

### 2005 ORDINANCES

2005-001	2/14/2005	Amending Ordinance 2004-029 (Salary, Holiday Pay.
2005-002	1/10/2005	Amending Town of Sellersburg Traffic Codes
2005-003	3/14/2005	Amending Ordinance 2002-008 (Police Clothing)
2005-004	3/14/2005	Amending Ordinance 2004-030 (Compensation for Appointed Officials)
2005-005	2/14/2005	Rescinding Ordinance 2003-004 (Health Insurance Retired Police)
2005-006	3/14/2005	Eliminating Crime Control Fund
2005-007	3/14/2005	Amending Discharging Firearms in Municipal Limits
2005-008	3/14/2005	Ordinance Amending Ordinance 1993-552
2009-009	4/11/2005	Zoning Change(Donerty Property Responsibilities)
2005-010	3/31/2005	Amending Ordinance 2000-005 (Insurance)
2005-011	4/11/2005	Ordinance Establishing Storm water Management
2005-012	4/11/2005	Amending Ordinance 2004-026 (Construction Site Runoff Control)
2005-013	4/11/2005	Vacating Lot (Jerry Birge, Greenwood Sub division)
2005-014	5/9/2005	Ordinance Establishing Capital Asset Policy
2005-015	5/16/2005	Amending Salary Ordinance (2004-029)
2005-016	6/13/2005	Amending Ordinance 2003-007 (BAN)
2005-017	6/13/2005	Economic Development Revenue Bond (Graceland Baptist Church)
2005-018	6/27/2005	Zoning Change (Dietz Property for Summitt Trucking)
2005-019	8/15/2005	Amendment To Salary Ordinance
2005-020	9/12/2005	Insurance for Elected Officials & Town Attorney
2005-021	9/12/2005	Appropriations and Tax Rate
2005-022	9/12/2005	Amending Town Code 95.15
2005-023	9/12/2005	Amending Town Code 95.15(f) para 1, 2 and 3
2005-024	10/10/2005	Amending Ordinance 2005-019 (Salary Ordinance)
2005-025	12/19/2005	Rezoning Property at 7800 Hwy 311 (Gillenwaters)
2005-026	12/19/2005	Salary Ordinance for 2006
2005-027	12/19/2005	Transfer of Appropriations
2005-028	12/19/2005	Post-Construction storm water Management
2005-029	12/19/2005	Appointed Boards Salaries for 2006
2005-030	12/19/2005	Elected Officials Salaries for 2006
2005-031	12/19/2005	Longevity pay for eligible Employees <i>Rescinded by: 2014-005</i>
2005-032	12/19/2005	Creating Dept. Municipal Works (control over sewer, water & streets)
2005-033	12/19/2005	Creating Position Director Municipal Works & Assistant
2005-034	12/19/2005	Revising Employee Handbook (Discipline and Termination)
2005-035	12/19/2005	Amending Salary Ordinance 2004-029
2005-036	12/19/2005	Regulating Median Solicitation/Roadblocks
2005-037	12/19/2005	Amending Animal Control Ordinance

**ORDINANCE 2005-001**

**ORDINANCE AMENDING THE 2004-029 SALARY, HOLIDAY AND LONGEVITY PAY AND RATIFYING TOWN COUNCIL VOTE AND APPROVAL MADE ON JANUARY 10, 2005.**

**WHEREAS**, the Town Council for the Town of Sellersburg did on the 29<sup>th</sup> day of November, 2004 passed Ordinance No. 2004-029, concerning the 2005 Salary, Holiday and Longevity Pay for employees of the Town of Sellersburg including the Town of Sellersburg police department dispatches; and

**WHEREAS**, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Clerk-Treasurer that an amendment to said ordinance is necessary at this time; and

**WHEREAS**, the Town Council for the Town of Sellersburg has been advised that the salary for the police department dispatchers must be amended; and

**WHEREAS**, the Town Council for the Town of Sellersburg met on January 10, 2005 in a regular session of the Town Council, where the herein issue was discussed and voted upon; and

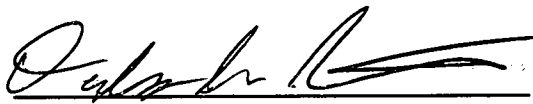
**WHEREAS**, the Town Council for the Town of Sellersburg has determined that the herein amendment to Ordinance No. 2004-029 is necessary for the efficient and effective administration of Town government and is in the best interest of the Town of Sellersburg;

**BE IT NOW THEREFORE ORDAINED** by the Town Council for the Town of Sellersburg that Ordinance No. 2004-029 shall be and hereby is amended as follows:

Part time police dispatcher Barbara A. Farnsley's 2005 re-hire salary shall be \$13.28 per hour.

