

2002 ORDINANCES

NUMBER	DATE	DESCRIPTION
2002-001	01/14/02	Annexation of Lumley Enterprises and Hometown Bank
2002-002	02/11/02	Adopting supplement to Code Ordinances of 2001
2002-003	02/11/02	Ordinance establishing Economic Development Commission
2002-004	03/11/02	Amendment to 2002 Salary Ordinance
2002-005	05/13/02	Authorization of Economic Development Revenue Bonds
2002-006	03/11/02	Ordinance establishing Sellersburg Town Court
2002-007	05/13/02	Amendment to Garbage and refuse collection for Town
2002-008	06/10/02	Amendment to Ordinance 2001-027
2002-009	05/13/02	Ordinance for Stop Sign on Adkins Court
2002-010	06/10/02	Ordinance amending Ordinance 2001-008 (Parking on W Utica St)
2002-011	09/09/02	Ordinance establishing 2003 Salary, Holiday and Longevity pay
2002-012	09/19/02	Ordinance establishing 2003 Town Budget
2002-013	09/09/02	Ordinance Establishing Unsafe Building Code
2002-014	10/14/02	Sewage Works Bond
2002-015	11/11/02	Transfer Fund Ordinance
2002-016	11/08/02	Ordinance Establishing Revised Voter Districts
2002-017	11/11/02	Ordinance Amending Ordinance 457 (Street cuts and excavations)
2002-018	12/09/02	Ordinance to Vacate Roadway (Hutchinson)

Ordinance Number: 2002-001

Richard P. Jones 5P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201205802 Page 1 of 5
JW Date 03/26/2012 Time 12:25:28

**Annexation of that Property Located Within Silver Creek Township Voluntarily
Requested by both Lumley Enterprises and The Hometown Bank**

Whereas, on November 18, 2001 the Petitioners, Lumley Enterprises and The Hometown submitted their separate petitions for voluntary annexation to the Town of Sellersburg, Indiana;

Whereas, the Sellersburg Town Board scheduled public hearing upon said matter to be conducted on December 20, 2001. Notice of said public hearing was published in the Jeffersonville Evening News on November 21, 2001;

Whereas, on December 20, 2001 the Petitioner, by Thomas Lumley, and counsel for said Petitioner, Larry Wilder, appeared before the Sellersburg Town Board. The Town Board was provided a Fiscal Plan in support of the proposed voluntary annexation. The floor was opened for public comment, there was none;

Whereas, the Town Board has reviewed the Fiscal Plan and considered the public comment;

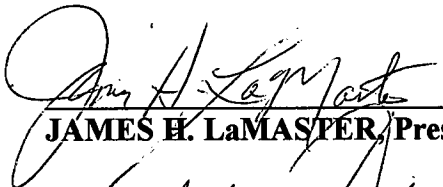
Whereas, more than fourteen (14) days have passed since the date of the public hearing upon the petition for voluntary annexation;

Whereas, the Town Board has considered the petition for voluntary annexation, reviewed the fiscal plan and considered the public comment which was set forth at the public hearing, and the Board does hereby adopt this ordinance annexing those lands set

forth herein and specifically described in the attached Exhibits A and Exhibit B.

Further, the Town Board finds that these properties shall be located in that voting precinct commonly known as Precinct Number 4 in Silver Creek Township, Town of Sellersburg. That these parcels shall receive fire service from its present provider, the Tri Township Fire District, the Sellersburg Police shall provide police services and that the parcels shall continue to be served by the Sellersburg Sewage facility and the Sellersburg Water Company.

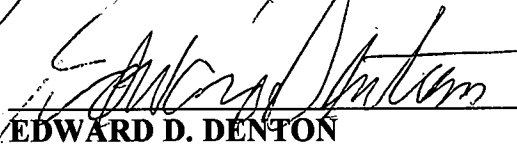
Now, therefore, be it ordained by the Town Board of Sellersburg, Indiana, that the above described parcels of real estate shall now and therefore become a part of the civil town of Sellersburg, Indiana.



JAMES H. LaMASTER, President



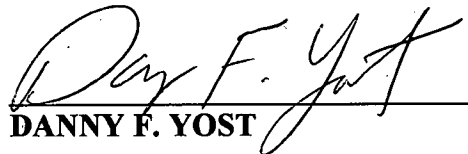
KENNETH E. BARNES, SR. Vice-President



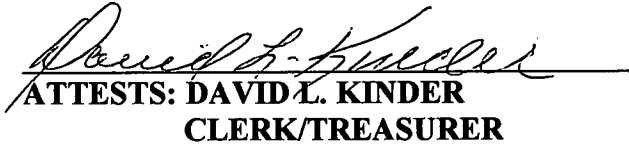
EDWARD D. DENTON



LOUIS R. IMHOF, JR




DANNY F. YOST



**ATTESTS: DAVID L. KINDER
CLERK/TREASURER**

ATTACHMENTS: Exhibit A and B


DAVID J. RUCKMAN CO.

Surveyors, Planners, Consultants

LICENSED TO
PRACTICE INIndiana
Kentucky
Tennessee
Texas
Colorado
Alabama
Mississippi

EXHIBIT A

LEGAL DESCRIPTION

NOVEMBER 22, 1993

CHARLES HORNUNG
7414 HWY. 311
SELLERSBURG, IN.PARCEL "A"
LAND DESCRIPTION

Being a 2.949 acre parcel of land lying in Survey No. 88 of the Illinois Grant, Silver Creek Township, Clark County, Indiana, and being a part of those lands of Charles A. and Margaret J. Hornung as described in Deed Book 189, Page 58, more particularly described as follows:

Commencing at the north corner of said Survey No. 88; thence South 55°06'03" West a distance of 1449.50 feet to a point in the centerline of Old State Road 60; thence South 29°34'57" East with the centerline of Old State Road 60 a distance of 1296.00 feet to a point; thence South 54°53'56" West a distance of 624.26 feet to a 5/8 inch steel pin set; thence North 62°41'57" West a distance of 281.26 feet to a 5/8 inch steel pin set in the western right of way of State Road 60, being the true place of beginning; thence continuing North 62°41'57" West a distance of 884.19 feet to a 2 inch iron pin found in the eastern right of way of State Road 311; thence North 34°12'18" East with said right of way 131.49 feet to a concrete right of way marker; thence North 23°53'13" East with said right of way 69.24 feet to a 5/8 inch steel pin set; thence South 61°37'17" East a distance of 408.41 feet to a 5/8 inch steel pin set in the western right of way of State Road 60; thence with said right of way along a curve to the right having a radius of 5659.58 feet, a long chord of which bears South 41°43'39" East, a chord distance of 62.13 feet to a right of way fence post; thence South 44°06'53" East with said right of way 161.70 feet to a right of way fence post; thence with said right of way along a curve to the right having a radius of 5659.58 feet, a long chord of which bears South 37°38'52" East, a chord distance of 279.15 feet to the beginning.

See attached "Exhibit B" for drawing.

~~EXCEPTING THEREFROM: The real estate conveyed to S. W. D., Inc. by deed recorded in Deed Drawer 28, Instrument 6102, described as follows:~~

(see attached sheet for exception description.)

Exhibit A continued

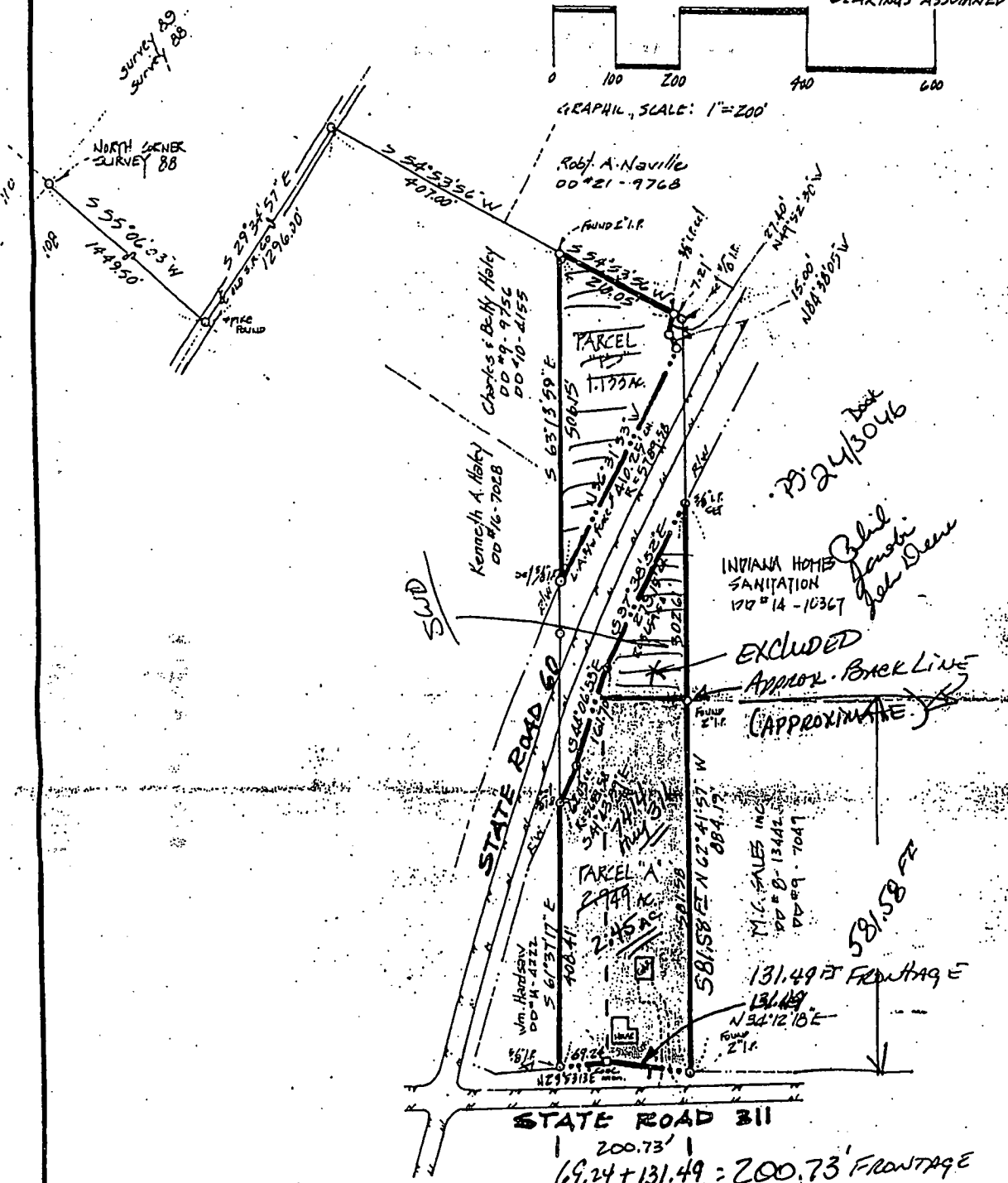
A part of Survey #88 of the Illinois Grant, in Silver Creek Township, Clark County, Indiana, more particularly described as follows: Commencing at the Eastern corner of Survey #88, thence with the Northern line of Survey #88 South 54 deg. 22' 00" West, basis of bearings this description, 2260.00 feet more or less to a point where said line intersects the Eastern line of State Road #311, the above being quoted from that deed recorded in Deed Drawer #14, Instrument #10367, thence along said Eastern line of State Road #311, South 25 deg. 36' 44" West 778.49 feet to a four inch metal post found on said Eastern line of State Road #311, thence continuing with said Eastern line South 25 deg. 16' 37" West 344.17 feet to a one and one half inch metal post found on the Eastern line of State Road #311, said point being the Northwestern corner of a certain 12.748 Acre tract referred to in Deed Drawer #14, Instrument #10367, thence along the line of said tract South 64 deg. 50' 05" East 200.00 feet to a one and one half inch pipe found as called for in the parent deed being recorded in Deed Drawer #14, Instrument #10367, thence continuing along said property as follows: South 64 deg. 50' 05" East 373.00 feet to five eighths inch reinforcing bar found as called for in the referenced deed, thence North 26 deg. 11' 24" East 564.02 feet to a one and one half inch metal post found as called for in the referenced deed, this being the point of beginning; thence South 63 deg. 29' 25" East 302.61 feet to an iron pin found as set by David J. Ruckman, licensed Surveyor #S0393 in the Western right of way of State Road #60, thence along said right of way and a curve concave Southwesterly whose radius is 5669.58 feet and whose long chord bears North 37 deg. 38' 52" West having a distance of 279.15 feet and a length of 279.18 feet, thence continuing with said right of way North 44 deg. 06' 53" West 55.29 feet, thence leaving said right of way South 26 deg. 11' 24" West 140.03 feet, to the point of beginning, containing 0.499 Acres, more or less.

NORTH

11-22-93
CLASS "C" SURVEY
FD. WK. COM. 11-19-93
BEARINGS ASSUMED



GRAPHIC SCALE: 1"=200'



DAVID J. RUCKMAN Co.

SURVEYORS PLANNERS CONSULTANTS
4259 STONE MOUNTAIN RD.
NEW ALBANY, INDIANA 47150
812.949.8354

SCALE: 1"=200'	DATE: 11-22-93	DRAWN: EDT	REV
		BK 189 PG 58	

CHARLES HORNING SURVEY

PT. OF SURVEY NO. 88 OF THE ILLINOIS GRANT
SILVER CREEK TOWNSHIP, CLARK COUNTY, IN.

[Handwritten Signature]

DAVID J. RUCKMAN C.S.# 5-0393

ORDINANCE NUMBER 2002-002

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE
CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG AND
DECLARING AN EMERGENCY.**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2001 supplement to the Code of Ordinances of the Political Subdivision, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Indiana code; and


WHEREAS, it is the intent of the Legislative Authority to accept these updated sections in accordance with the changes of the law of the State of Indiana; and

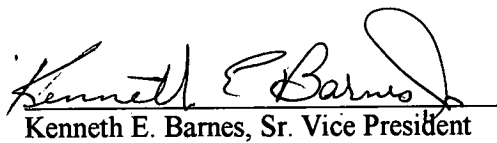
WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality and this ordinance take effect at an early date;


**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY
OF THE POLITICAL SUBDIVISION OF SELLERSBURG:**

- Section 1.** That the 2001 supplement to the Code of Ordinances of the Political Subdivision as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2.** Such supplement shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Political Subdivision is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3.** This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

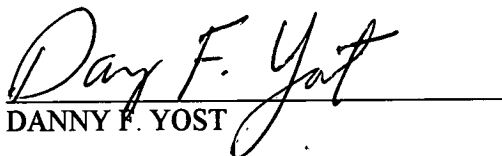
SO ORDAINED this 11th day of February 2002.


JAMES H. LaMASTER, President


Kenneth E. Barnes, Sr. Vice President


EDWARD D. DENTON


LOUIS R. IMHOF, JR.


DANNY F. YOST


ATTEST: DAVID L. KINDER
CLERK-TREASURER

ORDINANCE NUMBER 2002-003

**AN ORDINANCE ESTABLISHING THE TOWN OF SELLERSBURG, INDIANA
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the Town Council of the Town of Sellersburg, Indiana, has determined that it is necessary to finance economic development facilities under I.C. 36-7-12-4 and that there now exists within the jurisdiction of said Town unemployment and it would be in the best interest and public purpose of the Town to provide for an Economic Development Commission to assist in sustained, diversified and structured economic developments:

AND WHEREAS, it would be in the best interest of the inhabitants of said Town and environs to create a local authority having the jurisdiction and responsibility for assisting in planning, aiding and furthering the future economic development of the Town of Sellersburg, Indiana:

BE IT NOW THEREFORE ORDAINED by the Town Council of the Town of Sellersburg, Indiana that there is hereby created the Town of Sellersburg, Indiana Economic Development Commission with full powers pursuant to I.C. 36-7-12-1 et seq., to conceive, direct and accomplish the desired and aforementioned economic growth for the Town of Sellersburg, Indiana, in the manner contemplated by such Statutes and subsequent revisions.

The initial three members of the Economic Development Commission shall be appointed pursuant to I.C. 36-7-12-6 and pursuant to said Statute. One (1) of the members shall be selected by the town executive, one (1) shall be nominated by the fiscal body of the county in which the town is located, and one (1) shall be nominated by the town fiscal body. All members of the Economic Development Commission shall be appointed by the Town Executive.

The economic development commissioners shall take office upon their appointment, and their terms run from February 1 after their original appointment, for a period of:

- a.) three (3) years, if selected by the town executive;
- b.) two (2) years if nominated by the town fiscal body; and
- c.) one (1) year, if nominated by the county fiscal body.

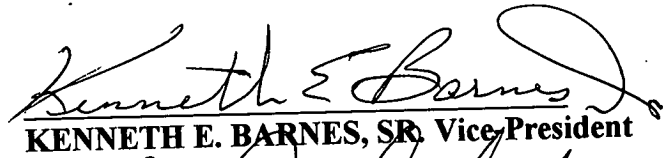
Pursuant to I.C. 36-7-12-9 at the expiration of the respective terms of each of the original economic development commissioners, their respective successors shall be selected and nominated, before the expiration of the term, in the same manner as the original commissioner, and each succeeding commissioner shall serve for a term of four (4) years.

BE IT THEREFORE NOW ORDAINED that the Town of Sellersburg, Indiana
Economic Development Commission be so established.

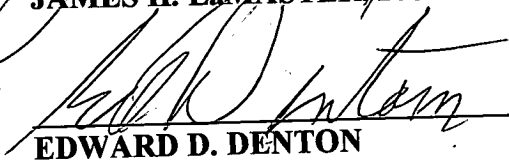
SO ORDAINED THIS 11th DAY OF FEBRUARY, 2002.



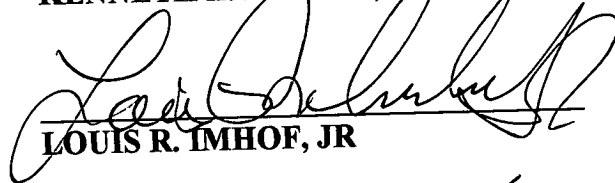
JAMES H. LAMASTER, President



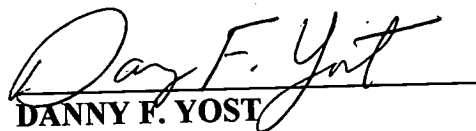
KENNETH E. BARNES, SR. Vice President



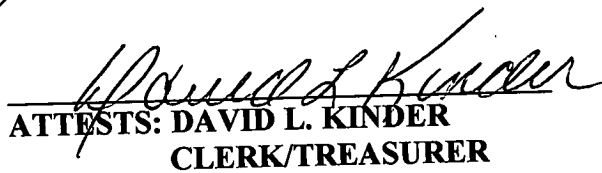
EDWARD D. DENTON



LOUIS R. IMHOF, JR



DANNY F. YOST



ATTESTS: DAVID L. KINDER
CLERK/TREASURER

Ordinance No. 2002-004

AN ORDINANCE AMENDING ORDINANCE NO. 2001-022 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Sellersburg Town Council did on the 20th day of September 2001, adopt Ordinance No. 2001-022, establishing 2002 Salary, Holiday and Longevity pay; and

WHEREAS, the Sellersburg Town Council has determined that said Ordinance should be amended to accurately reflect the pay for an additional laborer for the sanitation department; and

WHEREAS, the Sellersburg Town Council has determined that said Ordinance should be amended for the efficient and effective administration of Town Government; and

WHEREAS, the herein Ordinance was considered at an open meeting of the Sellersburg Town Council to which the public was invited to attend and participate.

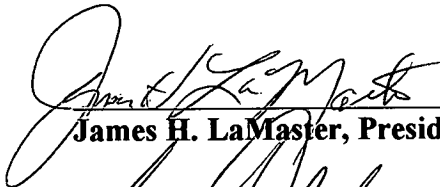
BE IT THEREFORE NOW ORDAINED that Ordinance No. 2001-022 regarding 2002 Salary, Holiday and Longevity Pay be amended as follows:

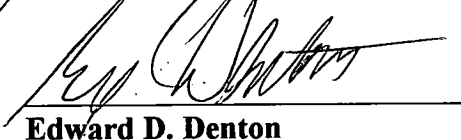
The hourly rate for an additional laborer for the Sellersburg Sanitation Department shall be \$12.72 per hour.

