, or other duly authorized official of said agency.
- J. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- K. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- L. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- M. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- N. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Federal 40 CFR Part 503 Sludge Regulations; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- O. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- P. New Source.
- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous on-site construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- Q. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- R. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.
- S. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- T. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- U. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD₅, COD₅, toxicity, or odor).
- V. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- W. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- X. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- Y. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

- Z. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- AA. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- BB. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- CC. Significant Industrial User.
- (1) A user subject to categorical pretreatment standards; or
 - (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
 - (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.
- DD. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.
- EE. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- FF. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- GG. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- HH. User or Industrial User. A source of indirect discharge.
- II. Wastewater Utility Superintendent. The person designated by the Sellersburg Town Council who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

- JJ. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- KK. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW sewers including in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Wastewater Utility Superintendent in accordance with Section 3.4 of this ordinance;

- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Wastewater Utility Superintendent;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Wastewater Utility Superintendent in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Wastewater Utility Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Wastewater Utility Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.3 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum concentrations based upon a 24-hour composite sample. Multiple industrial wastewater dischargers from a permitted facility exclusive of domestic and cooling waters may be combined in a flow weighted manner to determine compliance with the following limitations for a daily maximum 24-hour composite sample.

0.10	mg/l Arsenic (total)
2.0	mg/l Cadmium (total)
0.90	mg/l Hex. Chromium
3.0	mg/l Total Chromium
4.0	mg/l Copper
0.02	mg/l Cyanide (total)
0.02	mg/l Lead (total)
0.016	mg/l Mercury (total)
12.0	mg/l Nickel
1.0	mg/l Selenium
4.1	mg/l Silver
1.0	mg/l Phenols
10.0	mg/l Zinc (total)

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Wastewater Utility Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular user, the said standard, if more stringent than the limitations imposed under this chapter for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this ordinance. The Wastewater Utility Superintendent shall notify all known affected users of the applicable permitting and reporting requirements under 40 CFR 403.12.

2.4 Council's Right of Revision

The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.5 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Wastewater Utility Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities and Grease Traps

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Wastewater Utility Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Wastewater Utility Superintendent for review, and shall be acceptable to the Wastewater Utility Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance.

Specific to facilities subject to oil and grease discharge or potential of discharge, said facility shall install a grease trap with a minimum capacity of 1,000 gallons. Notification prior to installation shall be made to the Wastewater Utility Superintendent. Additionally, the facility shall obtain all necessary local and state construction permits prior to installation. Individual grease traps shall be maintained to ensure proper operation and, at a minimum, be cleaned and pumped once every sixty (60) days.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Wastewater Utility Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Wastewater Utility Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Wastewater Utility Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Wastewater Utility Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Wastewater Utility Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Wastewater Utility Superintendent of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- A. Wastewater haulers shall have a valid wastewater hauler discharge permit before discharging wastes to the POTW. Each permitted wastewater hauling vehicle shall prominently display a number issued by the Town on both doors of the vehicle cab. Such numbers shall be removable only by destruction.

- B. Wastewater may be introduced into the POTW only at locations designated by the Wastewater Utility Superintendent, and at such times as are established by the Wastewater Utility Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the Town.
- C. Prior to being issued a hauler discharge permit, the following conditions shall be met:
 - (1) Each truck tank shall have a sight glass calibrated in 100-gallon increments.
 - (2) Each vehicle shall be equipped to use the quick disconnect couplers at the wastewater hauler dumping station.
 - (3) Each vehicle shall maintain records evidencing the origin of the wastewater to be discharged and each driver shall record such information on forms provided by the Town.
- D. All procedures for discharging, for cleanliners, and for general sanitary operation on Town property as prescribed by the Town shall be strictly adhered to by all wastewater haulers delivering wastewater to the designated Town dumping station.
- E. Wastewater from a domestic level user shall not be mixed with wastewater from an industrial user. Vehicles hauling wastewater from an industrial user shall not be used to haul wastewater from a domestic level user for disposal at the POTW.
- F. Wastewater from an industrial user shall identify in writing the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- G. In addition to remedies available to the Town elsewhere in this chapter, failure of a wastewater hauler to comply with the provisions set out herein shall be grounds for revocation of their hauler's discharge permit by the Council.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Wastewater Utility Superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Wastewater Utility Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Wastewater Utility Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Wastewater Utility Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Wastewater Utility Superintendent for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Wastewater Utility Superintendent.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Wastewater Utility Superintendent may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Wastewater Utility Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4.7 Wastewater Discharge Permit Decisions

The Wastewater Utility Superintendent will evaluate the data furnished by the user and may require additional information. Within fifteen (15) days of receipt of a complete wastewater discharge permit application, the Wastewater Utility Superintendent will determine whether or not to issue a wastewater discharge permit. The Wastewater Utility Superintendent may deny any application for a wastewater discharge permit.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Wastewater Utility Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Wastewater Utility Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Town Council in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Wastewater Utility Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The Wastewater Utility Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Wastewater Utility Superintendent to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Wastewater Utility Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Clark County Circuit Court within thirty (30) days.

5.4 Wastewater Discharge Permit Modification

The Wastewater Utility Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- D. Information indicating that the permitted discharge poses a threat to the Town's POTW, Town personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Wastewater Utility Superintendent and the Wastewater Utility Superintendent approves the wastewater discharge permit transfer. The notice to the Wastewater Utility Superintendent must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Wastewater Utility Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Wastewater Utility Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Wastewater Utility Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;

- F. Refusing to allow the Wastewater Utility Superintendent or his agent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines or civil penalties;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or sewer district contributes wastewater to The POTW, the Wastewater Utility Superintendent shall enter into an intermunicipal or interdistrict agreement with the contributing entity.
- B. Prior to entering into an agreement required by paragraph A, above, the Wastewater Utility Superintendent shall request the following information from the contributing entity:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
 - (2) An inventory of all users located within the contributing entity that are discharging to the POTW; and
 - (3) Such other information as the Wastewater Utility Superintendent may deem necessary.
- C. An agreement, as required by paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or local limits;
- (2) A requirement for the contributing entity to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by The contributing municipality; which of these activities will be conducted by the Wastewater Utility Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Wastewater Utility Superintendent;
- (4) A requirement for the contributing entity to provide the Wastewater Utility Superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing entity's wastewater at The point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing entity's discharge;
- (7) A provision ensuring the Wastewater Utility Superintendent access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Wastewater Utility Superintendent; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal or interdistrict agreement.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Utility Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Wastewater Utility Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below.

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Wastewater Utility Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
- (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, project status reports, beginning operation, and attain compliance);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Wastewater Utility Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Wastewater Utility Superintendent.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Wastewater Utility Superintendent a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Wastewater Utility Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Wastewater Utility Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Wastewater Utility Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- A. The Wastewater Utility Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Wastewater Utility Superintendent may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Wastewater Utility Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Wastewater Utility Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin Council or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Wastewater Utility Superintendent as the Wastewater Utility Superintendent may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Wastewater Utility Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Wastewater Utility Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Wastewater Utility Superintendent monitors at the user's facility at least once a month, or if the Wastewater Utility Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Notification of the Discharge of Hazardous Waste

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the U.S. EPA Region V, and the IDEM, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Wastewater Utility Superintendent, the U.S. EPA Region V, and the Indiana Department of Environmental Management (IDEM) of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

6.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

6.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Wastewater Utility Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease (O & G), temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or where the user has been specifically notified of a longer retention period by the Wastewater Utility Superintendent.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Wastewater Utility Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Wastewater Utility Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Wastewater Utility Superintendent or his agent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Wastewater Utility Superintendent or his agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Wastewater Utility Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of once per year to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Wastewater Utility Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

- E. Unreasonable delays in allowing the Wastewater Utility Superintendent or his agent access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

If the Wastewater Utility Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Wastewater Utility Superintendent may seek issuance of a search warrant from the Clark County Circuit Court of Jeffersonville, Indiana.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Wastewater Utility Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Wastewater Utility Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Wastewater Utility Superintendent may publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6)-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6)-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, FOG, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the Wastewater Utility Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Wastewater Utility Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which the Wastewater Utility Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Wastewater Utility Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Utility Superintendent may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Wastewater Utility Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Wastewater Utility Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Agreed Orders

The Town of Sellersburg may enter into Agreed Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Wastewater Utility Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Wastewater Utility Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

When the Wastewater Utility Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Utility Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

When the Wastewater Utility Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Wastewater Utility Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Administrative Fines

- A. When the Wastewater Utility Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Utility Superintendent may fine such user in an amount not to exceed \$25,000 as provided by Section 505 of the Federal Clean Water Act(33 USC 1365). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Wastewater Utility Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Wastewater Utility Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Wastewater Utility Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 Emergency Suspensions

The Wastewater Utility Superintendent may immediately suspend a user's discharge, after formal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Wastewater Utility Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Wastewater Utility Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Utility Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Wastewater Utility Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Utility Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Wastewater Utility Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Wastewater Utility Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Utility Superintendent may petition the Clark County Circuit Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Wastewater Utility Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Wastewater Utility Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Wastewater Utility Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Wastewater Utility Superintendent may take other action against any user when the circumstances warrant. Further, the Wastewater Utility Superintendent is empowered to take more than one enforcement action against any noncompliant user.