Police dispatcher James P. Fleming shall be hired in 2005 for \$12.50 per hour.

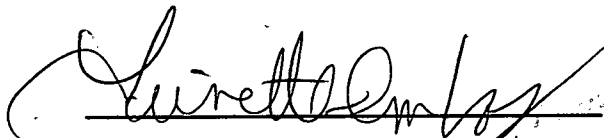
So ordained the 14<sup>th</sup> day of February, 2005.



Douglas J. Reiter, Council President



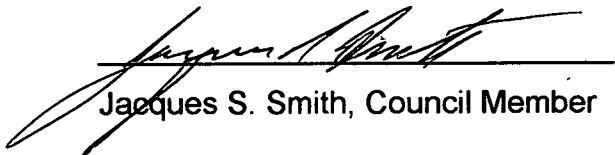
Michael N. Lockhart, Vice-President



Trinette S. Imhof, Council Member



Paul J. Rhodes, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 002

ORDINANCE AMENDING THE TOWN OF SELLERSBURG TRAFFIC CODE

WHEREAS, the Town of Sellersburg adopted a traffic code; and

WHEREAS, the Sellersburg Town Council has determined that various amendments and changes need to be made to the Town of Sellersburg traffic code for a more 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 Sellersburg Town Council the Town of Sellersburg traffic code shall be amended as follows:

GENERAL PROVISIONS:

1. When a vehicle or combination of vehicles shall be operated in violation of this code by an agent or employer of the owner of the vehicle, the owner of the vehicle and the operator thereof shall each be deemed responsible for a violation of this code, and for each offence subject to the penalties as authorized under § 10.99.

OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLE:

A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Alcoholic Beverage. Set forth in I.C. 7.1-1-3-5.

Container. Set forth in I.C. 7.1-1-3-13.

Motor Vehicle. Set forth in I.C. 9-13-2-105, except that Motor Vehicle as used in this section shall not include recreational vehicle, as defined in I.C. 9-13-2-150 and which is

designed to transport more than ten passengers including the operator or any chartered passenger vehicle licensed to operate within the state.

B. Possession or consumption prohibited. A person who knowingly consumes an alcoholic beverage or possesses a container that has been opened, has a broken seal, or from which some of the contents have been removed, while in a motor vehicle which it is being operated upon a public street or highway within the municipal limits of Town, commits a violation of this section.

C. Operator or owner of motor vehicle in violation.

(1) The operator or owner of a motor vehicle, who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator and/or a passenger, a container that has been opened, has a broken seal, or from which some of the contents have been removed, commits a violation of this section.

(2) Notwithstanding section (A), the operator of a recreational vehicle or chartered passenger vehicle licensed to operate within the state, who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator, a container that has been opened, has a broken seal, or from which some of the contents have been removed, commits a violation of this section.

D. Citations. An officer of any state or local law enforcement agency may issue a citation to a person, firm, or corporation for violation of this section. Each violation issued to an individual, firm, or corporation shall be subject to a penalty as set forth in § 10.99.

E. Signs. Signs giving notice of this prohibition of open alcoholic beverage containers shall be posted, giving notice of the regulation at all locations deemed appropriate by Superintendent of the Street Department or other designee.

#### VEHICULAR NOISE:

Applicability of Provisions. This subchapter shall apply to the control of all noise caused by motor vehicles and originating within the corporate limits of the Town.

Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-Weighted Sound Level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated db(A) or dBA.

Decibel (db). A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Light-Motor Vehicles. Any automobile, van, motorcycle, motor-driven cycle, motor scooter, go cart, mini-bike, trail bike, or truck with gross vehicular weight of less than 8,000 pounds.

Noise Level. The A-weighted sound level produced by a motor vehicle.

Person. Any individual, association, partnership or corporation which includes any officer, employee, department, agency, or instrumentality.

Sound-Level Meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels. The instrument shall be used for measurement of the intensity of sound

and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on an (A) scale.

Traffic Noise. Sound made by a motor vehicle operated either on the public right-of-way or private property.

Noise Limit. It shall be unlawful for any person to cause, or allow to be caused, noise levels from the operation or use of light-motor vehicles in excess of 83 (A) in any area within the corporate limits of the Town at any time. The noise level limit shall be measured at a distance of not less than 15 feet from the noise source.

Excessive Noise. It shall be unlawful for any person to operate, or cause to operate, or use a light-motor vehicle in such a manner as to cause, or allow to be caused, excessive noise levels as a result of unnecessary rapid accelerations, deceleration, revving of engine, squealing of tires, or as a result of the operation of audio devices such as, but not limited to, radios, phonograph, tape players, compact disc players or any other sound-amplifying device on, or from the light-motor vehicle.

