

1999

**ORDINANCE NO. 99-**  
**AN ORDINANCE TO PLACE STOP SIGNS AT UTICA-**  
**SELLERSBURG ROAD AND SERVICE DRIVE**

WHEREAS, the Town Council for the Town of Sellersburg has been requested by one of its residents to place a stop sign at Utica-Sellersburg Road and Service Drive; and

WHEREAS, the Town Council for the Town of Sellersburg has conferred with the Town of Sellersburg Chief of Police, David Kinder, in regard to the placement of a stop sign at Utica-Sellersburg Road and Service Drive; and

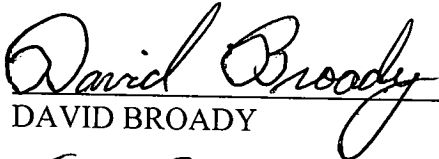
WHEREAS, the Sellersburg Chief of Police has indicated that placement of a stop sign at said location is in the best interest of the Town of Sellersburg; and

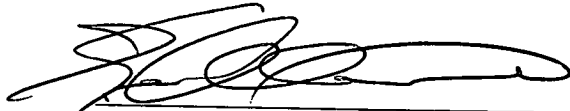
WHEREAS, the Town Council for the Town of Sellersburg believes that the placement of a stop sign at Utica-Sellersburg Road and Service Drive shall serve the best interest and safety of the residents of the Town of Sellersburg; and

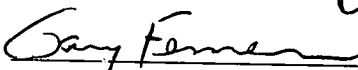
WHEREAS, this matter was considered at an open meeting in which the public were invited to attend and participate.

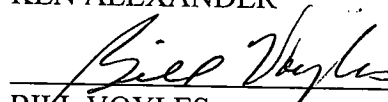
BE IT NOW THEREFORE RESOLVED by the Sellersburg Town Council that a stop sign shall be placed at Utica-Sellersburg Road and Service Drive immediately upon passage of the herein resolution.


SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.


  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

ATTEST:   
LINDA SCHAFER, CLERK-TREASURER

**ORDINANCE NO. 99-**  
**AN ORDINANCE TO PLACE STOP SIGNS AT UTICA-**  
**SELLERSBURG ROAD AND SERVICE DRIVE**

WHEREAS, the Town Council for the Town of Sellersburg has been requested by one of its residents to place a stop sign at Utica-Sellersburg Road and Service Drive; and

WHEREAS, the Town Council for the Town of Sellersburg has conferred with the Town of Sellersburg Chief of Police, David Kinder, in regard to the placement of a stop sign at Utica-Sellersburg Road and Service Drive; and

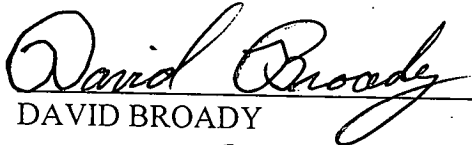
WHEREAS, the Sellersburg Chief of Police has indicated that placement of a stop sign at said location is in the best interest of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg believes that the placement of a stop sign at Utica-Sellersburg Road and Service Drive shall serve the best interest and safety of the residents of the Town of Sellersburg; and

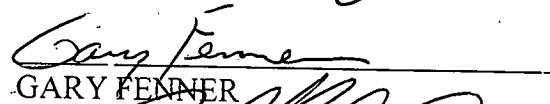
WHEREAS, this matter was considered at an open meeting in which the public were invited to attend and participate.

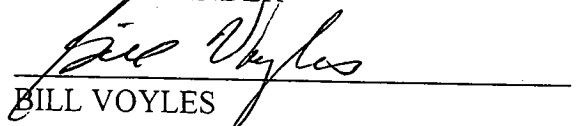
BE IT NOW THEREFORE RESOLVED by the Sellersburg Town Council that a stop sign shall be placed at Utica-Sellersburg Road and Service Drive immediately upon passage of the herein resolution.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

ATTEST: \_\_\_\_\_  
LINDA SCHAFER, CLERK-TREASURER

**RESOLUTION AND ORDINANCE NO 99-OR-01**

**A RESOLUTION AND ORDINANCE AMENDING RESOLUTION AND ORDINANCE NO 93-OR-34 WHICH ESTABLISHED MANDATORY CURBSIDE RECYCLING WITHIN THE CORPORATE BOUNDARIES OF DESIGNATED CITIES AND TOWNS AND WITHIN DESIGNATED UNINCORPORATED AREAS OF THE CLARK COUNTY SOLID WASTE MANAGEMENT DISTRICT AND FOR REGULATING RECYCLING IN THE DISTRICT**

WHEREAS the Clark County Solid Waste Management District (hereinafter referred to as the "District") is a duly-authorized and existing District pursuant to I.C. 13-11-2-7 and I.C. 13-21-3 et Sec.;

WHEREAS, the District has previously passed a resolution and ordinance, known as Resolution and Ordinance No 93-OR-34, which has established mandatory curbside recycling within certain corporate boundaries and designated unincorporated areas of the District and which has defined certain users;

WHEREAS, the District, the cities and towns and the Commissioners have entered into an Interlocal Joint Cooperation Agreement ("Interlocal Agreement") for the purpose of acting in unison and for delegating unto the District the authority and responsibility to bid, initiate, implement, award and pay for a curbside recycling program, among other things;

WHEREAS, the Interlocal Agreement expressly acknowledges that the District, pursuant to I.C. 13-9.5-2-11 et seq. has the power to develop and implement a solid waste management plan, the power to receive and disburse funds, the power to otherwise do all things necessary for the reduction, management and disposal of solid waste and the recovery of waste products from the solid waste stream, the power to adopt resolutions that have the force of law and the power to enter into Interlocal cooperation agreements;

WHEREAS, the District acknowledges, that pursuant to the Interlocal Agreement, the District, prior to its implementing any modification which relate to the delivery of recycling or District services, is required to seek and receive approval from the various, cities, municipalities, or county, who are members of the Interlocal Agreement and who will be affected by a change in service;

WHEREAS, both the original Resolution and Ordinance No 93-OR-34 and the Interlocal Agreement which is effective as of January, 1998 allowed for amendments by majority vote of the District Board of Directors and that such amendments shall be effective upon passage and approval, by simple majority, of the city councils, town boards, or board of commissioners;

WHEREAS, the District is desirous of extending the mandatory curbside recycling program from the current contract area to include a greater geographic area than is currently allowed by definition;

AND WHEREAS, the District is desirous of extending the mandatory recycling program to include all multi-family units and not just those multi-family units defined as between one (1) and four (4) units;

AND WHEREAS, the Board, after investigations, believes that the previously adopted definition of THE CONTRACT AREA should be amended to reflect a change

FROM

“the geographical area within the legal corporate municipal limits of the City of Jeffersonville, the Town of Clarksville, the City of Charlestown, the Town of Sellersburg and the 1990 Census Tract 506.04 of the unincorporated Clark County, Indiana” (Definition 2 a, 93-OR-34)

TO

“the geographical area within the legal corporate and municipal limits of the City of Jeffersonville, the Town of Clarksville, the City of Charlestown, the Town of Sellersburg and the areas of unincorporated Clark County, Indiana which are contiguous to areas receiving Curbside Recycling Services as of April, 1998 or become contiguous to areas who receive Curbside Recycling Services because of this Amendment and which have sufficient population as to make curbside recycling feasible.”

AND WHEREAS, the Board, after investigation, believes that the previously adopted definition of multi-family should be amended to reflect a change

FROM

“a living unit, not a single family residence, that contains between one (1) and four (4) regular mailing addresses wherein the respective addresses are not members of the same family and regularly occupy separate living areas of the dwelling. The definition includes, but is not limited to, duplex building, townhouses or flats with common walls, etc. wherein persons regularly reside. Buildings or apartments complexes having five (5) or more separate living units are not within this definition.” (Definition 2 c, 93-OR-34)

TO

“a living unit which is not a single family residence and includes, but is not limited to, duplex buildings, townhouses, or flats with common wall, apartment complexes and buildings, boarding rooms, mobile home pads, lots and/or any other unity used to distinguish a site upon which a mobile home can be affixed, etc. wherein persons regularly reside. Possession of assigned mailing addresses for individual units is considered some evidence, though not solely determinative, of a multi-family residence.

AND WHEREAS, pursuant to I.C. 13-21-14-5 the District conducted a duly advertised public meeting on January 5, 1999 wherein public comment was heard by members present at said hearing;

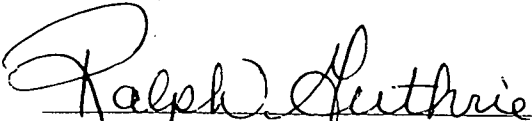
AND WHEREAS, a resolution was made that the definition of multi-family and contract area be modified as stated above;

WHEREAS, the Clark County Solid Waste Management District Board, after careful deliberation and consideration of the public comment heard on December 1, 1998 and January 5, 1999 has determined that in order to carry out the goals of reduction, management and disposal of solid waste and the recovery of waste products from the waste stream, amendments to Resolution and Ordinance No. 93-OR-34 is necessary and is in the best interest of the District

NOW, THEREFORE, BE IT RESOLVED BY TH CLARK COUNTY SOLID WASTE MANAGEMENT DISTICT BOARD

1. THAT Definition 2a, 93-OR-34 be amended to read as follows:
  - a. The Contract Area shall be defined to mean all of the geographical area within the legal corporate and municipal limits of the City of Jeffersonville, the Town of Clarksville, the City of Charlestown, the Town of Sellersburg and areas of unincorporated Clark County, Indiana which are contiguous to areas who receive Curbside Recycling Services because of this Amendment and which have sufficient population as to make curbside recycling feasible.
2. THAT Definition 2 c, 93-OR-34 be amended to read as follow:
  - c. Multi-family Dwelling shall be defined as a living unity which is not a single family residence and includes, but is not limited to, duplex buildings, townhouses or flats with common wall, apartment complexes and buildings, boarding rooms, mobile home pads, lots and/or any other unit used to distinguish a site upon which a mobile home can be affixed, etc. wherein persons regularly reside. Possession of assigned mailing addresses for individual units is considered some evidence, though not solely determinative, of a multi-family residence.
3. That any other provisions of 1933-OR-34, which are not affected, amended, or altered by this Ordinance shall remain in full force and effect.
4. That any other provisions of the Interlocal Agreement, effective January 1, 1998, which are not affected, amended, or altered by this Ordinance shall remain in full force and effect.

SO ADOPTED THIS THE 5DAY OF JANUARY 1999.

  
RALPH GUTHRIE, PRESIDENT  
CLARK COUNTY SOLID WASTE  
MANAGEMENT DISTRICT

ORDINANCE NO. 99- 709

**ORDINANCE AMENDING ZONING ORDINANCES FOR THE  
TOWN OF SELLERSBURG, INDIANA**

WHEREAS, the Town Council for the Town of Sellersburg did on the 11th day of October, 1993, adopt Zoning Ordinance for the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said zoning ordinances are necessary for the efficient and effective administration of Town Government; and

WHEREAS, the Town Council for the Town of Sellersburg has determined this matter at an open meeting in which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

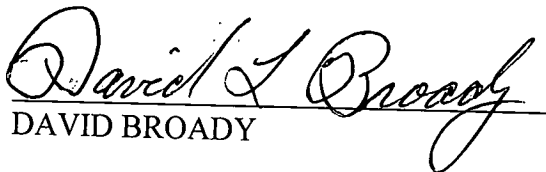
Section 1.4 (B) "Private Provisions" shall be modified as follows:

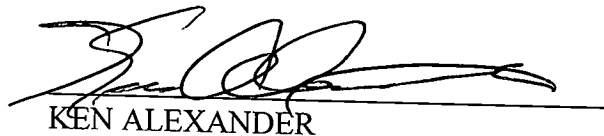
"Private Provisions - These regulations are not intended to interfere with, abrogate or annul any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant or other private agreement or restriction impose duties and obligations more restrictive, or higher standards than the Ordinance, and such private provisions are inconsistent with this Ordinance or determinations thereunder, then such private provisions shall be operative to the extent they can be enforced by private right of action thereunder. All private provisions of the easement, covenant or private agreement or restrictions which impose duties and obligations thereunder or other such

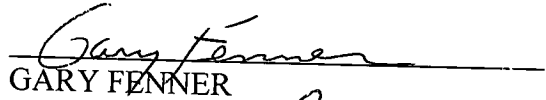
restrictions that may appear in any deed can only be enforced privately. The Town Council and/or the Plan Commission regardless if they have been made a party to such agreements or restrictions shall not take responsibility to enforce said private provisions in the event there is no remedy available under the current Zoning Ordinances of the Town of Sellersburg.

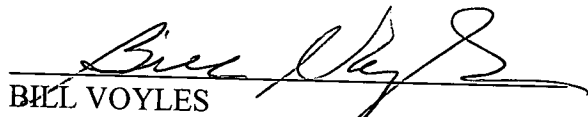
All other provisions of the Zoning Ordinances of the Town of Sellersburg shall remain in full force and effect without modification.

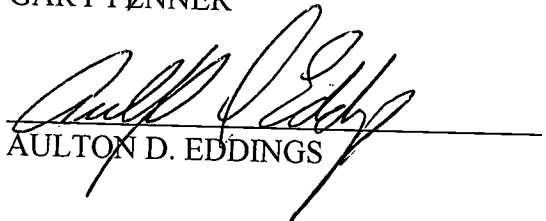
SO ORDAINED THIS 11<sup>th</sup> day of January, 1999.

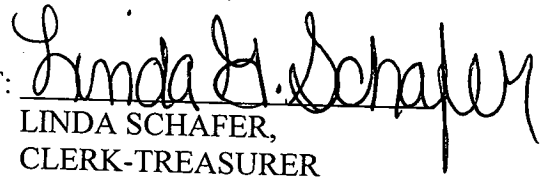
  
DAVID BROADY

  
KEN ALEXANDER

  
GARY FENNER

  
BILL VOYLES

  
AULTON D. EDDINGS

ATTEST:   
LINDA SCHAFER,  
CLERK-TREASURER



ORDINANCE NO. 99- 210

**ORDINANCE AMENDING ORDINANCE NO. 98-692**  
**CONCERNING ANNEXATION OF ADJACENT AND CONTIGUOUS**  
**TERRITORIES FOR PURPOSES OF ESTABLISHING HEREWITH A**  
**VOTING DISTRICT IN SAID ANNEXED TERRITORY**

WHEREAS, the Town Council for the Town of Sellersburg did on the 27th day of July, 1998, pass Ordinance No. 98-692 concerning annexation of adjacent and contiguous territories; and

WHEREAS, the Town Council for the Town of Sellersburg has in fact annexed contiguous territory described as "Annexed Area I" ( A copy of said description is attached hereto and marked as Exhibit A); and

WHEREAS, the Town Council for the Town of Sellersburg inadvertently did not designate a voter district for the annexed territory; and

WHEREAS, the Town Council desires to comply with Indiana Code 36-4-3-3 and designate a voter district for the annexed territory; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein ordinance is necessary for the efficient and effective administration of town government; and

WHEREAS, the Town Council for the Town of Sellersburg did at a public meeting at which the public were invited to attend and participate consider this matter;

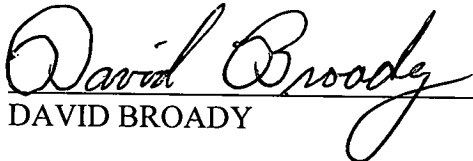
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

That the Town Council for the Town of Sellersburg now enters a nunc pro tunc

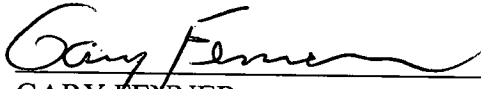
amendment to Ordinance No. 98-692 and designates the area heretofore annexed into the municipal limits of the Town of Sellersburg, known as "Annexed Area I" and as more specifically described in "Exhibit A" attached hereto, shall be and hereby is designated as part of Voter District No. 4.

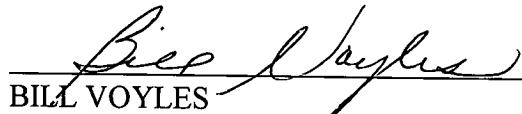
That the Town Council has determined the herein amendment to said annexation ordinance is necessary to protect and safeguard the rights of all individuals in the area of annexation who may vote or seek elective office.

SO ORDAINED THIS 25<sup>th</sup> DAY OF JANUARY, 1999.

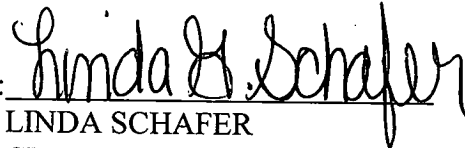
  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

ATTEST:   
\_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER

**EXHIBIT "1"**  
**1998**  
**DESCRIPTION OF SELLERSBURG ANNEX AREA "I"**

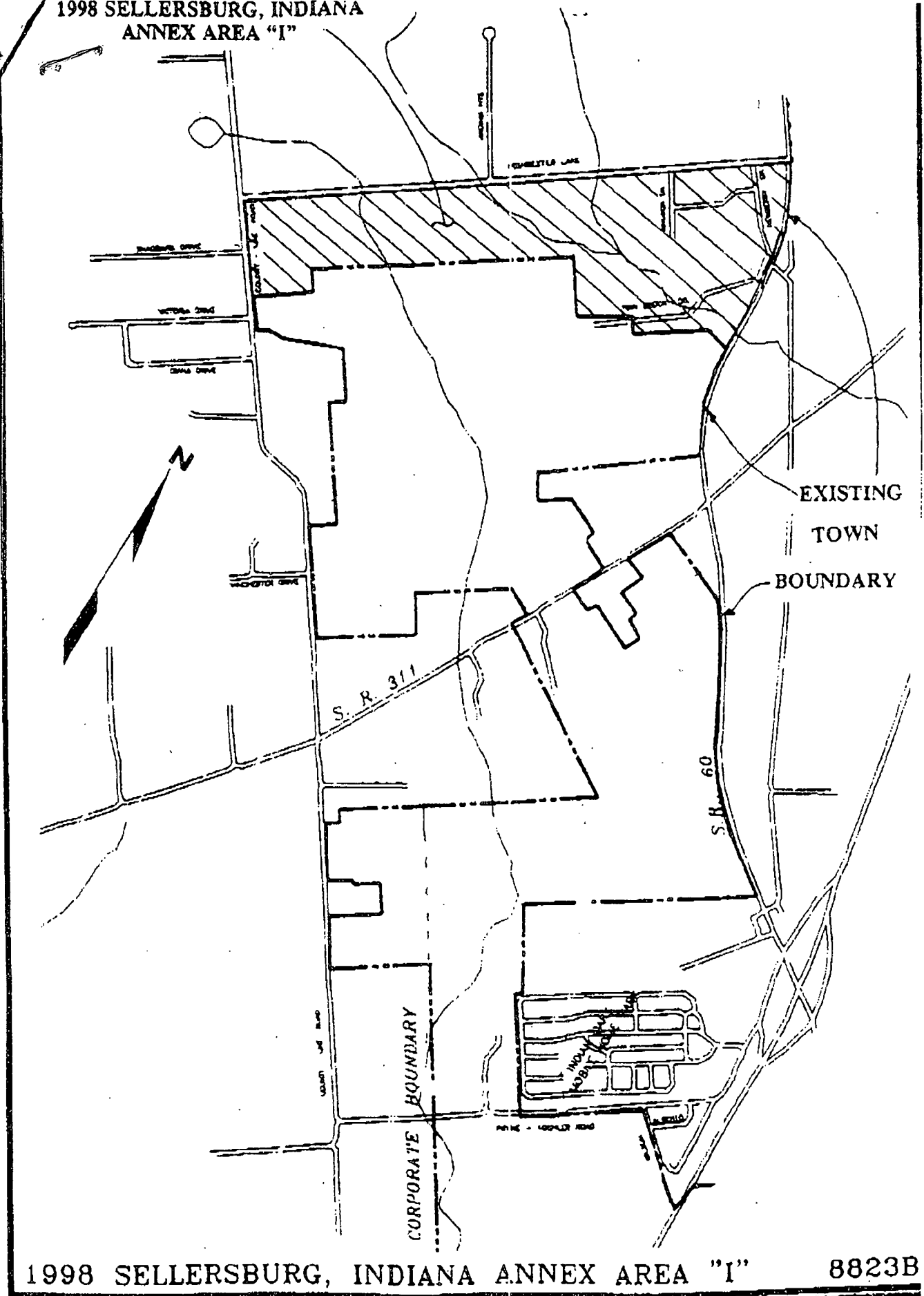
A part of Survey No. 108 of the Illinois Grant in Clark County, Indiana, bounded as follows:

Beginning at the southeast corner of the first tract described at Deed Drawer 19, Instrument No. 1404, which point is in the southwesterly right-of-way line of new State Road 60 and in the present boundary of the Town of Sellersburg, thence the following courses:

- South 69 deg. 25 min. 46 sec. West, 405.23 feet, more or less, with the south line of said tract, and the Clarksville Town line to a point in the southeasterly line of Twin Brook Subdivision, Unit 2, recorded at Plat Book 8, page 77;
- South 48 deg. 24 min. 47 sec. West, 497.46 feet, more or less, with said southeasterly line and the Town line of Clarksville;
- South 48 deg. 47 min. 58 sec. West, 90.39 feet, more or less, with said southeasterly line and the Town line of Clarksville to the south corner of said Twin Brook Subdivision, Unit 2;
- North 41 deg. 12 min. 02 sec. West, 199.99 feet, more or less, with the southwesterly line of said Twin Brook Subdivision, Unit 2, and the Clarksville Town line to a point in the southeast line of a tract described at Deed Drawer 13, Instrument 9321;
- South 48 deg. 47 min. 58 sec. West, 533.04 feet, more or less, with the southeast line of said tract and the Clarksville Town line to the south corner of said tract;
- North 39 deg. 59 min. 25 sec. West, 731.14 feet, more or less, with the southwest line of said tract and the Clarksville Town line to a point in the southeast line of a tract recorded at Deed Drawer 15, Instrument No. 9623;
- South 48 deg. 15 min. 02 sec. West, 2058.93 feet, more or less, with the southeast line of said tract, and others, and the Clarksville Town line to the south corner of a tract recorded at Deed Drawer 18, Instrument No. 7685;
- South 48 deg. 45 min. West, 856.3 feet, more or less, with the southeast line of tracts recorded at Deed Drawer 28, Instrument No. 11807 and 11808; Deed Drawer 18, Instrument No. 3119; Deed Record 238, page 362; Deed Record 185, page 351; and Deed Drawer 4, Instrument No. 7231 and the Clarksville Town line to the north corner of a tract recorded at Deed Drawer 14, Instrument No. 4260;
- South 40 deg. East, 264 feet, more or less, with the northeast line of said tract and a tract recorded at Deed Drawer 28, Instrument No. 21089 and the Clarksville Town line to the easterly corner of said tract;
- South 49 deg. 59 min. 01 sec. West, 745 feet, more or less, with the southeast line of said tract and the Clarksville Town line to the northeasterly right-of-way line of County Line Road;
- North 40 deg. West, 1167.5 feet, more or less, with said northeasterly right-of-way line of County Line Road to the southeasterly right-of-way line of Poindexter Road;

North 48 deg. 45 min. East, 5900 feet, more or less, with said southeasterly right-of-way line of Poindexter Lane , crossing new State Road 60 to it's northeasterly right-of-way line, which is the present Town boundary of Sellersburg;  
Southeasterly, 1200 feet, more or less, with said northeasterly right-of-way line of new State Road 60 and the Sellersburg Town line to old State Road. 60;  
Westerly, 205 feet, more or less, crossing new State Road 60 with the Sellersburg Town line to the southwesterly right-of-way line of new State Road 60 which is the Sellersburg Town line;  
Southeasterly, 870 feet, more or less, with said right-of-way line and the Sellersburg Town line to the point of beginning, and containing 157.6 acres of land, more or less.