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the Wastewater Utility Superintendent within twenty-four (24) hours of becoming aware of the upset:
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through 16 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

12.3 Bypass

- A. For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.
- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Wastewater Utility Superintendent, at least ten (10) days before the date of the bypass, if possible.

- (2) A user shall submit oral notice to the Wastewater Utility Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Wastewater Utility Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the Wastewater Utility Superintendent may take an enforcement action against a user for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Wastewater Utility Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Wastewater Utility Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Pretreatment Charges and Fees

The Council may adopt reasonable fees for reimbursement of costs of setting up and operating the Town's Pretreatment Program which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the Council may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Town.

13.2 Surcharge and Fee Schedule

If the characteristics of the wastewater of any user as determined by the Town shall be such as to impose a burden upon the POTW, then an additional charge or surcharge as determined by the Council shall be charged such user over and above the regular service charge, or the Town shall require that such wastewater be treated by the user responsible before being discharged into the system. This surcharge fee shall be collected on the basis of estimating the surchargeable amount with each monthly billing.

The surcharges to be charged for the treatment of extra strength sewage shall be determined by the following table.

The surcharge shall become in effect should the concentration of BOD₅ (Biochemical Oxygen Demand), TSS (Total Suspended Solids), and Ammonia as Nitrogen exceed the concentrations listed in the first column. The surcharge shall be charged for each pound of the particular pollutant in excess of these concentrations.

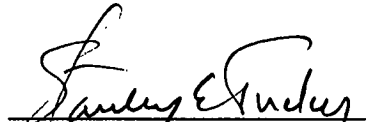
<u>Pollutant</u>	<u>Maximum Concentration Not Subject to Surcharge</u>	<u>Surcharge</u>
BOD ₅	≤200 mg/l	\$0.23/gallon over 200 mg/l
TSS	≤250 mg/l	\$0.19/pound over 250 mg/l
Ammonia as Nitrogen	≤30 mg/l	\$0.60/pound over 30 mg/l


SECTION 14 - EFFECTIVE DATE


- A. This Ordinance shall become immediately effective upon its adoption by the Town Council, enrollment in the book of Ordinances, and publication of notice as required by law.
- B. Any Ordinance in contradiction to this Ordinance is hereby repealed.

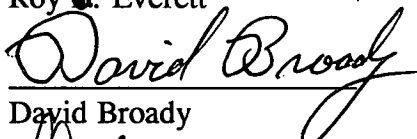
The foregoing Ordinance was passed and adopted by the Town Council of the Town of Sellersburg, Indiana at a regular meeting held on the 26th day of September, 1994

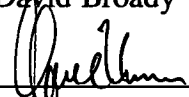
TOWN COUNCIL
SELLERSBURG, IN


Stanley E. Tucker,
President


A. Douglas Eddings, Jr.

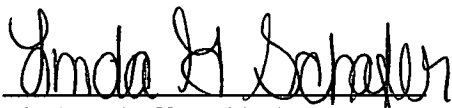

Roy E. Everett


David Broady


Karl N. Truman

(SEAL)

ATTEST:


Linda Schaffer, Clerk-Treasurer

TOWN OF SELLERSBURG

316 EAST UTICA STREET
P.O. BOX 85
SELLERSBURG, INDIANA 47172
(812) 246-3821

September 23, 1994

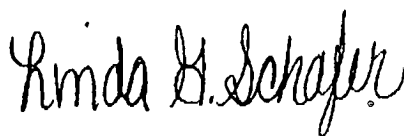
William P. McCall III, Attorney
425 Watt St.
Jeffersonville, In. 47130

Dear Mr. McCall:

I am requesting that Ordinance # 22 be amended to allow the Town of Sellersburg authorized personnel to discharge a single or double pistol containing a 6mm blank round in the angled chamber which will launch a 15mm screamer or exploder cartridge. The purpose is for the effective administration of the bird frightening system that the town has recently purchased.

If you have any questions, please, call!

Sincerely,



Linda G. Schafer
Sellersburg Clerk Treasurer

lgs

ORDINANCE NO. 94-602

AN ORDINANCE AMENDING ORDINANCE NO. 22 REGARDING
THE DISCHARGE OF ANY GUN, PISTOL OR OTHER FIREARMS,
SQUIB, BOMB, OR FIREWORKS OF ANY KIND WITHIN THE CORPORATE
LIMITS OF THE TOWN OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now has in place an Ordinance which prevents any person from discharging or causing to be discharge any gun, pistol or other firearms, squib, bomb, or fireworks of any kind within the corporate limits of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has recently purchased a system for the effective removal of birds from various areas within the corporate limits of the Town of Sellersburg; and

WHEREAS, as part of the program to remove birds from the Town of Sellersburg, it is necessary to discharge pistols, screamers, exploders and other pyrotechnic devices for the purpose of disturbing the birds from their roosts; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined that Ordinance No. 22 should be amended to allow "authorized personnel" within the Town of Sellersburg, Indiana, to discharge pistols, screamers, exploders and/or other pyrotechnic devices which can effectuate removal of birds from the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined authorized personnel shall be defined as the Town of Sellersburg Animal Control Officer, Town of Sellersburg Police Officer and/or those individuals which have received written

authorization from the Town's animal control officer to use and discharge a pistol, screamer, exploder and/or other pyrotechnic devise for the purpose of disturbing the birds from their roosts; and

WHEREAS, the written authorization granted by the Town's animal control officer shall be for a time not to exceed fourteen (14) consecutive days; and

WHEREAS, the matter was considered in an open meeting at which the public was invited to attend and participate.

THEREFORE, BE IT ORDAINED by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 22 shall be, and hereby is, amended to allow authorized personnel within the Town of Sellersburg, Indiana, to discharge pistols, screamers, exploders and/or other pyrotechnic devises within the town limits of the Town of Sellersburg, Indiana, for the purpose of effectuating the removal of birds from various ares within the corporate limits of the Town of Sellersburg.

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg, Indiana, that the Town of Sellersburg Animal Control Officer, Town of Sellersburg Police Officer and/or other individual who has received written consent from the Town's animal control officer shall be authorized to discharge pistols, screamers, exploders and/or other pyrotechnic devices with the town limits of the Town of Sellersburg, Indiana, for effectuating the removal of birds from various areas within the corporate limits of the Town of Sellersburg.

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg, Indiana, that said written authorization granted by the Town's animal control officer shall be for a period of time not to exceed fourteen (14) consecutive days.

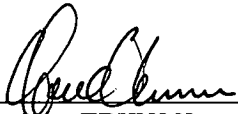
SO ORDAINED THIS _____ DAY OF _____, 1994.



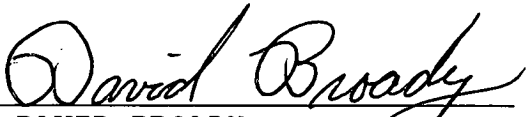
STANLEY E. TUCKER

absent

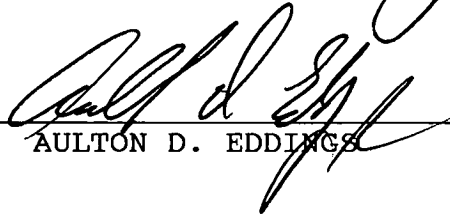
ROY E. EVERITT



KARL N. TRUMAN



DAVID BROADY



AULTON D. EDDINGS

ATTEST: _____
LINDA SCHAFER
CLERK/TREASURER

Ordinance No. 22

Section 1: Be it ordained by the Board of Trustees of the Town of Sellersburg that it shall be unlawful for any person to discharge or cause to be discharged any gun, pistol, or other fire arms, squib, bomb, or fire works of any kind, within the corporate limits of the Town of Sellersburg.

Section 2: Any person violating any of the provisions of this ordinance shall upon conviction be fined in any sum not less than one dollar nor more than ten dollars for each offense.

Section 3. This ordinance shall take effect and be in force from and after its due publication.

specification of authorized personnel
written authorization of annual control officer
time limit on authorization

ORDINANCE NO. 94-603

AN ORDINANCE AMENDING ORDINANCE NO. 509 GOVERNING
SEWER RATE CREDITS FOR AUTOMATIC LAWN SPRINKLER SYSTEMS

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 9th day of September, 1991, pass and adopt Ordinance No. 509 governing sewer rate credits for automatic lawn sprinkler systems; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, wishes to change and amend said Ordinance to better serve the needs of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined the amendment of said Ordinance will allow for the efficient and effective administration of Town Government; and

WHEREAS, this matter was discussed in an open meeting at which the public were invited to attend and participate.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that Ordinance No. 509, should be amended as follows:

Paragraph A shall read:

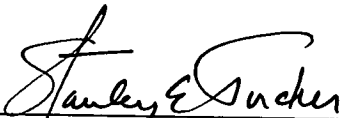
All individuals that are on Town of Sellersburg wastewater treatment who use and have permanently installed underground lawn sprinkler systems may be exempt from payment of sewer use charges on the water used for said sprinkler systems, upon owner's application, under the following terms and conditions;

Paragraph A, subsection 3, shall read:


The main water meter will be read on a monthly basis and the property owner is responsible for water and sewer charges based upon gallons of water used in accordance with the ordinary and customary charges of the Town of Sellersburg. The Town will read the second meter one month per year. During this one month of the year the Town will calculate the amount of sewer charges incurred for the water use of the second meter and credit to the account of the owner the amount of sewer charges incurred for the water usage indicated on the second meter. The month each meter will be read will be at the discretion of the Town of Sellersburg and/or its designated agent. The intent and purpose of this calculation is to provide that the owner of the property pays only for water used for the automatic sprinkler system and does not pay for sewer use charges on water used for lawn purposes.