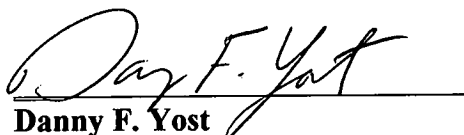
The amendment to Ordinance No. 2001-022 shall be retroactive to February 18, 2002.

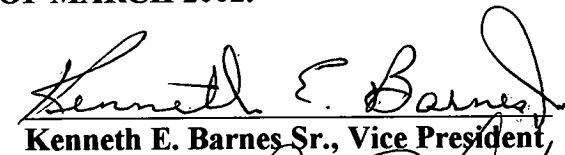
All other provisions of Ordinance 2001-022 shall remain in full force.

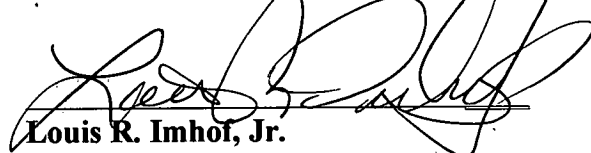
SO ORDAINED THIS 11th DAY OF MARCH 2002.



James H. LaMaster, President


Edward D. Denton


Danny F. Yost


Kenneth E. Barnes Sr., Vice President


Louis R. Imhof, Jr.


ATTEST: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2002-005

AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA AUTHORIZING THE ISSUANCE OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2002 (RESTORATION CHRISTIAN MINISTRY, INC. PROJECT), IN THE PRINCIPAL AMOUNT OF \$1,150,000.00 TO FINANCE THE COSTS OF AN ECONOMIC DEVELOPMENT FACILITY FOR RESTORATION CHRISTIAN MINISTRY, INC.; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AND LOAN AGREEMENT WITH RESPECT TO THE PROJECT AMONG THE TOWN OF SELLERSBURG, INDIANA, AS ISSUER, STOCK YARDS BANK & TRUST COMPANY, AS PURCHASER, AND RESTORATION CHRISTIAN MINISTRY, INC., AS BORROWER, PROVIDING FOR LOAN REPAYMENTS SUFFICIENT TO PAY THE PRINCIPAL OF, AND INTEREST ON THE BONDS AS THE SAME BECOME DUE; AND TAKING OTHER RELATED ACTION

A. The Town of Sellersburg, Indiana (the "Town") is organized and exists under the laws of the State of Indiana (the "State") and as such is authorized under the Economic Development and Pollution Control Act, as amended IC 36-7-11 and 12 (the "Act"), to issue its economic development revenue bonds and lend the proceeds thereof to "developers or users" (as defined in the Act) to finance the cost of "economic development facilities" (as defined in the Act), including, specifically, facilities for commercial, business, healthcare or recreational activities (whether for profit or not-for-profit), in order to accomplish thereby the public purposes of the Act and to benefit the general welfare of the Town, provided that such bonds are payable solely from revenues and receipts derived from the "financing agreement" (as defined in the Act) and are not in any respect a general obligation of the Town nor payable in any manner from revenues raised by taxation.

B. Restoration Christian Ministry, Inc. (the "Company"), an Indiana not-for-profit corporation, engaged in the business of providing recreation, counseling and pastoral care, has applied to the Commission for economic development revenue bond financing pursuant to the Act up to the principal amount of \$1,150,000.00 to refinance the acquisition, construction, installation and

equipping of an educational building, including a gymnasium, classrooms and cafeteria, and to finance certain renovations to that building, including restrooms and gymnasium bleachers (all of the above hereinafter referred to as the "Project"), of a facility located at 11515 Highway 31, in unincorporated Clark County and adjacent to the Town of Sellersburg, Indiana, within the boundaries of the County of Clark, Indiana.

C. The Town of Sellersburg Economic Development Commission (the "Commission") adopted on March 19, 2002, an Inducement Resolution approving the Borrower's application to the Town for issuance of economic development revenue bonds and adopting and approving the Borrower's Project Report. On May 13, 2002, pursuant to prior published notice, the Commission, on behalf of itself and on behalf of the Town Council conducted a public hearing, and in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, (the "Code") and I.C. 36-7-12-24 of the Act, at which members of the general public were given an opportunity to comment on the proposed issuance of Economic Development Revenue Bonds to finance the Project, after which hearing the Commission found that the Project will have no adverse competitive effect on similar facilities already operating in the Town; will meet all applicable zoning laws; will benefit the health and general welfare of the Town; will comply with the Act; and the form of the Bond Purchase and Loan Agreement among Stock Yards Bank & Trust Company, as Purchaser, the Town and the Borrower, is in accord with the Act. and recommended the financing of the Project through Economic Development Revenue Bonds of the Town in order to improve and promote job opportunities and industrial diversification in the Town.

D. In order to accomplish the public purposes of the Act and to benefit the economic welfare of the citizens of the Town, the Town Council considers it necessary and proper to [i] authorize the issuance of the Town's Economic Development Revenue Bonds, Series 2002

(Restoration Christian Ministry, Inc. Project) (the "2002 Bonds") and the loan of the proceeds thereof to the Borrower to finance the costs of the Project, [ii] authorizing the execution and delivery of the Bond Purchase and Loan Agreement, and [iii] take other related action.

NOW, THEREFORE, BE IT ORDAINED by the Town of Sellersburg Economic Development Commission as follows:

1. Public Purpose. The Town Council hereby finds and declares that the issuance of the 2002 Bonds and the loan of the proceeds thereof to the Borrower to finance the costs of the Project, as herein provided, will further the public purposes of the Act and will be of benefit to the general welfare of the Town.

2. Authorization of the 2002 Bonds and the Project. For the purposes set forth in the preamble hereto, there is hereby authorized and directed:

A. the confirmation and ratification of the Commission's Inducement Resolution;

B. the issuance, execution, sale and delivery of the 2002 Bonds, as provided in the Bond Purchase and Loan Agreement.

C. the authorization and approval and direction to the President of the Town Council to execute and deliver the Bonds with the Clerk/Treasurer of the Town Council to attest and also execute said 2002 Bonds.

3. Authorization of Bond Purchase and Loan Agreement. The President of the Town Council and the Clerk/Treasurer of the Town Council are hereby authorized and directed to execute and deliver on behalf of the Town the Bond Purchase and Loan Agreement, substantially in the form attached hereto as Exhibit "A".

4. NONE OF THE BONDS WILL BE GENERAL OBLIGATIONS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION; NEITHER THE BONDS NOR THE INTEREST THEREON CONSTITUTE OR GIVE RISE TO ANY INDEBTEDNESS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION OR ANY CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER; THE BONDS AND THE PAYMENT OF INTEREST THEREON SHALL BE SECURED AND PAYABLE SOLELY AND ONLY BY A PLEDGE OF AMOUNTS TO BE PAID BY THE COMPANY UNDER ANY LOAN AGREEMENT; AND NO PART OF SAID PROJECT COSTS WILL BE PAYABLE OUT OF ANY GENERAL FUNDS, REVENUES, ASSETS, PROPERTIES OR OTHER CONTRIBUTIONS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION.

5. Further Acts and Deeds. The President of the Town Council and the Clerk/Treasurer of the Town Council and other appropriate officers and employees of the Town are hereby authorized and directed to execute, acknowledge and deliver on behalf of the Town any and all papers, instruments, certificates, affidavits and other documents and to do and cause to be done any and all acts and things necessary or proper for entering into and effecting this Ordinance, the Bond Purchase and Loan Agreement and the 2002 Bonds, provided that neither the Town nor any of its members, officers, employees or agents shall incur any general liability thereby.


6. Severability. The provisions of this Ordinance are severable, and if any section phrase or provision hereof shall for any reason be declared invalid or unenforceable, such declaration shall not affect the validity of the remainder of this Ordinance.

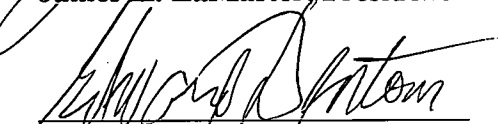
7. Prior Conflicting Actions Superseded. To the extent that any ordinance, resolution, order or part thereof is in conflict with the provisions of this ordinance, the provisions of this Ordinance shall prevail and be given effect.


8. Effective Date. This Ordinance shall be in full force and effect from and after its enactment.

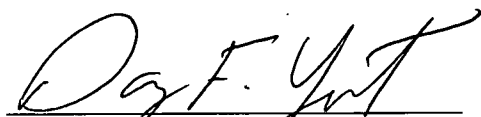
SO ORDAINED THIS 13th DAY OF MAY, 2002.

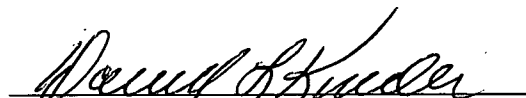

James H. LaMaster, President


Kenneth E. Barnes Sr., Vice President


Edward D. Denton


Louis R. Imhof, Jr.


Danny F. Yost


ATTEST: David L. Kinder
Clerk-Treasurer

AN ORDINANCE ESTABLISHING A TOWN COURT FOR
THE TOWN OF SELLERSBURG,
CLARK COUNTY, INDIANA PURSUANT TO I.C. 33-10.1-1-3

WHEREAS the Town Council for the Town of Sellersburg has determined because of municipal growth that the Town of Sellersburg can be better served by establishing a Town Court for the Town of Sellersburg, Clark County, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined statutory authority exists pursuant to I.C. 33-10.1-1-3 to establish a Town Court for the Town of Sellersburg, Clark County, Indiana; and

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

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


BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that a Town Court shall be and hereby is established for the Town of Sellersburg, Clark County, Indiana, as authorized pursuant to I.C. 33-10.1-1-3.

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that the Judge of the Sellersburg Town Court shall be elected at the next general election and shall serve for a four (4) year term; and

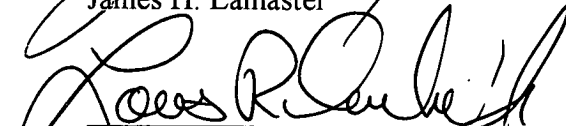
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that notice shall be given to the division of State Court Administration of the Office of Judicial Administration under I.C. 33-2.1-7 of the establishment of a Sellersburg Town Court; and


BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that a cash change fund shall be established as allowed by I.C. 36-1-8-2 for use by the Sellersburg Town Court for all purposes intended under said statute.

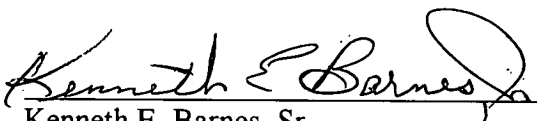
SO ORDAINED THIS 11th DAY OF March, 2002.

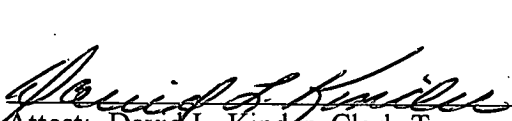

James H. Lamaster


Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.


Attest: David L. Kinder, Clark-Treasurer

ORDINANCE NO. 2002-007

ORDINANCE AMENDING THE GARBAGE AND REFUSE
COLLECTION WITHIN THE TOWN OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg heretofore passed an ordinance regarding the collection of refuse and garbage for the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has in the past allowed each resident of the Town of Sellersburg to have four (4) thirty-two (32) gallon cans in which to place garbage and refuse for collection by the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg now desires to amend and change said ordinance wherein each resident shall be allowed one (1) ninety-five (95) gallon container for collection of garbage and refuse. Said container shall be provided by the Town at no cost to the resident; and

WHEREAS, the Town Council for the Town of Sellersburg will provide a smaller sixty-four (64) gallon container for those individuals who are disabled, handicapped, or elderly and are unable to use the larger container. The request for a smaller container must be made in writing and state the reason the individual desires the smaller container. Each written request for a smaller container shall be determined on a case by case basis. This container shall be provided by the Town at no cost to the resident.

The Town of Sellersburg will not pick up any other refuse or garbage containers except those stated in the herein ordinance.

Residential property owners may not elect to be excluded from provisions of the herein ordinance.

WHEREAS, all other provisions of the herein ordinance shall remain in full force and effect without modification;

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

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that each resident of the Town of Sellersburg shall be allowed to use one (1) ninety-five (95) gallon container for collection of garbage and refuse. Said container shall be provided by the Town at no cost to the resident.

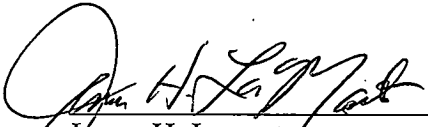
The Town of Sellersburg will provide a smaller sixty-four (64) gallon container for those individuals who are disabled, handicapped, or elderly and are unable to use the larger container. The request for a smaller container must be made in writing and state the reason the individual desires the smaller container. Each written request for a smaller container shall be determined on a case by case bases. This container shall be provided by the Town at no cost to the resident.

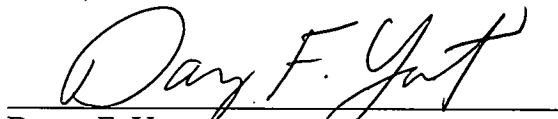
The Town of Sellersburg will not pick up any other refuse or garbage containers except those listed in the herein ordinance.


Residential property owners may not elect to be excluded from provisions of the herein ordinance.


All other provisions of the herein ordinance shall remain in full force and effect without modification

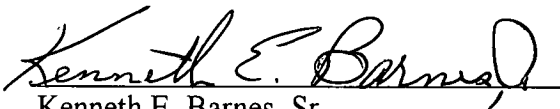
So ordained this 13th day of May, 2002.

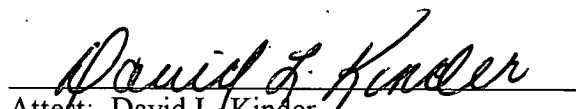

James H. Lamaster


Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.


Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2002-008

**ORDINANCE AMENDING ORDINANCE 2001-027 REGARDING
UNIFORM/CLOTHING ALLOWANCES FOR THE TOWN OF SELLERSBURG
POLICE OFFICERS, DISPATCHERS, CLERK/TREASURER AND CLERK
TREASURER EMPLOYEES**

WHEREAS, the Town Council for the Town of Sellersburg did on December 10, 2001 pass Ordinance No. 2001-027 establishing a uniform/clothing allowances for the Town of Sellersburg Police Officers, Dispatchers, Clerk/Treasurer, and Clerk Treasurer Employees; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Clerk/Treasurer that said ordinance needs to be amended to reflect changes to Ordinance N. 2001-027 previously approved by the Sellersburg Town Council on December 10, 2001; and

WHEREAS, the amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

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

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 2001-027 shall be and hereby is amended as follows:

The Police Department shall submit a claim so that each police officer shall receive a uniform/clothing allowance of \$1,000.00 per year, with \$500.00 paid the first pay period in the month of June and the remaining \$500.00 balance paid the first pay period in the month of December each year.

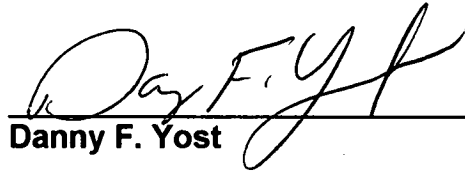
The Police Department shall submit a claim so that each Dispatcher shall receive a uniform/clothing allowance of \$250.00 paid the first pay period in the month of June each year.


All other provisions of Ordinance No. 2001-027 which are not inconsistent herewith shall remain in full force and effect.

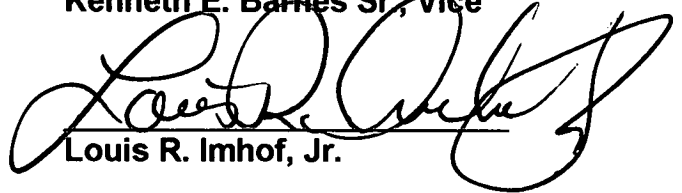
So ordained this 10th day of June, 2002


James H. LaMaster, President


Edward D. Denton


Danny F. Yost


Kenneth E. Barnes Sr, Vice


Louis R. Imhof, Jr.


ATTEST: David L. Kinder

Clerk-Treasurer

ORDINANCE NO. 2002- 009

ORDINANCE FOR STOP SIGN LOCATED AT THE CORNER OF ADKINS COURT
WHERE IT INTERSECTS WITH ITSELF

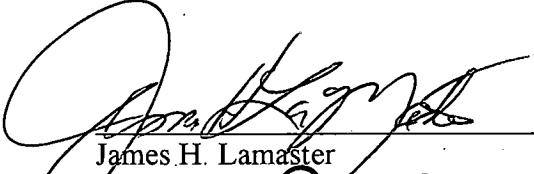
WHEREAS, the Sellersburg Town Council has determined that it is necessary for a stop sign to be placed at the corner of Adkins Court where it intersects with itself; and


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

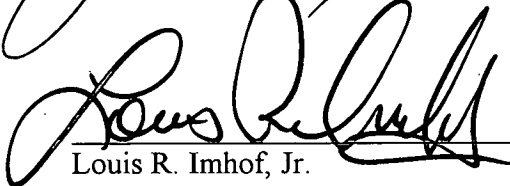
WHEREAS, the herein Ordinance was considered at an open meeting of the Sellersburg Town Council to which the public were invited to attend and participate.

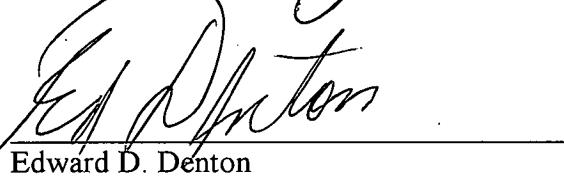
BE IT THEREFORE NOW ORDAINED that a stop sign shall be placed at the corner of Adkins Court where it intersects with itself.

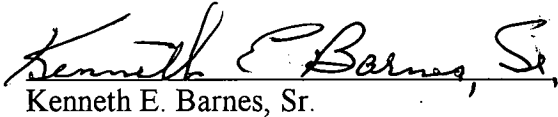
SO ORDAINED THIS 13th DAY OF May, 2002.



James H. Lamaster


Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.


Attest: David L. Kinder
Clark-Treasurer

ORDINANCE NO. 2002- 010

ORDINANCE AMENDING ORDINANCE NO. 2001-008 CONCERNING A NO PARKING ZONE ON WEST UTICA STREET, SELLERSBURG, INDIANA

WHEREAS, the Town Council for the Town of Sellersburg did on the 9th day of April, 2001 enact a no parking of vehicles ordinance on West Utica Street, Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said ordinance should be amended; and

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

WHEREAS, the Town Council for the Town of Sellersburg has conferred with the Town of Sellersburg Chief of Police in regard to the herein ordinance and has been advised that the herein ordinance is in the best interest of the residents of the Town of Sellersburg; and

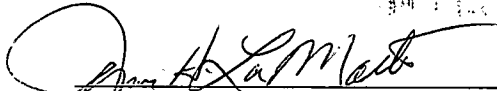
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

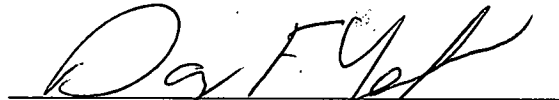
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance Number 2001-008 shall be and hereby is amended as follows:

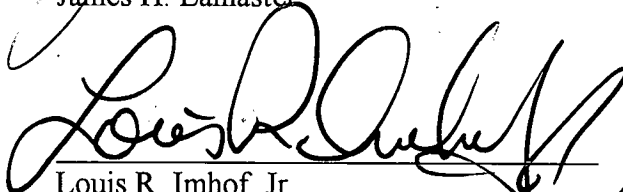
The no parking zone on the South side of West Utica Street shall begin at the property line where 305 West Utica Street and 311 West Utica Street meet extending to Indiana Ave (US 31) and

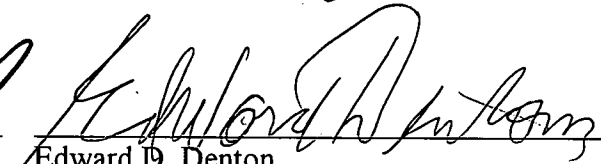
shall be effective and enforced seven (7) days a week.