1998 SELLERSBURG, INDIANA  
ANNEX AREA "I"



1998 SELLERSBURG, INDIANA ANNEX AREA "I"

8823B

ORDINANCE NO. 99- 711

**ORDINANCE OF THE SELLERSBURG TOWN COUNCIL TO OPT-OUT AND REMOVE ITS WATER UTILITY FROM THE JURISDICTION OF THE INDIANA UTILITY REGULATORY COMMISSION PURSUANT TO INDIANA CODE 8-1.5-3-9.1.**

WHEREAS, the Town of Sellersburg is the owner and operator of a water utility; and

WHEREAS, the Town of Sellersburg's water utility is currently under the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, Indiana Code 8-1.5-3-9.1 authorizes and provides that a utility owned by a town may be removed from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidence of indebtedness, if the municipal legislative body adopts an ordinance removing the Utility from Commission jurisdiction; and

WHEREAS, the Sellersburg Town Council pursuant to Indiana Code 8-1.5-3-9.1 desires to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council has determined it is in the best interest of the Town of Sellersburg to opt-out and remove its water utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, that the Sellersburg Town Council has complied with all notice requirements to ratepayers of the Town's Water Utility and to the IURC; and

WHEREAS, the herein ordinance is necessary for the effective and efficient administration of Town Government; and

WHEREAS, the herein ordinance was considered at an open meeting to which public

were invited to attend and participate; and

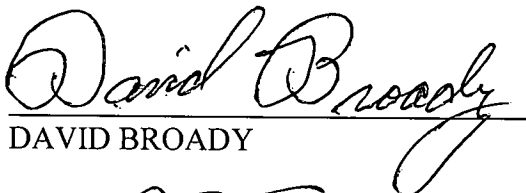
BE IT THEREFORE ORDAINED by the Sellersburg Town Council as follows:

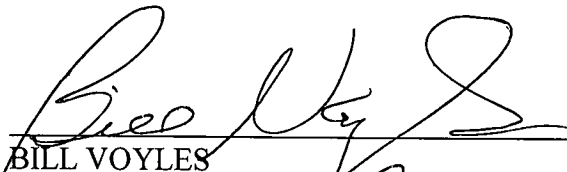
1. Pursuant to the provisions of Indiana Code 8-1.5-3-9.1 the Town of Sellersburg Water Utility shall be and hereby is withdrawn and removed from the jurisdiction of the Indiana Utility Regulatory Commission;

2. That the herein ordinance shall become effective sixty (60) days after adoption by the Sellersburg Town Council;

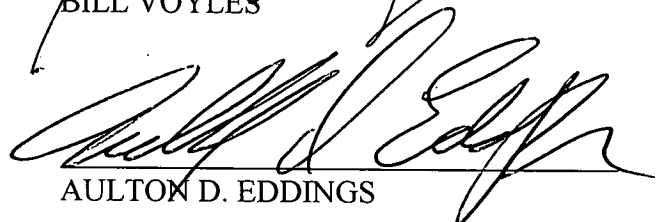
3. That the Sellersburg Town Council shall mail written notice of its withdrawal from the jurisdiction of the Indiana Utility Regulatory Commission to the Indiana Utility Regulatory Commission within thirty (30) days after the herein ordinance becomes effective.

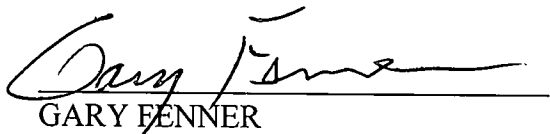
SO ORDAINED THIS 15<sup>th</sup> DAY OF February, 1999.

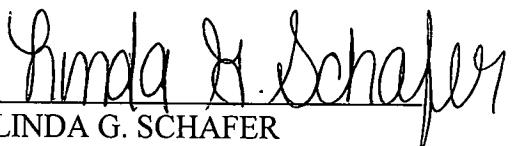
  
DAVID BROADY

  
BILL VOYLES

  
KEN ALEXANDER

  
AULTON D. EDDINGS

  
GARY FENNER

ATTEST:   
LINDA G. SCHAFER  
CLERK-TREASURER

8656

RECEIVED FOR RECORD

ORDINANCE NO. 99-712

APR 22 11 40 AM '99

AN ORDINANCE VACATING AN ALLEY WITHIN IN DRA 31  
THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG 8656

SHIRLEY ROLOT  
RECORDER OF CLARK CO.

WHEREAS, the Roman Catholic Archdiocese of Indianapolis Properties, Inc., locally referred to as St. Paul's Catholic Church have filed a Petition with the Town of Sellersburg to vacate an alley within the municipal limits of the Town of Sellersburg; and

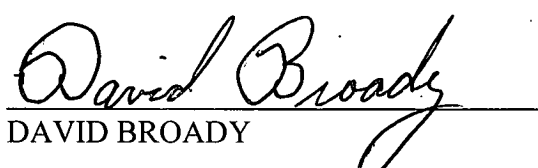
WHEREAS, Notice of the Petition was published and given in accordance with I.C. 5-3.1-2; and

WHEREAS, the Petition was considered at an open meeting conducted after sufficient legal notice was provided; and

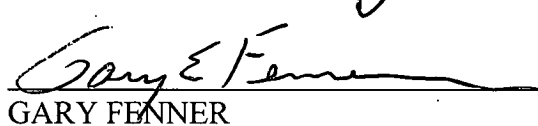
WHEREAS, the Town Council for the Town of Sellersburg has determined the herein Ordinance is necessary for efficient and effective administration of Town Government.

BE IT THEREFORE NOW ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG that the alley which is more specifically y described in "Exhibit A" attached hereto and incorporated herein shall be and hereby is vacated pursuant to the Petition to Vacate Alley filed by the Roman Catholic Archdiocese of Indianapolis Properties, Inc.

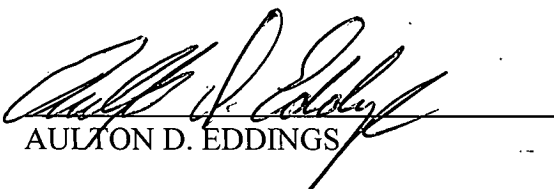
SO ORDAINED this 8<sup>th</sup> day of March, 1999.

  
DAVID BROADY

  
KEN ALEXANDER

  
GARY FENNER

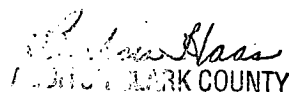
\_\_\_\_\_  
BILL VOYLES

  
AULTON D. EDDINGS

ATTEST:   
LINDA SCHAFER  
CLERK-TREASURER

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

APR 23 1999

  
CLERK COUNTY



Dayid R. Blankenbeker, P.L.S.  
 Terry A. Kendall, P.L.S.

*This is the  
 Assumption to be used*

Howard R. Blankenbeker (1905-1974)  
 Rollyn H. Blankenbeker (1934-1994)

# Blankenbeker & Son

## Land Surveyors Inc, P.C.

Established 1945

422 Meigs Avenue  
 Jeffersonville, Indiana 47130

(812) 282-4183 phone  
 (812) 282-4197 fax

P.O. Box 157  
 Jeffersonville, Indiana 47131-0157

4 December 1998

### DESCRIPTION OF AN ALLEY BETWEEN HAUS AND ST. PAUL STREETS IN SELLERSBURG

Being a 14 feet wide alley in John Dietrichs 2nd Additon to the Town of Sellersburg, as shown in Plat Book 3, Page 76 of the Clark County, Indiana Records and being further described as follows:

Beginning at a steel pin on the southeast corner of Lot 22 in said Addition; Thence N.7°51'10"E. along the western Right of Way line of said alley, 291 feet to an iron pipe on the northeast corner of Lot 26 in said Addition, same being on the southern Right-of-Way line of Haus Street; Thence S.81°30'E. along said southern Right of Way line, 14 feet to the the northwest corner of Lot 21 in said Addition; Thence S.7°51'10"W. along the eastern Right-of-Way line of said alley, 293.66 feet to a steel pin on the southwest corner of Lot 16 in said Addition, same being on the northern Right-of-Way line of St. Paul Street; Thence N.70°45'30"W. along said northern Right of Way line, 14.28 feet to The PLACE OF BEGINNING.

Containing 4,092 square feet and being subject to all easements of record.

813 (11)

Perry McCall  
332 Spruigt.  
Off. In. 47130

ORDINANCE NO. 99-713

AN ORDINANCE PROVIDING FOR THE  
CONTROL OF DOMESTIC ANIMALS WITHIN SELLERSBURG,  
INDIANA AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

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

SECTION ONE - DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS SHALL MEAN:

**ABANDON:** MEANS TO LEAVE UNATTENDED ON PUBLIC OR PRIVATE PROPERTY,  
WHEREIN THE PERSON CITED HAS NO OWNERSHIP OR OTHER LEGAL OR EQUITABLE  
INTEREST OR RIGHT.

**ANIMAL CONTROL OFFICER:** ANY PERSON DESIGNATED BY THE TOWN COUNCIL AS  
AN OFFICER WHO IS QUALIFIED TO PERFORM THE DUTIES REQUIRED BY THIS ORDINANCE  
OR STATE STATUTES REGARDING ANIMALS.

**ANIMAL SHELTER:** ANY PREMISES DESIGNATED AND OPERATED FOR  
THE PURPOSE OF IMPOUNDING AND CARING FOR DOMESTIC ANIMALS HELD UNDER  
AUTHORITY OF THIS ORDINANCE. THE TOWN OF SELLERSBURG SHALL UTILIZE THE  
CLARK COUNTY ANIMAL SHELTER, OR SUCH OTHER PLACE DESIGNATED BY TOWN COUNCIL.

**DOMESTIC ANIMAL:** MEANS CATTLE, CALVES, HORSES, MULES, SWINE, SHEEP,  
GOATS, DOGS, CATS, POULTRY, OR OTHER BIRDS, AND ANY ANIMAL OF THE BOVINE,  
EQUINE, OVINE, PORCINE, CANINE, FELINE, AVIAN OR ANY OTHER SPECIES THAT IS  
DEPENDENT UPON MAN FOR FOOD AND OR SHELTER.

**ENCLOSURE:** A COVERED FENCE OR STRUCTURE OF SUFFICIENT HEIGHT TO ALLOW  
THE ANIMAL TO STAND ERECT WITHOUT TOUCHING THE TOP OF THE COVER; FORMING OR  
CAUSING AN ENCLOSURE SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN, AND  
SUITABLE TO CONFINE AN ANIMAL. THIS STRUCTURE SHALL BE CONSTRUCTED IN SUCH A  
WAY AS TO PREVENT THE ESCAPE OF THE ANIMAL BY DIGGING, CLIMBING, OR GOING  
THROUGH, AND SHALL BE KEPT IN A CONDITION WHICH WILL PREVENT THE SAME.  
THE ENCLOSURE SHALL BE SECURELY LOCKED WITH A COMBINATION OR KEY LOCK WHICH  
HAS BEEN DESIGNED TO PREVENT ACCIDENTAL OR MALICIOUS OPENING OF THE  
ENCLOSURE ENTRANCE / EXIT.

**KENNEL:** ANY PERSON, PARTNERSHIP OR CORPORATION MAINTAINING  
AN ESTABLISHMENT WHERE DOMESTIC ANIMALS OF ANY SPECIES ARE KEPT FOR THE  
PURPOSE OF BREEDING, BUYING, SELLING, SHOWING OR BOARDING OF SUCH  
ANIMALS OR ENGAGED IN THE TRAINING OF SUCH ANIMALS FOR GUARD OR  
SENTRY PURPOSES, AND WHICH ESTABLISHMENT IS SO CONSTRUCTED THAT  
THE ANIMALS CANNOT STRAY THEREFROM.

**OWNER:** WHEN APPLIED TO THE PROPRIETORSHIP OF A DOMESTIC ANIMAL MEANS ANY PERSON, PARTNERSHIP, OR CORPORATION OWNING, KEEPING OR HARBORING ONE OR MORE DOMESTIC ANIMALS. A DOMESTIC ANIMAL SHALL BE DEEMED TO BE HARBORED IF IT IS FED OR SHELTERED FOR THREE (3) CONSECUTIVE DAYS OR MORE.

**PERSON:** AN INDIVIDUAL, PARTNERSHIP, COMPANY OR CORPORATION.

**POLICE OFFICER OR LAW ENFORCEMENT OFFICER:** ANY PERSON EMPLOYED BY THE STATE OF INDIANA, BY THE COUNTY, OR THE TOWN OF SELLERSBURG, INDIANA WHOSE DUTY IT IS TO PRESERVE PEACE OR TO MAKE ARRESTS OR TO ENFORCE THE LAW.

**RESTRAINT:** A DOMESTIC ANIMAL SHALL BE DEEMED TO BE UNDER RESTRAINT IF ITS OWNER OR PERSON IN CHARGE OF IT DOES NOT CAUSE OR ALLOW IT TO RUN AT LARGE UPON ANY PUBLIC PLACE OR UPON ANY PRIVATE PROPERTY, OTHER THAN THE OWNER'S. HOWEVER, WORKING DOGS, SUCH AS LEAD DOGS, GUARD DOGS, FARM DOGS, HUNTING DOGS AND OTHER SIMILAR ANIMALS THAT ARE TRAINED NEED NOT BE LEASHED WHEN UNDER THE REASONABLE CARE OF ITS OWNER.

**VICIOUS / DANGEROUS ANIMAL:** ANY ANIMAL WHICH, WITHOUT PROVOCATION, ATTACKS OR INJURES A PERSON WHO IS PEACEABLY CONDUCTING THEMSELVES IN A PLACE WHERE HE OR SHE LAWFULLY MAY BE. DANGEROUS ANIMALS SHALL ALSO INCLUDE ANY ANIMAL WHICH, BECAUSE OF ITS SIZE, VICIOUS PROPENSITY OR OTHER CHARACTERISTIC, WOULD CONSTITUTE A DANGER TO HUMAN LIFE, PROPERTY OR A OTHER DOMESTIC ANIMAL, IF NOT RESTRAINED OR KEPT IN A SAFE AND ADEQUATE ENCLOSURE.

## SECTION TWO - RESTRAINT

ALL DOMESTIC ANIMALS IN THE TOWN OF SELLERSBURG, INDIANA, SHALL BE KEPT UNDER RESTRAINT AT ALL TIMES.

## SECTION THREE - IMPOUNDMENT

(A) UNRESTRAINED DOMESTIC ANIMALS SHALL BE TAKEN BY AN ANIMAL CONTROL OFFICER, AND IMPOUNDED IN THE ANIMAL SHELTER AND THERE CONFINED IN A HUMANE MANNER.

(B) ANIMALS WITHOUT IDENTIFICATION SHALL BE IMPOUNDED FOR THREE (3) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. ANIMALS WITH IDENTIFICATION SHALL BE IMPOUNDED FOR FIVE (5) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. IF BY LICENCE TAG, OR OTHER MEANS, THE OWNER OF AN IMPOUNDED ANIMALS CAN BE IDENTIFIED, AN ATTEMPT SHALL BE MADE TO CONTACT THE OWNER BY TELEPHONE. ANIMALS NOT CLAIMED BY THEIR OWNERS WITHIN THE ABOVE TIME LIMITS, OR PLACED IN A SUITABLE NEW HOME, SHALL BE HUMANELY EUTHANIZED. DOMESTIC ANIMALS THAT ARE SICK OR INJURED MAY BE HUMANELY EUTHANIZED PRIOR TO THE ABOVE TIME LIMITS BY AN ANIMAL CONTROL OFFICER OR HIS AGENT.

(C) AN ANIMAL OWNER RECLAIMING AN IMPOUNDED DOG/CAT SHALL PAY, A FEE OF \$15.00 FOR THE REDEMPTION OF AN DOG/CAT FOR THE FIRST REDEMPTION OF SAID DOG/CAT AND A \$3.00 PICKUP FEE. A FEE OF \$25.00 SHALL BE CHARGED FOR EACH SUBSEQUENT REDEMPTION OF THE SAME IMPOUNDED DOG/CAT, WITH A \$3.00 PICKUP FEE. A \$3.00 PER DAY BOARDING FEE WILL BE CHARGED FOR EACH DAY THAT THE ANIMAL IS IMPOUNDED.

(F) PROOF OF VACCINATION FOR RABIES AND A CURRENT DOG/CAT LICENCE SHALL BE REQUIRED FROM THE OWNER BEFORE ANY DOG/CAT IS RELEASED FROM THE ANIMAL SHELTER TO HIS OR HER OWNER. IF NO PROOF OF VACCINATION IS SHOWN, A RABIES VOUCHER MUST BE PURCHASED BY THE OWNER AND SHOW TO THE ANIMAL SHELTER OPERATOR WITHIN TEN DAYS OF RELEASE OF THE DOG/CAT. IF A CURRENT DOG/CAT LICENCE IS NOT PRODUCED BY THE OWNER AT THE TIME OF REDEMPTION, THE REDEMPTION SHALL BE DELAYED UNTIL THE OWNER PRODUCES A CURRENT DOG/CAT LICENCE FOR THE DOG/CAT SOUGHT TO BE RELEASED.

(G) ALL SUCH FEES SET FORTH HEREIN UNDER SECTION THREE, ARE SUBJECT TO CHANGE BY THE CLARK COUNTY ANIMAL SHELTER.

#### SECTION FOUR - RABIES VACCINATION REQUIREMENT

AN OWNER OF A DOG/CAT, SIX (6) MONTHS OF AGE OR OLDER, SHALL BE REQUIRED TO HAVE THEIR ANIMAL(S) VACCINATED AGAINST RABIES EACH YEAR. EACH VACCINATION MUST BE PERFORMED BY AN LICENSED VETERINARIAN WITH A VACCINATION CERTIFICATE BEING ISSUED WITH THE RABIES VACCINATION TAG. THE OWNER MUST HOLD IN POSSESSION THE CERTIFICATE OF RABIES VACCINATION AND THE RABIES TAG MUST BE READILY VISIBLE ON ANIMAL AT ALL TIMES.

ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.

#### SECTION FIVE - NUISANCE

EACH OWNER SHALL EXERCISE PROPER CARE AND CONTROL OF HIS / HER DOMESTIC ANIMAL SO AS TO PREVENT THE FOLLOWING:

1. MOLESTING OF PASSERS-BY;
2. CHASING OF PASSING VEHICLES;
3. ATTACKING OTHER DOMESTIC ANIMALS;
4. TRESPASSING UPON PRIVATE PROPERTY OR SCHOOL GROUNDS;
5. DAMAGING PRIVATE OR PUBLIC PROPERTY;
6. HABITUAL BARKING OR LOUD AND CONTINUED NOISE WHICH CAUSES SERIOUS ANNOYANCE OR DISTURBANCE TO THE NEIGHBORHOOD;
7. UNNECESSARY FOUL OR NOXIOUS ODORS WHICH OFFEND PEOPLE IN THE NEIGHBORHOOD.

**SECTION SIX - ANIMAL BITES**

**(A) IF ANY PERSON OR ANIMAL IS THE VICTIM OF AN ANIMAL BITE, THE VICTIM OR WITNESS SHALL IMMEDIATELY NOTIFY THE COUNTY HEALTH DEPARTMENT OR ITS DESIGNEE OF THE INCIDENT, AND PROVIDE A DESCRIPTION OF THE ANIMAL AND THE IDENTIFICATION, IF POSSIBLE, OF THE OWNER. WHEN AN ANIMAL IS DETERMINED TO HAVE BITTEN A PERSON OR ANOTHER ANIMAL, THE ANIMAL SHALL BE CONFINED, IN QUARANTINE, FOR A PERIOD OF TEN DAYS, WITH THE EXACT DURATION SUBJECT TO THE JUDGEMENT OF THE COUNTY HEALTH OFFICER OR HIS DESIGNEE.**

**(B) IF THE OWNER OF THE BITING ANIMAL HAS PROOF OF CURRENT RABIES INOCULATION, THE ANIMAL MAY BE LEFT IN THE CHARGE OF THE OWNER UNDER QUARANTINE, UNLESS IN THE JUDGEMENT OF THE COUNTY HEALTH OFFICER, IT SHOULD BE REMOVED TO AN ANIMAL SHELTER OR VETERINARY HOSPITAL FOR THE PERIOD OF OBSERVATION.**

**(C) THE OWNER SHALL BE LIABLE FOR COSTS INCURRED IN THE QUARANTINE OF THE ANIMAL AND FOR ANY PERSONAL AND PROPERTY DAMAGE COMMITTED BY THE INCIDENT.**

**(D) IF THE OWNERSHIP OF THE BITING ANIMAL CANNOT BE DETERMINED; IF THE OWNER DOES NOT FURNISH PROOF OF CURRENT RABIES INOCULATION; OR IF THE OWNER FAILS TO SECURELY CONFINED THE ANIMAL AS REQUIRED, THE ANIMAL SHALL BE IMPOUNDED FOR THE PERIOD OF OBSERVATION.**

**SECTION SEVEN - HUMANE TREATMENT REQUIRED.**

**(A) NO OWNER SHALL FAIL TO PROVIDE HIS ANIMALS WITH GOOD AND WHOLESOME FOOD, WATER, PROPER SHELTER, PROTECTION FROM THE WEATHER, VETERINARY CARE WHEN NEEDED TO ( PREVENT SUFFERING) AND WITH HUMANE CARE AND TREATMENT.**

**(B) NO PERSON SHALL KNOWINGLY EXPOSE ANY KNOWN POISONOUS SUBSTANCE OR TOXIC CHEMICAL SO THAT THE SAME BE LIABLE TO BE EATEN BY ANY ANIMAL, PROVIDED THAT IT SHALL NOT BE UNLAWFUL FOR A PERSON TO EXPOSE, ON HIS PROPERTY, COMMONS RAT POISON MIXED ONLY WITH VEGETABLE SUBSTANCE.**

**(C) IT SHALL BE UNLAWFUL FOR ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER ENTITY TO DISPLAY, SELL, OFFER FOR SALE, TRADE, OR BARTER, OR KNOWINGLY GIVE AWAY ANY DISEASED ANIMAL, OR ALLOW ANY DISEASED ANIMAL THAT IS AFFECTED WITH A CONTAGIOUS DISEASE TO BE EXPOSED IN ANY PLACE OF PUBLIC ACCESS. THAT IS NOT MEANT TO INTERFERE WITH THE DAILY OPERATION OF AN ANIMAL SHELTER OR VETERINARY CLINIC.**

**SECTION EIGHT - INJURING OR KILLING ANIMALS PROHIBITED.**

**NO PERSON SHALL INTENTIONALLY OR MALICIOUSLY BEAT, TORTURE, INJURE OR KILL ANY ANIMAL BY ADMINISTERING POISON, BY MEANS OF A DEADLY WEAPON OR OTHER DANGEROUS DEVICE .**

**(EXCEPT AS PROVIDED IN SECTION FOURTEEN §(F) OF THIS ORDINANCE)**

**IT IS A DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION FOR THE DEFENDANT TO PROVE BY THE PREPONDERANCE OF EVIDENCE, THAT THE WRONGFUL CONDUCT ALLEGED OF HIM/HER WAS REASONABLY NECESSARY:**

**(A) TO PREVENT DEATH OR INJURY TO HUMANS;**

**(B) TO PREVENT A SERIOUSLY INJURED ANIMAL FROM PROLONGED SUFFERING;**

**NOTHING CONTAINED HEREIN SHALL LIMIT THE ANIMAL CONTROLS AUTHORITY TO TAKE WHATEVER ACTION IS REASONABLY NECESSARY TO DEAL WITH A SICK OR INJURED ANIMAL.**