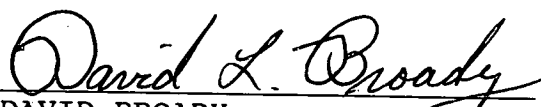
BE IT FURTHER ORDAINED, that all provision of Ordinance No. 509, not so amended shall remain in full force and effect.

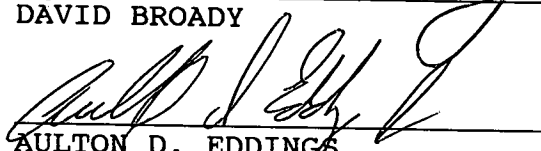
SO ORDAINED THIS 10TH DAY OF OCTOBER, 1994.

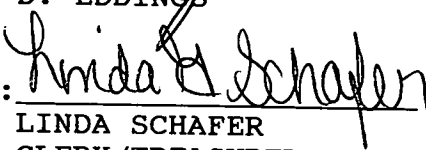

STANLEY E. TUCKER

Against
ROY E. EVERITT


KARL N. TRUMAN


DAVID BROADY


AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK-TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law.

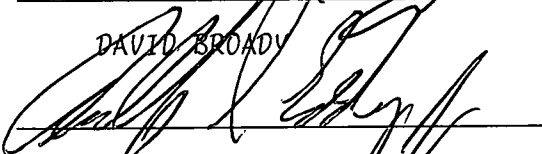
SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME, & AMOUNT		TO ACCT.#, NAME, & AMOUNT	
<u>TOWN COUNCIL</u>		<u>TOWN COUNCIL</u>	
341-INS/OTHER	2500.00	311-CONSULTING SER.	2500.00
341-INS/OTHER	2000.00	394-MISC. SER.	2000.00
341-INS/OTHER	7000.00	312-BUILDING INSPECT.SER.	7000.00
395-JUD/SETTLE.	4000.00	312-BUILDING INSPECT. SER	4000.00
<u>CLERK TREASURER</u>		<u>CLERK TREASURER</u>	
361-CLEAN SER.	1700.00	371-ANIMAL CONTROL	1700.00
<u>POLICE DEPT.</u>		<u>POLICE DEPT.</u>	
113-POLICE SALARY	2500.00	323-TELEPHONE/PAGERS	2500.00
113-POLICE SALARY	1000.00	314-CONSULTING SER.	1000.00
113-Police Salary	200.00	364- Repair Bldg.	200.00
<u>PARKS</u>		<u>PARKS</u>	
227-CONCESSION	400.00	245-OTHER SUP.	400.00
445-POOL FILTERS	1100.00	375-CHEMICAL TEST	1100.00
445-POOL FILTERS	600.00	341-INSURANCE	600.00
445-POOL FILTERS	1300.00	351-PARK ELECT.	1300.00
445-POOL FILTERS	1200.00	362-REPAIRS/MAINT.	1200.00
445-POOL FILTERS	100.00	364-PARK/REPAIRS	100.00
445-POOL FILTERS	300.00	434-LANDSCAPING	300.00
<u>STREET & SANITATION</u>		<u>STREET & SANITATION</u>	
234-FUEL/PACKER	3000.00	121-SOCIAL SEC.	3000.00
234-FUEL/PACKER	200.00	412-TRUCK& MOWER	200.00

SO ORDAINED THIS 10 DAY OF 10 1994.



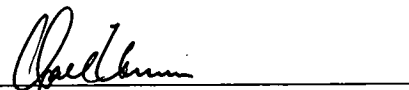
DAVID BROAD



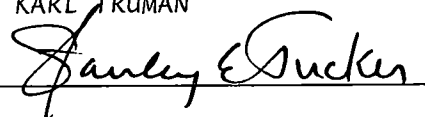
AULTON D. EDDINGS JR.

absent

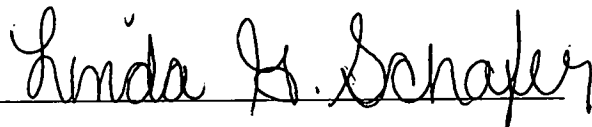
ROY E. EVERITT



KARL TRUMAN



STANLEY E. TUCKER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK-TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME, & AMOUNT	TO ACCT.#, NAME, & AMOUNT
<u>TOWN COUNCIL</u>	
341-INS/OTHER 2500.00	311-CONSULTING SER. 2500.00
341-INS/OTHER 2000.00	394-MISC. SER. 2000.00
341-INS/OTHER 7000.00	312-BUILDING INSPECT.SER. 7000.00
395-JUD/SETTLE. 4000.00	312-BUILDING INSPECT. SER 4000.00
<u>CLERK TREASURER</u>	
361-CLEAN SER. 1700.00	371-ANIMAL CONTROL 1700.00
<u>POLICE DEPT.</u>	
113-POLICE SALARY 2500.00	323-TELEPHONE/PAGERS 2500.00
113-POLICE SALARY 1000.00	314-CONSULTING SER. 1000.00
113-Police Salary 200. <u>PARKS</u>	364-Repairs Bldg <u>PARKS</u> 200.00
227-CONCESSION 400.00	245-OTHER SUP. 400.00
445-POOL FILTERS 1100.00	375-CHEMICAL TEST 1100.00
445-POOL FILTERS 600.00	341-INSURANCE 600.00
445-POOL FILTERS 1300.00	351-PARK ELECT. 1300.00
445-POOL FILTERS 1200.00	362-REPAIRS/MAINT. 1200.00
445-POOL FILTERS 100.00	364-PARK/REPAIRS 100.00
445-POOL FILTERS 300.00	434-LANDSCAPING 300.00
<u>STREET & SANITATION</u>	
234-FUEL/PACKER 3000.00	121-SOCIAL SEC. 3000.00
234-FUEL/PACKER 200.00	412-TRUCK& MOWER 200.00

SO ORDAINED THIS _____ DAY OF _____ 19__

DAVID BROADY

KARL TRUMAN

AULTON D. EDDINGS JR.

STANLEY E. TUCKER

ROY E. EVERITT

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

ORDINANCE 94-605

AN ORDINANCE AMENDING ORDINANCE NO. 93-577 CONCERNING
1994 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 27th day of September 1993, passed Ordinance No. 93-577, establishing the 1994 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following employees of the Town of Sellersburg, Travis Walters, Boyce Adams, Robin Samples, David Kinder; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employees rate of pay; and David Kinder's insurance; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said change is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 93-577 concerning 1994 salary, holiday and longevity pay, shall be and hereby is amended to reflect the following changes;

WATER DEPT.

WATER DEPT. LABOROR [BOYCE ADAMS] changed from 294.40 per week or 7.36 per
(retroactive back to 01/20/94) hour to 314.40 per week or 7.86 per hour

SEWER DEPT.

SEWER DEPT. LABOROR [ROBIN SAMPLES] changed from 300.40 per week or 7.51 per
(retroactive back to 01/20/94) hour to 314.40 per week or 7.86 per hour

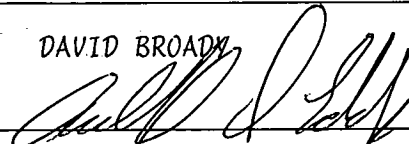
SEWER DEPT. LAB. TECH. [TRAVIS WALTERS] changed from 294.40 per week or 7.36 per
(retroactive back to 01/20/94) hour to 314.40 per week or 7.86 per hour

POLICE DEPT.

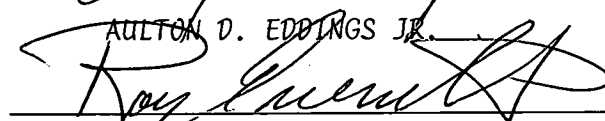
CHIEF OF POLICE INS. changed from 1,596.00 yearly to 853.60
from Jan. thru Aug. and 539.96 from Sept.
thru Dec.

SO ORDAINED THIS 24th DAY OF October 1994.

DAVID BROADY

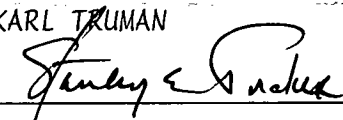


AULTON D. EDDINGS JR.

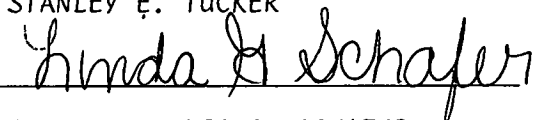


ROY EVERITT

KARL TRUMAN



STANLEY E. TUCKER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

ORDINANCE 94-606

AN ORDINANCE AMENDING ORDINANCE NO. 93-577
CONCERNING 1994 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 27th day of September 1993, passed Ordinance No. 93-577, establishing the 1994 Salary, Holiday and Longevity pay for the employees of the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has been informed of the need for changes that need to be made in the calculations of the pay rate for the following employees of the Town of Sellersburg, Clark Henson, James Blincoe Jr. and Travis Walters; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now wishes to make said changes in the calculations of said employees rate of pay; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, believes that said change is in the best interest for the effective administration of Town government.