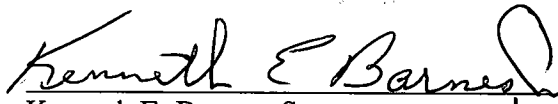
So ordained this 10th day of June, 2002.

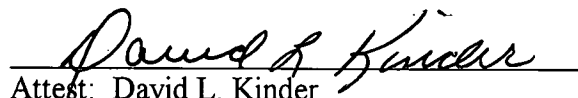

James H. Lamaster


Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.


Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE 2002-011

2003 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 9th day of SEPTEMBER, 2002 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, 2003.

GENERAL FUND

TOWN COUNCIL PRESIDENT	8200.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION SECRETARY	600.00 PER YEAR
PLANNING COMMISSION/COUNCIL MEMBER	600.00 PER YEAR
PLANNING COMMISSION/COUNCIL MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS SECRETARY	600.00 PER YEAR

2003 SALARY, HOLIDAY AND LONGEVITY PAY (continued)

CLERK/TREASURER

		<u>SALARY</u>	<u>LONGEVITY</u>
CLERK/TREASURER	(Kinder)	33560.00	
CHIEF DEPUTY CLERK/TREASURER	(Eve)	26816.00	3710.56
DEPUTY CLERK	(Bottorff)	26504.00	1590.24

POLICE DEPARTMENT

		<u>HOURLY</u>	<u>LONGEVITY</u>	<u>HOLIDAY</u>
DISPATCHER/SECRETARY	(Clapp)	12.44	2431.50	-0-
DISPATCHER	(Stewart)	11.94	972.60	955.20
DISPATCHER	(Browning)	11.94	972.60	955.20
DISPATCHER	(Adams)	11.69	729.45	935.20
DISPATCHER	(Emery)	11.44	-0-	915.20
PART-TIME DISPATCHER	(Farnsley)	11.72	-0-	-0-

Starting pay for dispatchers hired in 2003 will be \$11.19 per hour and will receive an increase in pay on January 1 of each year in accordance with the salary ordinance

		<u>SALARY/HOURLY</u>	<u>HOLIDAY</u>	<u>LONGEVITY</u>
CHIEF OF POLICE	(Stricker)	43435.20(20.88)	1503.36	5541.66
ASST. CHIEF	(Levesque)	39920.00(19.19)	1381.68	2281.86
SERGEANT	(Huber)	34824.00(16.74)	1205.28	6519.60
SERGEANT	(Bradshaw)	34824.00(16.74)	1205.28	4889.70
1 ST CLASS PATROLMAN	(Goodwin)	32598.40(15.67)	1128.24	1629.90
1 ST CLASS PATROLMAN	(Mitchell)	32598.40(15.67)	1128.24	1303.92
1 ST CLASS PATROLMAN	(Minich)	32598.40(15.67)	1128.24	1303.92
1 ST CLASS PATROLMAN	(Ross)	32598.40(15.67)	1128.24	977.94
1 ST CLASS PATROLMAN	(LaMaster)	32598.40(15.67)	1128.24	651.96
1 ST CLASS PATROLMAN	(Crump)	32598.40(15.67)	1128.24	651.96
1 ST CLASS PATROLMAN	(Whelan)	32598.40(15.67)	1128.24	651.96
(TBA) PROB.1 ST CLASS PATROLMAN		30352.00(14.59)	1167.20	-0-

**Patrolman hired in 2002 will receive an increase in salary and holiday pay on their one year anniversary date to equal that of a 1st Class Patrolman.*

**Probationary 1st Class Patrolman hired in 2003 will receive a salary of 30352.00 plus holiday pay of 14.59 per hour.*

2003 SALARY, HOLIDAY AND LONGEVITY PAY (continued)

STREET DEPARTMENT

	<u>SALARY</u>	<u>HOURLY</u>	<u>LONGEVITY</u>
SUPERINTENDENT (Warren)	38568.20	18.54	5591.00
CREW LEADER (C. Harper)		14.44	5031.90
LABORER (Hutchinson)		13.94	4752.35
LABORER (K. Harper)		13.94	1677.30

Starting pay for Street Department employees hired in 2003 will be \$12.44 per hour and will receive an increase in pay on January 1 of each year in accordance with the salary ordinance

SANITATION DEPARTMENT

	<u>HOURLY</u>	<u>LONGEVITY</u>
TRUCK DRIVER (Layman Sr.)	14.44	5591.00
LABORER (Thompson)	13.44	5591.00
LABORER (Crawley)	13.44	4193.25
LABORER (Layman Jr.)	13.44	1956.85
LABORER (Lee)	13.44	2236.40

Starting pay for Sanitation Department employees hired in 2003 will be \$12.44 per hour and will receive an increase in pay on January 1 of each year in accordance with the salary ordinance

ANIMAL CONTROL

	<u>SALARY</u>	<u>LONGEVITY</u>
ANIMAL CONTROL OFFICER (Robinson)	21200.00	1272.00

PARK & RECREATION FUND

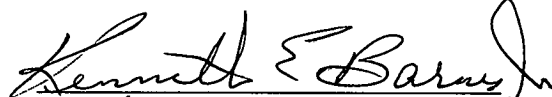
	<u>HOURLY</u>
POOL MANAGER	10.00
ASST. MANAGER	8.40
RETURNING LIFEGUARD	7.90
BEGINNING LIFEGUARD	7.30
CONCESSIONS	6.35


2003 SALARY, HOLIDAY AND LONGEVITY PAY (continued)


The Salary Ordinance is subject to change due to section 03.02 – Vacations, in the Policies and Procedures Manual adopted by the Sellersburg Town Council on December 11, 2000.

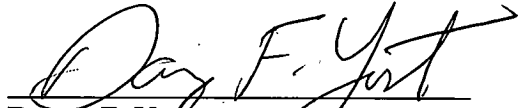
SO ORDAINED THIS 9th DAY OF SEPTEMBER, 2002 FOR THE COMING YEAR OF 2003.

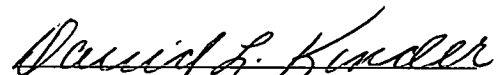

James H. LaMaster


Kenneth E. Barnes Sr.


Louis R. Imhof, Jr.


Edward D. Denton


Danny F. Yost


Attest: David L. Kinder
Clerk/Treasurer

ORDINANCE NO. 2002-012

Prescribed by State Board of Tax Commissioners
Form Approved by State Board of Accounts

Budget Form No. 4 (Rev. 2002)

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Be it Ordained by the Town of SELLERSBURG, Indiana: That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2003, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Town Council.

Adopted with the following vote on SEPTEMBER 19TH, yr 2002.

YEA

NAY

James H. Layman
Council Member

Council Member

Way F. York
Council Member

Council Member

William Whitson
Council Member

Council Member

Kenneth E. Barnes
Council Member

Council Member

Robert L. Gubler
Council Member

Council Member

ATTEST:

David L. Kinder
David L. Kinder, Town Clerk-Treasurer

ORDINANCE NO. 2002-013

ORDINANCE ESTABLISHING UNSAFE BUILDING CODE FOR THE TOWN OF
SELLERSBURG, INDIANA

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Sellersburg Building Commissioner that the Town does not have in place an unsafe building code; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Building Commissioner that an unsafe building code would be effective in allowing the Building Commissioner to resolve problems with unsafe building and provide uniform provisions to address unsafe buildings within the municipal limits of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg believes the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to 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) ESTABLISHMENT

Under the provisions of IC 36-7-9, there is hereby established the Town unsafe building law.

2) ADOPTION BY REFERENCE; SCOPE.

IC 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Town unsafe building law. All proceedings within the Town for the inspection, repair and removal of unsafe buildings shall be governed by that law and the provisions of this subchapter. In the event the

provisions of this subchapter conflict with the provisions of IC 36-7-9-1 through 36-7-9-28, then the provisions of the State statute shall control.

3) UNSAFE BUILDINGS DECLARED A PUBLIC NUISANCE.

All buildings or portions thereof within the Town which are determined after inspection by the Building Commissioner or a registered architect or registered engineer employed under IC 36-7-9-14(C)(2), to be unsafe as defined in this subchapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

4) POWERS OF THE BUILDING COMMISSIONER.

The Building Commissioner shall be authorized to administer and to proceed under the provisions of State law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified in this subchapter.


5) LIMITS OF THE BUILDING COMMISSIONER'S POWERS.

Wherever in the building regulations of the Town or the Town unsafe building law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner this shall be construed to give that officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what those regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

6) UNSAFE BUILDING DEFINED.

The description of an unsafe building contained in IC 36-7-9-4 is hereby supplemented to provide minimum standards for building conditions or maintenance in the Town by adding the following definition:

UNSAFE BUILDING. Any building or structure which has any or all the conditions or defects hereinafter described shall be deemed to be an UNSAFE BUILDING, provided that these




conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered.

(A) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location.

(B) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before that catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.

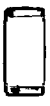
(C) Whenever any portion, member or appurtenance thereof is likely to fall, to become detached or dislodged, or to collapse and thereby injure person or damage property.



(D) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose or location without exceeding the working stresses permitted for such buildings.

(E) Whenever any portion thereof has wrecked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(F) Whenever the building, structure or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.



(G) Whenever, for any reason, the building structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(H) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(I) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of its supporting member or members, or 50% damage or deterioration of its nonsupporting members, enclosing or outside walls, or coverings.

(J) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated so as to become an attractive nuisance to children, or freely accessible to person for the purpose of committing unlawful acts.

(K) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to such building or structure provided by the building regulations of this Town, or of any law or ordinance of this State or Town relating to the condition, location or structure of buildings.

(L) Whenever any building or structure which, whether or not erected in accordance with all applicable laws or ordinances has in any nonsupporting part, member or portion less than 50%, or in any supporting part, member, or portion less than 66% of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(M) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the Clark County Health Department or its officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(N) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction,

faulty electric wiring, gas connections, heating apparatus or other cause, is determined by the concerned Fire Department to be a fire hazard.

(O) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute that building or portion thereof an attractive nuisance or hazard to the public.

7) SUBSTANTIAL PROPERTY INTEREST DEFINED.

The Definition of SUBSTANTIAL PROPERTY INTEREST set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

8) STANDARDS OF WORKMANSHIP.

All work for the reconstruction, alteration, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one and two-family dwellings, promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Town Building Commissioner.

9) UNSAFE BUILDING FUND.

An Unsafe Building Fund is hereby established in the operating budget of the Town of Sellersburg.

10) PROHIBITIONS

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in

violation of any of the provisions of this subchapter or any order issued by the Building Commissioner. See Penalty.

11) PENALTY

(A) Whoever shall violate any of the provisions of these Building Regulations, or who shall interfere or hinder any officer in the discharge of his duties provided hereunder, shall be guilty of a Class A infraction and shall be fined not less than \$100.00, nor more than \$1,000.00. Each day a violation of this code shall continue shall be and constitute a separate offense.

(B) The owner of a building, structure, or portion thereof, or of the premises where anything in violation of these building regulations shall be placed or shall exist; and an architect, engineer, building contractor, agent, person, or corporation employed in connection therewith, and who may have assisted in the commission of the violation shall each be guilty of a Class A Infraction. For each separate offense, upon conviction thereof, each shall be fined not less than \$100 nor more than \$1,000.00.

(C) The imposition of the penalties herein prescribed shall not preclude the Sellersburg Town Council or its designated agent the Town of Sellersburg Building Commissioner from instituting an appropriate action or proceeding to prevent an unlawful building or demolition, or to restrain, correct, or abate a violation or to prevent use of occupancy of a building, structure, or portion thereof, or of the premises; or to prevent an illegal act, conduct business, or use in or about the premises.

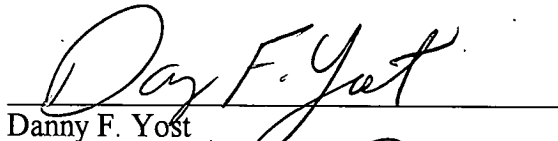
(D) Any violation of any rule or regulation promoted by of the Sellersburg Town Council or its designated agent the Town of Sellersburg Building Commissioner or of any order made by either or both of these, directing the abatement of a nuisance, source of filth or cause or probable cause of sickness, is hereby declared a violation. Any person, firm, corporation or member of a firm or officer or director of a corporation, upon conviction thereof, shall be fined not less than \$10.00 nor more than \$50.00 for each offense. If any offense is continued for more

than one day, each day upon which such offense occurs or is continued, shall be considered and shall constitute a separate offense and a separate fine may be imposed therefore.

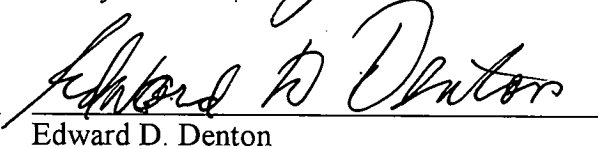
(E) Any person violating the provisions of Section 7, or I.C. 36-7-9-28 shall commit a Class C Infraction for each day the violation continues.

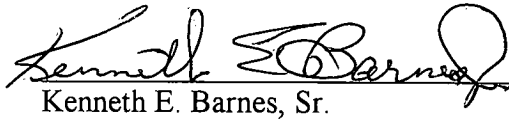
So ordained this 14 day of October, 2002.



James H. Lamaster


Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.


Attest: David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2002-014

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

WHEREAS, the Town of Sellersburg (the "Town") has heretofore established, constructed and financed its sewage works, and now owns and operates said sewage works pursuant to IC 36-9-23, as in effect on the issue date of the bonds authorized herein (the "Act"); and

WHEREAS, the Town Council finds that certain improvements and extensions to said works are necessary; that preliminary plans, specifications and estimates have been prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions (as more fully set forth in summary fashion in Exhibit A hereto and made a part hereof) ("Project"), which preliminary plans and specifications have been or will be submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and have been or will be approved by the aforesaid governmental authorities and are incorporated herein by reference and open for inspection at the office of the Clerk-Treasurer as required by law; and

WHEREAS, the Town will advertise for and receive bids for the construction of said Project; said bids will be subject to the Town's determination to construct said Project and subject to the Town obtaining funds to pay for said Project; that on the basis of the engineer's estimates, the cost of said Project, as defined in IC 36-9-1-8, including estimated incidental

expenses, is in the estimated amount of Seven Million Seven Hundred Sixty Thousand Dollars (\$7,760,000); and

WHEREAS, the Town Council finds that there are no funds on hand available to apply on the cost of the Project and that the entire cost of the Project is to be financed by the issuance of sewage works revenue bonds in an amount not to exceed \$7,760,000 and, if necessary, bond anticipation notes (the "BANs"); and

WHEREAS, the Town Council finds that there are outstanding bonds payable out of the Net Revenues (as hereinafter defined) of the Town's sewage works designated "Sewage Works Refunding Revenue Bonds of 1995," dated September 7, 1995 (the "1995 Bonds"), originally issued in the amount of \$4,965,000, now outstanding in the amount of \$3,900,000 and maturing annually over a period ending January 1, 2016, which 1995 Bonds constitute a first charge upon the Net Revenues of the sewage works; and

WHEREAS, the ordinance authorizing the issuance of the 1995 Bonds permits the issuance of additional bonds ranking on a parity with said 1995 Bonds provided certain conditions can be met, and the Town finds that the finances of said sewage works will enable the Town to meet the conditions for the issuance of additional parity bonds and that, accordingly, the bonds issued hereunder shall rank on a parity with said 1995 Bonds; and

WHEREAS, the bonds to be issued pursuant to this ordinance will constitute a first charge against the Net Revenues of the sewage works on a parity with the 1995 Bonds and are to be issued subject to the provisions of the laws of the Act, and the terms and restrictions of this ordinance; and

WHEREAS, the Town desires to authorize the issuance of BANs hereunder, if necessary, payable solely from the proceeds of sewage works revenue bonds issued hereunder and to authorize the refunding of said BANs, if issued; and

WHEREAS, if the bonds issued hereunder are sold to the SRF Program (as hereinafter defined), the Town will enter into a Financial Assistance Agreement (as hereinafter defined) with the State of Indiana, pertaining to the Project and the financing thereof; and

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

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

Sec. 1. Authorization of Project. The Town proceed with the construction of the Project in accordance with the preliminary plans and specifications heretofore prepared and filed by consulting engineers employed by the Town, which preliminary plans and specifications are now on file or will be subsequently placed on file in the office of the Clerk-Treasurer of the Town, and are hereby adopted and approved, and by reference made a part of this ordinance as fully as if the same were attached hereto and incorporated herein. Two copies of any additional final plans and specifications and the cost estimates will be placed on file in the office of the Clerk-Treasurer of the Town and be open for public inspection pursuant to IC 36-1-5-4. The estimated cost of construction of said Project is expected not to exceed \$7,760,000, plus investment earnings on the BAN and bond proceeds. The terms "sewage works," "sewage works system," "works," "system," and words of like import where used in this ordinance shall be construed to mean the Treatment Works, as defined in the Financial Assistance Agreement to be entered into

between the Town and the State of Indiana (the "Financial Assistance Agreement") if the Bonds are sold to the Indiana State Revolving Loan Fund Program ("SRF Program"), and includes the existing sewage works system and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions, and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired. The Project shall be constructed in accordance with the plans and specifications heretofore mentioned, which Project is hereby approved. Said Project shall be constructed and the BANs and bonds herein authorized shall be issued pursuant to and in accordance with the Act.

Sec. 2. Issuance of BANs and Bonds. (a) The Town shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of said Project. The Town may issue its BANs in an aggregate amount not to exceed Seven Million Seven Hundred Sixty Thousand Dollars (\$7,760,000) to be designated "Sewage Works Bond Anticipation Notes." Said BANs shall be sold at not less than 99% of their par value, shall be numbered consecutively from 1 upward, shall be in any multiple of One Dollar (\$1) as set forth in the purchase agreement for the BANs, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed 6.0% per annum (the exact rate or rates to be determined through negotiations with the purchaser of the BANs) payable upon maturity or redemption. The BANs will mature no later than five (5) years after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 6.0% per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 13-18-13 if sold to the State of Indiana, pursuant to IC 5-1.5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The Town shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act. The revenue bonds will be payable solely out of and constitute a first charge against the Net Revenues (herein defined as gross revenues of the sewage works remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town, on a parity with the payment of the 1995 Bonds.

(b) The Town shall issue its sewage works revenue bonds (the "Bonds"), in the aggregate amount not to exceed \$7,760,000 to be designated "Sewage Works Revenue Bonds of 200__," to be completed with the year in which the Bonds are issued, for the purpose of procuring funds to apply on the cost of said Project, refunding the BANs, if issued, and issuance costs. The Bonds shall be issued and sold at a price not less than par value thereof if sold to the SRF Program or not less than 98% of the par value thereof if sold to another purchaser. The Bonds shall be issued in fully registered form in denominations of \$1 or integral multiples thereof if sold to the SRF Program, or in denominations of \$5,000 or integral multiples thereof if sold to another purchaser, numbered consecutively from 1 up, originally dated as of the first day of the month in which they are sold or delivered, or the date of delivery, to be determined by the Clerk-Treasurer, with the advice of the Town's financial advisor, provided, however, that the Bonds shall be dated the date of delivery if sold to the SRF Program. The Bonds shall bear interest at a rate or rates not exceeding 7.0% per annum (the exact rate or rates to be determined by bidding or through negotiation with the SRF Program). Interest is payable semiannually on January 1 and July 1 in each year, commencing on either the first January 1 or the first July 1

following delivery of the Bonds as designated by the Clerk-Treasurer, with the advice of the Town's financial advisor. Principal shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and such Bonds shall mature annually on January 1 or be subject to mandatory sinking fund redemption on January 1 over a period ending no later than twenty years after substantial completion of the Project, and in such amounts that either will (i) produce as level annual debt service as practicable taking into account the annual debt service on the 1995 Bonds, (ii) produce as level annual debt service as practicable or, if the Bonds are sold to the SRF Program, (iii) allow the Town to meet the coverage requirements of the SRF Program. If the Bonds are sold to the SRF Program, such debt service schedule shall be finalized and set forth in the Financial Assistance Agreement.

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the successful bidder. Such term bonds shall have a stated maturity or maturities on January 1 in the years as determined by the successful bidder but no later than the final serial maturity of the Bonds as established in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on dates which correspond to the principal payment dates hereinafter set in accordance with the above paragraph.