**SECTION NINE - ANIMALS IN HEAT.**

**EVERY FEMALE ANIMAL IN HEAT SHALL BE CONFINED IN A BUILDING OR SECURE ENCLOSURE IN SUCH MANNER THAT SUCH FEMALE CANNOT COME INTO CONTACT WITH ANOTHER ANIMAL EXCEPT FOR PLANNED BREEDING.**

**ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.**

**SECTION TEN - ANIMAL WASTES.**

**THE OWNER OF EVERY ANIMAL SHALL BE RESPONSIBLE FOR THE IMMEDIATE REMOVAL OF ANY EXCRETA DEPOSITED BY THEIR ANIMALS ON PUBLIC PROPERTY OR ON THE PRIVATE PROPERTY OF OTHERS.**

**SECTION ELEVEN - KEEPING LIVESTOCK, FOWL AND POULTRY PROHIBITED.**

**IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP OR HARBOR ANY LIVESTOCK OR FOWL AND OR POULTRY WITHIN THE TOWN LIMITS, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.**

**SECTION TWELVE - BEE KEEPING PROHIBITED.**

**THE KEEPING, RAISING OR MAINTAINING OF BEES AND OR BEE HIVES IN THE TOWN IS PROHIBITED, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.**

**SECTION THIRTEEN - ILLEGAL DUMPING OR ABANDONING OF DOMESTIC OR WILD ANIMALS.**

**(A) ANY PERSON WHO IS OBSERVED DUMPING, RELEASING, OR OTHERWISE DEPOSITING A DOMESTIC OR WILD ANIMAL, WHICH IS UNDER THEIR CONTROL WITHIN THE BOUNDARIES OF THE TOWN SHALL BE DEEMED TO HAVE COMMITTED A VIOLATION HEREUNDER.**

**(B) EACH PERSON WHO COMMITS AN ACT IN VIOLATION OF THIS SECTION SHALL BE LIABLE FOR A FINE FOR EACH ANIMAL DUMPED, ABANDONED OR OTHERWISE DEPOSITED WITHIN THE BOUNDARIES OF THE TOWN.**

**(C) ANY PERSON WHO IS OBSERVED OR CAUGHT VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO THE ISSUANCE OF A CITATION BY ANIMAL CONTROL OFFICER OF THE TOWN, OR AN OFFICER OF THE POLICE DEPARTMENT.**

**(D) PERSONS PROPERLY DEPOSITING ANIMALS WITH THE ANIMAL SHELTER IN ACCORDANCE WITH THE RULES AND REGULATIONS ESTABLISHED FOR SUCH FACILITY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.**

**SECTION FOURTEEN - POSSESSION OF VICIOUS / DANGEROUS ANIMALS**

**(A) WHENEVER THE SELLERSBURG ANIMAL CONTROL OFFICER OR POLICE OFFICER DETERMINES UPON INCIDENT, PERSONAL OBSERVATION AND INVESTIGATION THAT AN ANIMAL IS A VICIOUS / DANGEROUS ANIMAL AS DEFINED IN THIS ORDINANCE, THE OFFICER SHALL NOTIFY THE OWNER OR ANY PERSON HAVING CUSTODY OR CONTROL OF SAID VICIOUS / DANGEROUS IN WRITING AND SHALL BE GIVEN A 7 DAY NOTICE, TO COMPLY WITH THIS SECTION. FOR EACH DAY PAST THE 7 DAY COMPLIANCE ALLOWANCE THAT THE OWNER OR KEEPER DOES NOT COMPLY VIOLATES A SEPARATE OFFENSE.**

**IF THE OWNER OR KEEPER WISHES TO CONTEST TO THE COMPLIANCE NOTICE, THEY MUST SUBMIT A WRITTEN DEFENSE TO THE TOWN COUNCIL THROUGH THE CLERK TREASURERS OFFICE SELLERSBURG, INDIANA WITHIN THE 7 DAY ALLOWANCE TIME.**

**(B) NO PERSON SHALL ALLOW ANY VICIOUS / DANGEROUS ANIMAL TO BE ON ANY PRIVATE OR PUBLIC PROPERTY, OTHER THAN THE ANIMAL'S OWNER OR KEEPERS PROPERTY, UNLESS SUCH ANIMAL IS SECURELY MUZZLED AND LEASHED OR CAGED.**

**(C) ADEQUATE SAFEGUARDS SHALL BE TAKEN TO PREVENT UNAUTHORIZED ACCESS TO A VICIOUS / DANGEROUS ANIMAL ON THE OWNERS OR KEEPERS PROPERTY.**

**(D) ANY PERSON OWNING OR KEEPING A VICIOUS / DANGEROUS ANIMAL WHICH HAS THE PROPENSITY TO ATTACK WITHOUT PROVOCATION OR HAS BEEN DETERMINED TO BE VICIOUS / DANGEROUS ANIMAL SHALL PROVIDE AN ADEQUATE ENCLOSURE AS DEFINED IN THIS ORDINANCE. EACH OWNER OR KEEPER SHALL DISPLAY A BEWARE SIGN ON HIS OR HER PROPERTY OR PREMISES WARNING THAT THERE IS A DANGEROUS ANIMAL ON THE PREMISES.**

**(E) ANY OWNER OR KEEPER OF A VICIOUS / DANGEROUS ANIMAL SHALL NOTIFY THE POLICE DEPARTMENT AND ANIMAL CONTROL IMMEDIATELY UPON DISCOVERING , THAT A VICIOUS / DANGEROUS ANIMAL HAS ESCAPED AND OR IS AT LARGE.**

**(F) IF ANY VICIOUS / DANGEROUS, FEROCIOUS ANIMAL FOUND AT LARGE CANNOT BE SAFELY CAUGHT AND IMPOUNDED, THE ANIMAL CONTROL OR LAW ENFORCEMENT OFFICER SHALL USE SUCH FORCE NECESSARY UP TO INCLUDING DESTRUCTION OF THE ANIMAL.**

**(G) EXCEPTIONS: ANY ANIMAL SHALL NOT BE DEEMED VICIOUS / DANGEROUS SOLELY BECAUSE IT BITES, ATTACKS, OR MENACES:**

- 1. ACTING IN DEFENSE OF ANYONE ASSAULTING ITS OWNER, KEEPER OR RESIDENT;**
- 2. ANY PERSON OR ANIMAL WHO HAS TORMENTED OR ABUSED IT;**
- 3. WHILE DEFENDING ITS YOUNG OR THE YOUNG OF ANOTHER ANIMAL;**
- 4. WHILE DEFENDING ITS PROPERTY FROM A PERSON WHICH THE ANIMAL BELIEVES HAS ENTERED ITS PROPERTY WITH OBVIOUS MALICIOUS INTENT;**

**EXEMPTIONS: ANY ANIMAL WHICH IS EMPLOYED BY A POLICE DEPARTMENT OR GOVERNMENT ENTITY OR ANY ANIMAL WHICH HAS BEEN CERTIFIED EITHER NATIONALLY OR BY THE STATE FOR USE IN LAW ENFORCEMENT, PROVIDED THAT THE ANIMAL IS OWNED AND IN THE POSSESSION OF A LAW ENFORCEMENT OFFICER OR IN THE HANDS OF THE CERTIFIED TRAINER.**



**SECTION FIFTEEN - STANDARDS FOR KENNELS**

ALL KENNELS AS DEFINED HEREIN, SHALL IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE MINIMUM STANDARDS OF THIS SECTION. FAILURE TO MEET THESE STANDARDS SHALL BE GROUNDS FOR ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OWNERS TO THE PENALTIES HEREIN PROVIDED, FACILITIES SHALL BE SUBJECT TO INSPECTION BY ANY INSPECTOR TO BE APPOINTED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG. THE APPOINTED INSPECTOR SHALL INSPECT EACH KENNEL IN THE TOWN OF SELLERSBURG, INDIANA SEMI-ANNUALLY. EACH KENNEL OWNER SHALL BE CHARGED AN INSPECTION FEE OF \$20.00 FOR EACH INSPECTION WHICH SHALL BE PAYABLE WITHIN 10 DAYS AFTER THE INSPECTION . ANY DEFICIENCIES ON THE PART OF THE KENNEL OWNER OR OWNERS SHALL BE CORRECTED WITHIN 10 DAYS AFTER THE INSPECTION. IF A RE-INSPECTION IS WARRANTED, THERE SHALL BE NO ADDITIONAL CHARGE. IN ADDITION TO THE ABOVE, EACH KENNEL OWNER SHALL PURCHASE A KENNEL LICENCE FROM THE AUDITOR OR CLARK COUNTY, INDIANA AT A CHARGE OF \$5.00 ANNUALLY. THE LICENCE MUST BE PURCHASED IN JANUARY OF THE APPROPRIATE YEAR.

(A) ENCLOSURES MUST BE PROVIDED WHICH SHALL ALLOW ADEQUATE PROTECTION AGAINST WEATHER EXTREMES. FLOORS OF BUILDING, RUNS AND WALL SHALL BE IF A MATERIAL TO PERMIT PROPER CLEANING AND DISINFECTING.

(B) BUILDING TEMPERATURE SHALL BE MAINTAINED AT A COMFORTABLE LEVEL . ADEQUATE VENTILATION SHALL BE MAINTAINED .

(C) EACH ANIMAL SHALL HAVE SUFFICIENT SPACE TO STAND UP, LIE DOWN AND TURN AROUND IN A NATURAL POSITION WITHOUT TOUCHING THE SIDES OR THE TOP OF THE CAGES.

(D) CAGES ARE TO BE OF MATERIAL AND CONSTRUCTION THAT PERMIT CLEANING AND SANITIZING.

(E) CAGE FLOORS OF CONCRETE, UNLESS RADIANTLY HEATED, SHALL HAVE A RESTING BOARD OR SOME TYPE OF BEDDING.

(F) RUNS SHALL PROVIDE AN ADEQUATE EXERCISE AREA AND PROTECTION FROM THE WEATHER. RUNS SHALL HAVE AN IMPERVIOUS SURFACE.

(G) ALL ANIMAL QUARTERS AND RUNS ARE TO BE KEPT CLEAN, DRY AND IN A SANITARY CONDITION.

(H) THE FOOD SHALL BE FREE FROM CONTAMINATION, WHOLESOME, PALATABLE AND/OR SUFFICIENT QUANTITY AND NUTRITIVE VALUE TO MEET THE NORMAL DAILY REQUIREMENTS FOR THE CONDITIONS AND SIZE OF THE ANIMAL.

(I) ALL ANIMALS SHALL HAVE FRESH WATER AVAILABLE AT ALL TIMES. WATER VESSELS SHALL BE MOUNTED OR SECURED IN A MANNER THAT PREVENTS TIPPING AND BE OF THE REMOVABLE TYPE.

**SECTION SIXTEEN - STANDARD FOR GUARD AND SENTRY DOGS**

ANY KENNEL SHALL, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE STANDARDS OF THIS SECTION WHENEVER ANY DOG IS TRAINED AS A GUARD OR SENTRY DOG. FAILURE OF THE KENNEL OWNER OR OPERATOR TO MEET THESE STANDARDS SHALL BE GROUNDS FOR THE ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OPERATOR, OR BOTH, TO THE PENALTIES HEREINAFTER PROVIDED.

(A) RUNS MUST HAVE A LEAST EIGHT FEET HIGH FENCES COMPLETELY SURROUNDING THEM TO WHICH ARE TO BE ADDED ANTI - CLIMBERS OR THE TOP MUST BE COMPLETELY COVERED.

(B) ALL GATES AND ENTRANCES TO THE RUNS, KENNEL AND TRAINING AREA, MUST BE KEPT LOCKED WHEN NOT IN USE.

(C) A PERIMETER FENCE OF A LEAST EIGHT FEET HIGH MUST BE INSTALLED TO ENCIRCLE THE TRAINING AND KENNEL AREA TO WHICH ARE TO BE ADDED ANTI-CLIMBERS. FENCES MUST BE MAINTAINED ESCAPE PROOF.

(D) A DOG IN TRAINING AS A GUARD OR SENTRY MUST BE CONFINED AT ALL TIMES TO ITS KENNEL OR RUN OR TRAINING AREA UNLESS HE OR SHE IS UNDER THE CONTROL OF HIS OR HER HANDLER.

(E) ANY INDIVIDUAL INVOLVED IN TRAINING OR GUARD OR SENTRY DOGS MUST HAVE COMPLETED A RECOGNIZED COURSE TO QUALIFY FOR GIVING SUCH TRAINING OR BE ABLE TO DEMONSTRATE EQUIVALENT EXPERIENCE IN GIVING SUCH TRAINING.

**SECTION SEVENTEEN - ISSUANCE OF CITATION**

IN ADDITION TO, IN LIEU OF IMPOUNDING AN ANIMAL FOUND AT LARGE (NOT IN RESTRAINT) THE ANIMAL CONTROL OFFICER, OR LAW ENFORCEMENT OFFICER, OR OTHER AUTHORIZED PERSON, MAY ISSUE TO THE OWNER OF AN ANIMAL A CITATION SPECIFYING THE SECTION OR SECTIONS OF THIS ORDINANCE VIOLATED AND INDICATION OF THE SPECIFIC NATURE OF THE VIOLATION(S). IF INDICATED ON THE CITATION BY THE ISSUING OFFICER AND THE VIOLATOR WISHES TO ADMIT TO THE VIOLATION(S). THE VIOLATOR SHALL PAY A TWENTY-FIVE DOLLAR \$25.00 FINE FOR EACH CITATION ISSUED.

IF THE VIOLATION IS AN ANIMAL NOT SPAYED OR NEUTERED RUNNING AT LARGE, THE FINE SHALL BE FIFTY DOLLARS \$50.00. ( PROOF OF ANIMAL BEING SPAYED OR NEUTERED REQUIRED TO NOT BE ASSESSED THIS FIFTY \$50.00 FINE ) ALL FINES SHALL BE PAID DIRECTLY AND OR MAILED TO THE CLERK TREASURERS OFFICE IN THE TOWN OF SELLERSBURG, WITHIN 30 DAYS OF THE ISSUANCE OF SUCH CITATION.

ALL FINES IN THIS ORDINANCE SHALL BE PAID INTO THE GENERAL FUND OF THE TOWN OF SELLERSBURG, INDIANA.

IF THE ALLEGED VIOLATOR WISHES TO CONTEST AND DENY THE VIOLATION(S), THEY MUST APPEAR IN COURT ON THE DAY AND TIME INDICATED ON THE CITATION OR HAVE AN ATTORNEY FILE A WRITTEN RESPONSE BY THAT TIME.

**FAILURE TO DENY THE VIOLATION(S) OR ADMIT TO THE VIOLATION(S) AND PAY THE FINE WILL RESULT IN THE TOWN ATTORNEYS OFFICE INITIATING FURTHER LEGAL PROCEEDING IN COURT FOR THE ALLEGED VIOLATION(S).**

**AN ANIMAL CONTROL OFFICER, POLICE OFFICERS AND LAW ENFORCEMENT OFFICERS OF OR FOR THE TOWN OF SELLERSBURG, OR ANY OTHER PERSON SO AUTHORIZED ARE EXPRESSLY AUTHORIZED TO WRITE AND ISSUE SUCH CITATIONS.**

**SECTION EIGHTEEN - INTERFERENCE WITH ENFORCEMENT**

**NO PERSON SHALL IN ANY MANNER INTERFERE WITH, HINDER, MOLEST, THREATEN OR ABUSE ANY OFFICER OR INDIVIDUAL AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.**

**SECTION NINETEEN - PENALTIES**

**ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL, UPON CONVICTION, BE FINED IN A SUM NOT LESS THAN TWENTY-FIVE DOLLARS ( \$25.00 ) , NOR MORE THAN ONE THOUSAND DOLLARS ( \$1000.00 ) PLUS COST. IF ANY VIOLATION BE CONTINUING , EACH DAY'S VIOLATION SHALL BE DEEMED A SEPARATE VIOLATION. ADDITIONALLY, THE COURT:**

**(A) MAY, ASSESS THE VIOLATOR THOSE REASONABLE ATTORNEY FEES INCURRED IN PROSECUTING THE VIOLATION, PLUS ANY COST INCURRED IN THE COURSE OF SUCH PROSECUTION;**

**(B) MAY, ORDER CONFISCATION OF THE ANIMAL INVOLVED, WHEN APPROPRIATE AS DETERMINED BY THE COURT, AND ITS PLACEMENT IN THE ANIMAL CONTROL FACILITY, OR ITS DESTRUCTION IF NECESSARY. ANY COST INCURRED, OR LIKELY TO BE INCURRED, BY SUCH CONFISCATION OR DESTRUCTION SHALL BE ASSESSED AGAINST THE OWNER AND ADDED TO THE JUDGEMENT AMOUNT;**

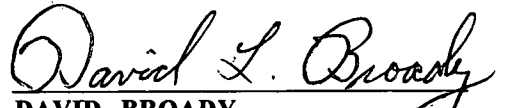
**(C) MAY, IN THE EXERCISE OF ITS DISCRETION, APPROVE ANY AGREEMENTS, REDUCED TO WRITING, CONCERNING FUTURE CARE AND TREATMENT OF THE ANIMAL INVOLVED IF SAME IS RETURNED TO THE OWNER AFTER TRIAL. THE TERM OF ANY SUCH AGREEMENT SHALL NOT EXCEED THREE (3) MONTHS.**

**SECTION TWENTY - SEVERABILITY**

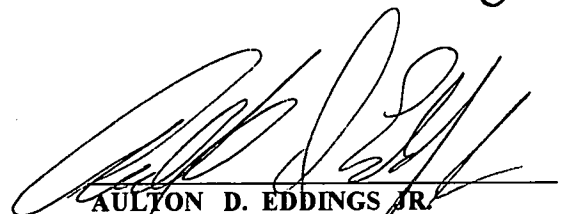
**IF ANY PART OF THIS ORDINANCE SHALL BE HELD INVALID IN A COURT OF LAW, SUCH PART SHALL BE DEEMED SEVERABLE AND THE INVALIDITY THEREOF SHALL NOT AFFECT THE REMAINING PARTS OF THIS ORDINANCE.**

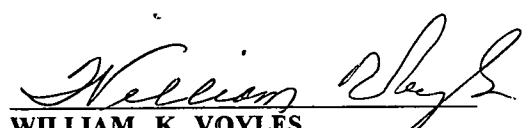
SO ORDAINED THIS 8<sup>th</sup> DAY OF March, 1999.

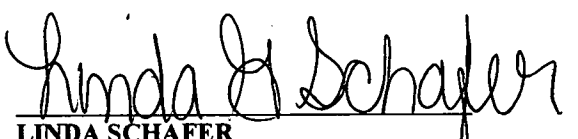
  
KENNETH J. ALEXANDER

  
DAVID BROADY

  
GARY E. FENNER

  
AULTON D. EDDINGS JR.

  
WILLIAM K. VOYLES

ATTEST:   
LINDA SCHAFFER  
CLERK TREASURER

ORDINANCE NO. 99- 0714

**AN ORDINANCE AMENDING ORDINANCE 96-604 SECTION 22  
OF THE TOWN OF SELLERSBURG BUILDING CODE ADDING SUB-SECTION O**

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 11th day of March, 1996, pass and adopt Ordinance No. 96-604, adopting amendments to the Town of Sellersburg Building Code; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, now desires to amend said Ordinance to create uniformity in premises identification for occupancies located within the corporate limits of the Town of Sellersburg, Indiana, and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined the amendment of said Ordinance is necessary 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.

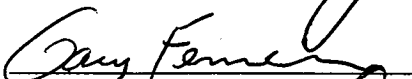
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that Ordinance No. 96-640 Section 22 shall be amended by the addition of Sub-Section O with provisions added as follows,

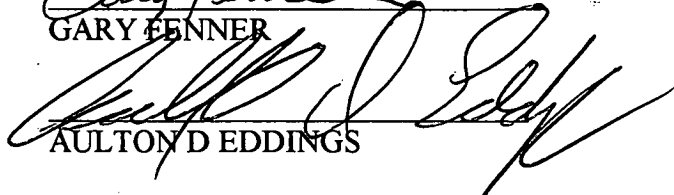
Assigned address numbers shall be placed on or adjacent to all new and existing buildings in such a manor as to be plainly visible and legible from the street or road fronting the property. In the event that said structure is not visible from a public thoroughfare said numbers shall also be placed at the point that access to the property fronts a public thoroughfare. Said numbers shall contrast with their background.

BE IT FURTHER ORDAINED, that all provisions of Ordinance No. 96-640, not so amended shall remain in full force and effect.


SO ORDAINED THIS 12 DAY OF April, 1999

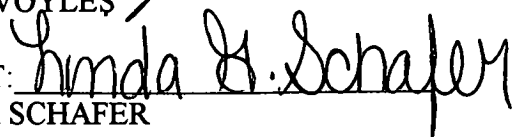
  
DAVID BROADY

  
GARY FENNER

  
AULTON D EDDINGS

  
KEN ALEXANDER

  
BILL VOYLES

ATTEST:   
LINDA SCHAFFER  
CLERK-TREASURER

ORDINANCE NO. 99-715

AN ORDINANCE AMENDING ORDINANCE # 99-713 PROVIDING FOR THE CONTROL OF DOMESTIC ANIMALS WITHIN SELLERSBURG, INDIANA AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

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

SECTION ONE - DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS SHALL MEAN:

ABANDON: MEANS TO LEAVE UNATTENDED ON PUBLIC OR PRIVATE PROPERTY, WHEREIN THE PERSON CITED HAS NO OWNERSHIP OR OTHER LEGAL OR EQUITABLE INTEREST OR RIGHT.

ANIMAL CONTROL OFFICER: ANY PERSON DESIGNATED BY THE TOWN COUNCIL AS AN OFFICER WHO IS QUALIFIED TO PERFORM THE DUTIES REQUIRED BY THIS ORDINANCE OR STATE STATUTES REGARDING ANIMALS.

ANIMAL SHELTER: ANY PREMISES DESIGNATED AND OPERATED FOR THE PURPOSE OF IMPOUNDING AND CARING FOR DOMESTIC ANIMALS HELD UNDER AUTHORITY OF THIS ORDINANCE. THE TOWN OF SELLERSBURG SHALL UTILIZE THE CLARK COUNTY ANIMAL SHELTER, OR SUCH OTHER PLACE DESIGNATED BY TOWN COUNCIL.

DOMESTIC ANIMAL: MEANS CATTLE, CALVES, HORSES, MULES, SWINE, SHEEP, GOATS, DOGS, CATS, POULTRY, OR OTHER BIRDS, AND ANY ANIMAL OF THE BOVINE, EQUINE, OVINE, PORCINE, CANINE, FELINE, AVIAN OR ANY OTHER SPECIES THAT IS DEPENDENT UPON MAN FOR FOOD AND OR SHELTER.

ENCLOSURE: A COVERED FENCE OR STRUCTURE OF SUFFICIENT HEIGHT TO ALLOW THE ANIMAL TO STAND ERECT WITHOUT TOUCHING THE TOP OF THE COVER; FORMING OR CAUSING AN ENCLOSURE SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN, AND SUITABLE TO CONFINE AN ANIMAL. THIS STRUCTURE SHALL BE CONSTRUCTED IN SUCH A WAY AS TO PREVENT THE ESCAPE OF THE ANIMAL BY DIGGING, CLIMBING, OR GOING THROUGH, AND SHALL BE KEPT IN A CONDITION WHICH WILL PREVENT THE SAME. THE ENCLOSURE SHALL BE SECURELY LOCKED WITH A COMBINATION OR KEY LOCK WHICH HAS BEEN DESIGNED TO PREVENT ACCIDENTAL OR MALICIOUS OPENING OF THE ENCLOSURE ENTRANCE / EXIT.