The following are exempted from the provisions of this subchapter:

- A. Sound emitted from sirens of authorized emergency vehicles;
- B. Lawn mowers, garden tractors, and similar home power tools when properly muffled;
- C. Burglar alarms on light-motor vehicles of the electronic signaling type which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and
- D. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

PROSECUTION OF VIOLATIONS:

A. In any prosecution for a violation of this subchapter the court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for Type II equipment. A person shall be found guilty of violation of this subchapter for the emission of a noise from, or on, any motor vehicle source in excess of the limitations established herein.

B. It shall be unlawful for any person to violate the provisions of this subchapter. Whenever any police officer enforces a violation of this subchapter, the officer shall take the name, address, operator's license number, and registration number of the vehicle, if readily available, and shall issue to the alleged violator a citation in writing on the form provided by the Police Department.

C. Penalties: Each violation issued to an individual, firm or corporation shall be subject to the penalty set forth in § 10.99.

ADMINISTRATION AND ENFORCEMENT:

Court Appearance.

A. Whenever this division is violated, the person so charged for such violation shall be cited to appear before the Sellersburg Town Court.

B. The Judge may establish a traffic violations bureau to receive and process payment of penalties.

C. All violations of this Chapter relating to moving vehicles shall be certified to the Bureau of Motor Vehicles in Indianapolis within ten (10) days after the arrest pursuant to I.C. 9-30-2-7.



D. The Town Court is authorized to take steps necessary to set up certification and payment procedures.

PARKING REGULATIONS:

1. Parking Semi-Trailers and Semi-Trucks on Town Property Prohibited.

A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Semi-Trailer. Every vehicle without motive power designed for carrying property and drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Truck. A stout motor vehicle used to transport property and having a capacity of more than one ton.

Truck Tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

B. It shall be unlawful for any person to park any boat and/or boat trailer, semi-tractor or semi-trailer or other large truck, or any bus or recreational vehicle, or any type of construction equipment upon any Town property, including, but not limited to, the Town streets, roads of the Town parks, in the parking lots or adjoining areas of the Town Hall, Town fire stations, the Town wastewater treatment plants, and any and all other areas, whether paved or not, owned by the Town.

2. Limited Parking.

No person shall stop, stand, or park a vehicle upon the public streets of the Town where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official signs.

3. Other Parking Restrictions.

The Town Council may order the placing of signs, or devices, or marks, or the painting of road-ways or curbs prohibiting or restricting the stopping, standing, or parking of vehicles on any street where, in its opinion, as evidenced by an order entered in its official minutes, the stopping, standing, or parking is dangerous to those using the highway, or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. The signs, devices, marks, or painting shall be official signs, devices, marks, or painting and no person shall stop, stand, or park any vehicle in violation of the restrictions thereon or as indicated thereby.

4. Parking For Persons With Disability.

A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Parking Facility.** Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public. This shall include a privately-owned area which is normally used for parking which is accessible to the public. This does not include a parking facility which charges a fee for parking spaces.

**Person With Disability.** Any person who has been issued a placard or special registration plate or decal for a motor vehicle by the State Bureau of Motor Vehicles under I.C. 9-18-22-1.

B. Parking prohibited. It shall be unlawful for any person to park a motor vehicle, motorcycle, moped, bicycle, or other vehicle of any nature which does not have displayed a decal.

or registration plate for a person with disability as set forth in Subsection 4(A) in a parking space reserved in a parking facility for a vehicle of a person with disability.

C. Parking is prohibited on both sides of North New Albany Street beginning at 101 North New Albany to Helbig Avenue. Signage shall be placed accordingly.

D. Violation. If any vehicle is parked unlawfully in violation of any of the provisions of this section, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held, prima facie, responsible for the violation.

E. Towing. In addition to any fines which may be given as a result of violations of this section, any vehicle which is parked in a manner in violation of this section may be towed to an area designated by the Chief of Police at the owner's expense. The owner shall also be required to pay any and all storage fees resulting from this action.

F. Penalty: A violation of the section is subject to the penalties set forth in § 10.99.  
Resident-Only Parking; Fees.

A. The provisions of this section shall be considered the enabling ordinance for the establishment of "resident-only" parking regulations, and all future and all previously issued permits for "resident-only" areas shall conform to the following:

(1) A resident-only parking permit may be issued for good cause shown, to be determined by the Council.