Interest on the Bonds and BANs shall be calculated according to a 360-day calendar year containing twelve 30-day months.

Any reference herein to the SRF Program as the purchaser of the Bonds shall be deemed to include circumstances wherein the Indiana Bond Bank (or any other nominal owner of the Bonds) is the registered owner of the Bonds for the benefit of the SRF Program.

(c) The Town Council President and the Clerk-Treasurer are authorized to select and appoint a qualified financial institution to serve as Registrar and Paying Agent for the Bonds, which Registrar is hereby charged with the responsibility of authenticating the Bonds ("Registrar" or "Paying Agent"). The Clerk-Treasurer is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of a Registrar and Paying Agent. The Clerk-Treasurer is further authorized to pay such fees as the institution may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the Sewage Works Sinking Fund established to pay the principal of and interest on the Bonds and fiscal agency charges.

As to the BANS and as to the Bonds, if sold to the SRF Program or any other purchaser that does not object to such designation, the Clerk-Treasurer shall serve as Registrar and Paying Agent and is hereby charged with the duties of a Registrar and Paying Agent.

If the Bonds or BANS are sold to the SRF Program, the principal of and interest thereon shall be paid by wire transfer to such financial institution if and as directed by the State on the due date of such payment or, if such due date is a day when financial institutions are not open for business, on the business day immediately after such due date. So long as the State of Indiana or the Indiana Bond Bank is the owner of said Bonds or BANS, such Bonds and BANS shall be presented for payment as directed by the State.

If such Bonds and BANS are not sold to the SRF Program or if wire transfer payment is not required, the principal of the Bonds and BANS shall be payable at the principal office of the Paying Agent and all payments of interest on the Bonds and BANS shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof, as of the fifteenth day of the month preceding each payment ("Record Date"), at the addresses as they

appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner on or before such Record Date. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

All payments on the BANs and Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Bond shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the principal office of the Registrar, by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town. The Town and the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

Interest on Bonds sold to the SRF Program shall be paid from the date or dates which are set forth in the Financial Assistance Agreement. Interest on all other Bonds which are authenticated on or before the Record Date which precedes the first interest payment date shall be paid from their original date. Interest on Bonds authenticated subsequent to the Record Date which precedes the first interest payment date thereon shall be paid from the interest payment date to which interest has been paid as of the date on which such Bonds are authenticated, unless a Bond is authenticated between the Record Date and the interest payment date in which case the interest shall be paid from such interest payment date.

The Town has determined that it may be beneficial to the Town to have the Bonds held by a central depository system pursuant to an agreement between the Town and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Bonds may be initially issued in the form of a separate single authenticated fully registered Bond for the aggregate principal amount of each separate maturity of the Bonds. In such case, upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the Town and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or

any other person, other than the Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the Town to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this ordinance. The Town and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Town's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the Town of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in

the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the Town to the Depository Trust Company.

Upon receipt by the Town of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the Town kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the Town determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the Town may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the Town and the Registrar to do so, the Registrar and the Town will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company

account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause said Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the Town indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the Town or the Registrar with respect to any consent or other action to be taken by bondholders, the Town or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as said Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the Town and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the Town and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to

be delivered, to the Registrar a list of all Beneficial Owners of the Bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

Sec. 3. Redemption of BANs and Bonds. (a) The BANs are prepayable by the Town, in whole or in part, on any date, upon 7 days' notice to the owner of the BANs, without any premium.

(b) The Bonds of this issue are redeemable at the option of the Town, but no sooner than ten (10) years after their date of delivery, or any date thereafter, on sixty (60) days' notice, if sold to the SRF Program, and on thirty (30) days' notice if sold to another purchaser, in whole or in part, in inverse order of maturity if sold to the SRF Program, or in the order of maturity as determined by the Town if sold to any other purchaser, and by lot within a maturity, at face value together with a premium no greater than 2%, plus accrued interest to the date fixed for redemption. The exact redemption dates and premiums shall be established by the Clerk-Treasurer, with the advice of the Town's financial advisor, prior to the sale of the Bonds.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the Town, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited

on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each authorized denomination shall be considered a separate Bond for purposes of optional and mandatory sinking fund redemption. If less than an entire maturity is called for redemption at one time, the Bonds to be redeemed shall be selected by lot within a maturity by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

(c) Notice of redemption shall be given not less than sixty (60) days, if the Bonds are sold to the SRF Program, and thirty (30) days, if the Bonds are sold to another purchaser, prior to the date fixed for redemption unless such redemption notice is waived by the owner of the Bond or Bonds redeemed. Such notice shall be mailed to the address of the registered owner as shown on the registration record of the Town as of the date which is sixty-five (65) days if the Bonds are sold to the SRF Program, and forty-five (45) days if the Bonds are sold to another purchaser, prior to such redemption date. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the Town. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

Sec. 4. Execution of Bonds and BANs; Pledge of Net Revenues to Bonds. The BANs and Bonds shall be signed in the name of the Town by the manual or facsimile signature of the

President of the Town Council and attested by the manual or facsimile signature of its Clerk-Treasurer, who shall affix the seal of said Town to each of said Bonds manually or shall have the seal imprinted or impressed thereon by facsimile. These officials, by the signing of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures their facsimile signatures appearing on said Bonds. The Bonds must be authenticated by an authorized officer of the Registrar.

The Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon the Net Revenues of the sewage works of the Town on a parity with the 1995 Bonds. The Town shall not be obligated to pay said Bonds or the interest thereon except from the Net Revenues of said works, and said Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Sec. 5. Form of Bonds. The form and tenor of the Bonds shall be substantially as follows, all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof:

[Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Town of Sellersburg or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF CLARK

TOWN OF SELLERSBURG

SEWAGE WORKS REVENUE BOND OF 200__

[Maturity Date] Interest Rate Original Date Authentication Date [CUSIP]

REGISTERED OWNER:

PRINCIPAL SUM:

The Town of Sellersburg (the "Town"), in the County of Clark, State of Indiana, for value received, hereby promises to pay to the Registered Owner (named above) or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above[, or so much thereof as may be advanced from time to time and be outstanding as evidenced by the records of the registered owner making payment for this Bond, or its assigns,] on [the Maturity Date set forth above] OR [January 1 in the years and in the amounts as set forth on Exhibit A attached hereto] (unless this Bond be subject to and shall have been duly called for redemption and payment as provided for herein), and to pay interest hereon until the Principal Sum shall be fully paid at the rate per annum specified above from [the dates of payment made on this Bond] or [the interest payment date to which interest has been paid next preceding the Authentication Date of this Bond unless this Bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment in which case it shall bear interest from such interest payment date, or unless this Bond is authenticated on or before ____ 15, ____, in which case it shall bear interest from the Original Date,] which interest is payable semiannually on the first days of January and July of each year, beginning on _____ 1, _____. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

[The principal of this Bond is payable at the principal office of _____ (the "Registrar" or "Paying Agent"), in the _____ of _____, Indiana.] All payments of [principal of and] interest on this Bond shall be paid by [check mailed one business day prior to the interest payment date] or [wire transfer for deposit to a financial institution as directed by the State on the due date or, if such due date is a day when financial institutions are not open for business, on the business day immediately after such due date] to the registered owner hereof, as of the fifteenth day of the month preceding such payment, at the address as it appears on the registration books kept by [_____] (the "Registrar" or "Paying Agent") in the _____ of _____, Indiana] or [the Registrar] or at such other address as is provided to the Paying Agent in writing by the

registered owner. [If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).] All payments on the Bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

This Bond shall not constitute an indebtedness of the Town of Sellersburg within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this Bond or the interest hereon except from the special fund provided from the Net Revenues.

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

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

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

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

TOWN OF SELLERSBURG, INDIANA

[SEAL]

By: _____
President, Town Council

Attest:

Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Bonds described in the Ordinance.

As Registrar

By: _____
Authorized Representative

(To be printed on reverse side)

This Bond is [the only] one of an authorized issue of Bonds of the Town of Sellersburg, [of like date, tenor and effect, except as to numbering, interest rate, and dates of maturity,] in the total amount of _____ Dollars (\$____) (the "Bonds"), numbered from 1 up, issued for the purpose of providing funds to be applied on the cost of additions and improvements to the Town's sewage works, [to refund interim notes issued in anticipation of the Bonds] and to pay incidental expenses, as authorized by an Ordinance adopted by the Town Council of the Town of Sellersburg on the ____ day of _____, 2002, entitled "An Ordinance concerning the construction of additions and improvements to the sewage works of the Town of Sellersburg, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" (the "Ordinance"), and in strict compliance with the provisions of IC 36-9-23, as in effect on the issue date of the Bonds (the "Act").

[Reference is hereby made to the Financial Assistance Agreement between the Town and the State of Indiana as to certain terms and covenants pertaining to the sewage works project and this Bond (the "Financial Assistance Agreement").]

[The Bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this Bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the Town and DTC, or any substitute agreement, effecting such Book Entry System.]

Pursuant to the provisions of said Act and said Ordinance, the principal and interest of this Bond and all other Bonds of said issue, and any bonds hereafter issued on a parity therewith, are payable solely from the Sewage Works Sinking Fund (continued by the Ordinance) to be provided from the Net Revenues (defined as the gross revenues of the sewage works of the Town remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town. The Bonds of the issue of which this Bond is a part have been issued on a parity with certain bonds previously issued by the Town ("1995 Bonds") as more particularly described in the Ordinance.

The Town of Sellersburg irrevocably pledges the entire Net Revenues of said sewage works to the prompt payment of the principal of and interest on the Bonds authorized by said Ordinance, of which this is one, and any bonds ranking on a parity therewith, including the 1995 Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of [Operation and Maintenance (as defined in the Financial Assistance Agreement)] [operation, repair and maintenance] of said works and for the payment of the sums required to be paid into said Sinking Fund under the provisions of the Act and the Ordinance. If the Town or the proper officers of the Town shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this Bond, the owner of this Bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this Bond and the interest hereon.

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

The Town of Sellersburg further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the Net Revenues of said works to meet (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount to [create and] maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of said works, on a parity with the aforementioned 1995 Bonds.

The Bonds of this issue maturing on January 1, _____, and thereafter, are redeemable at the option of the Town on _____, _____, or any date thereafter, on [sixty (60)][thirty (30)] days' notice, in whole or in part, in [inverse order of maturity][the order of maturity as determined by the Town] and by lot within a maturity, at face value together with the following premiums:

____% if redeemed on _____, 20__ or thereafter
on or before _____, 20__;
____% if redeemed on _____, 20__ or thereafter
on or before _____, 20__;
____% if redeemed on _____, 20__, or thereafter
prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

[The Bonds maturing on January 1, _____ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on January 1 in the years and in the amounts set forth below:

<u>Year</u>	<u>Amount</u>
-------------	---------------

*

*Final Maturity]

Each authorized denomination shall be considered a separate bond for purposes of redemption. If less than an entire maturity is called for redemption, the Bonds to be called for redemption shall be selected by lot by the Registrar. [If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.]

Notice of redemption shall be mailed to the address of the registered owner as shown on the registration record of the Town, as of the date which is [sixty-five (65)] [forty-five (45)] days prior to such redemption date, not less than [sixty (60)] [thirty (30)] days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the Town. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

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

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

This Bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance [if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds].

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of [\$1][\$5,000] or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

ASSIGNMENT

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

Dated: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

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

Sec. 6. Preparation and Sale of BANs and Bonds. The Clerk-Treasurer is hereby authorized and directed to have said BANs and Bonds prepared, and the Town Council President and Clerk-Treasurer are hereby authorized and directed to execute said BANs and Bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said BANs and Bonds to the respective purchasers thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery the Clerk-Treasurer shall collect the full amount which the respective purchasers have agreed to pay therefor, which amount shall not be less than 99% of the face value of said BANs, and not less than the par value of the Bonds if sold to the SRF Program, and not less than 98% of the face value of the Bonds if sold to another purchaser, as the case may be. The Town may receive payment for the Bonds and BANs in installments. The Bonds herein authorized, as and to the extent paid for and delivered to the purchaser, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues of the Town's sewage works to be set aside into the Sinking Fund as herein provided. The proceeds derived from the sale of the Bonds shall be and are hereby set aside for application on the cost of the Project hereinbefore referred to, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the BANs and Bonds. The proper officers of the Town are hereby directed to draw all proper and

necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Sec. 7. Bond Sale Notice. If the Bonds are sold at a competitive bond sale, prior to the sale of said Bonds, the Clerk-Treasurer shall cause to be published either (i) a notice of bond sale in *The Evening News*, the only newspaper published in Clark County, Indiana two times, at least one week apart, the first publication made at least fifteen (15) days before the date of the sale and the second publication being made at least three (3) days before the date of the sale, or (ii) a notice of intent to sell in *The Evening News* and in the *Court & Commercial Record*, all in accordance with IC 5-1-11 and IC 5-3-1. The notice shall also be posted at the Town Hall in accordance with IC 5-3-1. A notice or summary notice of sale may also be published in the *Court & Commercial Record* or in *The Bond Buyer* in New York, New York. The notice shall state the character and amount of the Bonds, the maximum rates of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable, and any summary notice may contain any information deemed so advisable. Said notice shall provide, among other things, that bidders for said Bonds will be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth ($1/8$) or one-twentieth ($1/20$) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. The notice may provide, among other things, that each bid shall be accompanied by a certified or cashier's check or a financial surety bond to guarantee performance on the part of the bidder. If a financial surety bond is used, it must be from an insurance company licensed to issue such bond in the State of Indiana, and such bond must be

submitted to the Town prior to the opening of the bids. The financial surety bond must identify each bidder whose good faith deposit is guaranteed by such financial surety bonds. If the Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit to the Town a certified or cashier's check (or wire transfer such amount as instructed by the Town) not later than 3:30 p.m. (Sellersburg Time) on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default. No conditional bids or bids for less than the 98% of the par value of the Bonds will be considered. The opinion of Ice Miller, bond counsel of Indianapolis, Indiana, approving the legality of said Bonds will be furnished to the purchaser at the expense of the Town.

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

As an alternative to public sale, the Clerk-Treasurer may negotiate the sale of said Bonds to the SRF Program. The President of the Town Council and the Clerk-Treasurer are hereby

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

If the Bonds are sold to the SRF Program, the Financial Assistance Agreement for the Bonds and the Project shall be executed by the Town and the State of Indiana. The form of Financial Assistance Agreement and the authorization for the execution thereof by the Town Council President and the Clerk-Treasurer shall be approved by ordinance of the Town.

Sec. 8. Use of Proceeds. The accrued interest received at the time of the delivery of the Bonds and premium, if any, shall be deposited in the Sewage Works Sinking Fund (the "Sinking Fund"). The remaining proceeds from the sale of the Bonds, to the extent not used to refund BANs, and BAN proceeds shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as "Town of Sellersburg, Sewage Works Construction Account" (the "Construction Account"). All funds deposited to the credit of said Sinking Fund or Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, or as otherwise required by the Act or for the expenses of issuance of the Bonds or BANs. The cost of obtaining the legal services of Ice Miller shall be considered as a part of the cost of the Project on account of which the BANs and Bonds are issued.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Sinking Fund and used solely for the purposes of said Sinking Fund or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with IC 5-1-13, as amended and supplemented.

With respect to any Bonds sold to the SRF Program, to the extent that the total principal amount of the Bonds is not paid by the purchaser or drawn down by the Town, the Town shall reduce the principal amounts of the Bond maturities to effect such reduction in a manner that will still achieve as level annual debt service as practicable as described in Section 2(b).

Sec. 9. Revenues. All revenues derived from the operation of the sewage works and from the collection of sewer rates and charges shall be deposited in the Revenue Fund, hereby continued, and segregated and deposited as set forth in this ordinance. Of these revenues, the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of registrars or paying agents shall be paid, the reserve shall be funded, and the cost of replacements, extensions, additions and improvements shall be paid.

Sec. 10. Operation and Maintenance Fund. There is hereby continued a fund known as the Operation and Maintenance Fund (the "Operation and Maintenance Fund"). On the last day of each calendar month, revenues of the sewage works shall be transferred from the Revenue Fund to the Operation and Maintenance Fund. The balance maintained in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to the Operation and Maintenance Fund shall be

used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis. Any monies in said Fund may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.

Sec. 11. Sewage Works Sinking Fund. (a) There is hereby continued a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds, which fund shall be designated the "Sewage Works Sinking Fund" (the "Sinking Fund"). There shall be set aside and deposited in the Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of the sewage works to meet the requirements of the Bond and Interest Account and Reserve Account hereby continued in the Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Reserve Account equal the principal of and interest on all of the then outstanding bonds of the sewage works to their final maturity.

(b) Bond and Interest Account. There is hereby continued, within said Sinking Fund, the Bond and Interest Account and there shall be credited on the last day of each calendar month from the Revenue Fund to the Bond and Interest Account an amount of the Net Revenues equal to at least one-twelfth (1/12) of the principal of and at least one-sixth (1/6) of the interest on all then outstanding bonds payable on the then next succeeding principal and interest payment dates until the amount of interest and principal payable on the then next succeeding respective interest and principal payment dates shall have been so credited. There shall similarly be credited to the Account any amount necessary to pay the bank fiscal agency charges for paying interest on outstanding bonds as the same become payable. The Town shall, from the sums deposited in the

Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(c) Reserve Account. There is hereby continued, within the Sinking Fund, the Reserve Account. On the date of delivery of the Bonds, funds on hand of the sewage works, Bond proceeds, unless the Bonds are sold to the SRF Program, or a combination thereof may be deposited into the Reserve Account. The balance to be maintained in the Reserve Account shall equal but not exceed the least of (i) maximum annual debt service on the 1995 Bonds, the Bonds and any bonds issued in the future by the Town which are payable from the Net Revenues of the sewage works and which rank on a parity with the Bonds (the "Parity Bonds"), (ii) 125% of the average annual debt service on the 1995 Bonds, the Bonds and any Parity Bonds, or (iii) 10% of the proceeds of the 1995 Bonds, the Bonds and any Parity Bonds, plus a minor portion thereof as defined in the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds ("Reserve Requirement"); provided, that if the Bonds are sold to the SRF Program, the Reserve Requirement shall equal the maximum annual debt service on the 1995 Bonds, the Bonds and any Parity Bonds. If the initial deposit into the Reserve Account does not cause the balance therein to equal the Reserve Requirement or if no deposit is made, the Town shall deposit a sum of Net Revenues into the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five years of the date of delivery of the Bonds.

After the 1995 Bonds are no longer outstanding, the Town may fund all or part of the Reserve Account with a debt service reserve surety bond. The surety bond must be issued by an

insurance company rated in the highest rating category by Standard & Poor's Corporation and Moody's Investors Service. If the Bonds are sold to the SRF Program, the Town shall give notice to the State of Indiana before funding the Reserve Account with such a surety bond. The Reserve Account shall constitute the margin for safety and as protection against default in the payment of principal of and interest on the 1995 Bonds, the Bonds and any Parity Bonds, and moneys in the Reserve Account shall be used to pay current principal and interest on the 1995 Bonds, the Bonds and any Parity Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall either be transferred to the Sewage Works Improvement Fund or be used for the purchase of outstanding bonds or installments of principal of fully registered 1995 Bonds, Bonds or Parity Bonds.

Section 12. Sewage Works Improvement Fund. Any excess revenues may be transferred or credited from the Revenue Fund to the "Sewage Works Improvement Fund" hereby continued, and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works or for any other lawful purpose. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Reserve Account of the Sewage Works Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation, repair and maintenance of the sewage works.

Sec. 13. Maintenance of Accounts; Investments. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the Town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Sec. 14. Maintenance of Books and Records; Continuing Disclosure. (a) The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works and all disbursements made therefrom and all transactions relating to the utility. The Town shall maintain on file the audited financial statements of the utility prepared by the State Board of Accounts. There shall be furnished, upon written request, to any owner of the Bonds, the most recent copy of the audited financial statements of the utility prepared by the State Board of Accounts. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any owner of the Bonds shall have the right, upon written request, at all reasonable times to inspect the sewage works system and the records, accounts and data of the Town. If the Bonds are subject to Rule 15c2-12 of the Securities and

Exchange Commission ("Rule"), the Town Council President or the Clerk-Treasurer are hereby authorized to execute and deliver a continuing disclosure agreement in satisfaction of the Rule.