KENNEL: ANY PERSON, PARTNERSHIP OR CORPORATION MAINTAINING AN ESTABLISHMENT WHERE DOMESTIC ANIMALS OF ANY SPECIES ARE KEPT FOR THE PURPOSE OF BREEDING, BUYING, SELLING, SHOWING OR BOARDING OF SUCH ANIMALS OR ENGAGED IN THE TRAINING OF SUCH ANIMALS FOR GUARD OR SENTRY PURPOSES, AND WHICH ESTABLISHMENT IS SO CONSTRUCTED THAT THE ANIMALS CANNOT STRAY THEREFROM.

**OWNER:** WHEN APPLIED TO THE PROPRIETORSHIP OF A DOMESTIC ANIMAL MEANS ANY PERSON, PARTNERSHIP, OR CORPORATION OWNING, KEEPING OR HARBORING ONE OR MORE DOMESTIC ANIMALS. A DOMESTIC ANIMAL SHALL BE DEEMED TO BE HARBORED IF IT IS FED OR SHELTERED FOR THREE (3) CONSECUTIVE DAYS OR MORE.

**PERSON:** AN INDIVIDUAL, PARTNERSHIP, COMPANY OR CORPORATION.

**POLICE OFFICER OR LAW ENFORCEMENT OFFICER:** ANY PERSON EMPLOYED BY THE STATE OF INDIANA, BY THE COUNTY, OR THE TOWN OF SELLERSBURG, INDIANA WHOSE DUTY IT IS TO PRESERVE PEACE OR TO MAKE ARRESTS OR TO ENFORCE THE LAW.

**RESTRAINT:** A DOMESTIC ANIMAL SHALL BE DEEMED TO BE UNDER RESTRAINT IF ITS OWNER OR PERSON IN CHARGE OF IT DOES NOT CAUSE OR ALLOW IT TO RUN AT LARGE UPON ANY PUBLIC PLACE OR UPON ANY PRIVATE PROPERTY, OTHER THAN THE OWNER'S. HOWEVER, WORKING DOGS, SUCH AS LEAD DOGS, GUARD DOGS, FARM DOGS, HUNTING DOGS AND OTHER SIMILAR ANIMALS THAT ARE TRAINED NEED NOT BE LEASHED WHEN UNDER THE REASONABLE CARE OF ITS OWNER.

**VICIOUS / DANGEROUS ANIMAL:** ANY ANIMAL WHICH, WITHOUT PROVOCATION, ATTACKS OR INJURES A PERSON WHO IS PEACEABLY CONDUCTING THEMSELVES IN A PLACE WHERE HE OR SHE LAWFULLY MAY BE. DANGEROUS ANIMALS SHALL ALSO INCLUDE ANY ANIMAL WHICH, BECAUSE OF ITS SIZE, VICIOUS PROPENSITY OR OTHER CHARACTERISTIC, WOULD CONSTITUTE A DANGER TO HUMAN LIFE, PROPERTY OR A OTHER DOMESTIC ANIMAL, IF NOT RESTRAINED OR KEPT IN A SAFE AND ADEQUATE ENCLOSURE.

#### **SECTION TWO - RESTRAINT**

ALL DOMESTIC ANIMALS IN THE TOWN OF SELLERSBURG, INDIANA, SHALL BE KEPT UNDER RESTRAINT AT ALL TIMES.

#### **SECTION THREE - IMPOUNDMENT**

(A) UNRESTRAINED DOMESTIC ANIMALS SHALL BE TAKEN BY AN ANIMAL CONTROL OFFICER, AND IMPOUNDED IN THE ANIMAL SHELTER AND THERE CONFINED IN A HUMANE MANNER.

(B) ANIMALS WITHOUT IDENTIFICATION SHALL BE IMPOUNDED FOR THREE (3) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. ANIMALS WITH IDENTIFICATION SHALL BE IMPOUNDED FOR FIVE (5) DAYS, UNLESS RECLAIMED BY THEIR OWNER SOONER. IF BY LICENCE TAG, OR OTHER MEANS, THE OWNER OF AN IMPOUNDED ANIMALS CAN BE IDENTIFIED, AN ATTEMPT SHALL BE MADE TO CONTACT THE OWNER BY TELEPHONE. ANIMALS NOT CLAIMED BY THEIR OWNERS WITHIN THE ABOVE TIME LIMITS, OR PLACED IN A SUITABLE NEW HOME, SHALL BE HUMANELY EUTHANIZED. DOMESTIC ANIMALS THAT ARE SICK OR INJURED MAY BE HUMANELY EUTHANIZED PRIOR TO THE ABOVE TIME LIMITS BY AN ANIMAL CONTROL OFFICER OR HIS AGENT.

(C) AN ANIMAL OWNER RECLAIMING AN IMPOUNDED DOG/CAT SHALL PAY, A FEE OF \$15.00 FOR THE REDEMPTION OF AN DOG/CAT FOR THE FIRST REDEMPTION OF SAID DOG/CAT AND A \$3.00 PICKUP FEE. A FEE OF \$25.00 SHALL BE CHARGED FOR EACH SUBSEQUENT REDEMPTION OF THE SAME IMPOUNDED DOG/CAT, WITH A \$3.00 PICKUP FEE. A \$3.00 PER DAY BOARDING FEE WILL BE CHARGED FOR EACH DAY THAT THE ANIMAL IS IMPOUNDED.

(F) PROOF OF VACCINATION FOR RABIES AND A CURRENT DOG/CAT LICENCE SHALL BE REQUIRED FROM THE OWNER BEFORE ANY DOG/CAT IS RELEASED FROM THE ANIMAL SHELTER TO HIS OR HER OWNER. IF NO PROOF OF VACCINATION IS SHOWN, A RABIES VOUCHER MUST BE PURCHASED BY THE OWNER AND SHOW TO THE ANIMAL SHELTER OPERATOR WITHIN TEN DAYS OF RELEASE OF THE DOG/CAT. IF A CURRENT DOG/CAT LICENCE IS NOT PRODUCED BY THE OWNER AT THE TIME OF REDEMPTION, THE REDEMPTION SHALL BE DELAYED UNTIL THE OWNER PRODUCES A CURRENT DOG/CAT LICENCE FOR THE DOG/CAT SOUGHT TO BE RELEASED.

(G) ALL SUCH FEES SET FORTH HEREIN UNDER SECTION THREE, ARE SUBJECT TO CHANGE BY THE CLARK COUNTY ANIMAL SHELTER.

#### SECTION FOUR - RABIES VACCINATION REQUIREMENT

A PERSON THAT OWNS, KEEPS OR HARBORS A DOG, CAT OR FERRET THREE (3) MONTHS OF AGE OR OLDER, SHALL BE REQUIRED TO HAVE THEIR ANIMAL(S) VACCINATED AGAINST RABIES EACH CALENDAR YEAR. EACH VACCINATION MUST BE PERFORMED BY AN LICENSED VETERINARIAN WITH A VACCINATION CERTIFICATE BEING ISSUED WITH THE RABIES VACCINATION TAG. THE OWNER MUST HOLD IN POSSESSION THE CERTIFICATE OF RABIES VACCINATION AND SHOWN TO AN OFFICER UPON REQUEST AND THE RABIES TAG MUST BE READILY VISIBLE ON ANIMAL AT ALL TIMES.

ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.

#### SECTION FIVE - NUISANCE

EACH OWNER SHALL EXERCISE PROPER CARE AND CONTROL OF HIS / HER DOMESTIC ANIMAL SO AS TO PREVENT THE FOLLOWING:

1. MOLESTING OF PASSERS-BY;
2. CHASING OF PASSING VEHICLES;
3. ATTACKING OTHER DOMESTIC ANIMALS;
4. TRESPASSING UPON PRIVATE PROPERTY OR SCHOOL GROUNDS;
5. DAMAGING PRIVATE OR PUBLIC PROPERTY;
6. HABITUAL BARKING OR LOUD AND CONTINUED NOISE WHICH CAUSES SERIOUS ANNOYANCE OR DISTURBANCE TO THE NEIGHBORHOOD;
7. UNNECESSARY FOUL OR NOXIOUS ODORS WHICH OFFEND PEOPLE IN THE NEIGHBORHOOD.



**SECTION SIX - ANIMAL BITES**

(A) IF ANY PERSON OR ANIMAL IS THE VICTIM OF AN ANIMAL BITE, THE VICTIM OR WITNESS SHALL IMMEDIATELY NOTIFY THE COUNTY HEALTH DEPARTMENT OR ITS DESIGNEE OF THE INCIDENT, AND PROVIDE A DESCRIPTION OF THE ANIMAL AND THE IDENTIFICATION, IF POSSIBLE, OF THE OWNER. WHEN AN ANIMAL IS DETERMINED TO HAVE BITTEN A PERSON OR ANOTHER ANIMAL, THE ANIMAL SHALL BE CONFINED, IN QUARANTINE, FOR A PERIOD OF TEN DAYS, WITH THE EXACT DURATION SUBJECT TO THE JUDGEMENT OF THE COUNTY HEALTH OFFICER OR HIS DESIGNEE.

(B) IF THE OWNER OF THE BITING ANIMAL HAS PROOF OF CURRENT RABIES INOCULATION, THE ANIMAL MAY BE LEFT IN THE CHARGE OF THE OWNER UNDER QUARANTINE, UNLESS IN THE JUDGEMENT OF THE COUNTY HEALTH OFFICER, IT SHOULD BE REMOVED TO AN ANIMAL SHELTER OR VETERINARY HOSPITAL FOR THE PERIOD OF OBSERVATION.

(C) THE OWNER SHALL BE LIABLE FOR COSTS INCURRED IN THE QUARANTINE OF THE ANIMAL AND FOR ANY PERSONAL AND PROPERTY DAMAGE COMMITTED BY THE INCIDENT.

(D) IF THE OWNERSHIP OF THE BITING ANIMAL CANNOT BE DETERMINED; IF THE OWNER DOES NOT FURNISH PROOF OF CURRENT RABIES INOCULATION; OR IF THE OWNER FAILS TO SECURELY CONFINED THE ANIMAL AS REQUIRED, THE ANIMAL SHALL BE IMPOUNDED FOR THE PERIOD OF OBSERVATION.

**SECTION SEVEN - HUMANE TREATMENT REQUIRED.**

(A) NO OWNER SHALL FAIL TO PROVIDE HIS ANIMALS WITH GOOD AND WHOLESOME FOOD, WATER, PROPER SHELTER, PROTECTION FROM THE WEATHER, VETERINARY CARE WHEN NEEDED TO ( PREVENT SUFFERING) AND WITH HUMANE CARE AND TREATMENT.

(B) NO PERSON SHALL KNOWINGLY EXPOSE ANY KNOWN POISONOUS SUBSTANCE OR TOXIC CHEMICAL SO THAT THE SAME BE LIABLE TO BE EATEN BY ANY ANIMAL, PROVIDED THAT IT SHALL NOT BE UNLAWFUL FOR A PERSON TO EXPOSE, ON HIS PROPERTY, COMMONS RAT POISON MIXED ONLY WITH VEGETABLE SUBSTANCE.

(C) IT SHALL BE UNLAWFUL FOR ANY PERSON, PARTNERSHIP, CORPORATION OR OTHER ENTITY TO DISPLAY, SELL, OFFER FOR SALE, TRADE, OR BARTER, OR KNOWINGLY GIVE AWAY ANY DISEASED ANIMAL, OR ALLOW ANY DISEASED ANIMAL THAT IS AFFECTED WITH A CONTAGIOUS DISEASE TO BE EXPOSED IN ANY PLACE OF PUBLIC ACCESS. THIS IS NOT MEANT TO INTERFERE WITH THE DAILY OPERATION OF AN ANIMAL SHELTER OR VETERINARY CLINIC.

**SECTION EIGHT - INJURING OR KILLING ANIMALS PROHIBITED.**

NO PERSON SHALL INTENTIONALLY OR MALICIOUSLY BEAT, TORTURE, INJURE OR KILL ANY ANIMAL BY ADMINISTERING POISON, BY MEANS OF A DEADLY WEAPON OR OTHER DANGEROUS DEVICE .  
(EXCEPT AS PROVIDED IN SECTION FOURTEEN §(F) OF THIS ORDINANCE)

**IT IS A DEFENSE TO AN ALLEGED VIOLATION OF THIS SECTION FOR THE DEFENDANT TO PROVE BY THE PREPONDERANCE OF EVIDENCE, THAT THE WRONGFUL CONDUCT ALLEGED OF HIM/HER WAS REASONABLY NECESSARY:**

**(A) TO PREVENT DEATH OR INJURY TO HUMANS;**

**(B) TO PREVENT A SERIOUSLY INJURED ANIMAL FROM PROLONGED SUFFERING;**

**NOTHING CONTAINED HEREIN SHALL LIMIT THE ANIMAL CONTROLS AUTHORITY TO TAKE WHATEVER ACTION IS REASONABLY NECESSARY TO DEAL WITH A SICK OR INJURED ANIMAL.**

**SECTION NINE - ANIMALS IN HEAT.**

**EVERY FEMALE ANIMAL IN HEAT SHALL BE CONFINED IN A BUILDING OR SECURE ENCLOSURE IN SUCH MANNER THAT SUCH FEMALE CANNOT COME INTO CONTACT WITH ANOTHER ANIMAL EXCEPT FOR PLANNED BREEDING.**

**ANY PERSON VIOLATING THIS SECTION SHALL BE SUBJECT TO THE FINES HEREINAFTER PROVIDED.**

**SECTION TEN - ANIMAL WASTES.**

**THE OWNER OF EVERY ANIMAL SHALL BE RESPONSIBLE FOR THE IMMEDIATE REMOVAL OF ANY EXCRETA DEPOSITED BY THEIR ANIMALS ON PUBLIC PROPERTY OR ON THE PRIVATE PROPERTY OF OTHERS.**

**SECTION ELEVEN - KEEPING LIVESTOCK, FOWL AND POULTRY PROHIBITED.**

**IT SHALL BE UNLAWFUL FOR ANY PERSON TO KEEP OR HARBOR ANY LIVESTOCK OR FOWL AND OR POULTRY WITHIN THE TOWN LIMITS, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.**

**SECTION TWELVE - BEE KEEPING PROHIBITED.**

**THE KEEPING, RAISING OR MAINTAINING OF BEES AND OR BEE HIVES IN THE TOWN IS PROHIBITED, UNLESS SPECIAL PERMISSION IS OBTAINED FROM THE TOWN COUNCIL.**

**SECTION THIRTEEN - ILLEGAL DUMPING OR ABANDONING OF DOMESTIC OR WILD ANIMALS.**

**(A) ANY PERSON WHO IS OBSERVED DUMPING, RELEASING, OR OTHERWISE DEPOSITING A DOMESTIC OR WILD ANIMAL, WHICH IS UNDER THEIR CONTROL WITHIN THE BOUNDARIES OF THE TOWN SHALL BE DEEMED TO HAVE COMMITTED A VIOLATION HEREUNDER.**

**(B) EACH PERSON WHO COMMITS AN ACT IN VIOLATION OF THIS SECTION SHALL BE LIABLE FOR A FINE FOR EACH ANIMAL DUMPED, ABANDONED OR OTHERWISE DEPOSITED WITHIN THE BOUNDARIES OF THE TOWN.**

**(C) ANY PERSON WHO IS OBSERVED OR CAUGHT VIOLATING THE PROVISIONS SHALL BE SUBJECT TO THE ISSUANCE OF A CITATION BY ANIMAL CONTROL OFFICER OF THE TOWN, OR AN OFFICER OF THE POLICE DEPARTMENT.**

**(D) PERSONS PROPERLY DEPOSITING ANIMALS WITH THE ANIMAL SHELTER IN ACCORDANCE WITH THE RULES AND REGULATIONS ESTABLISHED FOR SUCH FACILITY SHALL NOT BE SUBJECT TO THE PROVISIONS OF THIS SECTION.**

**SECTION FOURTEEN - POSSESSION OF VICIOUS / DANGEROUS ANIMALS**

**(A) WHENEVER THE SELLERSBURG ANIMAL CONTROL OFFICER OR POLICE OFFICER DETERMINES UPON INCIDENT, PERSONAL OBSERVATION AND INVESTIGATION THAT AN ANIMAL IS A VICIOUS / DANGEROUS ANIMAL AS DEFINED IN THIS ORDINANCE, THE OFFICER SHALL NOTIFY THE OWNER OR ANY PERSON HAVING CUSTODY OR CONTROL OF SAID VICIOUS / DANGEROUS IN WRITING AND SHALL BE GIVEN A 7 DAY NOTICE, TO COMPLY WITH THIS SECTION. FOR EACH DAY PAST THE 7 DAY COMPLIANCE ALLOWANCE THAT THE OWNER OR KEEPER DOES NOT COMPLY VIOLATES A SEPARATE OFFENSE.**

**IF THE OWNER OR KEEPER WISHES TO CONTEST TO THE COMPLIANCE NOTICE, THEY MUST SUBMIT A WRITTEN DEFENSE TO THE TOWN COUNCIL THROUGH THE CLERK TREASURERS OFFICE SELLERSBURG, INDIANA WITHIN THE 7 DAY ALLOWANCE TIME.**

**(B) NO PERSON SHALL ALLOW ANY VICIOUS / DANGEROUS ANIMAL TO BE ON ANY PRIVATE OR PUBLIC PROPERTY, OTHER THAN THE ANIMAL'S OWNER OR KEEPERS PROPERTY, UNLESS SUCH ANIMAL IS SECURELY MUZZLED AND LEASHED OR CAGED.**

**(C) ADEQUATE SAFEGUARDS SHALL BE TAKEN TO PREVENT UNAUTHORIZED ACCESS TO A VICIOUS / DANGEROUS ANIMAL ON THE OWNERS OR KEEPERS PROPERTY.**

**(D) ANY PERSON OWNING OR KEEPING A VICIOUS / DANGEROUS ANIMAL WHICH HAS THE PROPENSITY TO ATTACK WITHOUT PROVOCATION OR HAS BEEN DETERMINED TO BE VICIOUS / DANGEROUS ANIMAL SHALL PROVIDE AN ADEQUATE ENCLOSURE AS DEFINED IN THIS ORDINANCE. EACH OWNER OR KEEPER SHALL DISPLAY A BEWARE SIGN ON HIS OR HER PROPERTY OR PREMISES WARNING THAT THERE IS A DANGEROUS ANIMAL ON THE PREMISES.**

**(E) ANY OWNER OR KEEPER OF A VICIOUS / DANGEROUS ANIMAL SHALL NOTIFY THE POLICE DEPARTMENT AND ANIMAL CONTROL IMMEDIATELY UPON DISCOVERING , THAT A VICIOUS / DANGEROUS ANIMAL HAS ESCAPED AND OR IS AT LARGE.**

**(F) IF ANY VICIOUS / DANGEROUS, FEROCIOUS ANIMAL FOUND AT LARGE CANNOT BE SAFELY CAUGHT AND IMPOUNDED, THE ANIMAL CONTROL OR LAW ENFORCEMENT OFFICER SHALL USE SUCH FORCE NECESSARY UP TO INCLUDING DESTRUCTION OF THE ANIMAL.**

**(G) EXCEPTIONS: ANY ANIMAL SHALL NOT BE DEEMED VICIOUS / DANGEROUS SOLELY BECAUSE IT BITES, ATTACKS, OR MENACES:**

- 1. ACTING IN DEFENSE OF ANYONE ASSAULTING ITS OWNER, KEEPER OR RESIDENT;**
- 2. ANY PERSON OR ANIMAL WHO HAS TORMENTED OR ABUSED IT;**
- 3. WHILE DEFENDING ITS YOUNG OR THE YOUNG OF ANOTHER ANIMAL;**
- 4. WHILE DEFENDING ITS PROPERTY FROM A PERSON WHICH THE ANIMAL BELIEVES HAS ENTERED ITS PROPERTY WITH OBVIOUS MALICIOUS INTENT;**

**EXEMPTIONS: ANY ANIMAL WHICH IS EMPLOYED OR OWNED BY A POLICE DEPARTMENT OR GOVERNMENT ENTITY OR ANY ANIMAL WHICH HAS BEEN CERTIFIED EITHER NATIONALLY OR BY THE STATE FOR USE IN LAW ENFORCEMENT, PROVIDED THAT THE ANIMAL IS IN THE POSSESSION OF A LAW ENFORCEMENT OFFICER OR IN THE HANDS OF THE CERTIFIED TRAINER.**

**SECTION FIFTEEN - STANDARDS FOR KENNELS**

**ALL KENNELS AS DEFINED HEREIN, SHALL IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE MINIMUM STANDARDS OF THIS SECTION. FAILURE TO MEET THESE STANDARDS SHALL BE GROUNDS FOR ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OWNERS TO THE PENALTIES HEREIN PROVIDED, FACILITIES SHALL BE SUBJECT TO INSPECTION BY ANY INSPECTOR TO BE APPOINTED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG. THE APPOINTED INSPECTOR SHALL INSPECT EACH KENNEL IN THE TOWN OF SELLERSBURG, INDIANA SEMI-ANNUALLY. EACH KENNEL OWNER SHALL BE CHARGED AN INSPECTION FEE OF \$20.00 FOR EACH INSPECTION WHICH SHALL BE PAYABLE WITHIN 10 DAYS AFTER THE INSPECTION. ANY DEFICIENCIES ON THE PART OF THE KENNEL OWNER OR OWNERS SHALL BE CORRECTED WITHIN 10 DAYS AFTER THE INSPECTION. IF A RE-INSPECTION IS WARRANTED, THERE SHALL BE NO ADDITIONAL CHARGE. IN ADDITION TO THE ABOVE, EACH KENNEL OWNER SHALL PURCHASE A KENNEL LICENCE FROM THE AUDITOR OR CLARK COUNTY, INDIANA AT A CHARGE OF \$5.00 ANNUALLY. THE LICENCE MUST BE PURCHASED IN JANUARY OF THE APPROPRIATE YEAR.**

**(A) ENCLOSURES MUST BE PROVIDED WHICH SHALL ALLOW ADEQUATE PROTECTION AGAINST WEATHER EXTREMES. FLOORS OF BUILDING, RUNS AND WALL SHALL BE IF A MATERIAL TO PERMIT PROPER CLEANING AND DISINFECTING.**

**(B) BUILDING TEMPERATURE SHALL BE MAINTAINED AT A COMFORTABLE LEVEL. ADEQUATE VENTILATION SHALL BE MAINTAINED.**

**(C) EACH ANIMAL SHALL HAVE SUFFICIENT SPACE TO STAND UP, LIE DOWN AND TURN AROUND IN A NATURAL POSITION WITHOUT TOUCHING THE SIDES OR THE TOP OF THE CAGES.**

**(D) CAGES ARE TO BE OF MATERIAL AND CONSTRUCTION THAT PERMIT CLEANING AND SANITIZING.**

**(E) CAGE FLOORS OF CONCRETE, UNLESS RADIANTLY HEATED, SHALL HAVE A RESTING BOARD OR SOME TYPE OF BEDDING.**

**(F) RUNS SHALL PROVIDE AN ADEQUATE EXERCISE AREA AND PROTECTION FROM THE WEATHER. RUNS SHALL HAVE AN IMPERVIOUS SURFACE.**

**(G) ALL ANIMAL QUARTERS AND RUNS ARE TO BE KEPT CLEAN, DRY AND IN A SANITARY CONDITION.**

**(H) THE FOOD SHALL BE FREE FROM CONTAMINATION, WHOLESOME, PALATABLE AND/OR SUFFICIENT QUANTITY AND NUTRITIVE VALUE TO MEET THE NORMAL DAILY REQUIREMENTS FOR THE CONDITIONS AND SIZE OF THE ANIMAL.**

**(I) ALL ANIMALS SHALL HAVE FRESH WATER AVAILABLE AT ALL TIMES. WATER VESSELS SHALL BE MOUNTED OR SECURED IN A MANNER THAT PREVENTS TIPPING AND BE OF THE REMOVABLE TYPE.**

## SECTION SIXTEEN - STANDARD FOR GUARD AND SENTRY DOGS

ANY KENNEL SHALL, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE, COMPLY WITH THE STANDARDS OF THIS SECTION WHENEVER ANY DOG IS TRAINED AS A GUARD OR SENTRY DOG. FAILURE OF THE KENNEL OWNER OR OPERATOR TO MEET THESE STANDARDS SHALL BE GROUNDS FOR THE ISSUANCE OF A CITATION SUBJECTING THE OWNER OR OPERATOR, OR BOTH, TO THE PENALTIES HEREINAFTER PROVIDED.