(2) Upon approval of the Council and payment of the required initial fee, the applicant will be issued a decal which must be prominently displayed upon the vehicle to be parked in the resident-only parking zone. No more than two decals shall be issued per resident-only parking permit.

(3) A resident-only parking zone shall be a maximum of 20 feet in length and shall be marked by a sign and paint marks on the curbing and/or street at each end of the resident-only space, the placement of which shall be determined by the Street Department for the Town.

(4) No resident-only parking permits will be issued for parking on a cul-de-sac.

B. The fee for each resident-only parking space authorized following the adoption of this section shall be as follows:

(1) The initial fee for each resident-only parking space shall be \$100.00 and shall cover the placement of the signs and markings for the remainder of the calendar year for the year in which the permit is initially issued.

(2) An annual renewal fee of \$50.00 shall be due and payable on or before January 1<sup>st</sup> of each ensuing calendar year.

(3) Renewal of a resident-only parking permit shall be only upon the written application to the Council and the payment of the annual fee.

C. The renewal fee for all permits issued prior to the adoption of this chapter shall be \$50.00 per annum, and the renewal date shall be considered to be the first date of the calendar months in which the initial permit was granted by ordinance.

D. If a renewal application is not timely made, the Street Department shall remove any signs and markings at such time as it deems advisable.

E. Because the provisions of this section shall pertain to all persons who have previously obtained resident-only parking permits, any person previously issued a permit under a

prior ordinance who does not wish to conform with the provisions of this section may apply for a pro-rated refund of the current year's fee.

F. It shall be unlawful for a vehicle not displaying a resident-only parking decal to park in a resident-only parking zone.

G. Signs designating resident-only parking may be erected within the Town of Sellersburg, Indiana.

**PARKING OR STANDING VEHICLES IN DESIGNATED SCHOOL BUS LOADING/UNLOADING ZONES PROHIBITED:**

A. Each elementary, middle and high school within the Town may designate a loading/unloading zone for the official school buses serving the school's students when said loading/unloading is to be done on the Town's public streets, and that said loading/unloading zone shall be clearly marked as such by appropriate signs and/or other markings indicated that the space is for the use of official school buses only.

B. Any and all other vehicles shall be prohibited from parking or standing in the zone designated as the official school bus loading/unloading zone. It shall be unlawful for any person to violate this section and any such violation shall be subject to a fine as provided in § 10.99. Additionally, any vehicle standing or parked in the official school bus loading/unloading zone may be towed at the discretion and direction of an officer of the Police Department.

**SHOPPING CENTERS AND BUSINESS PARKING AREAS:**

Definitions.

For the purpose of shopping centers and business parking areas, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Business Parking Area.** Any private property adjacent to a business establishment (or separated from a business establishment only by a street, highway, or private road or driveway)

which is intended by the owner or lessee of the property to be used for the parking of motor vehicles or motorcycles while the operator thereof, or passengers therein, conduct or attempt to conduct bona fide business transactions in the business establishment.

**Crosswalk.** That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

**Driver.** Every person who drives, or is in actual physical control of a vehicle.

**Farm Tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

**Motorcycle.** Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor or motorized bicycle.

**Motorized Bicycle.** A bicycle with operable peddles which may be propelled by human power or by an internal combustion engine or a battery powered motor, or by both, and when powered by an internal combustion engine having a rating of not more than 1-5/10 brake horsepower and a cylinder capacity not exceeding 50 cubic centimeters, an automatic transmission, and a maximum design speed of no more than 25 miles per hour on a flat surface.

**Motor Vehicle.** Every vehicle, except a motorcycle or motorized bicycle, which is self-propelled.

**Owner.** A person who holds the legal title of a vehicle; or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon

performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner of the vehicle for the purposes of this section.

**Pedestrian.** Any person afoot.

**Persons.** Every natural person, firm, partnership, association, or corporation.

**Police Officer.** Every officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

**Private Road or Driveway.** Every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner but not by other persons.

**Roadway.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**Semi-trailer.** Every vehicle with or without motive power designated for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Shopping Center.** A group of retail outlets in the Town, planned and developed as a unit, or managed as a unit, and containing:

- (A) A total floor area designated for retail occupancy of 25,000 square feet or more;
- (B) At least three tenants; and
- (C) On-site parking.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Street or Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

Traffic. Pedestrians, streetcars, vehicles, and other conveyances either singularly or together while using any highway (or other traveled surface) for purposes of travel.

Trailer. Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that very little of its weight rests upon the towing vehicle.

#### PARKING AND TRAFFIC REGULATIONS:

A person who does any of the following commits a violation of this section regarding shopping center and business parking areas. These sections may be enforced by any police officer of the State of Indiana.