(b) If the Bonds or BANs are sold to the SRF Program, the Town shall establish and maintain the books and other financial records of the Project (including the establishment of a separate account or subaccount for the Project) and the sewage works in accordance with (i) generally accepted governmental accounting standards for utilities, on an accrual basis, as promulgated by the Government Accounting Standards Board and (ii) the rules, regulations and guidance of the State Board of Accounts.

Sec. 15. Rate Covenant. The Town covenants and agrees that it will establish and maintain just and equitable rates and charges for the use of and the service rendered by the sewage works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses the sewage works, or that in any way uses or is served by the sewage works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the Town) to provide for the proper (i) Operation and Maintenance (as defined in the Financial Assistance Agreement) of the sewage works if the Bonds are sold to the SRF Program or (ii) operation, repair and maintenance of the sewage works if the Bonds are sold to another purchaser, to comply with and satisfy all covenants contained in this ordinance and the Financial Assistance Agreement, if the Bonds are sold to the SRF Program, and to pay all obligations of the sewage works and of the Town with respect to the sewage works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of Operation and Maintenance, if the Bonds are sold to the SRF Program, or operation, repair and maintenance, if the Bonds are sold to another purchaser, of the sewage works and the

requirements of the Sinking Fund. The rates and charges so established shall apply to any and all use of such works by and service rendered to the Town, and shall be paid by the Town as the charges accrue.

Sec. 16. Defeasance of Bonds. If, when any of the Bonds issued hereunder shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or any portion thereof and coupons then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, the principal of and the interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's sewage works.

Sec. 17. Additional Bond Provisions. The Town reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The Town reserves the right to authorize and issue additional Parity Bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the Bonds, for the purpose of financing the cost of future additions, extensions, replacements and improvements to the sewage works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this ordinance, and the interest on and principal of all bonds payable from

the Net Revenues of the sewage works shall have been paid in accordance with their terms. The Reserve Requirement shall be satisfied for the additional Parity Bonds either at the time of delivery of the additional Parity Bonds or over a five year or shorter period, in a manner which is commensurate with the requirements established in Section 11(c) of this ordinance.

(b) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such Parity Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional Parity Bonds proposed to be issued; or, prior to the issuance of said Parity Bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous year's operations would have produced Net Revenues for said period equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional Parity Bonds proposed to be issued.

For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant employed by the Town for that purpose.

(c) The interest on the additional Parity Bonds shall be payable semiannually on the first days of January and July and the principal on, or mandatory sinking fund redemption dates for, the additional Parity Bonds shall be payable annually on January 1.

(d) If the Bonds are sold to the SRF Program, (i) the Town obtains the consent of the State of Indiana, (ii) the Town has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement and this ordinance, and (iii) the Town is in compliance with its National Pollutant Discharge Elimination

System permits, except for non-compliance for which purpose the Parity Bonds are issued, including refunding bonds issued prior to, but part of the overall plan to eliminate such non-compliance.

Sec. 18. Further Covenants of the Town; Maintenance, Insurance, Pledge Not to Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the holders of the BANs and Bonds, it is specifically provided as follows:

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

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

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

(d) So long as any of the BANs or Bonds herein authorized are outstanding, the Town shall acquire and maintain insurance coverage acceptable to the State of Indiana, if the Bonds or BANs are sold to the SRF Program, including fidelity bonds, to protect the sewage works and its

operations. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana.

As an alternative to maintaining such insurance, and if the Bonds are not sold to the SRF Program, the Town may maintain a self-insurance program with catastrophic or similar coverage so long as such program meets the requirements of any applicable laws or regulations and is maintained in a manner consistent with programs maintained by similarly situated municipalities.

All insurance or self-insurance proceeds shall be used either in replacing or restoring the property destroyed or damaged, unless if such BANs or Bonds are sold to the SRF Program, the State of Indiana consents to a different use, including a deposit into the Sinking Fund.

(e) So long as any of the BANs or Bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility, provided, however, the Town shall obtain the prior written consent of the State of Indiana if such BANs or Bonds are sold to the SRF Program.

(f) If the BANs or Bonds are sold to the SRF Program, the Town shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the sewage works, other than for normal operating expenditures, without the prior written consent of the State of Indiana if such undertaking would involve, commit or use the revenues of the sewage works.

(g) Except as hereinbefore provided in Section 17 hereof, so long as any of the Bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the Town

except such as shall be made subordinate and junior in all respects to the Bonds herein authorized, unless all of the Bonds herein authorized are redeemed, retired or defeased pursuant to Section 16 hereof coincidentally with the delivery of such additional bonds or other obligations.

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

(i) The provisions of this ordinance shall constitute a contract by and between the Town and the owners of the Bonds and BANs herein authorized, and after the issuance of said Bonds or BANs, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of said Bonds or BANs nor shall the Town Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of said Bonds, BANs or the interest thereon remain unpaid. Except for the changes set forth in Section 21(a)-(g), this ordinance may be amended, however, without the consent of BAN or Bond owners, if the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the BANs or Bonds; provided, however, that if the Bonds or BANs are sold to the SRF Program, the Town shall obtain the prior written consent of the State of Indiana.

(j) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the Bonds and BANs shall retain a lien on such proceeds until the

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

Sec. 19. Investment of Funds. (a) The Clerk-Treasurer is hereby authorized to invest moneys pursuant to IC 5-1-14-3 and the provisions of this ordinance (subject to applicable requirements of federal law to insure such yield is the then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds and BANs under federal law.

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

Sec. 20. Tax Covenants. In order to preserve the exclusion of interest on the Bonds and BANs from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds or BANs, as the case

may be (the "Code") and as an inducement to purchasers of the Bonds and BANs, the Town represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the Town or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds or BANs, as the case may be. The Town has entered into a management contract for the sewage works. The terms of the contract do comply and will comply with IRS Revenue Procedure 97-13, as it may be amended, supplemented or superseded for time to time so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds or BANs, as the case may be.

(b) No more than 10% of the principal of or interest on the Bonds or BANs is (under the terms of the Bonds or BANs, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be

derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond or BAN proceeds.

(d) The Town reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraphs (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds or BANs, as the case may be.

(e) No more than 5% of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The Town will not take any action nor fail to take any action with respect to the Bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds or BANs pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion. The Town covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds or BANs to be treated as private activity bonds under Section 141 of the Code.

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

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds or BANs, as the case may be.

(i) The Town represents that:

(1) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;

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

(3) At least 95% of the net proceeds of the BANs and the Bonds will be used for local governmental activities of the Town or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Town;

(4) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuers and subordinate entities as those terms are defined in Regulations Section 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 2002; and

(5) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,000 size limitation.

Therefore, for the issuance of the BANs and Bonds in the calendar year 2002, the Town meets the requirements of Section 148(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

(j) The Town represents that:

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

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

(3) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the Town, and all entities subordinate to the Town during 2002 or 2003 does not exceed \$10,000,000; and

(4) The Town will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2002 or 2003.

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

Sec. 21. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 18(i), and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or

desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that if the Bonds or BANs are sold to the SRF Program, the Town shall obtain the prior written consent of the State of Indiana; and provided, further, that nothing herein contained shall permit or be construed as permitting:

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

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

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

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

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement; or

(g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the Town, no owner of any Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation

thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all owners of Bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the owners of the Bonds authorized by this ordinance, and the terms and provisions of the Bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the Bonds issued pursuant to this ordinance then outstanding.

Sec. 22. Issuance of BANs. (a) The Town, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs to a financial institution, the Indiana Bond Bank, the State of Indiana or to any other purchaser, pursuant to a Bond Anticipation Note Purchase Agreement (the "Bond Anticipation Note Agreement") to be entered into between the Town and the purchaser of the BAN or BANs. If the BANs are sold to the SRF Program, the Financial Assistance Agreement shall serve as the Bond Anticipation Note Agreement. The Town Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the Town to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the

BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

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

Sec. 23. Rate Ordinance. The estimates of the rates and charges of the sewage works are set forth in Ordinance Nos. 488 *and 2001-001*, adopted on 12-10-90 and 2-12-01 *respectively*. Such ordinance is incorporated herein by reference.

Sec. 24. Tax Exemption. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the BANs and Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Sec. 25. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that this ordinance shall not be construed as modifying, amending or repealing the ordinance authorizing the 1995 Bonds or as adversely affecting the rights of the holders of the aforementioned outstanding 1995 Bonds.

Sec. 26. Effective Date. This ordinance shall be in full force and effect from and after its passage.

Adopted this 14th day of October, 2002.

TOWN COUNCIL
TOWN OF SELLERSBURG

James H. Lagyst
Presiding Officer

Kenneth E. Barnes

Paul J. Walsh

Ray F. Yost

Edward Winton

Attest:

David L. Kinder
Clerk-Treasurer

ORDINANCE NO. 2002-015

**AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING
THE TOWN OF SELLERSBURG**

WHEREAS, the Town of Sellersburg Clerk/Treasurer has determined there exists a need to transfer appropriations to continue efficient and effective budget administration 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 budget administration within the Town of Sellersburg; and

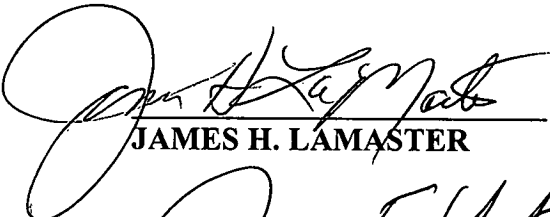
WHEREAS, this matter was considered in an open public meeting to which the public were invited to attend and participate.

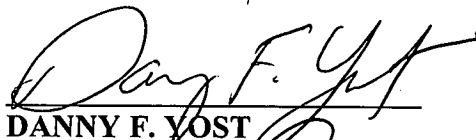
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

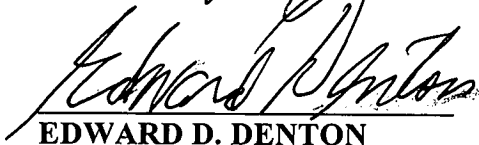
1. A transfer of appropriations in the amount of five thousand dollars (\$5,000.00) from account 101003317, TC Promotion to account 101003314, TC Consulting Services.
2. A transfer of appropriations in the amount of seven thousand one dollars (\$7001.00) from account 101003124, TC Group Insurance to account 101003316, TC Town Attorney.
3. A transfer of appropriations in the amount of twenty-five thousand dollars(\$25,000.00) from account 101003395, TC Judgments to account 101003341, TC Insurance Other than Group.
4. A transfer of appropriations in the amount of three thousand dollars (\$3,000.00) from account 101003364, TC Repairs to Town Hall to account 101003341, TC Insurance Other than Group.

5. A transfer of appropriations in the amount of five thousand fifty-four dollars (\$5,054.00) from account 101003371, TC Animal Shelter to account 101003356, TC Hydrant Rental.
6. A transfer of appropriations in the amount of twelve thousand dollars (\$12,000.00) from account 101003371, TC Animal Shelter to account 101003394, TC Misc. Services/Charges.
7. A transfer of appropriations in the amount of thirty-five thousand dollars (\$35,000.00) from account 101020111, PD Police Salaries to account PD 101020124, PD Group Insurance.
8. A transfer of appropriations in the amount of nineteen thousand dollars (\$19,000.00) from account 101301444, S&S Garbage Containers to account 10130112, S&S Sanitation Salaries.
9. A transfer of appropriations in the amount of ten thousand dollars (\$10,000.00) from account 101301444, S&S Garbage Containers to account 101301124, S&S Group Insurance.

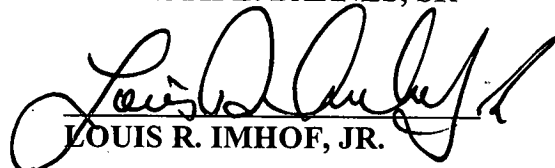
SO ORDAINED THIS 11TH DAY OF NOVEMBER, 2002.

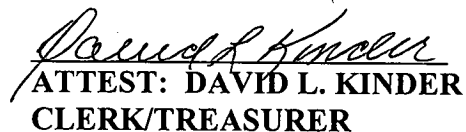

JAMES H. LAMASTER


DANNY F. VOST


EDWARD D. DENTON


KENNETH E. BARNES, SR.


LOUIS R. IMHOF, JR.


ATTEST: DAVID L. KINDER
CLERK/TREASURER

ORDINANCE NO. 2002- 016

ORDINANCE ESTABLISHING REVISED VOTER DISTRICTS
IN THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, I.C. 36-5-2-4.1 requires the legislative body for the Town of Sellersburg, Indiana divide the Town's districts for the purpose of conducting elections of Town Offices; and

WHEREAS, the Sellersburg Town Council has made studies based upon the 2000 census block maps, and the most recently published precincts lines within the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council finds the following criteria exists in dividing the Town into districts: that each district be composed of contiguous territory, be reasonably compact, and not cross precinct lines, and contain, as nearly as possible, equal populations as required by I.C. 36-5-2-4.1; and

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

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

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that the following revised Voter Districts for Sellersburg Town Offices shall be:

Revised District One (1) shall be defined in accordance with the Precincts Summary Statement and Map attached as Exhibit 1.

Revised District Two (2) shall be defined in accordance with the Precincts Summary Statement and Map attached as Exhibit 2.

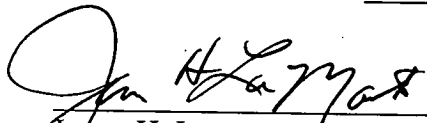
Revised District Three (3) shall be defined in accordance with the Precincts Summary Statement and Map attached as Exhibit 3.

Revised District Four (4) shall be defined in accordance with the Precincts Summary Statement and Map attached as Exhibit 4.

Revised District Five (5) shall be defined in accordance with the Precincts Summary Statement and Map attached as Exhibit 5.

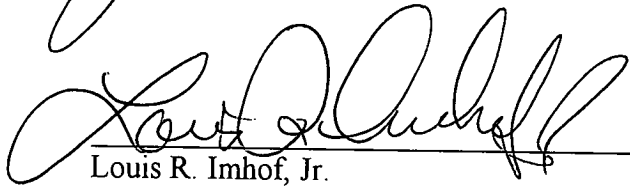
BE IT FURTHER ORDAINED by the Town Council that all Precinct Summary Statements and Maps showing the district boundary and census tract are incorporated by reference as if fully set out herein.

So ordained this 8th day of November, 2002.



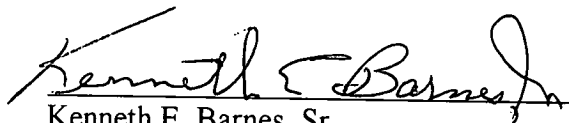
James H. Lamaster

Danny F. Yost

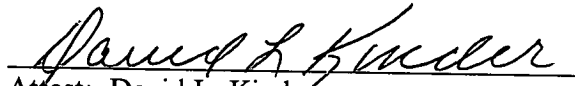


Louis R. Imhof, Jr.

Edward D. Denton



Kenneth E. Barnes, Sr.



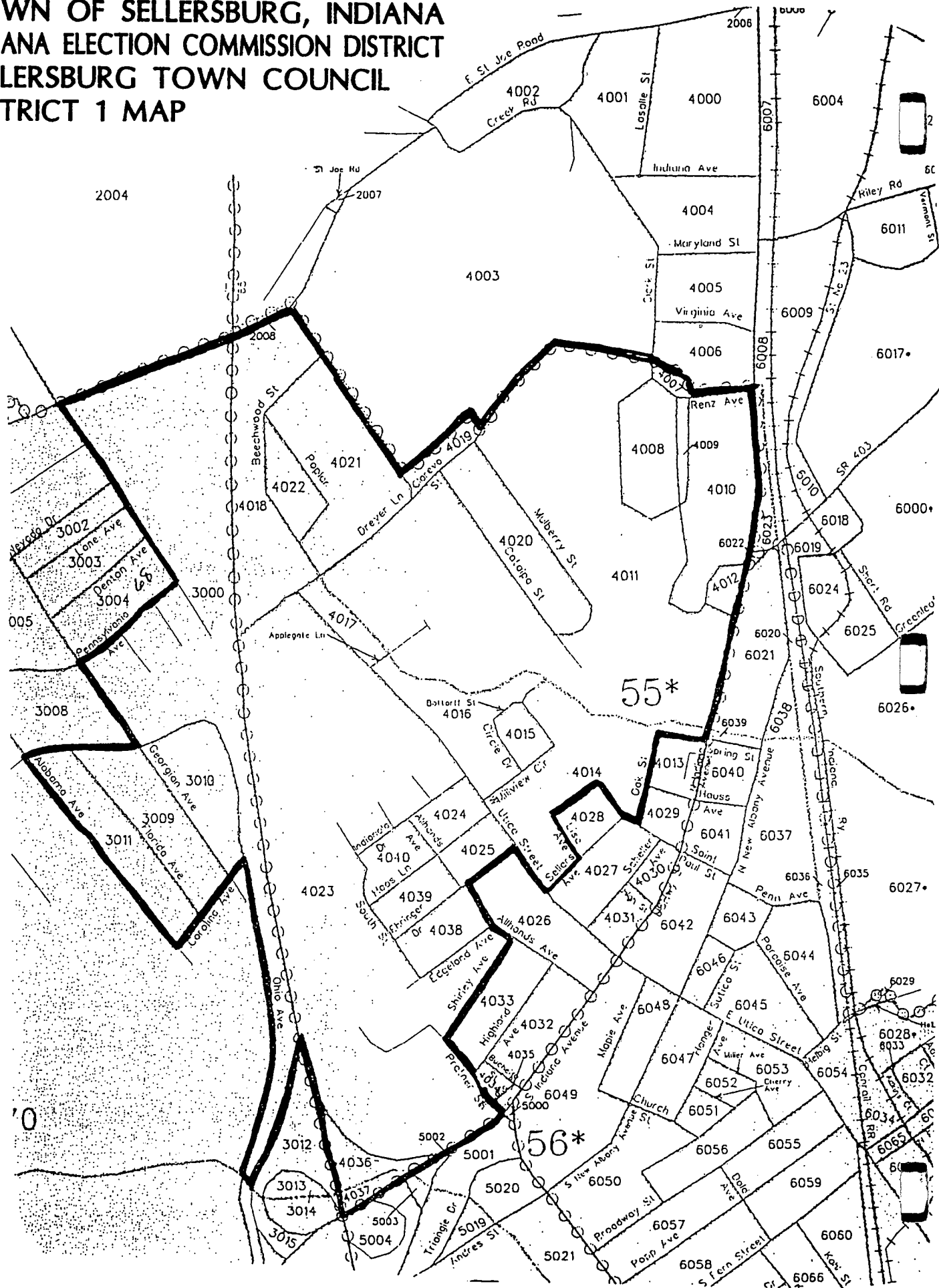
Attest: David L. Kinder
Clerk-Treasurer

PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 2
 SELLERSBURG TOWN COUNCIL DISTRICT 1