(A) RUNS MUST HAVE A LEAST EIGHT FEET HIGH FENCES COMPLETELY SURROUNDING THEM TO WHICH ARE TO BE ADDED ANTI - CLIMBERS OR THE TOP MUST BE COMPLETELY COVERED.

(B) ALL GATES AND ENTRANCES TO THE RUNS, KENNEL AND TRAINING AREA, MUST BE KEPT LOCKED WHEN NOT IN USE.

(C) A PERIMETER FENCE OF A LEAST EIGHT FEET HIGH MUST BE INSTALLED TO ENCIRCLE THE TRAINING AND KENNEL AREA TO WHICH ARE TO BE ADDED ANTI-CLIMBERS. FENCES MUST BE MAINTAINED ESCAPE PROOF.

(D) A DOG IN TRAINING AS A GUARD OR SENTRY MUST BE CONFINED AT ALL TIMES TO ITS KENNEL OR RUN OR TRAINING AREA UNLESS HE OR SHE IS UNDER THE CONTROL OF HIS OR HER HANDLER.

(E) ANY INDIVIDUAL INVOLVED IN TRAINING OR GUARD OR SENTRY DOGS MUST HAVE COMPLETED A RECOGNIZED COURSE TO QUALIFY FOR GIVING SUCH TRAINING OR BE ABLE TO DEMONSTRATE EQUIVALENT EXPERIENCE IN GIVING SUCH TRAINING.

## SECTION SEVENTEEN - ISSUANCE OF CITATION

IN ADDITION TO, IN LIEU OF IMPOUNDING AN ANIMAL FOUND AT LARGE (NOT IN RESTRAINT) THE ANIMAL CONTROL OFFICER, OR LAW ENFORCEMENT OFFICER, OR OTHER AUTHORIZED PERSON, MAY ISSUE TO THE OWNER OF AN ANIMAL A CITATION SPECIFYING THE SECTION OR SECTIONS OF THIS ORDINANCE VIOLATED AND INDICATION OF THE SPECIFIC NATURE OF THE VIOLATION(S). IF INDICATED ON THE CITATION BY THE ISSUING OFFICER AND THE VIOLATOR WISHES TO ADMIT TO THE VIOLATION(S). THE VIOLATOR SHALL PAY A TWENTY-FIVE DOLLAR \$25.00 FINE FOR EACH CITATION ISSUED.

IF THE VIOLATION IS AN ANIMAL NOT SPAYED OR NEUTERED RUNNING AT LARGE, THE FINE SHALL BE FIFTY DOLLARS \$50.00. ( PROOF OF ANIMAL BEING SPAYED OR NEUTERED REQUIRED TO NOT BE ASSESSED THIS FIFTY \$50.00 FINE ) ALL FINES SHALL BE PAID DIRECTLY AND OR MAILED TO THE CLERK TREASURERS OFFICE IN THE TOWN OF SELLERSBURG, WITHIN 30 DAYS OF THE ISSUANCE OF SUCH CITATION.

ALL FINES IN THIS ORDINANCE SHALL BE PAID INTO THE GENERAL FUND OF THE TOWN OF SELLERSBURG, INDIANA.

IF THE ALLEGED VIOLATOR WISHES TO CONTEST AND DENY THE VIOLATION(S), THEY MUST APPEAR IN COURT ON THE DAY AND TIME INDICATED ON THE CITATION OR HAVE AN ATTORNEY FILE A WRITTEN RESPONSE BY THAT TIME.

**FAILURE TO DENY THE VIOLATION(S) OR ADMIT TO THE VIOLATION(S) AND PAY THE FINE WILL RESULT IN THE TOWN ATTORNEYS OFFICE INITIATING FURTHER LEGAL PROCEEDING IN COURT FOR THE ALLEGED VIOLATION(S).**

**AN ANIMAL CONTROL OFFICER, POLICE OFFICERS AND LAW ENFORCEMENT OFFICERS OF OR FOR THE TOWN OF SELLERSBURG, OR ANY OTHER PERSON SO AUTHORIZED ARE EXPRESSLY AUTHORIZED TO WRITE AND ISSUE SUCH CITATIONS.**

**SECTION EIGHTEEN - INTERFERENCE WITH ENFORCEMENT**

**NO PERSON SHALL IN ANY MANNER INTERFERE WITH, HINDER, MOLEST, THREATEN OR ABUSE ANY OFFICER OR INDIVIDUAL AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE.**

**SECTION NINETEEN - PENALTIES**

**ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL, UPON CONVICTION, BE FINED IN A SUM NOT LESS THAN TWENTY-FIVE DOLLARS ( \$25.00 ) , NOR MORE THAN ONE THOUSAND DOLLARS ( \$1000.00 ) PLUS COST. IF ANY VIOLATION BE CONTINUING , EACH DAY'S VIOLATION SHALL BE DEEMED A SEPARATE VIOLATION. ADDITIONALLY, THE COURT:**

**(A) MAY, ASSESS THE VIOLATOR THOSE REASONABLE ATTORNEY FEES INCURRED IN PROSECUTING THE VIOLATION, PLUS ANY COST INCURRED IN THE COURSE OF SUCH PROSECUTION;**


**(B) MAY, ORDER CONFISCATION OF THE ANIMAL INVOLVED, WHEN APPROPRIATE AS DETERMINED BY THE COURT, AND ITS PLACEMENT IN THE ANIMAL CONTROL FACILITY, OR ITS DESTRUCTION IF NECESSARY. ANY COST INCURRED, OR LIKELY TO BE INCURRED, BY SUCH CONFISCATION OR DESTRUCTION SHALL BE ASSESSED AGAINST THE OWNER AND ADDED TO THE JUDGEMENT AMOUNT;**

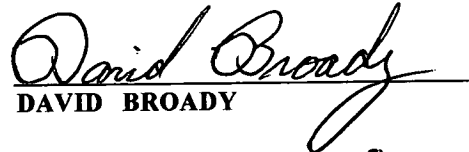
**(C) MAY, IN THE EXERCISE OF ITS DISCRETION, APPROVE ANY AGREEMENTS, REDUCED TO WRITING, CONCERNING FUTURE CARE AND TREATMENT OF THE ANIMAL INVOLVED IF SAME IS RETURNED TO THE OWNER AFTER TRIAL. THE TERM OF ANY SUCH AGREEMENT SHALL NOT EXCEED THREE (3) MONTHS.**

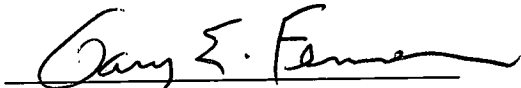
**SECTION TWENTY - SEVERABILITY**

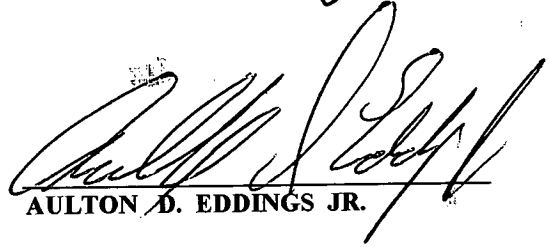
**IF ANY PART OF THIS ORDINANCE SHALL BE HELD INVALID IN A COURT OF LAW, SUCH PART SHALL BE DEEMED SEVERABLE AND THE INVALIDITY THEREOF SHALL NOT AFFECT THE REMAINING PARTS OF THIS ORDINANCE.**

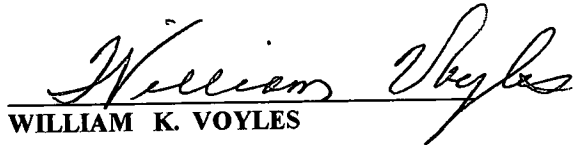
SO ORDAINED THIS 12<sup>th</sup> DAY OF April, 1999.

  
KENNETH J. ALEXANDER

  
DAVID BROADY

  
GARY E. FENNER

  
AULTON D. EDDINGS JR.

  
WILLIAM K. VOYLES

ATTEST:   
LINDA SCHAFER  
CLERK TREASURER

BEFORE THE BOARD OF TRUSTEES  
TOWN OF SELLERSBURG

IN RE THE PETITION OF  
SELLERSBURG STATION LLC

ORDINANCE/RESOLUTION NO. 99-716

VACATING PART OF TRIANGLE DRIVE

WHEREAS, the petitioner, Sellersburg Station LLC, having filed their petition to vacate part of Triangle Drive; and,

WHEREAS, notice was mailed certified mail, return receipt requested, as required by law to adjoining property owners, Cracker Barrel Old Country Store, Inc., and Mongold Construction, Inc., on April 2, 1999, said date being ten (10) days prior to this date; and which notices were received by the Cracker Barrel Old Country Store, Inc., and Mongold Construction, Inc., on the 5th day of April, 1999.

WHEREAS, notice was published as required by law in The Evening News on April 1, 1999, being 10 days prior to this date; and,

WHEREAS, a hearing was held by the Board of Trustees, Town of Sellersburg, on this date at 6:30 p.m. at the town hall to consider the aforesaid petition; and,

WHEREAS, there was no opposition to said petition and the Trustees of the town find that it is in the best interests of the Petitioner and the Town that said portion of Triangle Drive be vacated.

NOW BE IT RESOLVED that the Trustees of the Town of Sellersburg that the following portion of Triangle Drive in the Town of Sellersburg, County of Clark and State of Indiana, described as follows, to-wit:

Being a part of Survey #110 of the Illinois Grant, Town of Sellersburg, Clark County, Indiana, more particularly described as follows: Commencing at an iron pin marking the intersection of the Eastern right of way of Interstate #65 (Northbound exit ramp) on the Western right of way line of Old U. S. Highway 31-W, as called for in Deed Drawer 18, Instrument #4043, Deed Drawer 13, Instrument #290, and in Deed Drawer 16, Instrument #8441; thence with the Eastern right of way line of Interstate #65, North 27 deg. 59' 04" East 374.68 feet; thence North 15 deg. 31' 37" East 208.84 feet to an iron pin found at the Southwest corner of Tract "C" as called for in Deed Drawer 1, Instrument #2170; thence continuing with said Eastern right of way North 15 deg. 58' 04" East 70.61 feet to a #4 reinforcing bar; thence South 68 deg. 44' 37" East 221.26 feet to a #4 reinforcing bar, said point being the Northern right of way of Old U. S. Highway 31-W and being the point of beginning; thence with the Northern right of way of



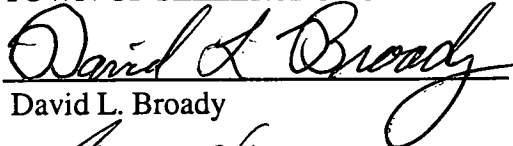
said highway North 21 deg. 15' 23" East 60.00 feet; thence leaving said right of way and crossing said highway South 68 deg. 44' 37" East 62.97 feet to a point in the Southern right of way of Old U. S. Highway 31-W; thence with said Southern right of way as follows: South 18 deg. 14' 43" West 12.75 feet; thence along a curve concave Northwesterly, whose radius is 955.40 feet, and whose long chord bears South 28 deg. 55' 57" West 366.81 feet, a distance of 369.10 feet; thence leaving said Southern right of way North 50 deg. 00' 00" West 57.22 feet to a point in the Northern right of way of Old U. S. Highway 31-W; thence with said right of way as follows: North 37 deg. 21' 08" East 79.78 feet; North 31 deg. 15' 53" East 100.25 feet; North 21 deg. 15' 23" East 122.49 feet, to the point of beginning, containing 0.520 Acres, more or less.

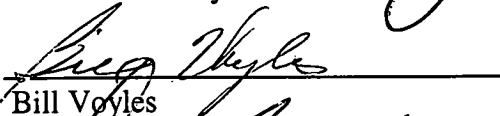
as set out on the attached plat, a copy of which is attached hereto, made a part hereof, and labeled "Exhibit A".

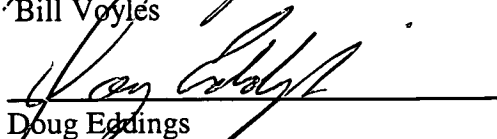
be vacated.

Passed this 26<sup>th</sup> day of April, 1999.

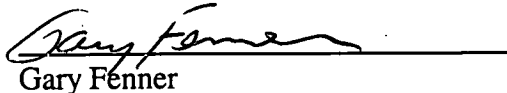
BOARD OF TRUSTEES  
TOWN OF SELLERSBURG

  
\_\_\_\_\_  
David L. Broady

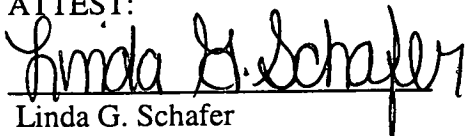
  
\_\_\_\_\_  
Bill Voyles

  
\_\_\_\_\_  
Doug Eddings

  
\_\_\_\_\_  
Ken Alexander

  
\_\_\_\_\_  
Gary Fenner

ATTEST:

  
\_\_\_\_\_  
Linda G. Schafer  
Clerk-Treasurer

DAILY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

20291

RECEIVED  
FOR RECORD

SEP 15 1999

BEFORE THE TOWN COUNCIL  
OF THE TOWN OF SELLERSBURG, INDIANA

SEP 15 3 24 PM '99  
RECORDED IN DRA 3/  
INSTR NO. 20291  
SHIRLEY HOLOT  
RECORDER OF CLARK CO.

*Barbara Hesse*  
AUDITOR CLARK COUNTY

ORDINANCE NO. 99-717

**AN ORDINANCE VACATING A PORTION OF SAINT PAUL STREET  
IN THE TOWN OF SELLERSEIURG**

**WHEREAS**, the Roman Catholic Archdiocese of Indianapolis Property, Inc. a/k/a St Paul's Catholic Church (hereinafter "the Church") petitioned the Sellersburg Town Council (hereinafter the "Council"), to vacate a portion of a public way, which is situated in the Town of Sellersburg, County of Clark, State of Indiana, and described in Exhibit "A" attached hereto and made a part hereof (hereinafter the "Right-of-Way"); and

**WHEREAS**, notice of the Church's petition was properly served upon each owner of land abutting the public way described in Exhibit "A" and was properly published as required by IC 5-3-1; and

**WHEREAS**, at its regularly scheduled meeting on June 28, 1999, the Council held a public hearing on the Church's petition; and

**WHEREAS**, the Council believes that the public health, safety and welfare requires that the Right-of-Way be vacated;

**NOW, THEREFORE, IT IS HEREBY ORDAINED** that the portion of a public way described in Exhibit "A" is hereby vacated, effective immediately; and

**NOW, THEREFORE, IT IS HEREBY FURTHER ORDAINED**, that the Sellersburg Clerk-Treasurer is directed to furnish a copy of this vacation ordinance to the Clark County Recorder for recording and to the Clark County Auditor.

This Ordinance shall be in full force and effect from and after its passage and adoption.

Adopted this 28<sup>th</sup> day of June, 1999.

*David Broady*  
\_\_\_\_\_  
David Broady  
President, Sellersburg Town Council

ATTEST:

*Kimberly H. Schaefer*  
\_\_\_\_\_  
Clerk and Treasurer

*William Hughes*  
*Jay Boldy*  
*Gary E. Tenney*  
*Frank [unclear]*

NEW YORK

APR 19 1953

RECEIVED  
TELETYPE UNIT  
APR 19 1953

6+3=9

Perry McCall

David R. Blankenbeker, P.L.S.  
Terry A. Kendall, P.L.S.

Howard R. Blankenbeker (1905-1974)  
Rollyn H. Blankenbeker (1934-1994)

# Blankenbeker & Son

## Land Surveyors Inc, P.C.

Established 1945

422 Meigs Avenue  
Jeffersonville, Indiana 47130

(812) 282-4183 phone  
(812) 282-4197 fax

P.O. Box 157  
Jeffersonville, Indiana 47131-0157

11 September 1998

### DESCRIPTION OF A PART OF ST. PAUL STREET IN SELLERSBURG

Being a part of St. Paul Street (Formerly Chestnut St.) in John Dietrichs 2nd Additon to the Town of Sellersburg, as shown in Plat Book 3, Page 76 of the Clark County, Indiana Records and being further described as follows:

Beginning at a railroad spike on the southeast corner of Lot 16 in said Addition, same being the northwest intersection of said St. Paul Street and State Highway 31; Thence southerly along the western Right of Way line of said Highway, 36 feet, more or less, to the southern Right of Way line of said St. Paul Street; Thence N.70°45'30"W. along said southern Right of Way line, 130 feet; Thence northerly, crossing said street, 46 feet, more or less to, a steel pin on the southwest corner of said Lot 16; Thence S.70°45'30"E. along the northern Right of Way line of said St. Paul Street, 151.47 feet to The PLACE OF BEGINNING.

Containing 5770 square feet, more or less, and being subject to all easements of record.

c:\st-paul1.des

EXHIBIT A

ORDINANCE NO. 99- 718

**ORDINANCE CONCERNING YARD WASTE  
REGULATION IN THE TOWN OF SELLERSBURG**

WHEREAS, the Town Council for the Town of Sellersburg has passed yard waste regulations; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said yard waste regulations is necessary for the effective and efficient administration of Town Government; and

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

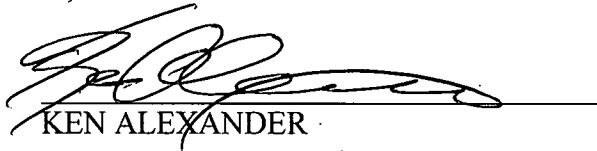
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Section 6-105, subsection b of (Ordinance No. 95-630) of the Sellersburg Town Code shall be and hereby is amended as follows:

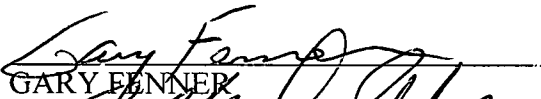
That each owner and occupant of property served by the municipal refuse and garbage collection shall be entitled to have picked up two (2) times per month fifteen (15) limbs no larger than three inches in diameter at the largest point. The limbs left for pickup shall be stacked with the largest portion of the limb facing the curb

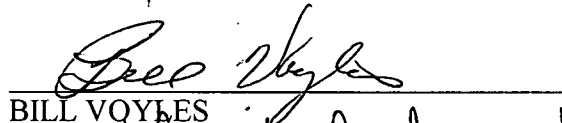
All other provisions of said Ordinance shall remain in full force and effect without modification.

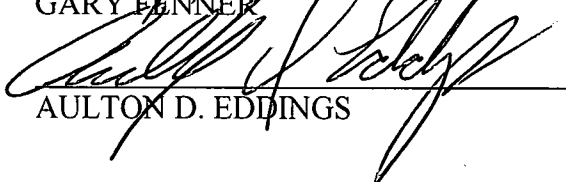
SO ORDAINED THIS 28<sup>th</sup> DAY OF JUNE, 1999.

  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

  
\_\_\_\_\_  
ATTEST: LINDA H. SCHAFER, Clerk-Treasurer

ORDINANCE NO. 99- 719

**AN ORDINANCE OF THE SELLERSBURG TOWN COUNCIL  
AMENDING THE REFUSE AND GARBAGE REGULATIONS  
OF THE TOWN OF SELLERSBURG**

WHEREAS, the Town Council for the Town of Sellersburg has heretofore passed and adopted a refuse and garbage regulation for the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that amendment to said Ordinance is necessary for the effective and efficient administration of Town Government; and

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

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

Article 9, Section 6-96 of the Sellersburg Town Council shall be and hereby is amended as follows:

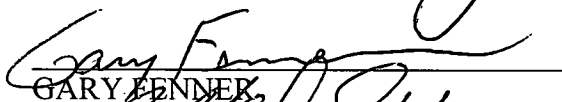
That each owner, tenant, or occupant of residential, commercial or business property in the Town of Sellersburg, Indiana, shall be afforded municipal refuse and garbage collection which shall include the removal of cardboard which has been stacked and tied into a bundle.

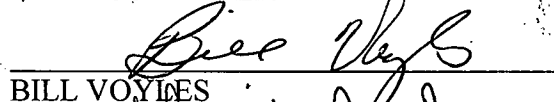
~~Removal of cardboard shall take place on every other garbage pick-up day when there is no collection for yard waste or recyclable materials.~~

SO ORDAINED THIS 28<sup>th</sup> DAY OF JUNE, 1999.

  
DAVID BROADY

  
KEN ALEXANDER

  
GARY FENNER

  
BILL VOYTES

  
AULTON D. EDDINGS

ATTEST:   
LINDA SCHAFER  
CLERK-TREASURER

ORDINANCE NO. 99-720

ORDINANCE AMENDING ORDINANCE 92-535

WHEREAS, the Town Council for the Town of Sellersburg did pass Ordinance No. 92-535; and

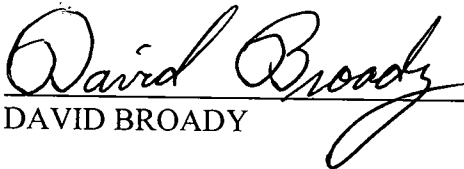
WHEREAS, the Town Council for the Town of Sellersburg desires to amend said Ordinance; and

WHEREAS, the Town Council for the Town of Sellersburg considered said Ordinance in an open meeting which the public were invited to attend and participate; and

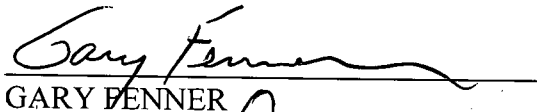
WHEREAS, the Town Council for the Town of Sellersburg, has determined that an amendment to said Ordinance is necessary for the effective and efficient administration of Town Government.

BE IT THEREFORE ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG that Ordinance No. 92-535 shall be amended whereby Section 4 of the Animal Control Ordinance for the Town of Sellersburg shall be deleted and no longer an enforceable provision of said Animal Control Ordinance.

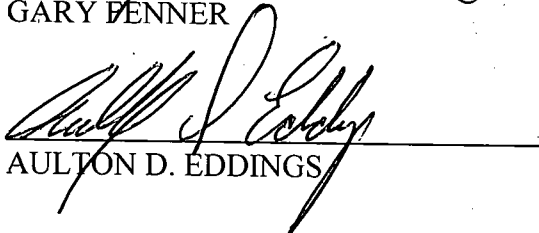
SO ORDAINED this 22<sup>nd</sup> day of February, 1999.


  
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

ATTEST:   
\_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER

ORDINANCE 99-721

2000 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

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

NOW, THEREFORE, BE IT ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_ 1999, 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, 2000.