(A) Parks a motor vehicle, a motorcycle, or a motorized bicycle in a manner other than in substantial compliance with the general parking scheme as indicated by lines or other markings on the surface in a "no parking zone" or other area clearly not intended for parking, parking in a crosswalk, parking on a sidewalk, or parking in such a manner as to occupy all or parts of substantially more than one parking space; or

(B) Parks a motor vehicle, a motorcycle, a motorized bicycle, or a trailer or semi-trailer in, or otherwise unreasonably interferes with the availability of use of or obstructs any portion of, a private road, business parking area, designated handicapped parking area, or a space or driveway designated as a fire lane; or



(C) Operates a motor vehicle, a motorcycle, a motorized bicycle or a tractor on a private road or driveway, a public parking lot, or a business parking area for purpose other than going to and from a parking place, or looking for a parking area without a bona fide intent to conduct business with the public facility which is served by the public parking lot or with the merchant whose business establishment is served by such private road or driveway or business parking area; or

(D) Parks a motor vehicle, a motorcycle, a motorized bicycle, a tractor, a trailer or a semi-trailer in a business parking area for a purpose other than conducting business or making a bona fide attempt to conduct business with a merchant whose business establishment is served by the business parking area; or

(E) Operates a motor vehicle, motorcycle, or motorized bicycle on a private road or driveway or business parking area in such a manner as to unduly restrict or impede the movement of pedestrians or other traffic; or

(F) Litters or otherwise improperly disposes of trash or refuse while on a street, highway, private road, driveway, public parking lot, or business parking area; or

(G) With the intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, congregates with other persons (including person who congregate in motor vehicles) in a public place, or other private road or driveway, or in a business parking area and refuses to comply with a lawful order of the police to disperse.

#### CONTRACTS WITH SHOPPING CENTERS:

The Town is authorized to contract with the owner or lessee of a shopping center to empower the Town to regulate by ordinance the parking of vehicles and the traffic at the shopping center(s). In addition to any other provisions contained in any contract with any

shopping center, the parking and traffic regulations established by this division are incorporated by this reference into each and every such contract with any shopping center owner or lessee.

The parking and any contract entered into with any shopping center owner or lessee pursuant to this division may be enforced by any police officer of the State of Indiana.

**ENFORCEMENT PROCEEDINGS TO COMPLY WITH STATE LAW:**

Proceedings to enforce this section shall be subject to and in compliance with the applicable portions of I.C. 34-4-32-1 through 34-4-32-6 and any and all amendments thereto.

**EMERGENCY LANES ESTABLISHED:**

A. There is established on the properties listed in division (B) of this section an emergency lane, which lane shall be as follows: a fire lane with a minimum width of 20 feet shall extend around the perimeter of all buildings in the properties listed in division (B) of this section.

B. The emergency lane described in division (A) of this section is established on the following properties in the Town:

- (1) Jay-C-Food Store

**PARKING IN EMERGENCY LANES:**

A. It shall be unlawful to cause or permit any vehicle or other obstacle to stand or remain in a designated, except as provided in division (B) herein and except for the time as is necessary for the taking on, or unloading of, passengers or merchandise, except properly identified vehicles of handicapped or disabled individuals, unless a nearby suitable designated space is available.

B. A vehicle may stop in the emergency lane for a period not to exceed five minutes, provided that the driver or operator of the vehicle remains with that vehicle.

PENALTY:

A. Handicapped parking. Any person receiving a citation as a result of a violation of the handicapped parking provisions shall pay an assessment of \$50.00, except as herein provided, if paid within 72 hours from the time of the violation to the Traffic Bureau of the Town. In the event that any person who is charged with such a violation fails to pay as above provided, the person shall be charged in the Sellersburg Town Court and upon conviction shall be fined in accordance with § 10.99.

B. Resident-only parking. It shall be unlawful for any person, firm or corporation to violate the resident only parking provision. Any such violation shall be subject to a penalty provided under § 10.99.

C. Emergency lanes.

(1) Tow away. The Police Department and members of the Fire Department who are assigned to the Fire Prevention Bureau are authorized to remove and tow away, or have removed and towed away by any commercial towing service, any car or other vehicle illegally parked in the emergency lane. Vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of the vehicle upon the payment of a fine of \$35.00 and a reasonable charge for the commercial towing service. The fee shall be payable in the Traffic Violations Bureau.