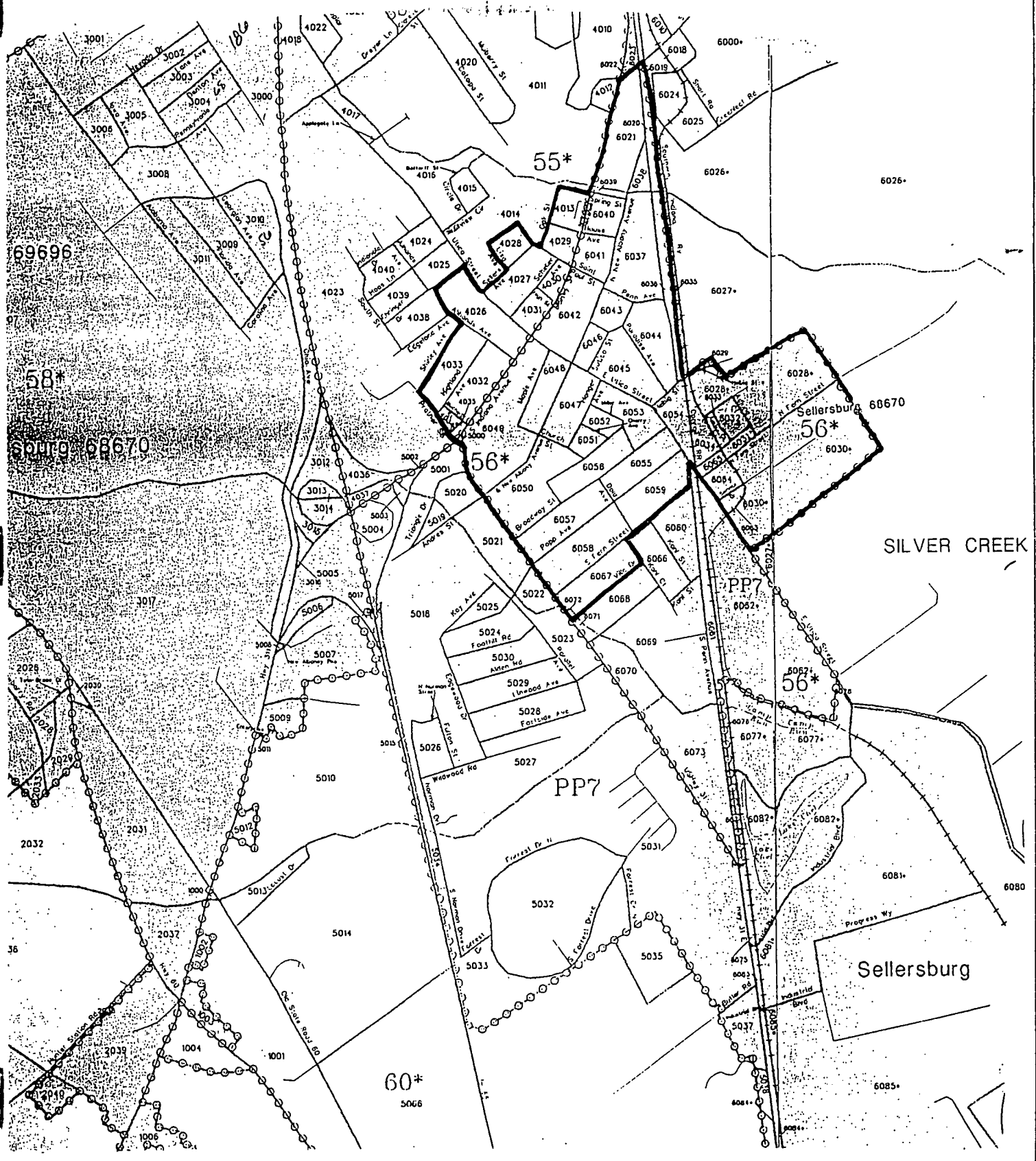
<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
Clark County								
	180190507022008	0	0	0	0	0	0	0
	180190507024007	0	0	0	0	0	0	0
	180190507024008	0	0	0	0	0	0	0
	180190507024009	0	0	0	0	0	0	0
	180190507024010	8	8	0	0	0	0	0
	180190507024011	97	97	0	0	0	0	0
	180190507024012	0	0	0	0	0	0	0
	180190507024014	70	68	0	0	0	0	0
	180190507024015	17	16	0	0	1	0	0
	180190507024016	60	59	0	1	0	0	1
	180190507024017	14	12	0	0	2	0	0
	180190507024018	33	33	0	2	0	0	0
	180190507024019	27	27	0	2	0	0	0
	180190507024020	66	66	0	0	0	0	0
	180190507024021	51	51	0	0	0	0	0
	180190507024022	19	18	0	0	0	0	0
	180190507024023	175	175	0	0	0	0	0
	180190507024024	19	19	0	0	0	0	0
	180190507024025	17	17	0	0	0	0	0
	180190507023000	186	186	0	0	0	0	0
	180190507023009	61	61	0	0	0	0	0
	180190507023010	56	56	0	0	0	0	0
	180190507023011	99	98	0	0	1	0	0
	180190507024036	0	0	0	0	0	0	0
	180190507024037	0	0	0	0	0	0	0
	180190507024038	38	38	0	0	0	0	0
	180190507024039	28	28	0	0	0	0	0
	180190507024040	27	27	0	0	0	0	0
<i>Clark County</i>		1,168	1,160	0	5	4	0	1
Total for District:		1,168	1,160	0	5	4	0	1

Exhibit 1

**TOWN OF SELLERSBURG, INDIANA
 INDIANA ELECTION COMMISSION DISTRICT
 SELLERSBURG TOWN COUNCIL
 DISTRICT 1 MAP**



**TOWN OF SELLERSBURG, INDIANA
 INDIANA ELECTION COMMISSION DISTRICT
 SELLERSBURG TOWN COUNCIL
 DISTRICT 2 MAP**



PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 4
 SELLERSBURG TOWN COUNCIL DISTRICT 3

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
Clark County								
	1801905070260801*	0	0	0	0	0	0	0
	180190507025000	0	0	0	0	0	0	0
	180190507025001	2	2	0	0	0	0	0
	180190507025002	0	0	0	0	0	0	0
	180190507025003	0	0	0	0	0	0	0
	180190507025004	0	0	0	0	0	0	0
	180190507025015	0	0	0	0	0	0	0
	180190507025016	0	0	0	0	0	0	0
	180190507025018	148	147	0	0	0	0	0
	180190507025019	0	0	0	0	0	0	0
	180190507025020	0	0	0	0	0	0	0
	180190507025021	0	0	0	0	0	0	0
	180190507025022	1	0	0	0	0	1	0
	180190507025023	37	37	0	0	0	0	0
	180190507025024	66	66	0	0	0	0	0
	180190507025025	15	15	0	0	0	0	0
	180190507025026	17	17	0	0	0	0	0
	180190507025027	105	101	1	4	1	1	0
	180190507025028	54	51	3	0	0	0	0
	180190507025029	50	49	0	0	1	0	0
	180190507025030	61	61	0	0	0	0	0
	180190507025031	172	171	0	2	0	0	1
	180190507025032	55	55	0	1	0	0	0
	180190507025033	31	30	0	1	0	0	0
	180190507025034	0	0	0	0	0	0	0
	180190507025035	0	0	0	0	0	0	0
	180190507025037	24	23	0	0	0	0	0
	180190507025038	0	0	0	0	0	0	0
	180190507025039	2	2	0	0	0	0	0
	180190507025040	0	0	0	0	0	0	0
	180190507026075	0	0	0	0	0	0	0
	180190507026076	0	0	0	0	0	0	0
	180190507026077	0	0	0	0	0	0	0
	180190507026081	0	0	0	0	0	0	0
	180190507026082	0	0	0	0	0	0	0
	180190507026083	0	0	0	0	0	0	0
	180190507026084	0	0	0	0	0	0	0
	180190507026085	0	0	0	0	0	0	0
	180190507026091	4	4	0	0	0	0	0
	180190507026092	0	0	0	0	0	0	0

Exhibit 3

Report created by: John H. Toombs, Jr.

PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 3
 SELLERSBURG TOWN COUNCIL DISTRICT 2

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
Clark County								
	180190507026020	0	0	0	0	0	0	0
	180190507026021	1	1	0	0	0	0	0
	180190507026022	0	0	0	0	0	0	0
	180190507026028	29	29	0	0	0	0	0
	180190507026029	0	0	0	0	0	0	0
	180190507026030	13	8	5	0	0	0	0
	180190507026031	17	17	0	0	0	0	0
	180190507026032	17	17	0	0	0	0	0
	180190507026033	4	4	0	0	0	0	0
	180190507026034	0	0	0	0	0	0	0
	180190507026036	0	0	0	0	0	0	0
	180190507026037	13	13	0	0	0	0	0
	180190507026038	0	0	0	0	0	0	0
	180190507026039	8	8	0	0	0	0	0
	180190507026040	52	51	1	0	0	0	0
	180190507026041	19	17	0	0	0	0	0
	180190507026042	16	16	0	0	0	0	0
	180190507026043	3	3	0	0	0	0	0
	180190507026044	35	34	0	0	0	0	0
	180190507026045	62	61	0	0	1	0	0
	180190507026046	19	19	0	0	0	0	0
	180190507026047	38	36	0	0	0	0	0
	180190507026048	34	34	0	0	0	0	0
	180190507026049	9	9	0	0	0	0	0
	180190507026050	6	6	0	0	0	0	0
	180190507026051	8	8	0	0	0	0	0
	180190507026052	26	26	0	0	0	0	0
	180190507026053	21	21	0	0	0	0	0
	180190507026054	12	12	0	0	0	0	0
	180190507026055	72	72	0	0	0	0	0
	180190507026056	47	46	0	0	1	0	0
	180190507026057	48	48	0	0	0	0	0
	180190507026058	66	64	0	0	0	0	0
	180190507026059	76	76	0	2	0	0	0
	180190507024013	48	47	0	0	0	0	0
	180190507024026	71	71	0	0	0	0	0
	180190507024027	39	39	0	0	0	0	0
	180190507026063	0	0	0	0	0	0	0
	180190507026064	31	31	0	0	0	0	0
	180190507026065	15	15	0	0	0	0	0

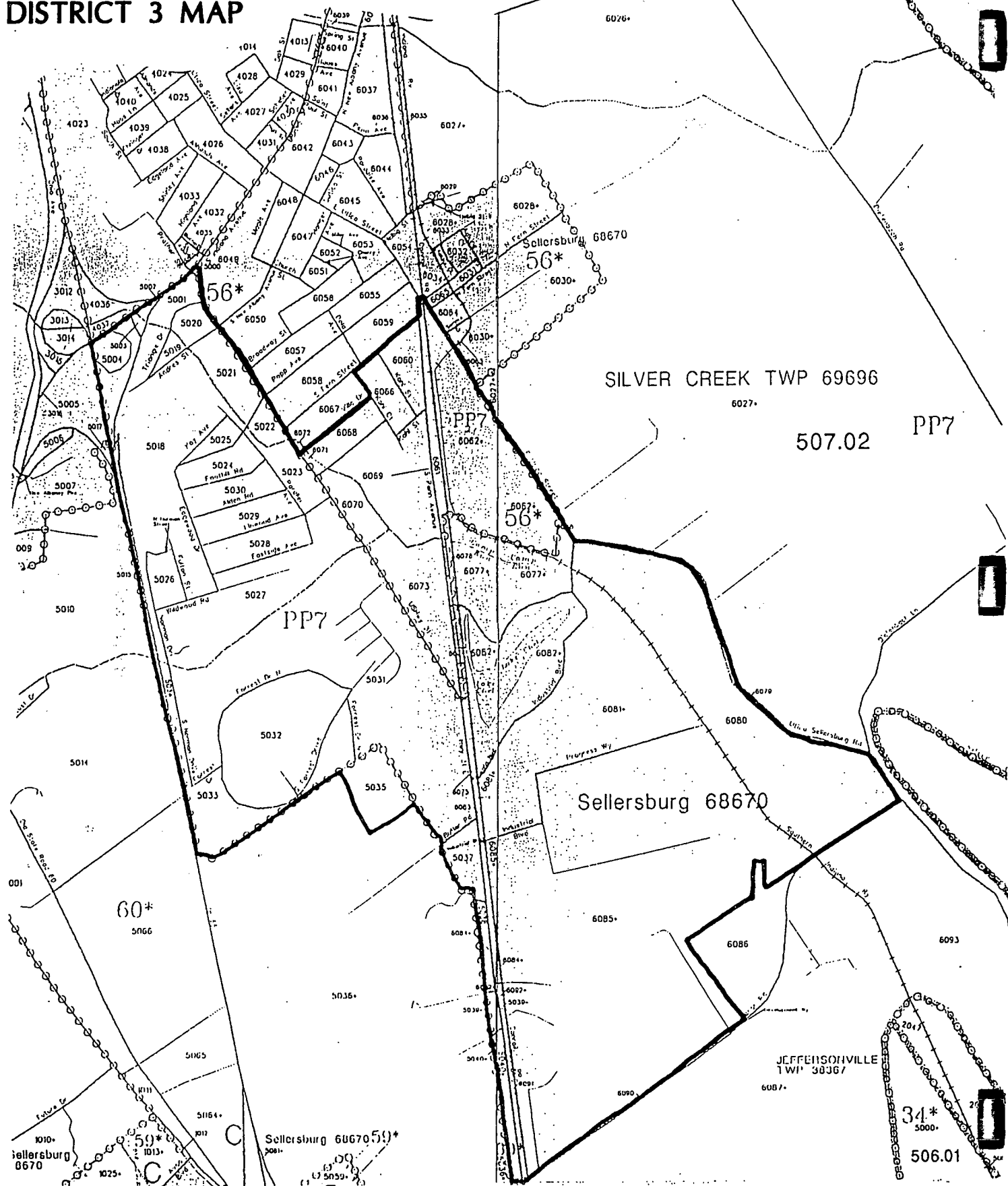
PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 3
 SELLERSBURG TOWN COUNCIL DISTRICT 2

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
	180190507024028	17	17	0	0	0	0	0
	180190507026067	53	53	0	0	0	0	0
	180190507024029	2	2	0	0	0	0	0
	180190507024030	10	10	0	0	0	0	0
	180190507024031	12	12	0	0	0	0	0
	180190507024032	15	15	0	2	0	0	0
	180190507026072	2	2	0	0	0	0	0
	180190507024033	57	57	0	1	0	0	0
	180190507026074	0	0	0	0	0	0	0
	180190507024034	5	5	0	0	0	0	0
	180190507024035	0	0	0	0	0	0	0
<i>Clark County</i>		1,148	1,132	6	5	2	0	0
Total for District:		1,148	1,132	6	5	2	0	0

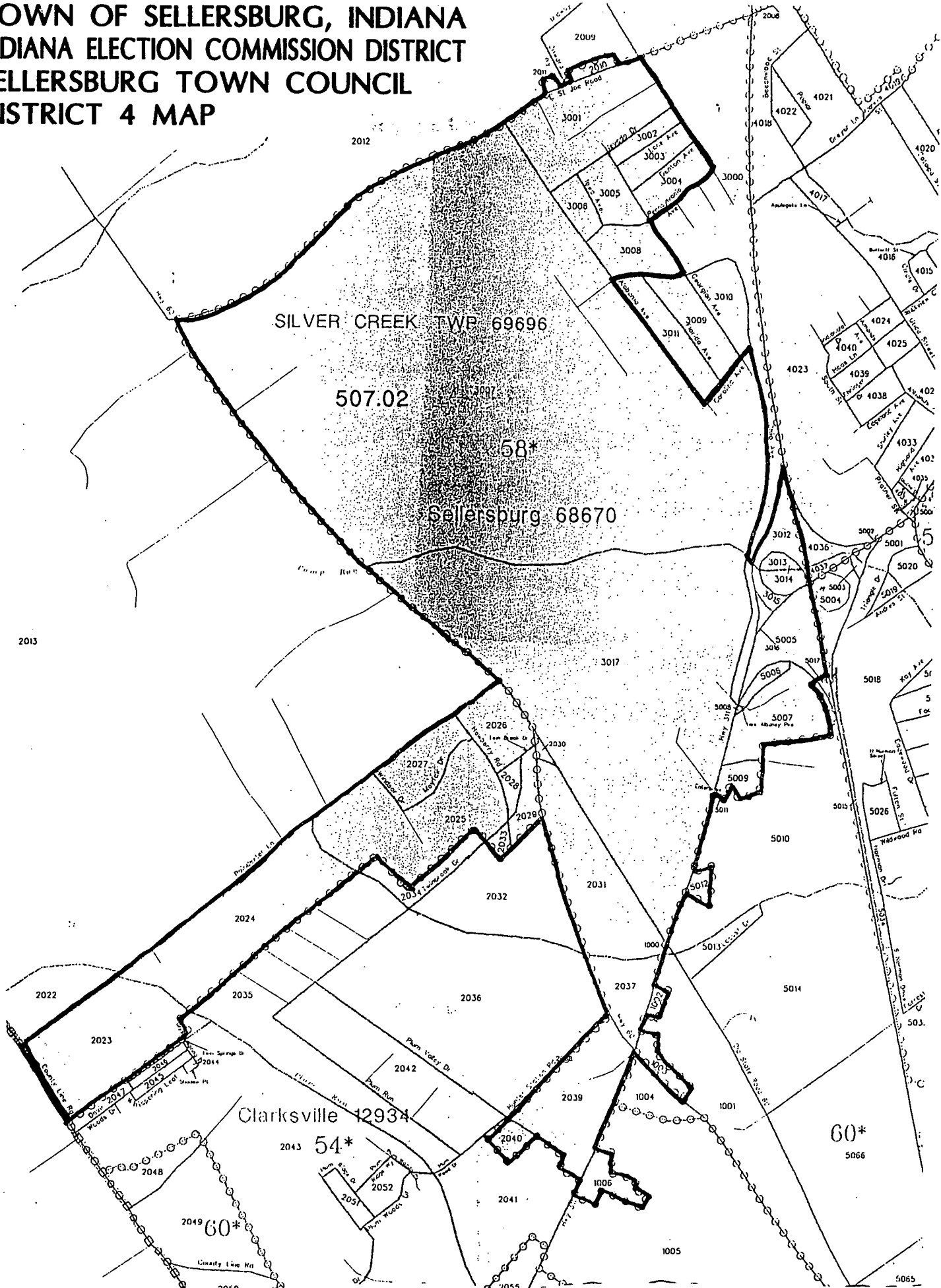
PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 4
 SELLERSBURG TOWN COUNCIL DISTRICT 3

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN</u>		<u>OTHER</u>
						<u>INDIAN</u>	<u>ASIAN</u>	
	180190507026060	53	53	0	0	0	0	0
	180190507026061	0	0	0	0	0	0	0
	180190507026062	40	40	0	0	0	0	0
	180190507026066	72	72	0	0	0	0	0
	180190507026068	13	13	0	0	0	0	0
	180190507026069	98	96	0	1	0	1	1
	180190507026070	10	10	0	0	0	0	0
	180190507026071	2	2	0	0	0	0	0
	180190507026073	16	11	0	5	3	0	2
<i>Clark County</i>		1,148	1,128	4	14	5	3	4
Total for District:		1,148	1,128	4	14	5	3	4

**TOWN OF SELLERSBURG, INDIANA
 INDIANA ELECTION COMMISSION DISTRICT
 SELLERSBURG TOWN COUNCIL
 DISTRICT 3 MAP**



**TOWN OF SELLERSBURG, INDIANA
 INDIANA ELECTION COMMISSION DISTRICT
 SELLERSBURG TOWN COUNCIL
 DISTRICT 4 MAP**



PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 6
 SELLERSBURG TOWN COUNCIL DISTRICT 5

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
Clark County								
	180190507021013	0	0	0	0	0	0	0
	180190507021014	7	7	0	0	0	0	0
	180190507021015	0	0	0	0	0	0	0
	180190507021020	0	0	0	0	0	0	0
	180190507021021	0	0	0	0	0	0	0
	180190507021022	0	0	0	0	0	0	0
	180190507021023	0	0	0	0	0	0	0
	180190507021024	0	0	0	0	0	0	0
	180190507021025	112	109	0	0	0	1	1
	180190507021026	0	0	0	0	0	0	0
	180190507021027	52	52	0	5	0	0	0
	180190507021028	54	54	0	1	0	0	0
	180190507021029	81	80	0	5	0	0	0
	180190507021030	43	43	0	0	0	0	0
	180190507021031	31	31	0	0	0	0	0
	180190507021032	0	0	0	0	0	0	0
	180190507021033	5	5	0	0	0	0	0
	180190507021034	7	7	0	0	0	0	0
	180190507021035	18	18	0	0	0	0	0
	180190507021036	107	107	0	1	0	0	0
	180190507021037	38	38	0	0	0	0	0
	180190507021038	28	28	0	0	0	0	0
	180190507021039	36	36	0	0	0	0	0
	180190507021040	57	57	0	0	0	0	0
	180190507021041	0	0	0	0	0	0	0
	180190507021045	0	0	0	0	0	0	0
	180190507021046	0	0	0	0	0	0	0
	180190507021047	0	0	0	0	0	0	0
	180190507021048	15	15	0	0	0	0	0
	180190507021053	35	34	0	0	0	1	0
	180190507021054	67	58	1	8	0	0	8
	180190507021055	13	13	0	0	0	0	0
	180190507021056	126	126	0	0	0	0	0
	180190507021057	143	139	0	8	3	0	1
	180190507021082	0	0	0	0	0	0	0
	180190507021083	144	137	0	1	3	3	1
	180190507025042	19	19	0	5	0	0	0
	180190507025043	40	40	0	0	0	0	0
	180190507025044	0	0	0	0	0	0	0
	180190507025045	38	37	0	1	0	0	1

Exhibit 5

Report created by: John H. Toombs, Jr.

PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 6
 SELLERSBURG TOWN COUNCIL DISTRICT 5

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN</u>		
						<u>INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
	180190507025046	77	77	0	0	0	0	0
	180190507025051	10	10	0	0	0	0	0
	180190507025052	0	0	0	0	0	0	0
	180190507025058	0	0	0	0	0	0	0
	180190507025059	0	0	0	0	0	0	0
	180190507025060	0	0	0	0	0	0	0
	180190507025063	0	0	0	0	0	0	0
<i>Clark County</i>		1,403	1,377	1	35	6	5	12
Total for District:		1,403	1,377	1	35	6	5	12

PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 5
 SELLERSBURG TOWN COUNCIL DISTRICT 4

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
Clark County								
	180190507021002	2	2	0	0	0	0	0
	180190507021003	0	0	0	0	0	0	0
	180190507021006	5	5	0	0	0	0	0
	180190507022010	0	0	0	0	0	0	0
	180190507022011	0	0	0	0	0	0	0
	180190507022023	3	3	0	0	0	0	0
	180190507022024	30	27	0	0	0	1	0
	180190507022025	72	72	0	0	0	0	0
	180190507022026	25	21	0	0	0	0	0
	180190507022027	44	44	0	0	0	0	0
	180190507022028	0	0	0	0	0	0	0
	180190507022029	0	0	0	0	0	0	0
	180190507022030	0	0	0	0	0	0	0
	180190507022031	6	6	0	0	0	0	0
	180190507022033	0	0	0	0	0	0	0
	180190507022037	6	6	0	0	0	0	0
	180190507022039	43	43	0	0	0	0	0
	180190507022040	15	15	0	0	0	0	0
	180190507023001	221	221	0	0	0	0	0
	180190507023002	68	67	0	0	0	0	0
	180190507023003	69	66	0	0	0	0	0
	180190507023004	68	66	2	4	0	0	0
	180190507023005	60	60	0	0	0	0	0
	180190507023006	42	36	1	0	0	0	0
	180190507023007	293	292	0	0	0	0	0
	180190507023008	49	48	0	0	0	1	0
	180190507023012	0	0	0	0	0	0	0
	180190507023013	0	0	0	0	0	0	0
	180190507023014	0	0	0	0	0	0	0
	180190507023015	0	0	0	0	0	0	0
	180190507023016	0	0	0	0	0	0	0
	180190507023017	74	74	0	0	0	0	0
	180190507025005	0	0	0	0	0	0	0
	180190507025006	0	0	0	0	0	0	0
	180190507025007	4	3	1	0	0	0	0
	180190507025008	0	0	0	0	0	0	0
	180190507025009	0	0	0	0	0	0	0
	180190507025011	0	0	0	0	0	0	0
	180190507025012	4	4	0	0	0	0	0

Exhibit 4

PRECINCT SUMMARY STATEMENT
 INDIANA ELECTION COMMISSION DISTRICT 5
 SELLERSBURG TOWN COUNCIL DISTRICT 4

<u>DISTRICT</u>	<u>STFID</u>	<u>PERSONS</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>	<u>AMERICAN INDIAN</u>	<u>ASIAN</u>	<u>OTHER</u>
<i>Clark County</i>		1,203	1,181	4	4	0	2	0
Total for District:		1,203	1,181	4	4	0	2	0

ORDINANCE NO. 2002 -017

ORDINANCE AMENDING ORDINANCE NO. 457 CONCERNING STREET CUTS AND EXCAVATIONS WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG

WHEREAS, on June 29, 1988 the Sellersburg Town Council passed Ordinance No. 457 regulating street cuts within the municipal limits of the Town of Sellersburg; and

WHEREAS, the Sellersburg Town Council has been advised by its Building Commissioner and Street Department Head that Ordinance No. 457 is outdated and difficult to enforce; and

WHEREAS, the Sellersburg Town Council desires to update and amend its street cut and excavation in order to allow more responsible action by the Town to the significant amount of development within the municipal limits of the Town and to allow the Town to have greater control over street cuts and excavations, as well as to allow significant legal recourse in the event there is non-compliance and violations of the herein ordinance; and

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

WHEREAS, the herein ordinance is necessary for the efficient and effective administration of Town government.

BE IT NOW THEREFORE ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF SELLERSBURG AS FOLLOWS:

PERMIT REQUIRED FOR EXCAVATION

1. A separate permit shall be obtained for each excavation made in the road/streets, sidewalks, alleys and grass plats which are maintained by the Sellersburg Street Department. Such permits shall be issued by the authority of the Town Council of Sellersburg, Indiana, by and through its Building Commissioner.

APPLICATION

2. Application for permit (s) shall be made on a form prescribed and provided by the Town. The form shall provide the following information:

- a. Date;
- b. Contractors name, address and telephone number;
- c. Applicant's name and title (if any), address, and telephone number;
- d. The location of the proposed excavation;
- e. The purpose of the proposed excavation;
- f. The length, width and depth of the excavation;
- g. The beginning and completion date of the excavation;
- h. Applicant's or Applicant's agent's signature;
- i. Approval of the Town's Building Commissioner or authorized agent of the Town;
- j. The application must be filed at least five (5) days prior to the proposed start date

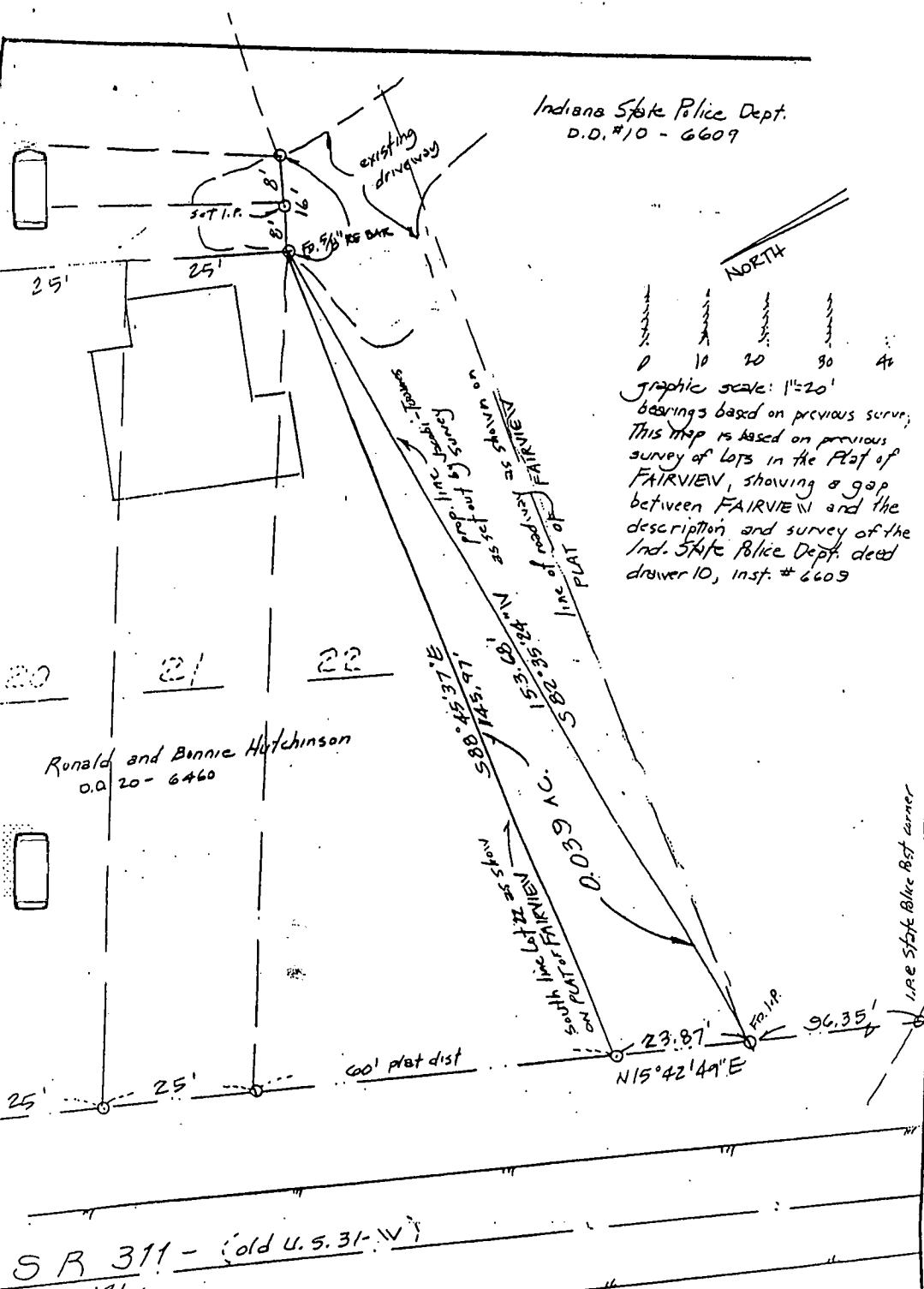
except in cases of emergency. The Town's Building Commissioner or authorized agent of the Town Shall determine whether an emergency actually exists;

3. Fees:

The applicant shall pay an inspection fee when filing his application.

- a. An inspection fee of fifty dollars (\$50.00) shall be charged for each street/road cut requested.
- b. An inspection fee of twenty-five dollars (\$25.00) shall be charged for each sidewalk cut requested.
- c. An inspection fee of ten dollars (\$10.00) shall be charged for each grass plat cut requested.

Indiana State Police Dept.
D.O. #10 - 6609



NORTH

0 10 20 30 40

graphic scale: 1"=20'

bearings based on previous survey;
This map is based on previous survey of lots in the Plat of FAIRVIEW, showing a gap between FAIRVIEW and the description and survey of the Ind. State Police Dept. deed drawer 10, inst. # 6609

Ronald and Bonnie Hutchinson
O.A. 20-6460

SR 311 - (old U.S. 31 - W)
60' R/W

DAVID J. RUCKMAN CO.
SURVEYORS PLANNERS CONSULTANTS
4259 STONE MOUNTAIN RR
NEW ALBANY, INDIANA 47150
812-947-8354

SCALE: 1"=20'	DATE PWN: 9-26-97	PWN BY: DJR	REV.
------------------	----------------------	----------------	------

RON & BONNIE HUTCHINSON SURETY
BEING PT. OF PLAT OF FAIRVIEW/
SELLERSBURG, CLARK CO., INDIANA

David J. Ruckman
D. J. RUCKMAN L.S.# 0393

Sec. 7-72 Form of Application.

APPLICATION FOR EXCAVATING PERMIT
(Ordinance No. 457)
TOWN OF SELLERSBURG, IND.

Date: _____

Location of Proposed Excavation: _____

Purpose of Proposed Excavation: _____

Probable Length _____ Width _____ Depth _____

Contractor _____

Address and Phone Number of Contractor: _____

Work Begin _____ Work Complete _____

Applicant's Name or Title: _____

Applicant's Signature or Authorized Agent's Signature: _____

Applicant's Address and Phone Number: _____

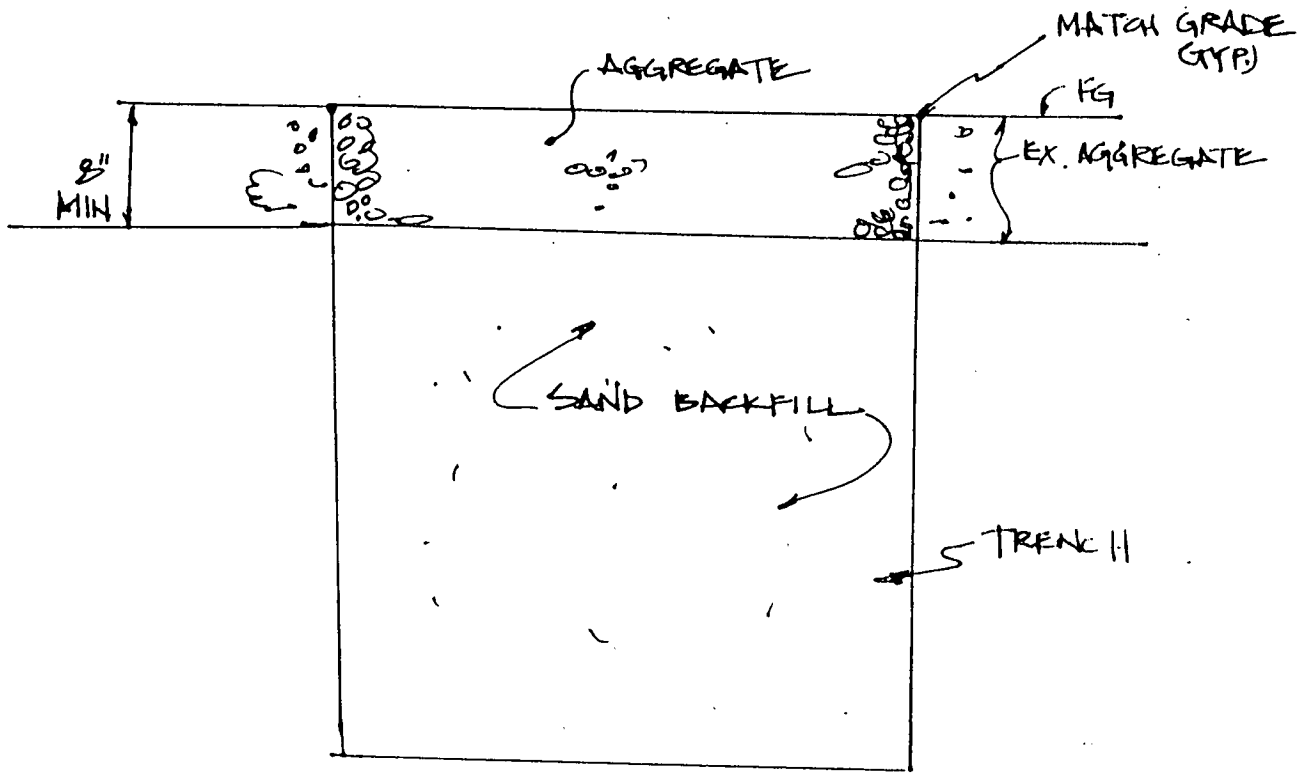
Approved by the Town Council of Sellersburg, Indiana; Authorized agent
for the Town of Sellersburg, Town Building Commissioner

YES _____

NO _____

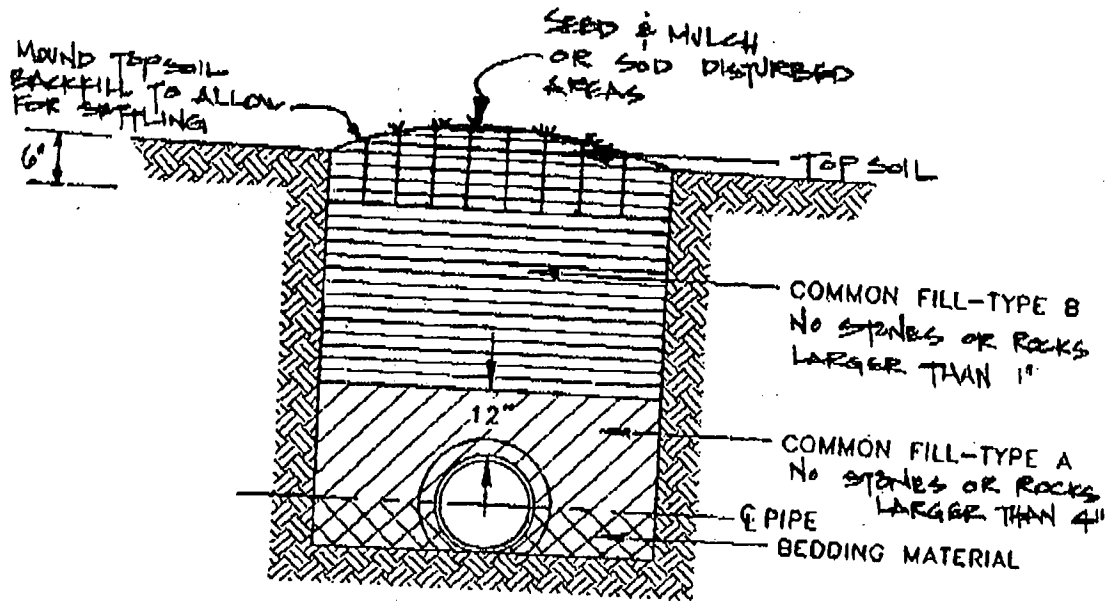
(Signature of approving or disapproving Town
Council of Sellersburg Agent) (Ord. No. 457,
6-29-88)

Sec. 7-73 Through Sec. 7-79 Reserved for Future Use.



GRAVEL EXCAVATION

DIAGRAM E



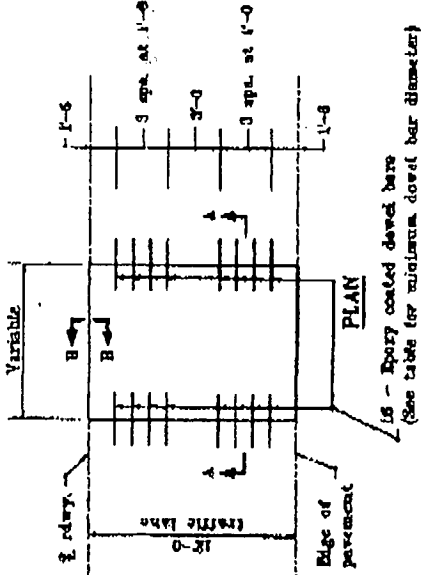
EARTH EXCAVATION

DIAGRAM F

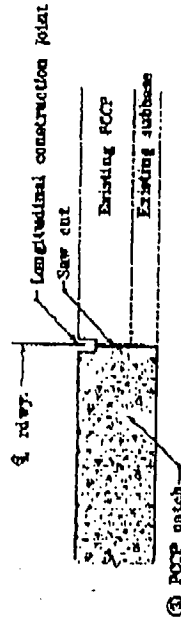
NOTES

- 2 Saw cuts and joint seal shall be omitted if PCCP is to be overlaid.
- 3 The bottom of the PCCP patch shall be located at the bottom of the existing PCCP subbase or 6" below the bottom of the existing PCCP, whichever is lower.