GENERAL FUND

TOWN COUNCIL MEMBER (PRESIDENT)	6066.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN MANAGER	30000.36	PER YEAR	
TOWN ATTORNEY	28000.00	PER YEAR	
CLERK TREASURER	27309.88	PER YEAR	
CHIEF DEPUTY CLERK	395.60	PER WEEK	9.89 PER HOUR
TOWN HALL CLERK	351.60	PER WEEK	8.79 PER HOUR
PART-TIME DEPUTY CLERK	228.80	PER WEEK	7.15 PER HOUR
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PLANNING COMMISSION MEMBER	300.00	PER YEAR	
PLANNING COMMISSION MEMBER	300.00	PER YEAR	
PLANNING COMMISSION MEMBER	300.00	PER YEAR	
PLANNING COMMISSION MEMBER	300.00	PER YEAR	
PLANNING COMMISSION MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS SECRETARY	300.00	PER YEAR	

STREET AND SANITATION DEPARTMENT

SUPERINTENDENT	651.29	PER WEEK	
TRUCK DRIVER	430.40	PER WEEK	10.76 PER HOUR
LABORER/CREW LEADER	430.40	PER WEEK	10.76 PER HOUR
LABORER	363.60	PER WEEK	9.09 PER HOUR
LABORER	363.60	PER WEEK	9.09 PER HOUR
LABORER	363.60	PER WEEK	9.09 PER HOUR
LABORER	384.80	PER WEEK	9.62 PER HOUR
LABORER	384.80	PER WEEK	9.62 PER HOUR



2000 SALARY, HOLIDAY AND LONGEVITY PAY  
CONTINUED

POLICE DEPARTMENT

DISPATCHER	9.53 PER HOUR
DISPATCHER	9.27 PER HOUR
DISPATCHER	9.27 PER HOUR
DISPATCHER	9.27 PER HOUR
DISPATCHER	9.27 PER HOUR
PART-TIME DISPATCHER	8.76 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 x an average of 9.23 per hour.

CHIEF OF POLICE SALARY 33,000.00 to 38,000.00 PER YEAR  
WILL BE NEGOTIATED AT TIME OF HIRE

	<u>SALARY</u>	<u>HOLIDAY</u>	<u>LONGEVITY</u>
ASSISTANT CHIEF	676.28 (16.907)	1217.31	1691.52
CAPTAIN (TBA)	590.84 (14.771)	1063.52	-0-
SERGEANT	582.96 (14.574)	1049.33	2819.20
SERGEANT	582.96 (14.574)	1049.33	1973.44
PATROLMAN	542.12 (13.553)	975.82	563.84
PATROLMAN	542.12 (13.553)	975.82	422.88
PATROLMAN	542.12 (13.553)	975.82	422.88
PATROLMAN	542.12 (13.553)	975.82	281.92
PATROLMAN	542.12 (13.553)	975.82	281.92
NEW PATROLMAN (TBA)	500.88 (12.522)	903.75	-0-
NEW PATROLMAN (TBA)	500.88 (12.552)	903.75	-0-

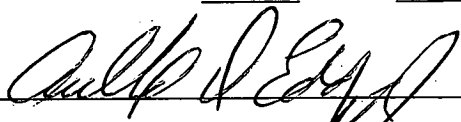
\*Patrolman hired in 1999 will receive an increase in pay on their one year anniversary date to equal a 1st class Patrolman's pay. Holiday pay will also be adjusted to equal that of a 1st class Patrolman.

ANIMAL CONTROL

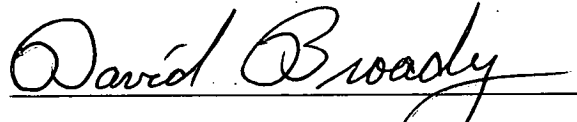
ANIMAL CONTROL OFFICER 300.00 PER WEEK

The Salary Ordinance is subject to change due to section 03.2 - vacations in the policies and procedures manual adopted by the Sellersburg Town Council 05/11/92.

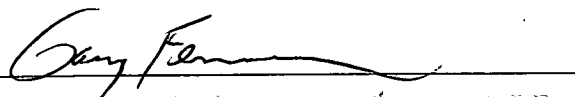
SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998 FOR THE COMING YEAR OF 2000.



AULTON D. EDDINGS JR.



DAVID BROADY



GARY FENNER



WILLIAM VOYLES



KENNETH ALEXANDER

ATTEST: 

LINDA G. SCHAFER  
CLERK TREASURER

Ordinance No. 99-723

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF  
SELLERSBURG, INDIANA

WHEREAS, an application was properly filed with the Sellersburg Plan Commission by BRINGHAM PROPERTIES, LLC., for the rezoning from Agricultural to Industrial (I-1) of certain real estate located in the County of Clark, Town of Sellersburg, the legal description of which is more specifically described as follows, to-wit:

BEING THE SAME REAL ESTATE CONVEYED TO BRINGHAM PROPERTIES, LLC BY DEED AS MORE PARTICULARLY DESCRIBED IN THE DEED AS FOLLOWS, TO-WIT:

BEGINNING AT A STONE IN THE GRANT LINE DIVIDING NOS. 89 AND 67 SAID STONE IS SOUTH 51 DEGREES 30 MINUTES WEST 149.76 POLES FROM THE SOUTHEAST CORNER OF NO. 89 AND IS ALSO THE SOUTHWEST CORNER OF THE UNION CEMENT AND LIME COMPANY'S LAND; THENCE WEST SAID COMPANY'S LAND NORTH 37 DEGREES 45 MINUTES WEST 95.32 POLES TO THE CENTERLINE OF THE P.C.C. & ST. L. RAILROAD TRACT; THENCE WITH THE CENTERLINE OF SAID RAILROAD COMPANY'S TRACT SOUTH 10 DEGREES EAST 108 POLES TO A STAKE IN THE GRANT LINE DIVIDING NOS. 89 AND 67; THENCE WITH SAID DIVIDING LINE NORTH 51 DEGREES 30 MINUTES EAST 49.8 POLES TO PLACE OF BEGINNING, CONTAINING 14.934 ACRES, MORE OR LESS.

AND HAVING A STREET ADDRESS OF 7616 HIGHWAY 31 EAST, SELLERSBURG, INDIANA 47172.

AND AFTER SURVEY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 5TH DAY OF AUGUST, 1999, OF REAL PROPERTY BEING PART OF ILLINOIS GRANT #89, IN SILVER CREEK TOWNSHIP, CLARK COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE FOUND MARKING THE EAST CORNER OF SURVEY #89 OF SAID GRANT, THENCE WITH THE SOUTH LINE OF SAID GRANT, SOUTH 54 DEG. 56 MIN. 34 SEC. WEST 2475.50 FEET TO A STONE FOUND AS CALLED FOR IN DEED DRAWER 30, INSTRUMENT #10854, THIS BEING THE POINT OF BEGINNING, THENCE CONTINUING WITH SAID LINE

SOUTH 54 DEG. 56 MIN. 34 SEC. WEST 785.63 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF THE LOUISVILLE & INDIANA RAILWAY, THENCE WITH SAID RIGHT OF WAY NORTH 07 DEG. 32 MIN. 03 SEC. WEST 1698.14 FEET, THENCE LEAVING SAID RIGHT OF WAY SOUTH 35 DEG. 05 MIN. 30 SEC. EAST 1505.95 FEET, TO THE POINT OF BEGINNING, CONTAINING 13.580 ACRES, MORE OR LESS.

WHEREAS, the time and place of the meeting for the Plan Commission were noticed and advertised for a meeting to take place on August 16, 1999 at 6:30 o'clock p.m. at 316 E. Utica Street, Sellersburg, Indiana; and

WHEREAS, the Plan Commission members present and voting on August 16, 1999, at the hour scheduled and noticed for said meeting, voted unanimously to approve said rezoning application and to recommend to the Town Board of Trustees the Zoning Ordinance of Sellersburg, Indiana, as now written, be amended to provide for said rezoning;

BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, that the Zoning Ordinance of Sellersburg, Indiana, be, and hereby is amended such that the zoning map of the Town of Sellersburg shall hereinafter indicate the real estate located at 7616 Highway 31 East, Sellersburg, Indiana, which is more particularly described herein is hereby rezoned from Agricultural to Industrial (I-1).

PASSED AND ADOPTED by the Board of Trustees of the Town of Sellersburg, Indiana, on the 27<sup>th</sup> day of August, 1999.

BOARD TRUSTEES  
TOWN OF SELLERSBURG, INDIANA

David L. Broadway

William Taylor

[Signature]

Jay Edley

Guy & Ferris

ATTEST:

Linda G. Schaefer

ORDINANCE NO. 99-724

**AN ORDINANCE APPROVING ZONING CHANGE IN THE TOWN OF  
SELLERSBURG, INDIANA;**

WHEREAS, the Town Council for the Town of Sellersburg, Indiana has passed and adopted the Zoning Ordinance for the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana now desires to grant a zoning change in regard to a particular piece of property which is more specifically described below located within the corporate limits of the Town of Sellersburg, Indiana; and

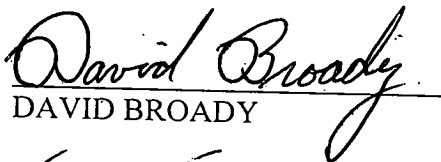
WHEREAS, the Town Council for the Town of Sellersburg, Indiana has determined that said Zoning Change is necessary for efficient and effective administration of Town Government; and

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

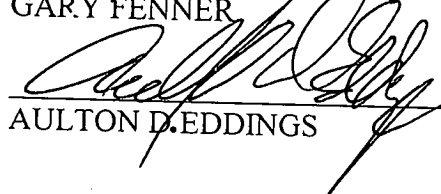
NOW, THEREFORE, BE IT OBTAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA, that the property specifically described as lots 6 & 7 in Block No. 6 of Dold Popp Addition to the Town of Sellersburg, Clark County, Indiana, being a portion of Survey No. 110 of the Illinois Grant, is hereby rezoned from R-I to R-III, with no right or ability of the owner of said property to place any structure on said property which is larger than a four-plex.

BE IT FURTHER ORDAINED, by The Town Council for The Town of Sellersburg, that all other provisions of said Zoning Ordinance of The Town of Sellersburg shall remain in full force and effect without modification.

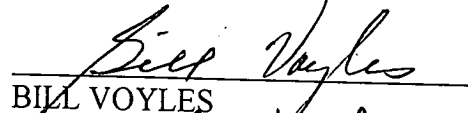
SO ORDAINED THIS 20<sup>th</sup> DAY OF September, 1999.

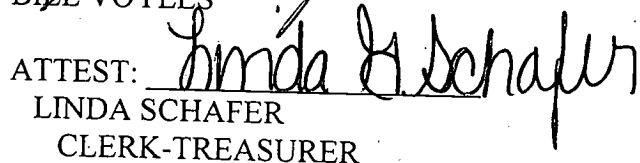
  
DAVID BROADY

  
GARY FENNER

  
AULTON D. EDDINGS

  
KEN ALEXANDER

  
BILL VOYLES

ATTEST:   
LINDA SCHAFFER  
CLERK-TREASURER

ORDINANCE NO. 99- 725

**ORDINANCE CHANGING SPEED LIMIT ON UTICA STREET,  
TOWN OF SELLERSBURG, INDIANA**

WHEREAS, the Town Council for the Town of Sellersburg desires to change the speed limit on Utica Street, Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein Ordinance is necessary for the efficient and effective administration of Town Government; and

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter at an open meeting which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that the speed limit on Utica Street, Town of Sellersburg, Indiana, shall be changed as follows:

The speed limit on West Utica Street from US 31 to Dreyer Lane shall be changed from 20 mph to 30 mph.

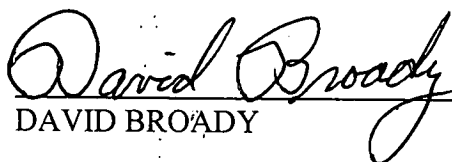
That the speed limit from Dreyer Lane to St. Joe Road East shall be changed from 20 mph to 30 mph.

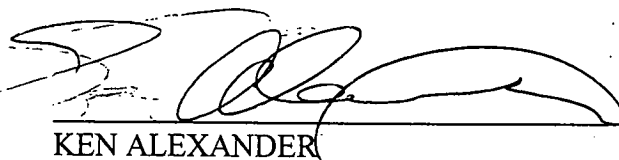
The speed limit being at the railroad crossing on East Utica Street at Penn Street to the Town limits shall be changed to 30 mph.

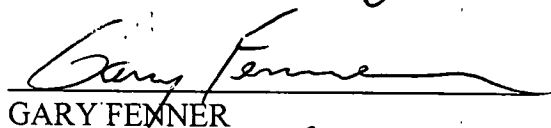
That the speed limit on East Utica Street US 31 to Penn Street to the Town of Sellersburg limits shall remain 20 mph.

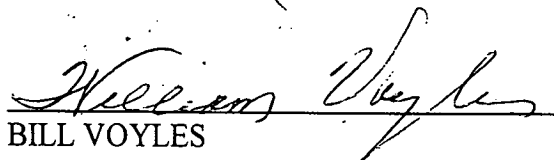
The Town Council of the Town of Sellersburg hereby directs that signage be posted in the areas indicated above where speed limits have changed 20 mph to 30 mph.

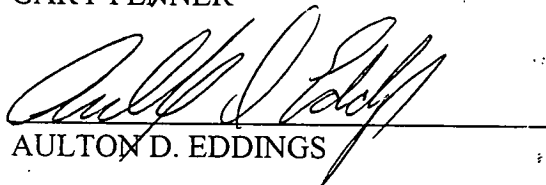
SO ORDAINED THIS 23 DAY OF August, 1999.

  
DAVID BROADY

  
KEN ALEXANDER

  
GARY FEMNER

  
BILL VOYLES

  
AULTON D. EDDINGS

ATTEST: \_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER

12 99  
ORDINANCE NO. 99- 99.726

**ORDINANCE AMENDING MODIFYING AND CHANGING SECTION 6-114 OF THE  
SELLERSBURG TOWN CODE**

**WHEREAS**, the Town Council of the Town of Sellersburg has in effect an Ordinance regarding signs on utility poles within the municipal limits of the Town of Sellersburg, Indiana; and

**WHEREAS**, the Town Council for the Town of Sellersburg determined that said ordinance should be amended for the efficient and effective administrative of Town Government; and

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

**NOW, THEREFORE, BE IT OBTAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG, INDIANA**, that said ordinance shall be and hereby is amended as follows:

**Section 6-114 sub-section (a) shall read as follows:**

It shall be unlawful for any person, firm or association to place or attach any poster, card, sign, or any other form of political or commercial advertising upon any utility pole located within the boundaries of the Town of Sellersburg, Indiana;

**Paragraph (c) sub-section (2) shall be and hereby is amended as follows:**

If the owner, person, firm or association placing the sign refuses or neglects to abate the violation after such notice is given, then that person, firm or association shall be subject to the penalties provided herein. In addition, the Sellersburg Town Council may cause such violation to be abated in any manner authorized by law, including removing the signs and instituting civil suit against the owner, person or persons, firm, or association having placed the sign upon the utility pole. In the event of a civil action the Town of Sellersburg may recover the expense for abatement of the violation in addition to any fines, costs, and other fees associated with the enforcement of the herein ordinance.

SO ORDAINED THIS 27<sup>th</sup> DAY OF September, 1999.

David Broady  
DAVID BROADY

Ken Alexander  
KEN ALEXANDER

Gary Fenner  
GARY FENNER

Bill Voyles  
BILL VOYLES

Aulton D. Endings  
AULTON D. ENDINGS

ATTEST: Linda H. Schaffer  
LINDA SCHAFFER  
CLERK-TREASURER



AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE  
TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for a certain parcel of real property commonly known as the Nova Star, LLC property located within the Town of Sellersburg, Indiana, which is more accurately identified and described by Exhibit A, attached hereto, and incorporated by reference herein; and,

WHEREAS, the Town of Sellersburg Plan Commission has reviewed the Petition requesting a change of zoning; and,

WHEREAS, the Town of Sellersburg Plan Commission determined that the Petition requesting a change of zoning complied with the requirements of Section 3.4.4 of the Zoning Ordinances of the Town of Sellersburg; and,

WHEREAS, the Town of Sellersburg Plan Commission has approved zoning change and recommended to the Sellersburg Town Council that said Petition for zoning change be approved; and,

WHEREAS, the Sellersburg Town Council has applied the standards and requirements as set out in Section 3.4.4(5) and has determined the requests for zoning change meets these standards and requirements; and,

WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government; and,

WHEREAS, this matter was considered at a public meeting at which the public were invited to attend and participate.

THAT THIS ORDINANCE WAS PRESENTED AND PASSED AT THE TOWN COUNCIL MEETING ON OCTOBER 11, 1999, AND WAS PRESENTED FOR FINAL VOTE AT THIS MEETING.

IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE NOVA STAR, LLC PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED AND THE CURRENT ZONING OF AGRICULTURE (A DISTRICT) AND SINGLE FAMILY RESIDENCES (R-1 DISTRICT) OF THE DESCRIBED AREA SHALL BE CHANGED TO GENERAL BUSINESS (B-3) ZONING.


DATED: OCTOBER 25, 1999.

\_\_\_\_\_  
DAVID BROADY

\_\_\_\_\_  
KEN ALEXANDER

\_\_\_\_\_  
AULTON D. EDDINGS

\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
GARY FENNER

ATTEST \_\_\_\_\_

LINDA SCHAFFER  
CLERK-TREASURER

ORDINANCE NO. 99: 728

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

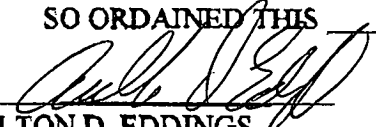
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

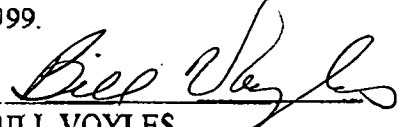
WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

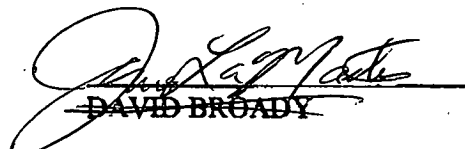
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

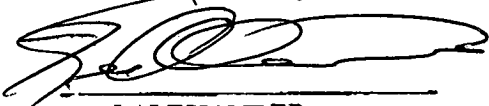
- 1.) A transfer of appropriations in the amount of One Thousand Five Hundred (\$1,500.00) dollars from Account #361, Cleaning Supplies/Services to Account #363, Maintenance Police Autos.

SO ORDAINED THIS DAY OF OCTOBER, 1999.

  
AULTON D. EDDINGS

  
BILL VOYLES

  
DAVID BROADY

  
KEN ALEXANDER

  
GARY FENNER

ATTEST:  
LINDA SCHAFFER  
CLERK/TREASURER

DATE: \_\_\_\_\_

ORDINANCE NO. 99 729

**AN ORDINANCE REGARDING REMOVAL AND DISPOSAL  
OF ABANDONED VEHICLES IN THE TOWN OF SELLERSBURG, INDIANA**

**WHEREAS**, the Town Council for the Town of Sellersburg has determined an Ordinance is necessary for the removal and disposal of the abandoned vehicles within the municipal limits of the Town of Sellersburg, Indiana; and

**WHEREAS**, the Town Council for the Town of Sellersburg believes this is important to the public health, safety and welfare of the Town to have an effective order for removing and disposing of abandoned vehicles; and

**WHEREAS**, the Town Council for the Town of Sellersburg believes the said order is necessary for efficient and effective administration of Town Government; and

**WHEREAS**, the Town Council for the Town of Sellersburg has determined this matter in an open meeting at which the public were invited to attend and participate.

**BE IT NOW, THEREFORE, ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG**, as follows:

1. For the purpose of the herein Ordinance, the following definitions shall apply for the term "abandoned vehicle" unless the context clearly indicates and requires a different meaning.

**ABANDONED VEHICLES.**

- (A) A vehicle located on public property illegally;
- (B) A vehicle left on public property continuously without being removed for seventy-two (72) hours;
- (C) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian traffic or vehicle traffic on a public right of way;
- (D) A vehicle that has remained on private property without the consent of the owner, or person in control, of that property, for more than forty eight (48) hours;
- (E) A vehicle from which there has been removed the engine, the transmission, or differential, or that is otherwise partially dismantled or inoperable and left on public property;
- (F) A vehicle that has been removed by a towing service or a public agency upon request of

an officer enforcing a statute or ordinance other than IC 9-22-1 et seq., if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal; or

- (G) A vehicle that is six (6) or more model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than thirty (30) days.

### **EXCLUSIONS.**

Pursuant to IC 9-22-1-1, this chapter does not apply to the following:

- (A) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (B) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (C) A Vehicle located upon property properly licensed or zoned as an automobile scrap yard.
- (D) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.

### **BUILDING COMMISSIONER VESTED WITH RESPONSIBILITY REGARDING ABANDONED VEHICLES.**

The Office of the Town of Sellersburg Building Commissioner shall be the public agency vested with the responsibility to remove, store, and dispose of abandoned vehicles.

### **DISPOSITION OF ABANDONED VEHICLES.**

The Town, through the Office of Building Commissioner, may dispose of abandoned vehicles or parts, pursuant to the provisions of IC9-22-1 et seq., in the following manner:

- (A) If the estimated value of the vehicle is less than \$500.00, the vehicle will immediately be removed and deposited to an automobile scrap yard with a copy of the abandoned vehicle report forwarded to the Bureau of Motor Vehicles and the original report kept on file with the Office of Building Commissioner for two (2) years.
- (B) If the estimated value of the vehicle is greater than \$500.00, a reasonable effort will be made to ascertain the owner or person in control of the vehicle. If such person is unascertainable, a notice tag will be affixed to the vehicle containing the following information:
  - (1) The date, time, officer's name, public agency and address and telephone numbers to contact for information.

- (2) That the vehicle or parts are considered abandoned.
- (3) That the vehicle or parts will be removed after seventy-two (72) hours.
- (4) That the person who owns the vehicle will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle.

At the conclusion of the seventy-two (72) hour time period, the vehicle shall be towed to a storage area and disposed of under the provisions of IC 9-22-1 et seq. However, an abandoned vehicle that in any way constitutes a hazard, or obstruction to the movement of pedestrian or vehicular traffic may be immediately removed without prior notice to the owner or person in control of the vehicle.

**STATUTORY VALUE OF VEHICLE RAISED TO \$500.00**

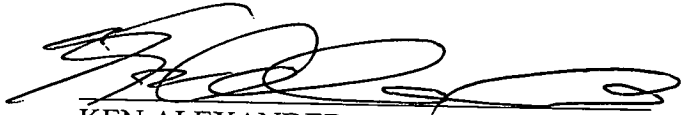
As permitted by IC. 9-22-1-13, the estimated value of a vehicle requiring notice to be provided to the owner before said vehicle may be sent directly to the scrap yard, as provided for in the section set forth above is \$500.00.


**TOWING AND STORAGE CHARGES.**


- (A) The charges for towing abandoned vehicles in the Town shall not be more than \$60.00 per tow.
- (B) The storage charges for abandoned vehicles shall not be more than \$10.00 per day.
- (C) That the Sellersburg Town Council shall have the authority to amend the towing and storage charges from time to time and shall notify the Bureau of Motor Vehicles of any such amendments of the herein ordinance.

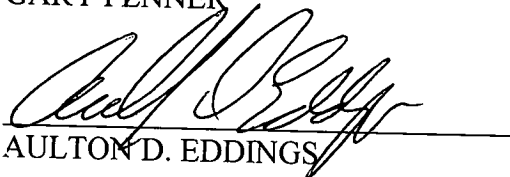
SO ORDAINED THIS 25<sup>th</sup> DAY OF October, 1999.

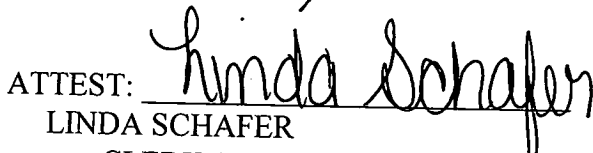
\_\_\_\_\_  
DAVID BROADY

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
BILL VOYLES

  
\_\_\_\_\_  
AULTON D. EDDINGS

ATTEST:   
\_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER

ORDINANCE NO. 99- 731

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and


WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

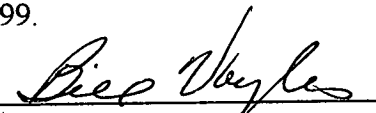
WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

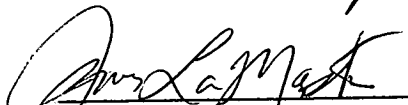
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:


- 1.) A transfer of appropriations in the amount of Two Thousand Five Hundred (\$2,500.00) dollars from Account #354, Heat and Gas to Account #413, Police Radios.