(2) Fine; No tow away. The Police Department and members of the Fire Department who are assigned to the Fire Prevention Bureau are authorize in lieu of the tow away provisions contained in division (B)(1) above, to issue a parking violation ticket. The owner or operator of a vehicle that has been ticketed but not towed away, shall pay a fine of \$50.00 at the Traffic Violations Bureau within seven days from the date of the violation. If the fine is not paid within

seven days, the fine shall be \$100.00. On the eighth day the Traffic Violations Bureau will notify the owner by regular mail that a fine is due. After 14 days the vehicle shall be towed in, if found anywhere in the Town, and impounded until all fines are paid, including a reasonable charge for commercial tow-in service in addition to the fine, plus a reasonable storage fee for the storage of the impounded vehicle.

D. Parking and traffic regulations. Any person(s), firm, or corporation who violates the parking and traffic regulations herein established or as a part of the traffic plan of any shopping center that has entered into an agreement with the Town, is guilty of a violation and shall be fined in an amount not to exceed the penalty provided under § 10.99.

E. Whoever shall violate the Parking or Standing Vehicles in Designated School Bus Loading/Unloading Zones shall be subject to a fine not to exceed the penalty provided under §10.99.

#### Speed Limits.

Specified streets. All traffic is required to travel at a speed within the maximum speed limit and weight limit established and set forth below:

ADKINS CT.	20MPH	6TON
ALABAMA AVE.	20MPH	6TON
ALBERTA CT.	20MPH	6TON
ALLEN RD.	20MPH	6TON
ALLENTOWN RD.	20MPH	6TON
ALLHANDS AVE.	20MPH	6TON
APPLEGATE LN.	20MPH	6TON
AVCO BLVD.*		

BEAU VISTA PL.	20MPH	6TON
BEECHWOOD DR.	20MPH	6TON
BONAIR PL.	20MPH	6TON
BOTTORFF ST.	20MPH	6TON
BRANDON CIR.*		
BRIDGE CT.*		
BROADWAY ST.	20MPH	6TON
BUCHHEIT AVE.	20MPH	6TON
BUTLER DR.**	20MPH	6TON
CAROLINA AVE.	20MPH	6TON
CATALPA DR.	20MPH	6TON
CELESTA WAY	20MPH	6TON
CHERRY ST.	20MPH	6TON
CHURCH ST.	20MPH	6TON
CLAREVA DR.**	20MPH	6TON
E. DELAWARE CT.	20MPH	6TON
W. DELEWARE CT.	20MPH	6TON
DENTON AVE.	20MPH	6TON
DEVELOPMENT DR.**	20MPH	
DOLD AVE.	20MPH	6TON
DREYER LN.	30MPH	6TON
EASTSIDE AVE.	20MPH	6TON
EDGELAND AVE.	20MPH	6TON

EDGEWOOD DR.	20MPH	6TON
EHRINGER LN.	20MPH	6TON
EMERALD DR.	20MPH	6TON
ENTERPRISE WAY**	20MPH	6TON
EQUESTRIAN DR.*		
N. FERN ST.	20MPH	6TON
S. FERN ST.	20MPH	6TON
FLORIDA DR.	20MPH	6TON
FOOTHILL RD.	20MPH	6TON
FORREST DR.	20MPH	6TON
FORREST DR. N	20MPH	6TON
FORREST DR. S	20MPH	6TON
FULTON ST.	20MPH	6TON
GEORGIAN AVE.	20MPH	6TON
GILOLA ST.	20MPH	6TON
GREENWOOD RD.	30MPH	6TON
HAAS LN.	20MPH	6TON
HAMPTON CT.	20MPH	6TON
HANGER AVE.	20MPH	6TON
HAUSS ST.	20MPH	6TON
HELBIG AVE.	20MPH	6TON
HIGHLAND AVE.	20MPH	6TON
INDIANOLA DR.	20MPH	6TON

IOWA AVE.	20MPH	6TON
KAHL CT.	20MPH	6TON
KARIE DR.*		
KAY AVE	20MPH	6TON
LAKESIDE CT.*		
LAKESIDE DR*.		
LANE AVE.	20MPH	6TON
LINNWOOD AVE. (Creston Subdv.)	20MPH	6TON
LINNWOOD AVE.	20MPH	6TON
LISA AVE.	20MPH	6TON
MAPLE ST.	20MPH	6TON
MAYFAIR DR.**	20MPH	6TON
MILLER AVE.	20MPH	6TON
MILLVIEW CIRCLE	20MPH	6TON
MILLVIEW DR.	20MPH	6TON
MOSLEY PARK ROAD	20MPH	6TON
MULBERRY ST.	20MPH	6TON
NEVADA AVE.	20MPH	6TON
N. NEW ALBANY ST.	20MPH	4TON
S. NEW ALBANY ST.	20MPH	6TON
NEWBERRY DR.**	20MPH	6TON
NORMAN DR. (Wildwood to Forrest)	30MPH	6TON
NORMAN DR. (Wildwood to fulton)	20MPH	6TON
OAK ST.	20MPH	6TON