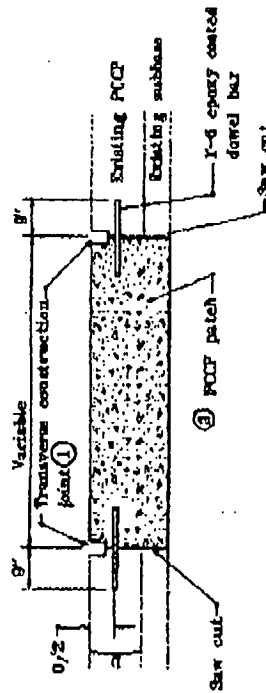
DOWEL BAR SIZES	
Pavement Thickness, 0	Minimum Dowel Bar Diameter
Less than 8"	1"
8" through 12"	1 1/4"
Greater than 12"	1 1/2"



1/8" Epoxy coated dowel bars (See table for minimum dowel bar diameter)

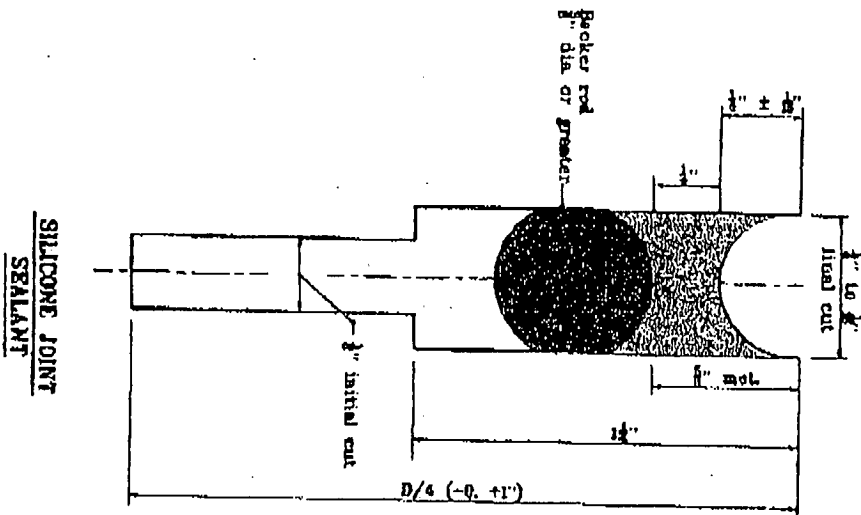
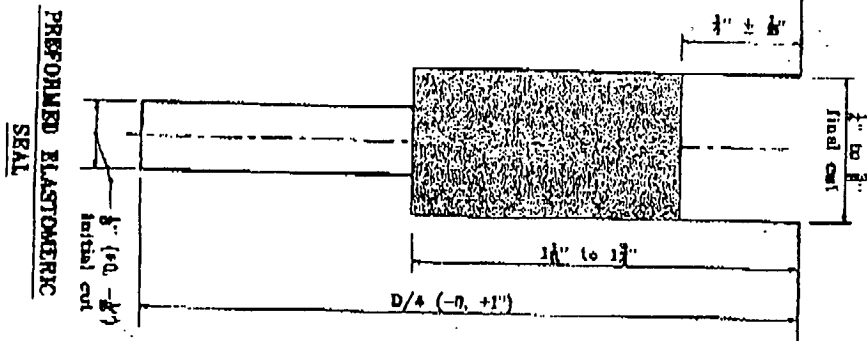


SECTION B-B



SECTION A-A

DIAGRAM C



NOTES

1. Transverse joints shall be constructed perpendicular to the centerline with a maximum spacing of 18'-0" unless otherwise specified.
2. The configuration of the preformed elastomeric joint seal shall be a 3/4" to 3/8" wide seal with at least a five cell internal design. The seal height shall be 3/4" to 3/8" in uncompressed stage.
3. For transverse construction joints, the initial saw cut may be eliminated.

DIAGRAM D

d. If there are a minimum of three (3) road cuts within a one thousand two hundred (1,200) continuous length of road, the applicant shall repave all of the road affected between the furthest cuts.

RESPONSIBILITIES OF APPLICANT

4. If any utility company, contractor or individual causes a total of twenty-five (25) square feet of replacement asphalt to be installed or paved within any Town block during any continuous twelve-month period, said utility company, contractor or individual shall be required to resurface the entire width of the street, highway, alley or other paved surface for the full Town block within the current paving season within a minimum of one (1) inch compacted thickness of surface type hot asphalt mix. The existing paved surface shall be tack coated before paving. For purposes of this Ordinance, a Town block shall be deemed to be any continuous three hundred (300) feet stretch of street, highway, alley or other paved surface within the Town it located in an area in which a Town block is not readily ascertainable. In no event shall a contractor, utility company or individual be caused to replace or repave any continuous stretch of street, highway, alley or other paved surface within the Town, in excess of three hundred (300) feet by reason of violation of this Ordinance, unless other violation hereof shall be committed in contiguous or continuing areas of the same street, highway, alley or other paved surface.

5. If any utility company, contractor, individual or entity, whether or not acting as an agent or employee of the Town of Sellersburg, causes an excavation in a paved roadway in the Town of Sellersburg to be dug, shall be required to repair the roadway pursuant to the cross section depicted in Diagram A which appears below. However, should the excavation consist of more than One Hundred (100) feet in length (such as a trench) the excavation shall be repaired

pursuant to the cross section depicted in Diagram B below. The repairs as specified herein shall be completed as soon as practical within the current paving season.

6. Anything not specified in the sketched specifications shall comply with the Indiana Department of Transportation Specifications. Any person or firm making such an opening (or governmental entity or unit) shall complete all work within the time stated in the application. No project shall be deemed complete until the Town's Building Commissioner or other person authorized by the Town Council has approved the application, inspected the project and approved the manner in which the excavation project has been completed. The written resolution of inspection shall be sent to the applicant by the authorized person making the inspection.

7. The operation of digging into, excavating in, or in any manner changing the surface of any sidewalk, street, alley or other public place within the corporate limits of the Town of Sellersburg, Indiana, and the refilling and resurfacing of any such excavation shall be done under the supervision of the Building Commissioner or the Head of the Street Department of the Town of Sellersburg, or such other officer, employee or agent designated by the Town Council for the Town of Sellersburg.

8. That all excavations in streets shall be repaired according to the type of the existing surface as follows:

A. Existing Asphalt Surface (Diagram A) & (Diagram B):

i. Excavation shall be filled with thoroughly compacted sand to a depth not less than ten (10) inches below finished grade compacted in six inch (6) layers maximum;

ii. Portland Cement concrete (3000 psi. minimum) shall be deposited on top of the sand fill to within one (1) inch below finished grade;

iii. After Portland Cement concrete has cured for a minimum period of four (4) days, asphalt primer RC-3 shall be applied at a rate of 0.5 gallons per square yard;

iv. A one (1) inch course of Hot Asphalt Concrete, Indiana Department of Transportation. Type B, thoroughly compacted and rolled. In the event the weather is unsuitable for properly applying Hot Asphalt Concrete for repairing the surface, a temporary patch may be applied consisting of asphalt coated aggregate (cold patch), provided when suitable paving weather occurs, the temporary patching materials shall be removed and replaced with Hot Asphalt Concrete as specified above.

B. Existing Concrete Surface (Diagram C) & (Diagram D):

i. Excavation shall be filled with thoroughly compacted sand to a depth not less than eight (8) inches below finished grade compacted in six inch (6) layers maximum, concrete patch thickness shall match existing concrete pavement thickness;

ii. Portland Cement Concrete (3000 psi. minimum) shall be placed in the remaining cavity and troweled with a wooden float to finish grade.

C. Existing Aggregate Surface (Diagram E):

i. Excavation shall be filled with sand up to a depth not less than eight (8) inches below finished grade compacted in six inch (6) layers maximum;

ii. The remaining depth shall be filled with crushed stone of the size required by the Head of Street Department of the Town of Sellersburg

D. Existing Earth Surface (Diagram F):

i. Excavation shall be filled with earth and earth mounded above the excavation to a height above finished grade amounting to ten (10) percent of the depth of the excavation. After settling has occurred, earth shall be added or removed to level the fill with

finished grade and the surface restored to the same condition as existed before excavation was made.

E. Exploratory drill holes shall be filled in the same manner as trench or pit excavations except when the holes are made in an existing earth surface it shall be refilled with sand except the upper six (6) inches of fill material shall be earth.

F. Excavation under sidewalks shall be refilled with fully compacted sand to a level four (4) inches below finished grade of sidewalk in pedestrian traveled areas and six (6) inches below finished grade of sidewalk in driveway areas. The sidewalk shall be replaced to the same width as that removed and to a depth of four (4) or six (6) inches respectively in pedestrian and driveway areas. Sidewalk material shall be Portland Cement Concrete, air entraining type, 3000 psi., strength, finished with a wooden foot and steel edging tool and scored to match adjacent sidewalk scoring.

9. All cuts made in the driving area of a street or alley shall be covered with steel plates, anchored safely to the paved surface, until the cut is ready for traffic. Cold-patch type asphalt concrete shall be placed all around the plate to lessen any possible damage to vehicles crossing the area. No more than ten (10) calendar days shall elapse between the date the hole is first cut in the street right-of-way and the date on which the repair is complete and the patch is paved to finish grade and open to traffic.

10. Should the place or places where said excavation and repairs are refilled or replaced under the provision of this ordinance, fail within the life of the street pavement or before the street is repaved by the Town, the permittee shall, at his own expense, within ten (10) days after receipt of written notice from the Building Commissioner, refill and resurface same. If the permittee fails to refill or resurface after receipt of ten (10) days written notice, the Town

shall make the necessary repairs and render a statement of charges to the permittee due and payable within thirty (30) days after receipt of said statement.

H. Any utility company, contractor or individual causing a total of five (5) or more holes, a maximum of three (3) feet by three (3) feet, or a trench or trenches totaling thirty (30) feet in length, to be made in an average 300 foot long Town block during one twelve (12) month period, shall be required to resurface the entire width of the street or alley for the full Town block within the current paving season with a one (1) inch compacted thickness of Surface Type Hot Asphalt Concrete. The existing paved surface shall be tack coated before paving.

FAILURE TO OBTAIN PERMIT

12. It shall be unlawful for any person, firm, corporation or representative thereof, to dig into, excavate in, or in any manner change the surface of any sidewalk, street, alley or other public place within the corporate limits of the Town of Sellersburg, Indiana, without first having obtained a written permit to do so from the Building Commissioner, in conjunction with the Head of the Street Department or any administrative agent so appointed by the Town Council, and for which permit the permittee has paid to Town through the Office of the Clerk-Treasurer or its agent the applicable permit fee.

PENALTIES

13. Failure of any utility company, contractor, individual or entity to abide by the requirements of this Ordinance shall make the utility company, contractor, individual or entity subject to the following penalties:

A. The utility company, contractor, individual or entity who fails to do the repair work required in a timely manner shall be denied any further permits for such cuts or other paving until the required repairs shall be completed in the manner set forth herein;

B. The utility company, contractor, individual or entity shall be responsible for any costs of repair undertaken pursuant to this Ordinance;

C. The utility company, contractor, individual or entity shall be liable for all legal expenses of the Town of Sellersburg in enforcing the terms of this ordinance; and

D. The utility company, contractor, individual or entity shall be fined in an amount for each one hundred (100) square feet of road service area which is not repaired in the manner set forth herein.

E. After any person, firm, utility company or governmental unit or entity has cut and/or excavated a Town of Sellersburg roadway, alley, street or thruway it shall have a continuing responsibility to the Town of Sellersburg to maintain said cut and/or excavated area.

F. If after a road, street, alley or driveway is cut by and a problem of sinking or breaking of the repaved area occurs, the Town Council of Sellersburg or its authorized agent shall write a letter to the responsible party advising them of the problem and the obligation under the herein ordinance to correct the recognized problem.

G. If the problem corrected within the following thirty (30) days of issuance of the letter to the satisfaction of the person authorized to inspect said excavations by the Town Council, the responsible party shall be liable for damages to the Town of Sellersburg, Indiana.

H. Any firm, person or corporation violating any provisions of the herein ordinance shall, upon conviction be fined in an amount not less than two hundred fifty dollars (\$250.00) nor more than twenty-five hundred dollars (\$2,500.00). Each violation of the herein ordinance shall constitute a separate offense.

LIABILITY ASSUMED BY APPLICANT

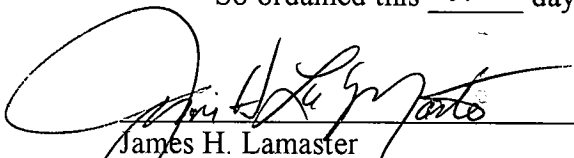
14. The applicant shall assume all liability for damage caused by such opening or excavation, including but not limited to damage caused by interference with existing utility service or injuries to person or property due to such excavation. The applicant shall be responsible for maintaining at all times, necessary signs, signals and barricades in accordance with the updated Indiana Department of Transportation Standard specifications and manual of Uniform Traffic Control Device Rules.

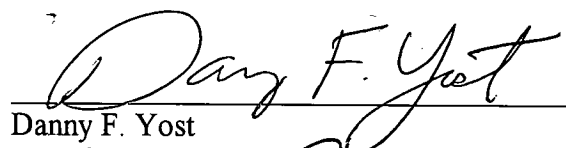
15. The entire expenses of digging into, excavating in, or in any manner changing the surface of any sidewalk, street, curb, alley or public place within the corporate limits of the Town of Sellersburg, Indiana, shall be borne by such permittee and the Town shall not be liable for any expenses incurred there from, nor for any injury or damages caused to any person or property.

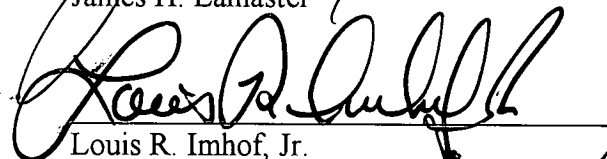
EXEMPTIONS

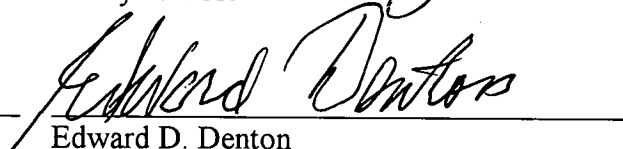
16. The Street and Wastewater Treatment Department of the Town of Sellersburg are not exempt from the provisions of the herein ordinance other than for the assessment of fees and fines.

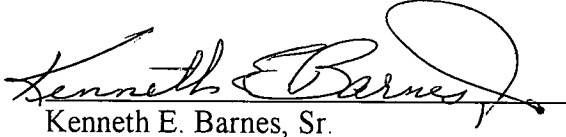
So ordained this 11th day of November, 2002



James H. Lamaster

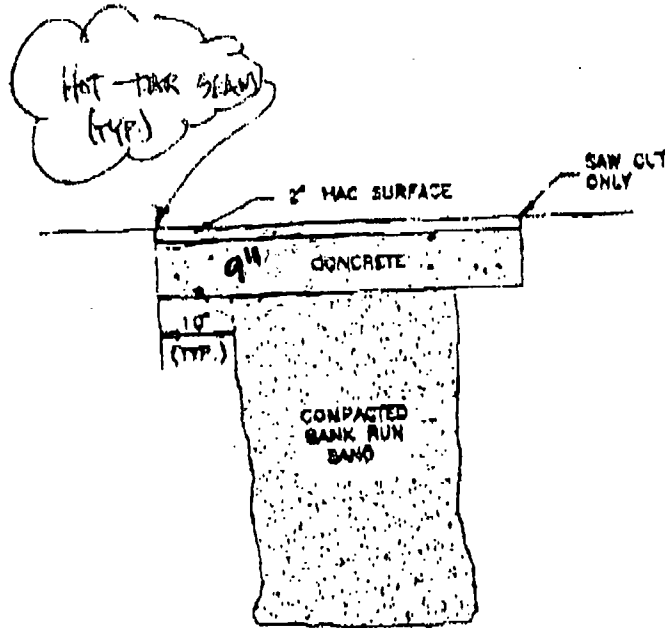

Danny F. Yost


Louis R. Imhof, Jr.


Edward D. Denton


Kenneth E. Barnes, Sr.

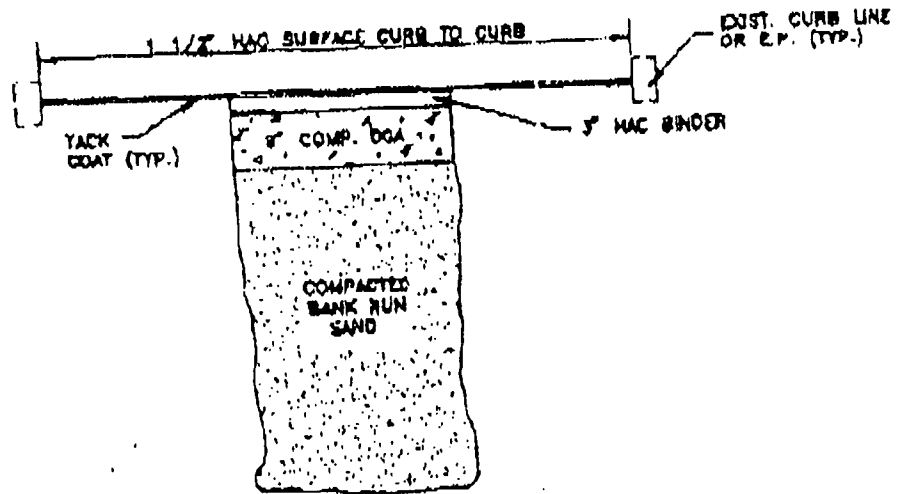

Attest: David L. Kinder
Clerk-Treasurer



TRENCH RESTORATION SECTION
 FOR PERPENDICULAR STREET CUTS &
 LONGITUDINAL CUTS LESS THAN 100' LONG

DIAGRAM 'A'

NO SCALE



TRENCH RESTORATION FOR STREET CUTS
 OF LENGTH GREATER THAN 100'

DIAGRAM 'B'

NO SCALE

ORDINANCE NO. 2002-018

**AN ORDINANCE VACATING A ROADWAY
IN THE TOWN OF SELLERSBURG, INDIANA**

1. Whereas in October of 2002 Ronald W. Hutchison and Bonnie J. Hutchison filed with the Town Council of the Town of Sellersburg, their petition to vacate a roadway in the Town of Sellersburg, Clark County, Indiana, pursuant to Indiana Code I. C. 36-7-3-12;

2. Whereas, notice was given as required by I. C. 5-3-1-1 to 5-3-1-9; and as required by I. C. 36-7-3-12, of the public hearing on said petition for November 11, 2002 at 7:00 p.m.;

3. And Whereas, a public hearing was held on the petition on the date and time scheduled therefore. And there were no objections to said petition. There was evidence in support of the petition to vacate said alley.

NOW THEREFORE, in consideration of the foregoing,

BE IT ENACTED as follows:


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

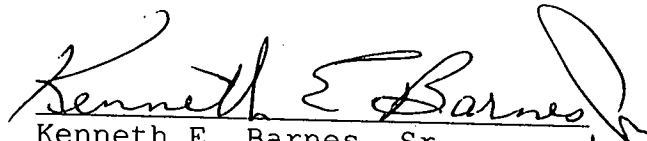
Starting at the southeast corner of Lot 22, Block F of Fairview Addition, then south 88 deg. 45' 37" East 145.97 feet, thence south 15 deg. 42' 49" East 23.87 feet, thence 88 deg. 45' 37" East, thence North 15 deg. 42' 49" East to the place of beginning, being the roadway adjacent with Lot 22, Block F as shown on the Plat of Fairview Addition

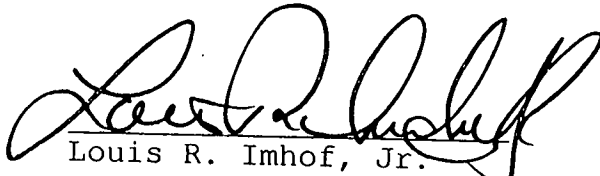
Be, and it is hereby vacated:

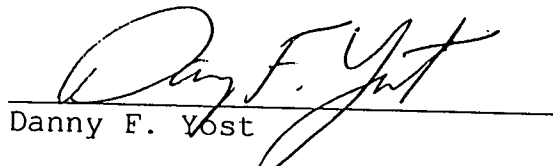
That title to said roadway reverts to the sole abutting property owner in Fairview Addition, Ronald W. Hutchison and Bonnie J. Hutchison, Husband and Wife.

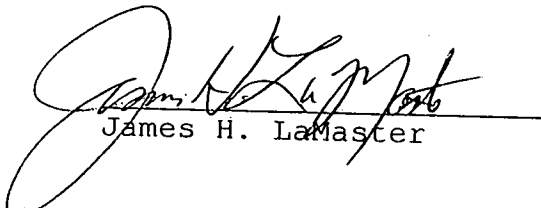
SELLERSBURG TOWN BOARD


Edward D. Denton


Kenneth E. Barnes, Sr.

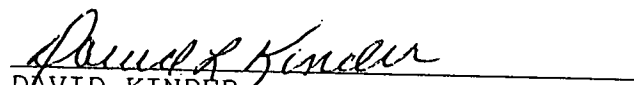

Louis R. Imhof, Jr.


Danny F. Yost


James H. Lamaster

I, the undersigned, Clerk-Treasurer of the Town of Sellersburg, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance passed December 9, 2002, by the Town Board of the Town of Sellersburg, which document is maintained in my possession, and I further certify that said Ordinance has not been amended or rescinded.

DATED: December 9, 2002.


DAVID KINDER
Clerk-Treasurer
Town of Sellersburg