SO ORDAINED THIS 22<sup>ND</sup> DAY OF NOVEMBER, 1999.

  
AULTON D. EDDINGS

  
BILL VOYLES

  
JAMES LAMASTER

  
KEN ALEXANDER

  
GARY FENNER

ATTEST:  
LINDA SCHAFFER  
CLERK/TREASURER

DATE: \_\_\_\_\_

ORDINANCE 99-732

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1999, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IG6-1.1-18-6.

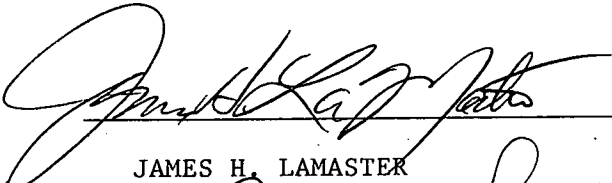
WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1999 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

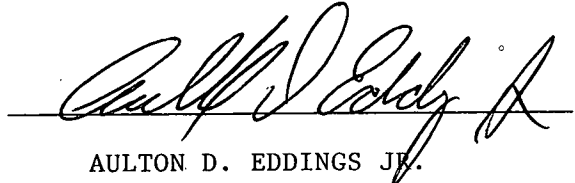
SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

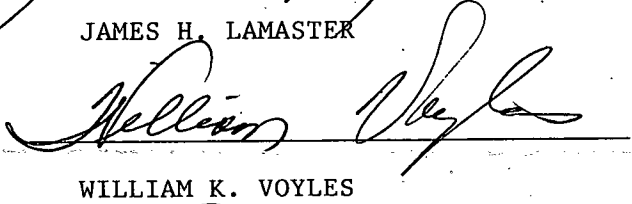
SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

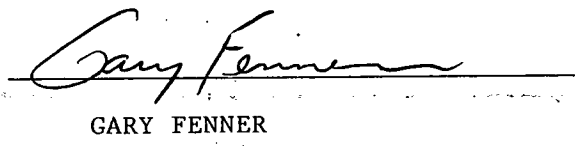
ACCT. #, NAME, & AMOUNT		TO ACCT.#, NAME, & AMOUNT	
<u>GENERAL FUND</u>		<u>GENERAL FUND</u>	
TC-112 Town Manager Salary	5100.00	TC-371 ANIMAL CONTROL/SHELTER	5100.00
<u>LOCAL ROADS &amp; STREETS</u>		<u>LOCAL ROADS &amp; STREETS</u>	
LRS-313 Road Engineering/Const.	6500.00	LRS-398 Drainage	6500.00
LRS-397 Paving	1000.00	LRS-398 Drainage	1000.00
LRS-401 Land Acquisition	25000.00	LRS-398 Drainage	25000.00
LRS-434 Local Road Construction	33000.00	LRS-398 Drainage	33000.00
<u>MOTOR VEHICLE HIGHWAY</u>		<u>MOTOR VEHICLE HIGHWAY</u>	
MVH-355 Street Lights	10000.00	MVH-397 Paving and Culverts	10000.00
MVH-313 Consulting	3000.00	MVH-397 Paving and Culverts	3000.00

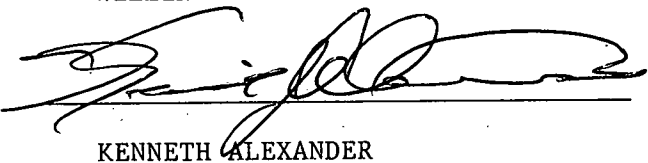
SO ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999.

  
\_\_\_\_\_  
JAMES H. LAMASTER

  
\_\_\_\_\_  
AULTON D. EDDINGS JR.

  
\_\_\_\_\_  
WILLIAM K. VOYLES

  
\_\_\_\_\_  
GARY FENNER

  
\_\_\_\_\_  
KENNETH ALEXANDER

ATTEST: LINDA G. SCHAFER  
CLERK TREASURER

AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE  
TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for a certain parcel of real property commonly known as the Floyd H. Hecker and Mazie W. Hecker, husband and wife property located within the Town of Sellersburg, Indiana, which is more accurately identified and described by Exhibit A, attached hereto, and incorporated by reference herein; and,

WHEREAS, the Town of Sellersburg Plan Commission has reviewed the Petition requesting a change of zoning; and,

WHEREAS, the Town of Sellersburg Plan Commission determined that the Petition requesting a change of zoning complied with the requirements of Section 3.4.4 of the Zoning Ordinances of the Town of Sellersburg; and,

WHEREAS, the Town of Sellersburg Plan Commission has approved zoning change and recommended to the Sellersburg Town Council that said Petition for zoning change be approved; and,

WHEREAS, the Sellersburg Town Council has applied the standards and requirements as set out in Section 3.4.4(5) and has determined the requests for zoning change meets these standards and requirements; and,


WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government; and,

WHEREAS, this matter was considered at a public meeting at which the public were invited to attend and participate.

IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE FLOYD H. HECKER AND MAZIE W. HECKER, HUSBAND AND WIFE PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED AND THE CURRENT ZONING OF AGRICULTURE (A DISTRICT) OF THE DESCRIBED AREA SHALL BE CHANGED TO GENERAL BUSINESS (B-3) ZONING.

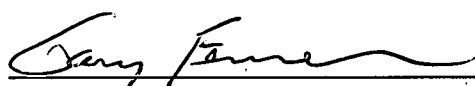
DATED: NOVEMBER 22, 1999.

  
\_\_\_\_\_  
JAMES LAMASTER

\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
AULTON D. EDDINGS

\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
GARY FENNER

ATTEST   
\_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER



AN ORDINANCE AUTHORIZING ZONING CHANGE WITHIN THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for a certain parcel of real property commonly known as the Floyd H. Hecker and Mazie W. Hecker, husband and wife property located within the Town of Sellersburg, Indiana, which is more accurately identified and described by Exhibit A, attached hereto, and incorporated by reference herein; and,

WHEREAS, the Town of Sellersburg Plan Commission has reviewed the Petition requesting a change of zoning; and,

WHEREAS, the Town of Sellersburg Plan Commission determined that the Petition requesting a change of zoning complied with the requirements of Section 3.4.4 of the Zoning Ordinances of the Town of Sellersburg; and,

WHEREAS, the Town of Sellersburg Plan Commission has approved zoning change and recommended to the Sellersburg Town Council that said Petition for zoning change be approved; and,

WHEREAS, the Sellersburg Town Council has applied the standards and requirements as set out in Section 3.4.4(5) and has determined the requests for zoning change meets these standards and requirements; and,

WHEREAS, the Sellersburg Town Council has determined that the herein Ordinance will provide for the effective administration of Town Government; and,

WHEREAS, this matter was considered at a public meeting at which the public were invited to attend and participate.

IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

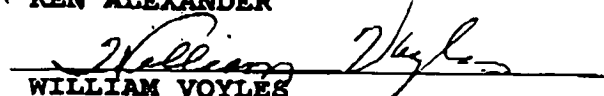
THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE FLOYD H. HECKER AND MAZIE W. HECKER, HUSBAND AND WIFE PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED AND THE CURRENT ZONING OF AGRICULTURE (A DISTRICT) OF THE DESCRIBED AREA SHALL BE CHANGED TO GENERAL BUSINESS (B-3) ZONING.

DATED: NOVEMBER 22, 1999.

  
\_\_\_\_\_  
JAMES LAMASTER

  
\_\_\_\_\_  
KEN ALEXANDER

  
\_\_\_\_\_  
AULTON D. EDDINGS

  
\_\_\_\_\_  
WILLIAM VOYLES

  
\_\_\_\_\_  
GARY FENNER

ATTEST \_\_\_\_\_  
LINDA SCHAFFER  
CLERK-TREASURER

Being a 0.44 of an acre parcel of land, a 0.84 of an acre parcel, a 2.49 acre parcel, 0.9016 of an acre parcel and a 4.5770 acre parcel of land heretofore conveyed to Floyd H. and Mazie W. Hecker by deeds as recorded in Deed Record 185, Page 23, Deed Record 188, Page 426, Deed Record 277, Page 514, Deed Drawer 10, Instrument No. 12712 and in Deed Drawer 18, Instrument No. 15899, respectively, of the Clark County, Indiana Record of Deeds, being a part of Surveys No. 108 and 110 of the Illinois Grant, situated in Silver Creek Township, Clark County, Indiana and being more fully described as follow, to-wit: Commencing at a stone at the common corner of Surveys No. 108 and 109 of the Illinois Grant and in the line of Survey No. 110 of said Illinois Grant; running thence South 50 deg. 15' West along the line dividing said Surveys No. 108 and 109, a distance of 208.1 feet to a stone; thence South 40 deg. 00' East along the northeast line of George Lott's land, 825.0 feet to a stone, said Lott's southeast corner and the most westerly corner of said 4.5770 acre parcel of Floyd H. and Mazie W. Hecker and being the true place of beginning of land to be herein described: Thence North 50 deg. 15' East along the northwesterly line of said 4.5770 acre parcel, 207.56 feet to a point on the line dividing said Surveys No. 108 and 110 of the Illinois Grant; thence continuing North 50 deg. 15' East along said northwesterly line, 202.94 feet to an iron pin; thence South 40 deg. 21' 07" East along the northeasterly line of said 4.5770 acre parcel, 346.46 feet to an iron pin; thence South 12 deg. 33' 44" West along the southeasterly line of said 4.5770 acre parcel, 251.70 feet to an iron pin on said dividing line of said Survey No. 108 and 110 of said Illinois Grant; thence continuing along said southeasterly line of said 4.5770 acre parcel, South 25 deg. 16' 10" West, 227.46 feet to an iron pin at the easterly corner of said 2.49 acre parcel of land heretofore conveyed to said Floyd H. and Mazie W. Hecker; thence South 30 deg. 56' 23" West along the easterly line of said 2.49 acre parcel of land, 11.41 feet to a point on the northeasterly line of said 0.44 acre of said Hecker's land; thence along said northeasterly line, the following courses and distances; South 40 deg. 16' 38" East, 61.12 feet; South 76 deg. 52' 20" East, 18.47 feet; South 40 deg. 16' 48" East, 451.88 feet to a point in the centerline of U.S. Highway No. 31-W; thence South 9 deg. 26' 32" West along said centerline, 38.57 feet to a point; thence North 41 deg. 22' 19" West along the southwesterly line of said 0.44 acre

parcel, 589.65 feet to a point on the southeasterly line of said 0.84 of an acre parcel of land of said Floyd H. and Mazie W. Hecker's; thence South 50 deg. 15' West along said southeasterly line of said 0.44 of an acre parcel and along the southeasterly line of 0.9016 of an acre parcel of said Floyd H. and Mazie W. Hecker, 384.75 feet to a fence corner at the most northerly corner of a 5 acre parcel of land heretofore conveyed to Martin L. and Jeanne Hecker by deed as recorded in Deed Drawer 5, Instrument No. 6776 of said Clark County Records; thence North 39 deg. 15' West along the southwesterly line of said 0.9016 of an acre parcel, 231.35 feet to a point in the southeasterly line of 4.76 acre parcel of land heretofore conveyed to William and Helen Pennington by deed as recorded in Deed Drawer 3, Instrument No. 6674 of said Clark County Records; thence North 50 deg. 15' East along said southeasterly line and along the northwesterly line of said 0.9016 of an acre parcel, 169.75 feet to a point in the southwesterly line of said 2.49 acre parcel of land of said Floyd H. and Mazie W. Hecker; thence North 39 deg. 15' West along said southwesterly line, 328.0 feet to a point in said George Lott's southeasterly line; thence North 50 deg. 15' East along said George Lott's southeasterly line, 261.69 feet to the place of beginning and containing a total of 9.2486 acres of land.

Subject, however, to the Right-of-Way of said U.S. Highway No. 31-W.

Also, subject to any easements of record, including an underground telephone cable easement which runs across Hecker's 0.9016 of an acre parcel of land.

ALSO, A part of Survey No. 108 and a part of Survey 110 of the Illinois Grant, Clark County, Indiana and more particularly described as follows: beginning at the corner of Survey Nos. 108 and 109, in the line of Survey No. 110, thence S. 50 deg. 15' W. with the line dividing Survey Nos. 108 and 109, 208.1 feet to a stone; thence S. 40 deg. E. 825.0 feet to a stone; continuing S. 40 deg. E. 597.0 feet to an iron pin, the true point of beginning; thence N. 30 deg. 56' 23" E. 317.43 feet to an iron pin; thence N. 39 deg. 47' 38" W. 63.20 feet to a point; thence S. 12 deg. 33' 44" W. 117.95 feet to an iron pin; thence S. 25 deg. 16' 10" W. 227.46 feet to the true point of beginning, containing 0.1496 acre, subject to all easements apparent or of record.

RESOLUTION NO. <sup>1999</sup>~~98~~ 52

**A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL  
DIRECTING THE ISSUANCE OF NOTICE OF THE TOWN COUNCIL'S  
DECISION TO OPT-OUT OF THE JURISDICTION OF THE  
INDIANA UTILITY REGULATORY COMMISSION**

WHEREAS, the Town Council for the Town of Sellersburg has determined that it will pursue opting out of the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Town Council for the Town of Sellersburg will consider an Ordinance to opt-out from the jurisdiction of the Indiana Utility Regulatory Commission on the 8th day of February, 1999, at 6:30 p.m.; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that notice should be issued regarding the Sellersburg Town Council's intention to opt-out from the Utility Regulatory Commission's jurisdiction; and

WHEREAS, the Town Council for the Town of Sellersburg now resolves that notice should be issued in accordance with Indiana Statute; and

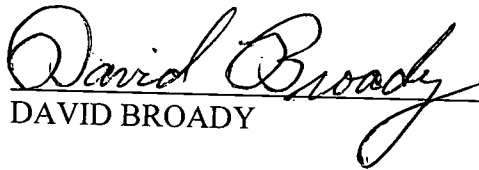
WHEREAS, the Town Council for the Town of Sellersburg directs that said notice has in fact been issued on the 7th day of January, 1999; and

WHEREAS, the Town Council for the Town of Sellersburg now desires to ratify the issuance of said notice as indicated;

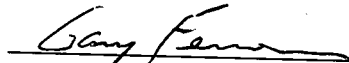
BE IT THEREFORE RESOLVED by the Town Council for the Town of Sellersburg that


notice of the Town Council's intention to opt-out of the jurisdiction of the Indiana Utility Regulatory Commission shall be issued and that said notice was issued on January 7, 1999, and by the herein Resolution the Sellersburg Town Council now ratifies said notice which has been issued in accordance with Indiana Law.

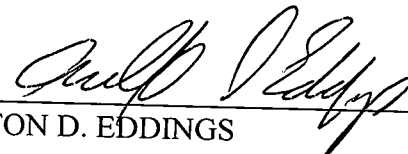
SO RESOLVED THIS 11 DAY OF January, 1999.


  
DAVID BROADY


  
KEN ALEXANDER

  
GARY FENNER

  
BILL VOYLES

  
AULTON D. EDDINGS

ATTEST:   
LINDA SCHAFER  
CLERK-TREASURER



RESOLUTION NO. 1999-53

A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL REGARDING  
WATER RATE INCREASES IF THE TOWN OF SELLERSBURG SUCCESSFULLY  
OPTS OUT OF THE INDIANA UTILITY REGULATORY COMMISSION

WHEREAS, the Sellersburg Town Council desires to opt out of the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, the Sellersburg Town Council understands that during the course of this opt out procedure there has been and will continue to be local opposition to the opt out process and this opposition continues to circulate misinformation and half-truths about the Sellersburg Town Council's reasons and justifications for opting out of the Indiana Utility Regulatory Commission as well as the ramifications to the residents of the Town of Sellersburg, and

WHEREAS, if the Sellersburg Town Council successfully opts out of the Indiana Utility Regulatory Commission, the Sellersburg Town Council desires to go on record and make public what actions the Town Council will take to notify, inform and include all residents of the Town of Sellersburg prior to seeking any increase in the current water rates now assessed; and

WHEREAS, the Sellersburg Town Council will comply with all requirements contained under IC 8-1.5-3-8.1 (a copy of which is attached hereto and incorporated herein); and

WHEREAS, in addition to the protections provided under IC 8-1.5-3-8.1, the Sellersburg Town Council will hold a public hearing at least thirty (30) days prior to the introduction of any ordinance of the Town Council which seeks to increase the water rates of the Town of Sellersburg, in addition, at least thirty (30) days prior to the public hearing the Town of Sellersburg will publish notice in accordance with IC 5-3-1 and mail notice to each water customer of the date and time of the public hearing; and

WHEREAS, the Sellersburg Town Council believes that significant input by and dialogue with its water customers will aid in determining the need for any water rate increase and the amount of any such increase.

BE IT THEREFORE ORDAINED BY THE SELLERSBURG TOWN COUNCIL ON THIS 15TH DAY OF FEBRUARY, 1999, THAT THE FOREGOING REPRESENTATIONS ARE HEREBY ADOPTED AS OFFICIAL POLICY OF THE TOWN OF SELLERSBURG.

SELLERSBURG TOWN COUNCIL

David L Broady

William Keyes

Jay Edger

Gary E Fenner

[Signature]

ATTEST: Linda H. Schaefer  
Clerk/Treasurer

The Town Council for the Town of Sellersburg directs the Clerk of the Town of Sellersburg to cause notice that the adoption of this declaratory resolution determining the area to be an economic revitalization area for personal and real property tax shall be published and that said publication providing the date and notice to me of the public hearing for the Town Council to confirm, rescind or modify the proposed declaration.

**BE IT RESOLVED**, by the Town Council for the Town of Sellersburg as follows:

1. The Town Council for the Town of Sellersburg hereby determines and finds that application for real and personal property tax abatement shall be accepted by the Town Council for the Town of Sellersburg and determined under the provisions of I.C. 6-1.1-12.1-1 et. seq.; and

2. The Town Counsel hereby determines and finds that the Petition to designate the foregoing area as an economic revitalization area for the purposes of real and personal property tax abatement shall be and hereby is approved.

**BE IT FURTHER RESOLVED**, by the Town Council for the Town of Sellersburg determines and finds that the purposes of an economic revitalization area as defined by law would be served by allowing deductions;

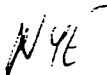
This Resolution shall be in full force and effect from and after the date of its adoption by the Town Council.

A statement of benefits is not waived and must be submitted within thirty days for consideration by the Town Council.

**BE IT FURTHER RESOLVED** by the Town Council for the Town of Sellersburg upon submission of an application for deduction presented by the Statement of Benefits filed by the applicant and that said applicant shall be entitled to deductions for a period of ten (10) years from improvements of real property, pursuant to I.C. 6-1.1-12.1-3(d) and I.C. 6-1.1-12.1-4(d)(3) and ten (10) years from new manufacturing equipment pursuant to I.C. 6-1.1-12.1-4.5 with the timely filing and perfection thereof with the Clark County Auditor's Office.

**PASSED AND ADOPTED** the 27<sup>th</sup> day of September, 1999.

**SO MODIFIED** pursuant to I.C. 6-1.1-12.1-2.5(c) to provide for a tax deduction for a period of ten (10) years for manufacturing equipment rather than five (5) years as originally determined, this 25<sup>th</sup> day of October, 1999.

  
\_\_\_\_\_  
DAVID BROADY  
James LeMaster

  
\_\_\_\_\_  
KEN ALEXANDER



RESOLUTION NO. 1999-55

RESOLUTION OF THE TOWN COUNCIL OF SELLERSBURG,  
INDIANA, DESIGNATING A CERTAIN AREA WITHIN THE TOWN  
OF SELLERSBURG AS AN ECONOMIC REVITALIZATION AREA  
FOR THE PURPOSES OF REAL AND PERSONAL PROPERTY TAX ABATEMENT

**WHEREAS**, a Petition to determine the following area to be an area desirable for an Economic Revitalization Area has been filed for consideration by the Town Council, said area is generally located in the eastern part of the Town of Sellersburg near Bean Road and is more particularly described as follows:

(See attached "Exhibit A and B")

The foregoing area is eligible for designation as an economic revitalization area under provisions of I.C. 6-1.1-12.1-1 et seq; and

**WHEREAS**, the Town Council for the Town of Sellersburg has concluded pursuant to an investigation and other information provided that the area qualifies as an economic revitalization area under I.c.6-1.1-12.1-1 et. seq., and has further created a map and plat showing the boundaries and such other information regarding the area in question as required by law; and

**WHEREAS**, the Town Council for the Town of Sellersburg has determined that additional value will be added to the tax rolls by the redevelopment and rehabilitation that can be reasonably expected to occur by the projects that will result in the area so designated. Additionally, an increase in numbers of individuals will be employed or whose employment will be retained can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

That additional employees over those individuals whose employment will be retained can be reasonably expected to result from the proposed redevelopment or rehabilitation;

That the other benefits about which information was requested can be reasonably expected to result and proposed described redevelopment or rehabilitation;

**WHEREAS**, the totality of benefits is sufficient to justify the deductions, all of which satisfy the requirements of I.C. 6-1.1-12.1.3, and can be reasonably expected to result in the installation of new manufacturing equipment and rehabilitation and development.

**WHEREAS**, the Town Counsel for the Town of Sellersburg hereby designates the area described as an economic revitalization area for the purposes of real and personal property tax abatement and hereby makes such a designation.

The Town Council for the Town of Sellersburg hereby determines that the property owner who qualifies for and is granted property tax deductions will be for a period of ten (10) years for manufacturing equipment and ten (10) years for real property.

*Gary Fenner*

GARY FENNER

*Bill Voyles*

BILL VOYLES

*Aulton Eddings*

AULTON EDDINGS

ATTEST:

*Linda H. Schaffer*

LINDA SCHAFFER  
CLERK-TREASURER

PART I

## EXHIBIT A

Being a part of Survey #67 of the Illinois Grant to Clark County, Indiana and being further described as follows: Beginning at a stone on the line dividing Surveys #67 and #89, said stone being N. 50 deg. E., 273 poles from the northwest corner of said Grant #67 as described in previous deeds; thence S. 50 deg. W., 1071.43 feet to a point; thence S. 40 deg. E., 597 feet to an iron pipe; thence continuing S. 40 deg. E., 900.67 feet to a "PK" nail in Bean Road; thence S. 49 deg. 19' W. along said road, 636.90 feet to THE TRUE PLACE OF BEGINNING. Thence continuing S. 49 deg. 19' W., 100.01 feet to a "PK" nail on the east corner of a tract of land described in Deed Drawer 21, Instrument 2001 of said county records. Thence N. 40 deg. W. 510.00 feet to an iron pin on the north corner of said tract; thence N. 50 deg. E. 100.00 feet to a point; thence S. 40 deg. E., 500.61 feet to THE TRUE PLACE OF BEGINNING.

Containing 1.169 acres, more or less, and being subject to an easement for gas lines on said real estate in favor of Indiana Gas & Water Company, Inc., 40 feet in width lying adjacent to, parallel with and north of the southerly property line of said real estate, which said easement is recorded in the office of the Recorder of Clark County, Indiana, in Deed Record Book 226, Page 338.