THEREFORE, BE IT ORDAINED AND ORDERED, by the Town Council for the Town of Sellersburg, Indiana, that Ordinance No. 93-577 concerning 1994 salary, holiday and longevity pay, shall be and hereby is amended to reflect the following changes:

SEWER DEPARTMENT

WATER DEPT. SUPERINTENDENT [CLARK HENSON]
(retroactive back to 10-06-94)

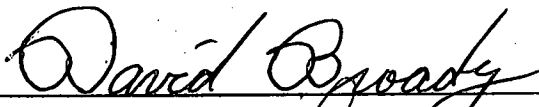
60.00 per week added to his
current water dept. pay of
551.16 per week

SEWER DEPT. MAINT. SUPERVISOR [JAMES BLINCOE JR.] changed from 403.60 per week or
(retroactive back to 10-06-94) 10.09 per hour to 434.00 per week
or 10.85 per hour

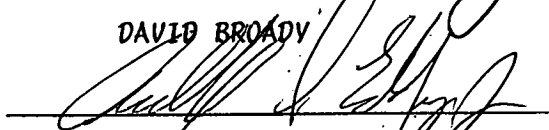
SEWER DEPT. LAB TECH. [TRAVIS WALTERS]
(retroactive back to 10-06-94)

changed from 314.40 per week or
7.86 per hour to 360.00 per week
or 9.00

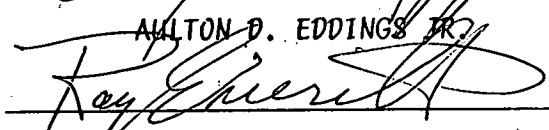
SO ORDAINED THIS 24 DAY OF October 1994.



DAVID BROADY



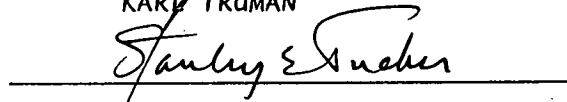
ALTON D. EDDINGS JR.



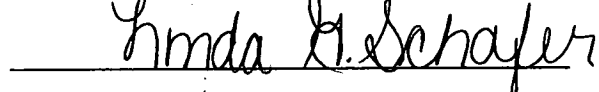
ROY EVERITT



KARL TRUMAN



STANLEY E. TUCKER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

ORDINANCE 94-607

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.#, NAME, & AMOUNT

TO ACCT.#, NAME, & AMOUNT

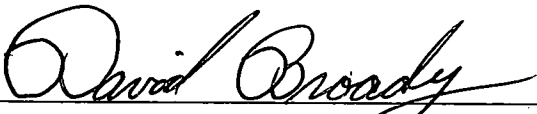
POLICE DEPT.

POLICE DEPT.

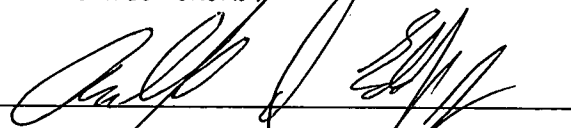
113-POLICE SALARY 14250.00

415-POLICE AUTO 14250.00

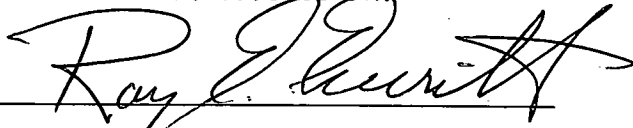
SO ORDAINED THIS 24th DAY OF October 1994.



DAVID BROADY



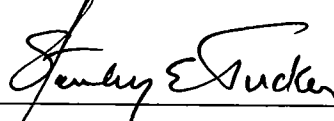
AULTON D. EDDINGS JR.



ROY EVERITT

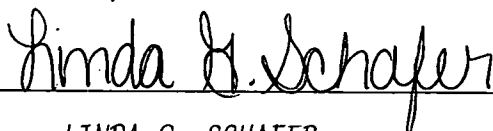


KARL TRUMAN



STANLEY E. TUCKER

ATTEST:



LINDA G. SCHAFER
CLERK TREASURER

ORDINANCE 94-608

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.# NAME, & AMOUNT

POLICE DEPT.

225-GASOLINE 1500.
393-POLICE TRAINING 2000.
113- POLICE SAL. 1000.

TO ACCT.# NAME, & AMOUNT

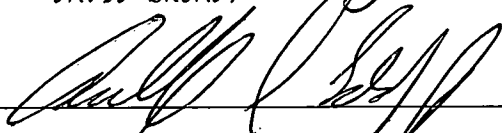
POLICE DEPT.

223-POLICE EQUIPMENT 1500.
223-POLICE EQUIPMENT 2000.
413-POLICE RADIOS 1000.

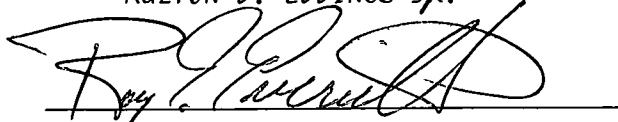
SO ORDAINED THIS 14th DAY OF Nov. 19 94.



DAVID BROADY



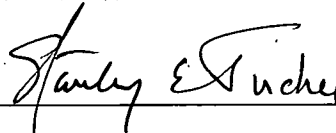
AULTON D. EDDINGS JR.



ROY EVERITT

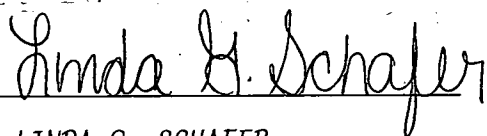


KARL TRUMAN



STANLEY E. TUCKER

ATTEST:



LINDA G. SCHAFFER
CLERK TREASURER

ORDINANCE 94-609

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

ACCT.# NAME, & AMOUNT		TO ACCT.# NAME, & AMOUNT	
<u>TOWN COUNCIL</u>		<u>TOWN COUNCIL</u>	
311-CONSULTING SERVICES	100.00	395 JUDGEMENTS	100.00
<u>POLICE DEPT.</u>		<u>POLICE DEPT.</u>	
133-OFF DUTY COURT PAY	580.00	223-POLICE EQUIPMENT	580.00
313-MEDICAL EXAMS	106.75	223-POLICE EQUIPMENT	106.75
321-POSTAGE	300.00	223-POLICE EQUIPMENT	300.00
351-ELECTRIC	600.00	223-POLICE EQUIPMENT	600.00
354-HEAT & GAS	1300.00	223-POLICE EQUIPMENT	1300.00
363-MAINT. POLICE VEH.	1613.25	223-POLICE EQUIPMENT	1613.25
<u>MVH</u>		<u>MVH</u>	
355-STREET LIGHTS	1000.00	225-GASOLINE	1000.00
355-STREET LIGHTS	500.00	397-PAVING	500.00
<u>PARKS</u>		<u>PARKS</u>	
356-GAS/ELECT. UTIL	1500.00	362-REPAIRS MAINT.	1500.00
365-BLAST & PAINT	100.00	391-SALES TAX.	100.00

SO ORDAINED THIS 12 DAY OF Dec 1994.

David Broady
DAVID BROADY

Karl Truman
KARL TRUMAN

Aulton D. Eddings Jr.
AULTON D. EDDINGS JR.

Stanley E. Tucker
STANLEY E. TUCKER

Roy Everitt
ROY EVERITT

Linda G. Schaffer

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

ORDINANCE 94-610

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1994. AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6.

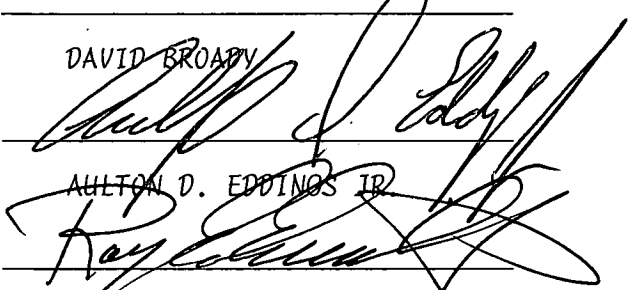

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1994 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet emergencies.