OHIO AVE .( From Hwy 311 to Carolina Ave.)	30MPH	6TON
PARADISE AVE.	20MPH	6TON
PARALLEL AVE.	20MPH	6TON
PAULS PL.*		
PAYNE-KOEHLER RD.	30MPH	8TON
PENN AVE.	20MPH	6TON
PENN ST.	30MPH	6TON
PENNSYLVANIA AVE.	20MPH	6TON
POPLAR DR.	20MPH	6TON
POPP AVE.	20MPH	6TON
PRATHER LN.(Hwy 311 to Shirley Ave.)	20MPH	6TON
REGENTS PARK RD.	20MPH	6TON
RENZ AVE.**	20MPH	6TON
ST. JOE RD. E (I-65 to Onward St.)	30MPH	6TON
ST. PAUL ST.	20MPH	6TON
SCHELLERS AVE.	20MPH	6TON
SELLERS AVE.	20MPH	6TON
SERVICE DR.*		
SHARPS LN.**	20MPH	6TON
SHIRLEY AVE.	20MPH	6TON
SOUTH ST.	20MPH	6TON
SUNSET CT.*		
TERRY LN.	20MPH	8TON



TRIANGLE DR.	20MPH	6TON
TWINBROOK DR.**	20MPH	6TON
E. UTICA ST.(from Indiana Ave to Adkins Ct.)	20MPH	6TON
E. UTICA ST.(From Adkins Ct. to town limit)	30MPH	6TON
W. UTICA ST.	30MPH	6TON
VILLA DR.	20MPH	6TON
WALK DR.		
WHITNER CT.	20MPH	6TON
WILDWOOD RD.	20MPH	6TON
WILSON LN.	20MPH	6TON
WINDSOR DR.**	20MPH	6TON

\* denotes streets not yet dedicated

\*\* denotes streets not included on street inventory list

Whoever shall violate this section shall be subject to a fine not to exceed the amount provided under section 10.99.

F. School speed limits. There is hereby established a maximum speed limit on certain streets during school hours as set forth below, with signs appropriate place to designate the maximum speed. All traffic is required to travel at the stated speed during the specific times.

Street	MPH	Time
New Albany Street	20	7:00 a.m. – 8:00 a.m. and 2:30 p.m. – 3:00 p.m.
Schellers Avenue	10	7:00 a.m. – 8:00 a.m. and 2:30 p.m. – 3:00 p.m.

Whoever shall violate this section shall be subject to a fine not to exceed the penalty amount provided under section 10.99.

G. A stop sign shall be erected and maintained at the location set forth below at which a vehicle traveling on the following streets are required to come to a complete stop at the intersection.

#### STOP SIGN LOCATIONS

ADKINS CT. AT E. UTICA ST.  
ADKINS CT. AT S.I.R. CROSSING  
ADKINS CT. AT S.I.R. CROSSING  
ADKINS CT. AT ADKINS CT. (at Silver Creek Township Park)

ALABAMA AVE. AT E. ST. JOE RD.

ALBERTA CT. AT TERRY LN.

ALLEN RD. AT ALLENTOWN RD.

ALLENTOWN RD. AT E. ST JOE RD.

ALLHANDS AVE. AT N. INDIANA AVE.  
ALLHANDS AVE. AT EHRINGER LN.  
ALLHANDS AVE. AT HAAS LN.  
ALLHANDS AVE. AT INDIANOLA AVE.

APPLEGATE LN. AT W. UTICA ST.

AVCO BLVD. AT PAYNE-KOEHLER RD.(NON-DEDICATED)

BEAU VISTA PL. AT INDIANOLA AVE.

BEECHWOOD DR. AT DREYER LN.  
BEECHWOOD DR. AT DREYER LN.

BONAIR PL. AT INDIANOLA AVE.

BRANDON CIR. AT LAKESIDE DR.(NON-DEDICATED)

BRIDGE CT. AT LAKESIDE DR.(NON-DEDICATED)

BROADWAY ST. AT E. UTICA ST.  
BROADWAY ST. AT S. INDIANA AVE.

BUCHEIT AVE. AT EDGELAND HIGHLAND AVE.

BUTLER DR. AT HWY 31

CAROLINA AVE. AT OHIO AVE.  
CAROLINA AVE. AT ALABAMA AVE.

CATALPA DR. AT CLAREVA DR.

CELESTA WAY AT GREENWOOD RD.