PART II

Being a part of Survey No. 67 of the Illinois Grant, Clark County, Indiana and more particularly described as follows: Beginning at a stone on the line dividing Surveys No. 67 and 89, said stone being described in previous deeds as being N. 50 deg. E. 273 poles from the northwest corner of said Survey No. 67; thence S. 50 deg. W. 1071.43 feet to a point; thence S. 40 deg. E. 597 feet to an iron pipe on Grantor's North corner; continuing S. 40 deg. E., passing an iron pipe at 887.3 feet, a distance of 900.67 feet to a P K nail in the pavement of Bean Road; thence S. 49 deg. 19' W., along said road, 736.91 feet to the true point of beginning; continuing S. 49 deg. 19' W., with said road, 300.82 feet to a P K nail; thence N. 40 deg. W. 513.58 feet to an iron pin; thence N. 50 deg. E. 100.00 feet to an iron pin; thence S. 40 deg. E. 510.00 feet to the true point of beginning, containing 3.525 acres, more or less, subject to an easement for gas lines on said tract in favor of Indiana Gas & Water Co., Inc., 40 feet in width lying adjacent to, parallel with the north and southerly line of said tract, said easement is recorded in the Office of the Recorder of Clark County, Indiana, in Deed Record Book 226, Page 338.



# STATEMENT OF BENEFITS

State Form 27167 (R3 11-91)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

1999-55  
9-27-99

FORM  
SB - 1

### INSTRUCTIONS:

- This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and the "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.
- To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
- Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.5)

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer <b>RHODES CONSTRUCTION, LLC.</b>	
Address of taxpayer (street and number, city, state and ZIP code) <b>1466 GARDINER LANE, SUITE 100, LOUISVILLE, KY 40213</b>	
Name of contact person <b>BOB BRODBECK</b>	Telephone number <b>502 473-0111</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body		Resolution number
Location of property <b>BEAN ROAD, SELLERSBURG, IN</b>	County <b>CLARK</b>	Taxing district
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) <b>Relocation of two existing facilities (RMI Corporate office &amp; Tow Conveyor operation) into one new facility in Indiana</b>		Estimated starting date <b>11/99</b>
		Estimated completion date <b>5/00</b>

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
14	\$700,000	10	\$600,000	7	\$200,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values Land	\$70,000	\$70,000		
Plus estimated values of proposed project	\$ 500,000	\$ 500,000		
Less values of any property being replaced				
Net estimated values upon completion of project	\$570,000	\$570,000		

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER
1.) Investment in and improvement to property 2.) Increased employment 3.) Purchases from local (Indiana) Suppliers/Vendors

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>Robert B. Rhodes</i>	Title <i>Owner</i>	Date signed (month, day, year) <i>11/31/99</i>

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed N/A see below "calendar years" (see below). The date this designation expires is According to Indiana Code.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements:  Yes  No
  2. Installation of new manufacturing equipment:  Yes  No
  3. Residentially distressed areas:  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ no limit cost with an assessed value of \$ no limit.
- D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to \$ no limit cost with an assessed value of \$ no limit.
- E. Other limitations or conditions (specify): N/A
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:
- 5 years  10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: [Signature] President T.B. Telephone number: 812-246-3821 Date signed: month, day, year Oct. 25, 1999

Attested by: [Signature] Designated body: Tom Board of Sellersburg, Indiana

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5. Namely: (see tables below)

### NEW MANUFACTURING EQUIPMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

### REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT

For Deductions Allowed Over A Period Of:

Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

RESOLUTION NO. 1999-56

**RESOLUTION APPROVING STATEMENT OF BENEFITS FOR  
PURPOSE OF PROPERTY TAX ABATEMENT**

**WHEREAS**, Rhodes Construction, LLC (“Petitioner”) has petitioned the Town Board of the Town of Sellersburg, Indiana, for a deduction in real property taxes to be assessed on improvements to be made to real estate located at Bean Road, Sellersburg, Indiana; and

**WHEREAS**, Petitioner has submitted a Statement of Benefits on the form prescribed by the Indiana State Board of Tax Commissioners for such purpose, which statement includes a description of the proposed redevelopment, an estimate of the number of individuals who will be employed as a result of the redevelopment, an estimate of the annual salaries of these individuals, and an estimate of the value of the redevelopment; and

**WHEREAS**, the Town Board of the Town of Sellersburg has previously determined that the land on which the proposed redevelopment project is located in Clark County qualifies as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1 et seq., and Resolution No.

1999-55.

**WHEREAS**, the Town Board of the Town of Sellersburg, Indiana has reviewed the Statement of Benefits submitted herein and attaches and incorporates that Statement to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Sellersburg, Indiana, that it specifically and affirmatively finds as follows:

1. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of the nature described in the Statement of Benefits submitted by the developer.

2. That the estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed described redevelopment or rehabilitation.
3. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
4. That all other information requested from the Petitioner has been submitted, and the benefits described in such information can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
5. That the totality of benefits for said redevelopment or rehabilitation is sufficient to justify the deduction.

**BE IT FURTHER RESOLVED** that the Town Board of the Town of Sellersburg, Indiana, hereby approves the application for deduction presented by the Statement of Benefits filed by Rhodes Machinery International, Inc., and that said developer shall be entitled to deductions for a period of ten (10) years for equipment pursuant to I.C. 6-1.1-12.1-3(d) and I.C. 6-1.1-12.1-4(d)(3), with the timely filing and perfection thereof with the auditor of Clark County, Indiana.

Passed and adopted this 25 day of October, 1999, by the Town Board of the Town of Sellersburg, Indiana.

Nye  
David Broady, Member  
*James LaMaster*

Gary Fenner  
Gary Fenner, Member

Alton D. Eddings  
Alton D. Eddings, Member

Ken Alexander  
Ken Alexander, Member

Bill Voyles  
Bill Voyles, Member

ATTEST:

Linda Schafer  
Linda Schafer, Clerk/Treasurer

Date: 10-25-99





# STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM  
SB - 1

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment, or **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and the "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment, **BEFORE** a deduction may be approved.
3. To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
4. Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer <b>RHODES CONSTRUCTION, LLC.</b>	
Address of taxpayer (street and number, city, state and ZIP code) <b>1466 GARDINER LANE, SUITE 100, LOUISVILLE, KY 40213</b>	
Name of contact person <b>BOB BRODBECK</b>	Telephone number <b>( 502 473-0111</b>

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT		
Name of designating body	Resolution number	
Location of property <b>BEAN ROAD, SELLERSBURG, IN</b>	County <b>CLARK</b>	Taxing district
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) <b>Relocation of two existing facilities (RMI Corporate office &amp; Tow Conveyor operation) into one new facility in Indiana</b>	Estimated starting date <b>11/99</b>	
	Estimated completion date <b>5/00</b>	

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
14	\$700,000	10	\$600,000	7	\$200,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values <b>Land</b>	\$70,000	\$70,000		
Plus estimated values of proposed project	\$ 500,000	\$ 500,000		
Less values of any property being replaced				
Net estimated values upon completion of project	\$570,000	\$570,000		

SECTION 5 OTHER BENEFITS PROMISED BY THE TAXPAYER
1.) Investment in and improvement to property 2.) Increased employment 3.) Purchases from local (Indiana) Suppliers/Vendors

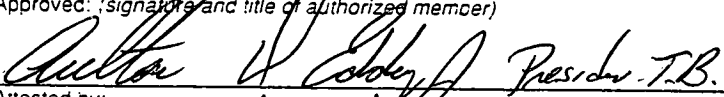

SECTION 6 TAXPAYER CERTIFICATION		
I hereby certify that the representations in this statement are true.		
Signature of authorized representative <i>Arthur B. Rhodes</i>	Title <i>Pres / Sec.</i>	Date signed (month, day, year) <i>10/21/99</i>

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed not selected calendar years \* (see below). The date this designation expires is according to Indiana Code
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements;  Yes  No
  2. Installation of new manufacturing equipment;  Yes  No
  3. Residentially distressed areas  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- E. Other limitations or conditions (specify) N/A
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:
- 5 years  10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)  President - T.B.	Telephone number 812) 246-3821	Date signed (month, day, year) Oct. 25, 1994
Attested by:  et	Designated body Town Board of Sellersburg, Ind.	

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5 Namely: (see tables below)

NEW MANUFACTURING EQUIPMENT		
For Deductions Allowed Over A Period Of:		
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT			
For Deductions Allowed Over A Period Of:			
Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

RESOLUTION NO. 1999-57

**RESOLUTION APPROVING STATEMENT OF BENEFITS FOR  
PURPOSE OF PROPERTY TAX ABATEMENT**

**WHEREAS**, Rhodes Machinery International, Inc. ("Petitioner") has petitioned the Town Board of the Town of Sellersburg, Indiana, for a deduction in personal property taxes to be assessed on machinery and equipment to be installed on property located at Bean Road, Sellersburg, Indiana; and

**WHEREAS**, Petitioner has submitted a Statement of Benefits on the form prescribed by the Indiana State Board of Tax Commissioners for such purpose, which statement includes a description of the proposed redevelopment, an estimate of the number of individuals who will be employed as a result of the redevelopment, an estimate of the annual salaries of these individuals, and an estimate of the value of the redevelopment; and

**WHEREAS**, the Town Board of the Town of Sellersburg has previously determined that the land on which the proposed redevelopment project is located in Clark County qualifies as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1 et seq., and Resolution No.

1994-55

**WHEREAS**, the Town Board of the Town of Sellersburg, Indiana has reviewed the Statement of Benefits submitted herein and attaches and incorporates that Statement to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Sellersburg, Indiana, that it specifically and affirmatively finds as follows:

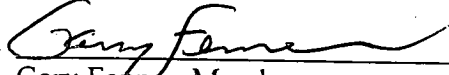
1. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of the nature described in the Statement of Benefits submitted by the developer.

2. That the estimate of the number of individuals who will be employed or whose employment will be retained can reasonably be expected to result from the proposed described redevelopment or rehabilitation.
3. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
4. That all other information requested from the Petitioner has been submitted, and the benefits described in such information can be reasonably expected to result from the proposed described redevelopment or rehabilitation.
5. That the totality of benefits for said redevelopment or rehabilitation is sufficient to justify the deduction.


**BE IT FURTHER RESOLVED** that the Town Board of the Town of Sellersburg, Indiana, hereby approves the application for deduction presented by the Statement of Benefits filed by Rhodes Machinery International, Inc., and that said developer shall be entitled to deductions for a period of ten (10) years for equipment pursuant to I.C. 6-1.1-12.1-4.5, with the timely filing and perfection thereof with the auditor of Clark County, Indiana.

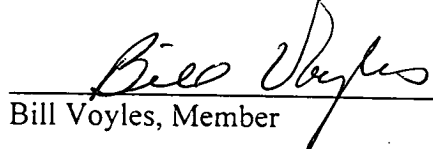
Passed and adopted this 21<sup>st</sup> day of October, 1999, by the Town Board of the Town of Sellersburg, Indiana.

~~David Broady, Member~~  
~~JAMES LAMSKA~~

  
Gary Fenner, Member

  
Alton D. Eddings, Member

  
Ken Alexander, Member

  
Bill Voyles, Member

ATTEST:

  
Linda Schafer, Clerk/Treasurer

Date: 10-25-99



# STATEMENT OF BENEFITS

State Form 27167 (R3 / 11-91)

Form SB - 1 is prescribed by the State Board of Tax Commissioners, 1989

The records in this series are CONFIDENTIAL according to IC 6-1.1-35-9

FORM SB - 1

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the economic revitalization area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment, or BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. A statement of benefits is not required if the area was designated an ERA prior to July 1, 1987 and the "project" was planned and committed to by the applicant, and approved by the designating body, prior to that date. "Projects" planned or committed to after July 1, 1987 and areas designated after July 1, 1987 require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, or prior to installation of the new manufacturing equipment, BEFORE a deduction may be approved.
3. To obtain a deduction, Form 322 ERA, Real Estate Improvements and / or Form 322 ERA / PP, New Machinery, must be filed with the county auditor. With respect to real property, Form 322 ERA must be filed by the later of: (1) May 10; or (2) thirty (30) days after a notice of increase in real property assessment is received from the township assessor. Form 322 ERA / PP must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment is installed, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and June 14 of that year.
4. Property owners whose Statement of Benefits was approved after July 1, 1991 must submit Form CF - 1 annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)

### SECTION 1

#### TAXPAYER INFORMATION

Name of taxpayer <b>RHODES MACHINERY INTERNATIONAL, INC.</b>	
Address of taxpayer (street and number, city, state and ZIP code) <b>1466 GARDINER LANE, SUITE 100 LOUISVILLE, KY 40213</b>	
Name of contact person <b>BOB BRODBECK</b>	Telephone number <b>(502) 473-0111</b>

### SECTION 2

#### LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body		Resolution number
Location of property <b>BEAN ROAD, SELLERSBURG, IN</b>	County <b>CLARK</b>	Taxing district
Description of real property improvements and / or new manufacturing equipment to be acquired (use additional sheets if necessary) <b>Relocation of two existing facilities (RMI Corporate Office &amp; Tow Conveyor Operation) into one new facility in Indiana</b>		Estimated starting date <b>11/99</b>
		Estimated completion date <b>5/00</b>

### SECTION 3

#### ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
14	\$700,000	10	\$600,000	7	\$200,000

### SECTION 4

#### ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	Real Estate Improvements		Machinery	
	Cost	Assessed Value	Cost	Assessed Value
Current values			\$100,000	\$100,000
Plus estimated values of proposed project				
Less values of any property being replaced				
Net estimated values upon completion of project:			\$100,000	\$100,000

### SECTION 5

#### OTHER BENEFITS PROMISED BY THE TAXPAYER

- 1.) Investment in and improvement to property
- 2.) Increased employment
- 3.) Purchases from local (Indiana) Suppliers / Vendors

### SECTION 6

#### TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Title <b>Pres/Sec</b>	Date signed (month, day, year) <b>10/21/99</b>
--	--------------------------	---

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed N/A - See below calendar years \* (see below). The date this designation expires is According to Indiana Code
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements:  Yes  No
  2. Installation of new manufacturing equipment:  Yes  No
  3. Residentially distressed areas:  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ no limit cost with an assessed value of \$ no limit
- D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1988 is limited to \$ no limit cost with an assessed value of \$ no limit
- E. Other limitations or conditions (specify): None
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:  5 years  10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: [Signature] Telephone number: \_\_\_\_\_ Date signed (month, day, year): Oct. 25, 1999

Attested by: [Signature] Designated body: Town Board of Sellersburg, Ind.

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5. Namely: (see tables below)

NEW MANUFACTURING EQUIPMENT		
For Deductions Allowed Over A Period Of:		
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT			
For Deductions Allowed Over A Period Of:			
Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	85%	95%
3rd	33%	66%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

RESOLUTION NO. 1999-57

RESOLUTION APPROVING STATEMENT OF BENEFITS FOR  
PURPOSE OF PROPERTY TAX ABATEMENT

WHEREAS, Rhodes Machinery International, Inc. ("Petitioner") has petitioned the Town Board of the Town of Sellersburg, Indiana, for a deduction in personal property taxes to be assessed on machinery and equipment to be installed on property located at Bean Road, Sellersburg, Indiana; and

WHEREAS, Petitioner has submitted a Statement of Benefits on the form prescribed by the Indiana State Board of Tax Commissioners for such purpose, which statement includes a description of the proposed redevelopment, an estimate of the number of individuals who will be employed as a result of the redevelopment, an estimate of the annual salaries of these individuals, and an estimate of the value of the redevelopment; and

WHEREAS, the Town Board of the Town of Sellersburg has previously determined that the land on which the proposed redevelopment project is located in Clark County qualifies as an economic revitalization area pursuant to Indiana Code 6-1.1-12.1 et seq., and Resolution No. 1999-55.

WHEREAS, the Town Board of the Town of Sellersburg, Indiana has reviewed the Statement of Benefits submitted herein and attaches and incorporates that Statement to this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Sellersburg, Indiana, that it specifically and affirmatively finds as follows:

1. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of the nature described in the Statement of Benefits submitted by the developer.





STATEMENT OF BENEFITS

State Form 27157 (2-1-81) Form SB-1 is prescribed by the State Board of Tax Commissioners, 1935 The records in this series are CONFIDENTIAL according to IC 5-1-12-3

FORM SB-1

INSTRUCTIONS

- 1. THIS STATEMENT MUST BE SUBMITTED TO THE BOARD OF TAX COMMISSIONERS... 2. THE BOARD OF TAX COMMISSIONERS... 3. THE BOARD OF TAX COMMISSIONERS... 4. THE BOARD OF TAX COMMISSIONERS...

TAXPAYER INFORMATION

NAME OF TAXPAYER: RHODES CONSTRUCTION, LLC. ADDRESS OF TAXPAYER (Street and Number, City, State and Zip Code): 1466 GARDINER LANE, SUITE 100, LOUISVILLE, KY 40213

SECTION 2

NAME OF CONTACT PERSON: BOB BRODACK. PHONE NUMBER: 502 473-0111

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

LOCATION OF PROPERTY: BEAN ROAD, SHELLEYSBURG, TN. COUNTY: CLARK. TAXING DISTRICT: [blank]. RELOCATION OF TWO EXISTING FACILITIES (RMI CORPORATE OFFICE & TOW CONVEYOR OPERATION) INTO ONE NEW FACILITY IN TOWNSHIP.

SECTION 3

ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT. Total Number: 14. Salaries: \$700,000. Number retained: 10. Salaries: \$600,000. Number additional: 7. Salaries: \$200,000.

SECTION 4

ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT. Real Estate Improvements: Assessed Value: \$70,000. Cost: \$70,000. Machinery: Assessed Value: [blank]. Cost: [blank].

SECTION 5

OTHER BENEFITS PROMISED BY THE TAXPAYER. 1.) Investment in and improvement to property. 2.) Increased employment. 3.) Purchases from local (Indiana) Suppliers/Vendors.

SECTION 6

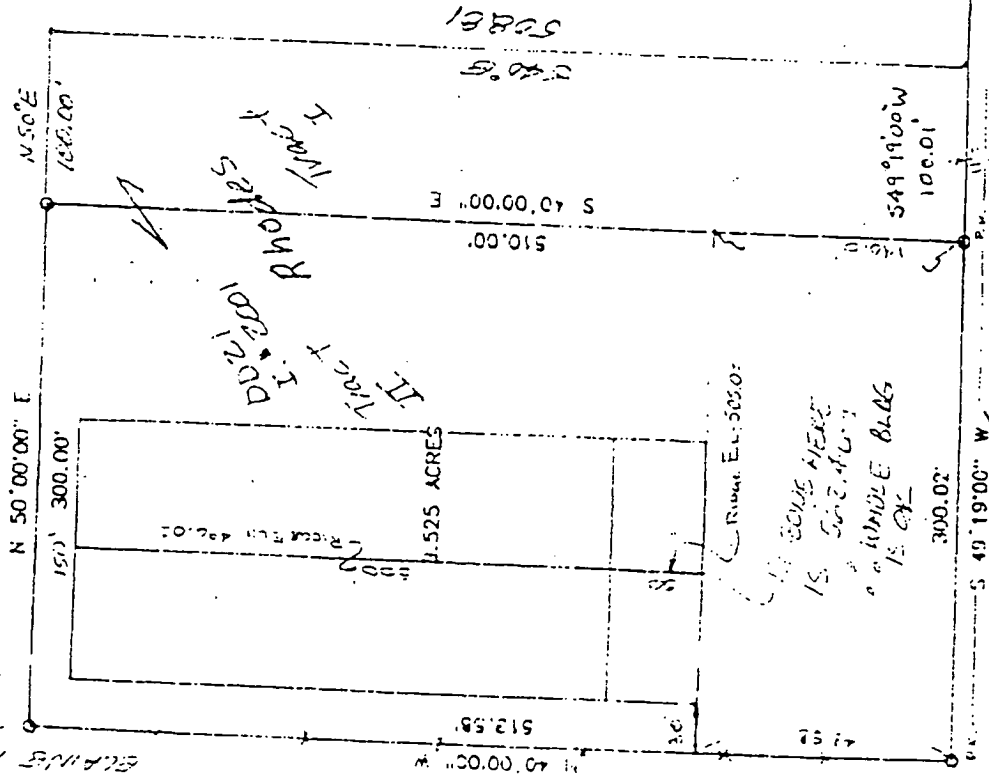
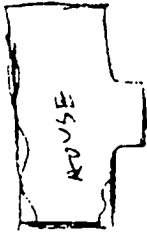
TAXPAYER CERTIFICATION

I hereby certify that the information in this statement is true and correct to the best of my knowledge and belief.

WINDY  
SOUTH  
EAST  
CORNER

TEAM  
CONTRACTING

Margaret Dreyer



756.91'  
S 48° 19' 00\" W

CLARK COUNTY AIRPORT

BEAR ROAD

TO US 31

## FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution passed under IC 6-11-1-12.5 provides for the following limitations as authorized under IC 6-11-1-12.102.

- A. The designated area has been limited to a period of time not to exceed N/A - Supplemental calendar years. The date this designation expires is December 31, 2010.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements:  Yes  No
  2. Installation of new manufacturing equipment:  Yes  No
  3. Residentially distressed areas:  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1987, is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- D. The amount of deduction applicable to redevelopment or rehabilitation of an area designated after September 1, 1988 is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- E. Other limitations or conditions (specify) N/A.
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1991 is allowed for:  3 years  10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: [Signature] President TB Telephone number 812 246 3821 Date signed (month, day, year) Oct. 25, 1999  
 Witnessed by: Kimberly D. Schaefer Designated body City Town Board of Sellersburg, Ind.

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is allowed to receive a deduction to a number of years designated under IC 6-11-1-2.1-4 or 4.5. Namely: see tables below.

NEW MANUFACTURING EQUIPMENT		
For Deductions Allowed Over A Period Of:		
Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	80%
4th	65%	65%
5th	50%	50%
6th		70%
7th		55%
8th		40%
9th		30%
10th		25%

REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT			
For Deductions Allowed Over A Period Of:			
Year of Deduction	Three (3) Year Deduction	Six (5) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	65%	65%
3rd	33%	65%	60%
4th		50%	65%
5th		34%	60%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

**FOR USE OF THE DESIGNATING BODY**

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed N/A Section calendar years \* (see below). The date this designation expires is According to Indiana Code.
- B. The type of deduction that is allowed in the designated area is limited to:
  - 1. Redevelopment or rehabilitation of real estate improvements:  Yes  No
  - 2. Installation of new manufacturing equipment:  Yes  No
  - 3. Residentially distressed areas:  Yes  No
- C. The amount of deduction applicable for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1997 is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- D. The amount of deduction applicable to redevelopment or rehabilitation in an area designated after September 1, 1998 is limited to \$ NO LIMIT cost with an assessed value of \$ NO LIMIT.
- E. Other limitations or conditions (specify): None
- F. The deduction for new manufacturing equipment installed and first claimed eligible for deduction after July 1, 1997 is allowed for:
  - 5 years
  - 10 years

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

\_\_\_\_\_  
 Telephone number: 812 246-3821 Date signed: month, day, year  
Oct. 25, 1999  
 Designated body: Torion Board of Sellersburg, Ind.  
 Tested by: Hinda G. Schaefer et al.

**NEW MANUFACTURING EQUIPMENT**  
 For Deductions Allowed Over A Period Of:

Year of Deduction	Five (5) Year Percentage	Ten (10) Year Percentage
1st	100%	100%
2nd	95%	95%
3rd	80%	90%
4th	65%	85%
5th	50%	80%
6th		70%
7th		65%
8th		60%
9th		50%
10th		35%

**REDEVELOPMENT OR REHABILITATION OF REAL PROPERTY IMPROVEMENT**  
 For Deductions Allowed Over A Period Of:

Year of Deduction	Three (3) Year Deduction	Six (6) Year Deduction	Ten (10) Year Deduction
1st	100%	100%	100%
2nd	66%	95%	95%
3rd	33%	65%	80%
4th		50%	65%
5th		34%	50%
6th		17%	40%
7th			30%
8th			20%
9th			10%
10th			5%

\* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4 or 4.5. Namely: (see tables below)