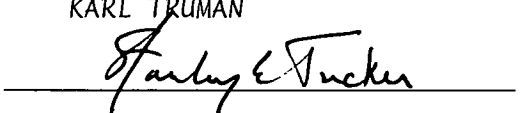
SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

<u>ACCT. # NAME, & AMOUNT</u>		<u>TO ACCT. # NAME, & AMOUNT</u>	
<u>TOWN COUNCIL</u>		<u>TOWN COUNCIL</u>	
312-BUILDING INSPECT. SAL.	2500.00	311- CONSULTING SER.	2500.00
312-BUILDING INSPECT. SAL.	5000.00	394- MISC. SER.	5000.00
<u>PARKS DEPT.</u>		<u>PARKS DEPT.</u>	
111-SALARIES	10945.06	362-REPAIRS & MAINT.	10945.06
121-SOCIAL SECURITY	838.67	362-REPAIRS & MAINT.	838.67
122-UNEMPLOYMENT	356.95	362-REPAIRS & MAINT.	356.95
226-CHEMICALS	2087.10	362-REPAIRS & MAINT.	2087.10
227-CONCESSION	993.77	362-REPAIRS & MAINT.	993.77
245-OTHER SUPPLIES	27.27	362-REPAIRS & MAINT.	27.27
325-TELEPHONE	160.04	362-REPAIRS & MAINT.	160.04
332-PRINT & ADVERT.	31.17	362-REPAIRS & MAINT.	31.17
341-INSURANCE	311.76	362-REPAIRS & MAINT.	311.76
356-GAS & ELECT.	1290.90	362-REPAIRS & MAINT.	1290.90
357-WATER & SEWER	981.52	362-REPAIRS & MAINT.	981.52
351-PARK ELECTRIC	65.61	362-REPAIRS & MAINT.	65.61
353-PARK WATER	250.00	362-REPAIRS & MAINT.	250.00
364-PARK REPAIRS	62.88	362-REPAIRS & MAINT.	62.88
365-BLAST & PAINT	111.84	362-REPAIRS & MAINT.	111.84
372-FMHA	2.00	362-REPAIRS & MAINT.	2.00
375-CHEMICAL TEST	68.90	362-REPAIRS & MAINT.	68.90
391-SALES TAX	59.46	362-REPAIRS & MAINT.	59.46
434-LANDSCAPING	144.08	362-REPAIRS & MAINT.	144.08
436-PARK EQUIP.	7.32	362-REPAIRS & MAINT.	7.32
445-POOL FILTERS	409.75	362-REPAIRS & MAINT.	409.75

SO ORDAINED THIS _____ DAY OF _____ 19____.

 DAVID BROADY

 AULTON D. EDDINGS JR.

 ROY EVERITT

 KARL TRUMAN

 STANLEY E. TUCKER

ATTEST: LINDA G. SCHAFER
 CLERK TREASURER

RESOLUTION NO. 1994- 20

A RESOLUTION RESCINDING MORATORIUM ON
CONSTRUCTION OF NEW COMMERCIAL, INDUSTRIAL,
MULTI-FAMILY AND MULTI-SINGLE FAMILY DEVELOPMENT IN
THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Town Council did, on the 12th day of October, 1992, pass Resolution No. 1992-6, which enacted a moratorium on the construction of new commercial, industrial, multi-family and multi-single family development within the town boundaries of the Town of Sellersburg; and

WHEREAS, the Town of Sellersburg, Indiana, implemented such moratorium until such time as a new comprehensive plan, zoning ordinance plan, and subdivision regulations could be implemented; and

WHEREAS, the Town of Sellersburg, Indiana, has implemented a comprehensive plan, zoning ordinances, and subdivision regulations for the Town of Sellersburg, Indiana; and

WHEREAS, there is no longer a need for a moratorium on the construction of new commercial, industrial, multi-family and multi-single family development within the Town of Sellersburg, Indiana, and therefore said moratorium should be rescinded.

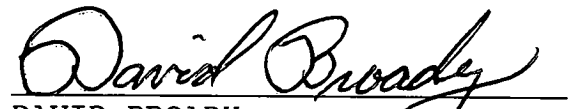
NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Sellersburg, Indiana, that the moratorium enacted by the Town of Sellersburg Town Council on the 12th day of October, 1992, concerning the new construction of commercial, industrial, multi-family and multi-single family development within the Town of Sellersburg shall be, and hereby is, rescinded, the effective date being the date of the passage and adoption of this resolution.

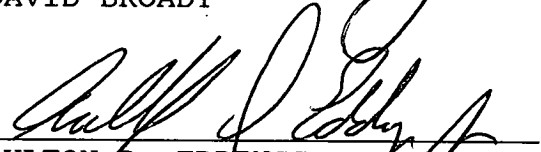
SO RESOLVED this 10 day of January, 1993, by
the Town Council for the Town of Sellersburg, Indiana.


STANLEY E. TUCKER

ROY E. EVERITT


KARL N. TRUMAN


DAVID BROADY


AULTON D. EDDINGS

ATTEST: 
LINDA D. SCHAFFER

RESOLUTION NO. 1994- 2/

**A RESOLUTION ESTABLISHING THE ASSESSMENT OF A \$10.00 FEE
FOR ALL CHECKS RETURNED FOR NON-SUFFICIENT FUNDS**

WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council of the need to assess a fee for all checks returned to the Clerk/Treasurer for non-sufficient funds; and

WHEREAS, the Town of Sellersburg Clerk/Treasurer currently does not have the authority to assess a fee for checks which are returned to the Town of Sellersburg because of non-sufficient funds; and

WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council that said Office has received a significant number of checks returned to the Clerk/Treasurer's Office because of non-sufficient funds, thereby resulting in the expenditure of additional man-hours to reprocess the non-sufficient fund checks.

BE IT THEREFORE NOW RESOLVED, by the Sellersburg Town Council, that the Town of Sellersburg Clerk/Treasurer shall have the authority to assess and collect a \$10.00 service fee from the issuing party of a check which is returned to the Clerk/Treasurer for non-sufficient funds;

BE IT FURTHER RESOLVED, by the Sellersburg Town Council

RESOLUTION NO. 1994- 21

**A RESOLUTION ESTABLISHING THE ASSESSMENT OF A \$10.00 FEE
FOR ALL CHECKS RETURNED FOR NON-SUFFICIENT FUNDS**

WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council of the need to assess a fee for all checks returned to the Clerk/Treasurer for non-sufficient funds; and

WHEREAS, the Town of Sellersburg Clerk/Treasurer currently does not have the authority to assess a fee for checks which are returned to the Town of Sellersburg because of non-sufficient funds; and

WHEREAS, the Town of Sellersburg Clerk/Treasurer has advised the Sellersburg Town Council that said Office has received a significant number of checks returned to the Clerk/Treasurer's Office because of non-sufficient funds, thereby resulting in the expenditure of additional man-hours to reprocess the non-sufficient fund checks.

BE IT THEREFORE NOW RESOLVED, by the Sellersburg Town Council, that the Town of Sellersburg Clerk/Treasurer shall have the authority to assess and collect a \$10.00 service fee from the issuing party of a check which is returned to the Clerk/Treasurer for non-sufficient funds;

BE IT FURTHER RESOLVED, by the Sellersburg Town Council

that all service fees collected shall be deposited into the
Town of Sellersburg General Fund.

SO RESOLVED THIS 24TH DAY OF JANUARY, 1994.

STANLEY E. TUCKER

DAVID BROADY

ROY E. EVERITT

AULTON D. EDDINGS

KARL N. TRUMAN

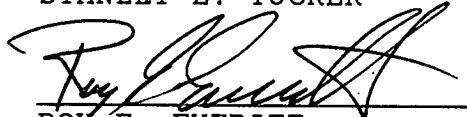
ATTEST: _____
LINDA SCHAFER
CLERK/TREASURER

that all service fees collected shall be deposited into the
Town of Sellersburg General Fund.

SO RESOLVED THIS 24TH DAY OF JANUARY, 1994.




STANLEY E. TUCKER



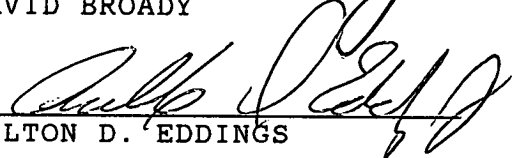
ROY E. EVERITT



KARL N. TRUMAN



DAVID BROADY



AULTON D. EDDINGS

ATTEST: _____
LINDA SCHAFER
CLERK/TREASURER

Resolution No. 22

The Town Council of Sellersburg, Indiana hereby resolves to set aside thirty (30) percent of its budget line items for Local Road and Street Funds, Motor Vehicle Funds, and Street Department Funds, to be used, as recommended in the approved STORM WATER MANAGEMENT PLAN, for Capital Improvements, Equipment, Employees and Materials for maintenance, repair and improvements of the storm sewer and ditch systems in the Town of Sellersburg, Indiana.

Resolved this _____ day of _____, 1994 by vote of the Town Council.

Stanley E. Tucker, President

Karl N. Truman, Member

Roy E. Everitt, Vice-President

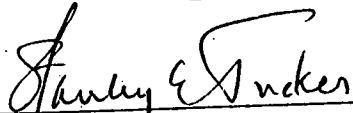
A. Douglas Eddings, Member

David Broady, Member


Resolution No. 1994-22

The Town Council of Sellersburg, Indiana hereby resolves to set aside thirty (30) percent of its budget line items for Local Road and Street Funds, Motor Vehicle Funds, and Street Department Funds, to be used, as recommended in the approved STORM WATER MANAGEMENT PLAN, for Capital Improvements, Equipment, Employees and Materials for maintenance, repair and improvements of the storm sewer and ditch systems in the Town of Sellersburg, Indiana.

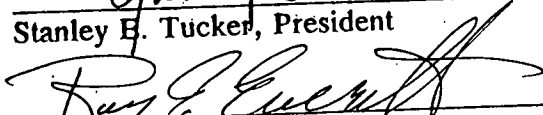
Resolved this 28 day of March, 1994 by vote of the Town Council.



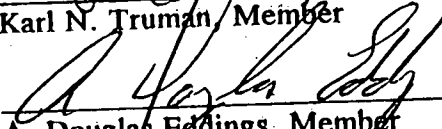
Stanley E. Tucker, President



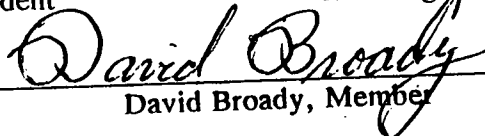
Karl N. Truman, Member



Roy E. Everitt, Vice-President



A. Douglas Eddings, Member

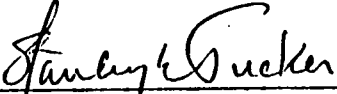


David Broady, Member

Resolution No. 1994-23

The Town Council of Sellersburg, Indiana hereby resolves to finance, by the sale of Bonds, all those storm sewers, that need to be installed, as outlined in the approved Storm Water Management Plan, which are not to be accomplished with the grant being applied for from the Indiana Department of Commerce.

Resolved this 28 day of March, 1994 by vote of the Town Council.



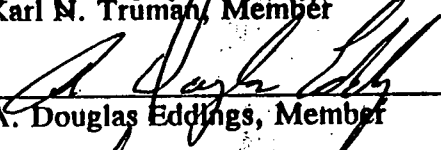
Stanley E. Tucker, President



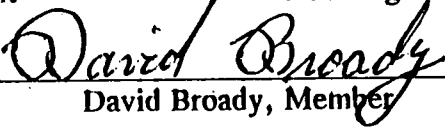
Karl N. Truman, Member



Roy E. Everitt, Vice-President



A. Douglas Eddings, Member



David Broady, Member

Resolution No. 94-23

The Town Council of Sellersburg, Indiana hereby resolves to finance, by the sale of Bonds, all those storm sewers, that need to be installed, as outlined in the approved Storm Water Management Plan, which are not to be accomplished with the grant being applied for from the Indiana Department of Commerce.

Resolved this _____ day of _____, 1994 by vote of the Town Council.

Stanley E. Tucker, President

Karl N. Truman, Member

Roy E. Everitt, Vice-President

A. Douglas Eddings, Member

David Broady, Member

RESOLUTION NO. 1994-24

RESOLUTION TO THE TOWN COUNCIL
OF THE TOWN OF SELLERSBURG, INDIANA
AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION
TO THE INDIANA DEPARTMENT OF COMMERCE
AND ADDRESSING RELATED MATTERS

WHEREAS, the Town Council of the Town of Sellersburg, Indiana recognizes the need to stimulate growth and maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons in Indiana communities with needed projects for which available local resources are not adequate, and;

WHEREAS, the Town Council of the Town of Sellersburg, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, THAT:

1. An application for a Community Focus Fund grant be prepared and submitted to the Indiana Department of Commerce.
2. The Chief Executive Officer of the Town Council of the Town of Sellersburg, Indiana is hereby authorized to prepare and submit an application for grant funding to address the community's need to alleviate excessive storm drainage problems and its resultant deteriorating effects on public infrastructure improvements within the Town limits, and to execute and administer a resultant grant including requisite general administration and project management, contracts, and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.

3. Said grant request in the amount of \$315,000 shall offset the \$350,000 total cost of the above described storm drainage improvements. The remaining local share in the amount of \$35,000, or up to 10% of the final project costs, will be committed cash-on-hand funds from the Town of Sellersburg for said program, such commitment to be contingent upon receipt of Community Focus Fund funding from the Indiana Department of Commerce.
4. This resolution shall be effective immediately.

ADOPTED by the Town Council of the Town of Sellersburg, Indiana, this 28th day of March, 1994.

TOWN COUNCIL
TOWN OF SELLERSBURG, INDIANA

Stanley E. Tucker

PRESIDENT, Stanley E. Tucker

David Broady

MEMBER, David Broady

Roy Everitt

MEMBER, Roy Everitt

ATTEST:

Linda H. Schafer

CLERK TREASURER, Linda Schafer

Ed Eddy
Carl Bowman

CIVIL RIGHTS CERTIFICATION

The Applicant, any contractor, any subcontractor, or any other party performing any services or having any responsibilities hereunder shall fully and completely comply with the following:

- (a) Section 109 of the Housing and Community Development Act of 1974 which requires that no person in the United States shall on the grounds of race, color, national origin or sex, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity funded in whole or in part with Community Development Block Grant (CDBG) funds.
- (b) Shall not, under any program or activity pursuant to this Agreement, directly or through contractual or other arrangements, on the grounds of race, color, national origin, sex, age, handicap status or religion:
 - (i) Deny any individual any facilities, services, financial aid or other benefits provided under the program or activity.
 - (ii) Provide any facilities, services, financial aid or other benefits in a different form from that provided under the program or activity.
 - (iii) Subject any person to segregated or separate treatment in, or in any matter of process related to receipt of any service or benefit under the program or activity.
 - (iv) Restrict an individual in any way access to, or the enjoyment of, any advantages or privilege enjoyed by others in connection with facilities, services, financial aid or any other benefits under the program or activity.
 - (v) Treat an individual different from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which the individual must meet in order to be provided any facilities, services or any benefit provided under the program or activity.
 - (vi) Deny an individual an opportunity to participate in a program or activity as an employee.
- (c) Shall not use criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, national origin, sex, age, handicap status or religion, or have the effect of defeating or substantially impairing the accomplishment of the objectives of the Housing and Community Development Act of 1974, (as amended).
- (d) In determining a site or location of housing or facilities shall not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, national origin, sex, age, handicap status, or religion.

The Applicant in all contracts or agreements subject to Executive Order 11246 shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD assisted construction contracts.

The Applicant shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof, as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause:

The Applicant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or handicap. Such action shall include, but not limit to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training; including apprenticeship. The applicant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Grantor setting forth the provisions of this nondiscrimination clause.

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the applicant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The Applicant/Contractor will comply with all provisions of Executive Order 11246 of September 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

The Applicant/Contractor will comply with all provisions of Title VIII, civil Rights Act of 1968, which prohibits discrimination in the sale or rental of dwellings, discrimination in the financing of housing, blockbusting, and discriminatory advertising and makes it unlawful to deny any person access to, or membership or participation in, any multiple listing service or real estate brokers' organization for discriminatory reasons.

The Applicant/Contractor will comply with Section 3 Housing and Urban Development Act of 1968, Section 504: Rehabilitation Act of 1974, Executive Order 11063 and all other Federal Rules and Regulations.

The Applicant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules and regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

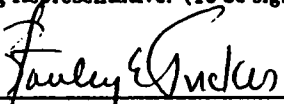
In the event of the Applicant's noncompliance with the nondiscrimination clauses of an executed agreement or with any such rules, regulations, or orders, this agreement may be canceled, terminated or suspended in whole or in part and the applicant may be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 14, 1965, or by rule, regulation, or order of the Secretary of Labor.

The Applicant shall require that the language referred to in this certification be included in the award documents for all subawards at all tiers (including subcontract, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Legal Applicant/Recipient Certifies That:

To the best of my knowledge and belief, the recipient will comply with the above certification if assistance is approved.

Certifying Representative: (To be signed by Chief Elected Official or Designee)



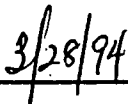
Signature/Chief Elected Official

Stanley E. Tucker

Name (typed or printed)

Town Council President

Title



Date

**INDIANA DEPARTMENT OF COMMERCE
COMMUNITY DEVELOPMENT BLOCK GRANT
SMALL CITIES PROGRAM
ASSURANCES AND CERTIFICATIONS**

The applicant hereby assures and certifies that:

- (a) It possesses legal authority to apply for the grant, and to execute the proposed program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- (c) It has complied with all requirements of Executive Order 12372, and that either:
 - (1) Any comments or recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or
 - (2) The required procedures have been followed and no comments or recommendations have been received prior to submission of the application.
- (d) It has facilitated or will facilitate citizen participation by:
 - (1) Publishing a statement of proposed activities so that affected citizens have an opportunity to submit comments on the proposed activities and community development performance of the applicant;
 - (2) Providing adequate notices for two or more public hearings, specifically to persons of low and moderate income;
 - (3) Holding two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, convenient to the handicapped, and meeting needs of non-English speaking residents, if appropriate, to obtain citizens' views before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;
 - (4) Providing citizens information concerning the amount of funds available for proposed community development activities and the range of those activities;
 - (5) Providing citizens with information concerning the amount of funds that will benefit persons of low and moderate income;
 - (6) Furnishing citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities;
 - (7) Providing technical assistance to groups representing persons of low and moderate income requesting such assistance in developing proposals;
 - (8) Providing citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment;
 - (9) Providing citizens with reasonable access to records regarding the past use of CDBG funds received; and
 - (10) Any modifications or amendments of the program that are made from time to time will be made in accordance with the same procedures required in (d) for the preparation and submission of a statement of proposed activities.
- (e) It has identified housing and community development needs, including those of low and moderate income persons and the activities to be undertaken to meet such needs.
- (f) The Community Development program has been developed so as to give maximum feasible priority to activities which will benefit low and moderate income families, or aid in the prevention or elimination of slums or blight.

[The requirement for this certification will not preclude the Department of Commerce from approving an application where the applicant certifies, and the Department of Commerce determines, that all or part of the Community Development Program activities are designed to meet other community development needs having a particular urgency as specifically explained in the application.]
- (g) It will minimize displacement of persons and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of activities associated with program funds.
- (h) It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (i) CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or (ii) for purposes of assisting any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certified to the Secretary or such State, as the case may be, that it lacks sufficient funds received from CDBG Program to comply with the requirements of clause.

- (i) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular No. A-102, Revised, which includes a provision that program or project completion be no longer than eighteen (18) months from project startup, inclusive of the bid process for professional and engineering services as well as program close-out. In addition, said provision includes an assurance of the availability of project funds, both local and private, upon award of the project grant.
- (j) It will comply with:
- (1) Section 110 of the Housing and Community Development Act of 1974, as amended, by the Housing and Urban-Rural Recovery Act of 1983 and the Housing and Community Development Act of 1987, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;
 - (2) The provisions of the Davis-Bacon Act (46 U.S.C. S 276a-5) with respect to prevailing wage rates (except for projects for the rehabilitation of residential properties of fewer than eight units);
 - (3) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327-332, requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of eight in a calendar day or forty in a work-week, whichever is greater; and
 - (4) Federal Fair Labor Standards Act, 29 U.S.C. S 102 *et seq.*, requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week; and
 - (5) Anti-kickback (Copeland) Act of 1934, 18 U.S.C. S 874 and 40 U.S.C. S 276c, which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities.
- (k) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements.
- (l) It will comply with:
- (1) Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
 - (2) The Fair Housing Act (previously known as Title VIII of the Civil Rights Act of 1968) (Public Law 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
 - (3) Section 109 of Title I of the Housing and Community Development Act of 1987, as amended, and the regulations issued pursuant thereto (24 CFR 570.802), which provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or part with funds provided under the Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program activity;
 - (4) Executive Order 11063, as amended by Executive Order 12259 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance, and requiring that programs and activities relating to housing and urban development be administered in a manner affirmatively to further the goals of Title VIII of the Civil Rights Act of 1968; and
 - (5) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), the Indiana Code (I.C. 22-9-1-10), which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts. Contractors and subcontractors on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship.
- (m) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing within the unit of local government.

- (n) It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulation at 49 CFR Part 24, and the requirements of section 870.496a and it is following a residential antidisplacement and relocation assistance plan under section 104(d) of Title I of the Housing & Community Development Act of 1974, as amended.
- (o) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
- (p) It will comply with the provisions of the Hatch Act which limits the political activity of employees.
- (q) It will give State, HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.
- (r) Its chief executive officer or other officer of applicant approved by the Department of Commerce:
 - (1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. S 4321 et seq.) and other provisions of Federal law, as specified at 24 CFR 58.1 (a)(3) and (a)(4), which further the purposes of NEPA insofar as the provisions of such Federal law apply to the Indiana Small Cities Development Block Grant Program; and
 - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (s) It will comply with:
 - (1) The National Environmental Policy Act of 1969 (42 U.S.C. S 4321 et seq.) and 24 CFR Part 58, and in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (U.S.C. 469a-1, et seq.) by:
 - (a) Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity; and
 - (b) Complying with all requirements established by the State and to avoid or mitigate adverse effects upon such properties.
 - (2) Executive Order 11988, Floodplain Management;
 - (3) Executive Order 11990, Protection of Wetlands;
 - (4) Endangered Species Act of 1973, as amended, (16 U.S.C. Section 1531 et seq.);
 - (5) The Fish and Wildlife Coordination Act of 1968, as amended, (16 U.S.C. Section 661 et seq.);
 - (6) The Wild and Scenic Rivers Act of 1968, as amended, (16 U.S.C. Section 1271);
 - (7) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Section 300f et seq.);
 - (8) Section 401(f) of the Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. Section 4831 (b));
 - (9) The Clean Air Act of 1970, as amended, (42 U.S.C. Section 7401 et seq.);
 - (10) The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. Section 1251 et seq.);
 - (11) The Clean Water Act of 1977 (Public Law 95-217); and
 - (12) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.);
 - (13) Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) as it relates to the mandatory purchase of flood insurance for special flood hazard areas.
- (t) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.
- (u) It will comply with the provisions of the Indiana Code (I.C.) 35-44-1-3 and 4.
- (v) It will abide by the provision that no member, officer, or employee of the grantee or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during the tenure or for one year thereafter shall have any direct or indirect interest in any contractor, subcontractor, or the proceeds thereof, financed in whole or in part with Title I grants.
- (w) It agrees to repay to the State of Indiana any funds under this program which, as the result of a HUD or State of Indiana authorized audit, are found to have been spent in an unauthorized manner or for unauthorized activities.
- (x) It certifies that none of the funds being applied for will be used to substitute for any local, state, federal or private dollars which have been committed to the project as proposed in this application.

- (y) It certifies that it has adopted and will enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction (Section 104(l) of Title I of the Housing & Community Development Act of 1974, as amended).
- (z) It certifies that pursuant to 31 U.S.C. Section 1352, and any regulations promulgated thereunder:
- (1) no federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employer of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - (2) if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the proposed Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - (3) The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

THE LEGAL APPLICANT/RECIPIENT CERTIFIES THAT:

To the best of my knowledge and belief, the recipient will comply with the above assurances if assistance is approved.

CERTIFYING REPRESENTATIVE: (To be signed by Chief Elected Official or Designee)

Stanley E. Tucker

Signature, Chief Elected Official

Stanley E. Tucker

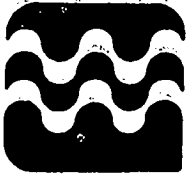
Name (typed or printed)

Town Council President

Title

Date

3/28/94



River Hills Economic Development District

and Regional Planning Commission

Mr. William McCall	DATE: 3/16/94
Doehrman & Lewis	PROJECT: Sellersburg
425 Watt Street	PROJECT #:
Jeffersonville, IN 47130	FILE #: 2342.00

The following information is being forwarded to you for your: _____ information, XXX review, _____ comments, _____ file, _____ handling, _____ other

Enclosure Date	Enclosure Quantity	Enclosure Description
3/16/94	1	Resolution for CFF grant application
3/16/94	1	Small Cities Program Assurances & Certification
3/16/94	1	Civil Rights Certification
PLEASE REVIEW AND SUBMIT AT THE TOWN COUNCIL MEETING ON 3/28/94. PLEASE HAVE APPROPRIATE OFFICIALS SIGN.		

Comments:

If you have any questions or require additional information, please do not hesitate to contact me.
Thank you for your assistance.

Alex Gallitelli
Alexandra Gallitelli

Office: Courthouse Annex, Room 300
131 East Court Avenue
Jeffersonville, Indiana 47130
Phone: (812) 288-4624

Serving the Indiana Counties of: Clark, Floyd, Harrison, Scott and Washington



River Hills Economic Development District

and Regional Planning Commission

Ms. Linda Schafer	DATE: 7/12/94
Town of Sellersburg	PROJECT:Sellersburg
316 Utica Street	PROJECT #:
Sellersburg, IN 47172	FILE #:

The following information is being forwarded to you for your:
 _____ information, _____ review, _____ comments, **XXX** file,
 _____ handling, _____ other

Enclosure Date	Enclosure Quantity	Enclosure Description
7/12/94	1 copy	CFF Resolution
7/12/94	1 copy	Attendance Sign-In Sheet For Public Hearing On 7/11/94

Comments:

If you have any questions or require additional
information, please do not hesitate to contact me.

Office: Courthouse Annex, Room 300
 131 East Court Avenue
 Jeffersonville, Indiana 47130
 Phone: (812) 288-4624 Fax: (812) 288-8105

Alex Gallitelli
 Alexandra Gallitelli

Serving the Indiana Counties of: Clark, Floyd, Harrison, Scott and Washington

RESOLUTION NO. 1994-24

RESOLUTION TO THE TOWN COUNCIL
OF THE TOWN OF SELLERSBURG, INDIANA
AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION
TO THE INDIANA DEPARTMENT OF COMMERCE
AND ADDRESSING RELATED MATTERS

WHEREAS, the Town Council of the Town of Sellersburg, Indiana recognizes the need to stimulate growth and maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons in Indiana communities with needed projects for which available local resources are not adequate, and;

WHEREAS, the Town Council of the Town of Sellersburg, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

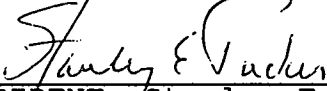
NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, THAT:

1. An application for a Community Focus Fund grant be prepared and submitted to the Indiana Department of Commerce.
2. The Chief Executive Officer of the Town Council of the Town of Sellersburg, Indiana is hereby authorized to prepare and submit an application for grant funding to address the community's need to alleviate excessive storm drainage problems and its resultant deteriorating effects on public infrastructure improvements within the Town limits, and to execute and administer a resultant grant including requisite general administration and project management, contracts, and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.

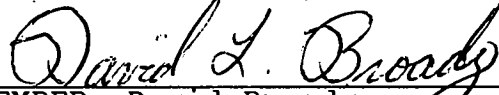
3. Said grant request in the amount of \$262,500 shall offset the \$350,000 total cost of the above described storm drainage improvements. The remaining local share in the amount of \$87,500, or up to 25% of the final project costs, will be committed cash-on-hand funds from the Town of Sellersburg for said program, such commitment to be contingent upon receipt of Community Focus Fund funding from the Indiana Department of Commerce.
4. This resolution shall be effective immediately.

ADOPTED by the Town Council of the Town of Sellersburg, Indiana, this 11h day of July, 1994.

TOWN COUNCIL
TOWN OF SELLERSBURG, INDIANA



PRESIDENT, Stanley E. Tucker

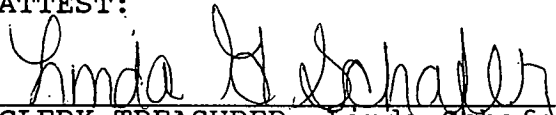


MEMBER, David Broady

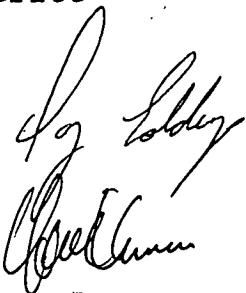


MEMBER, Roy Everitt

ATTEST:



CLERK TREASURER, Linda Schaffer



TOWN OF SELLERSBURG STORM WATER DRAINAGE IMPROVEMENT PROJECT
PUBLIC HEARING
JULY 11, 1994 AT 6:30 P.M.

ATTENDANCE SIGN-IN SHEET

Alex Gallitelli, River Hills E.D.D.

Doug Eddy, Town Councilman

David Broody, Town Council

Stanley E. Fisher, Town Council

Chalmer, Town Council

Roy G. Smith

Jrnda K Schaper

RESOLUTION NO. 1994-25

A RESOLUTION AUTHORIZING TOWN OF SELLERSBURG COUNCIL
PRESIDENT AND CLERK/TREASURER TO CLOSE ON
THE SALE OF TOWN REAL PROPERTY

WHEREAS, the Town of Sellersburg, Indiana, did on the 5th day of August, 1994, offer for sale by auction two tracts of real property owned by the Town of Sellersburg, more particularly described as a vacate lot on the corner of New Prather Lane and State Road 311, and a building and lot located at 439 Utica Street; and

WHEREAS, both parcels of real property were sold according to the terms and conditions of the auction as required by Indiana Law; and

WHEREAS, to complete the sales of both parcels of real property it is necessary that a closing on said real property take place as soon as practical; and

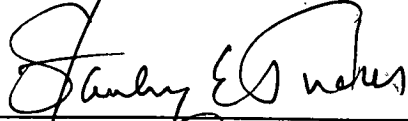
WHEREAS, the Sellersburg Town Council President and Clerk/Treasurer should be designated and authorized to close the sale of real property on behalf of the Town of Sellersburg.

NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Sellersburg, Clark County, Indiana, that:

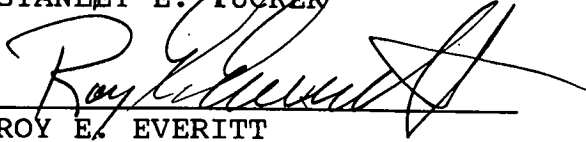
The Sellersburg Town Council President and Sellersburg Clerk/Treasurer are designed and authorized to execute all documents for the closing on the above described real

property sold at auction on August 5, 1994.

SO RESOLVED ON THIS 22 DAY OF AUGUST, 1994.



STANLEY E. TUCKER



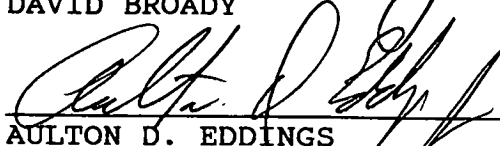
ROY E. EVERITT




KARL N. TRUMAN



DAVID BROADY



AULTON D. EDDINGS

ATTEST: 
LINDA SCHAFER
CLERK/TREASURER

ORDINANCE NO. 1994 (CONT.)

STREET AND SANITATION DEPARTMENT

Superintendent	551.16 per week	Mark ✓	
Truck Driver	319.20 per week	Tom ✓	7.98 per hour
Laboror	294.40 per week	Danny	7.36 per hour
Laboror	294.40 per week	Jacky ✓	7.36 per hour
Laboror	294.40 per week	Phil ✓	7.36 per hour
Laboror	294.40 per week	Eddie ✓	7.36 per hour

POLICE DEPARTMENT

Dispatcher Sanders			7.23 per hour
Dispatcher Campbell			7.23 per hour ✓
Dispatcher Austin			7.23 per hour ✓
Dispatcher Springer			7.23 per hour ✓
Dispatcher Jothey			7.23 per hour ✓
Part-time Dispatcher McCurdy/Hochem			5.18 per hour

Holiday pay for Dispatchers will be determined on 3 persons for 9 holidays which will be 27 days x 8 hours which equals 216 hours.

.....1,561.68 per year

	<u>Salary</u>	<u>Holiday</u>	<u>Longevity</u>
0027 Chief Kunder*	724.72 per week	1304.46 yearly	449.24 yearly
Chief Perf.	5,188.60 yearly		
Chief Ins.	1,596.00 yearly		
28.51 P. 6 0006 Asst. Chief Bradshaw (0006)	552.93 per week	995.31 yearly	673.86 yearly ✓
0023 Dect./Capt. Huber (0023)	471.54 per week	848.79 yearly	2,021.58 yearly ✓
0031 Sergeant Meyer (0031)	452.28 per week	814.14 yearly	1,909.27 yearly ✓
Sergeant ?	452.28 per week	814.14 yearly	449.24 yearly
0013 Patrolman Ellwood (0013)	431.95 per week	777.51 yearly	1,010.79 yearly ✓
0046 Patrolman Zahnd (0046)	431.95 per week	777.51 yearly	1,010.79 yearly
0037 Patrolman Steicker (0037)	431.95 per week	777.51 yearly	898.48 yearly
0014 Patrolman Emeruck (0014)	431.95 per week	777.51 yearly	561.55 yearly ✓
Cash 0019 Patrolman Hall (0019)	431.95 per week	777.51 yearly	224.62 yearly ✓
Jan 14 Patrolman Ash/Oldham	431.95 per week	777.51 yearly	112.31 yearly
Patrolman (TBA) ?	383.77 per week	690.79 yearly	-0- yearly
0048 - Ash 0048			
0077 - Oldham			

David Broady

Karl Truman

Aulton D. Eddings Jr.

Stanley E. Tucker

Roy E. Everitt

Attest:

Linda G. Schafer
Clerk Treasurer

28.51
Done

1994 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, THE Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday 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 _____ day of _____, 19____, by the Town Council of the Town of Sellersburg, that:

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1993:

SEWER DEPARTMENT

Superintendent	\$ 551.16 per week	Rick ✓
Maint. Supervisor	403.60 per week	Jim 10.09 per hour ✓
Laboror	339.20 per week	Earl 8.48 per hour ✓
Laboror	319.20 per week	Sam 7.98 per hour ✓
Laboror	300.40 per week	Robin 7.51 per hour ✓
Laboror	294.40 per week	Bobby 7.36 per hour ✓
Deputy Clerk Treas.	344.40 per week	Cheryl ✓
Clerk Treasurer	11,140.74 per year	Linda ✓
Town Council Member	2,126.25 per year	Stam ✓
Town Council Member	2,126.25 per year	Dave ✓
Town Council Member	2,126.25 per year	Doug ✓
Town Council Member	2,126.25 per year	Roy ✓
Town Council Member	2,126.25 per year	Karl ✓
Attorney	11,250.00 per year	Perry ✓
Sewer Dept. Lab. Tech.	294.40 per week	Travis 7.36 per hour ✓

WATER DEPARTMENT

Superintendent	551.16 per week	Clark ✓
Heavy Equip. Operator	410.40 per week	Ronnie 10.26 per hour ✓
Plant Oper./ Laboror	294.40 per week	Louie 7.36 per hour ✓
Laboror	294.40 per week	Bory 7.36 per hour ✓
Plant Oper./ Meter Repair	294.40 per week	Du 7.36 per hour ✓
Billing Clerk	285.20 per week	Cindy 7.13 per hour ✓
Acct. Rec. Clerk	285.20 per week	Andrea 7.13 per hour ✓
Clerk Treasurer	11,140.74 per year	Linda ✓
Town Council Member	2,126.25 per year	Stam ✓
Town Council Member	2,126.25 per year	Dave ✓
Town Council Member	2,126.25 per year	Doug ✓
Town Council Member	2,126.25 per year	Roy ✓
Town Council Member	2,126.25 per year	Karl ✓
Attorney	11,250.00 per year	Perry ✓

GENERAL FUND

Clerk Treasurer	2,475.72 per year	Linda ✓
Town Council Member	472.50 per year	Stam ✓
Town Council Member	472.50 per year	Dave ✓
Town Council Member	472.50 per year	Doug ✓
Town Council Member	472.50 per year	Roy ✓
Town Council Member	472.50 per year	Karl ✓
Commissioner	500.00 per year	
Commissioner	500.00 per year	
Commissioner	500.00 per year	
Commissioner	500.00 per year	
Commissioner	500.00 per year	
Attorney	2,500.00 per year	Perry ✓

211820