CHERRY ST. AT HANGER AVE.

CHURCH ST. AT N. NEW ALBANY ST.  
CHURCH ST. AT N. NEW ALBANY ST.

CLAREVA DR. AT DREYER LN.

E. DELAWARE CT. AT PENNSYLVANIA AVE.

W. DELAWARE CT. AT PENNSYLVANIA AVE.

DENTON AVE. AT GEORGIAN AVE  
DENTON AVE. AT ALLENTOWN RD.

DEVELOPMENT DR. AT BEAN RD.

DOLD AVE. AT S. FERN ST.  
DOLD AVE. AT POPP ST.  
DOLD AVE. AT BROADWAY ST.

DREYER LN. AT E. ST JOE RD.

EASTSIDE AVE. AT EDGEWOOD DR.

EHRINGER LN. AT W. UTICA ST.  
EHRINGER LN. AT SOUTH ST.

EMERALD DR. AT CELESTA WAY

ENTERPRISE WAY AT OHIO AVE.

N. FERN ST. AT E. UTICA ST.  
N. FERN ST AT S.I.R. CROSSING  
N. FERN ST. AT S.I.R. CROSSING

S. FERN ST. AT PENN ST.  
S. FERN ST. AT S. INDIANA AVE.



FLORIDA DR. AT CAROLINA AVE.  
FLORIDA DR. AT OHIO AVE.

FOOTHILL RD. AT EDGELAND AVE.  
FOOTHILL RD. AT S. INDIANA AVE.

FULTON ST. AT WILDWOOD DR.

GEORGIAN AVE. AT CAROLINA AVE.  
GEORGIAN AVE. AT OHIO AVE.  
GEORGIAN AVE. AT NEVADA AVE.

GILOLA ST. AT PAYNE-KOEHLER RD.

GREENWOOD RD. AT HWY 31E (STOPLIGHT)  
GREENWOOD RD. AT SR60

HAAS LN. AT W. UTICA ST.  
HAAS LN. AT ALLHANDS AVE.  
HAAS LN. AT INDIANOLA AVE.



HAMPTON CT. AT REGENTS PARK RD.

HANGER AVE. AT E. UTICA ST.  
HANGER AVE. AT CHURCH ST.

HAUSS ST. AT N. NEW ALBANY ST.  
HAUSS ST. AT N. INDIANA AVE.

HELBIG AVE. AT E. UTICA ST.

HIGHLAND AVE. AT ALLHANDS AVE.  
HIGHLAND AVE. AT PRATHER LN.

INDIANOLA DR. AT W. UTICA ST.


IOWA AVE. AT PENNSYLVANIA AVE.  
IOWA AVE. AT NEVADA AVE.

KAHL CT. AT PENN ST.  
KAHL CT. AT S. FERN ST.  
KAHL CT. AT S.FERN ST.



KAY AVE. AT POPPAVE.

LAKESIDE CT. AT LAKESIDE DR. (NON-DEDICATED STREET)  
LAKESIDE DR. AT S. INDIANA AVE.(NON-DEDICATED STREET)  
LANE AVE. AT ALLENTOWN RD.  
LANE AVE. AT GEORGIAN AVE.  
LINNWOOD AVE. AT S. INDIANA AVE  
LINNWOOD AVE. AT EDGEWOOD DR.  
LINNWOOD AVE AT PENN ST.  
LISA AVE. AT SELLERS AVE  
LISA AVE. AT SELLERS AVE. AND ST. PAUL ST.  
MAPLE ST. AT E. UTICA ST.  
MAYFAIR DR. AT WINDSOR DR.  
MAYFAIR DR. AT NEWBERRY DR.  
MILLER AVE. AT HANGER AVE.  
MILLVIEW CIR. AT MILLVIEW DR.  
MILLVIEW DR. AT W. UTICA ST.  
MOSLEY PARK RD. AT OAK ST.  
MULBERRY ST. AT CLAREVA AVE.  
NEVADA AVE. AT ALLENTOWN RD.  
NEVADA AVE. AT ALABAMA AVE.  
N. NEW ALBANY ST. AT S. INDIANA AVE.  
N. NEW ALBANY ST. AT E. UTICA ST.  
N. NEW ALBANY ST. AT HWY 403  
S. NEW ALBANY ST. AT S. INDIANA AVE.  
NEWBERRY DR. AT CONJ. TO TWINBROOK DR.  
NEWBERRY DR. AT POINDEXTER RD.  
OAK ST. AT HAUSS ST.  
OAK ST. AT ST. PAUL ST.  
OAK ST. AT CONJ. TO MOSLEY PARK RD. AND HAUSS ST.



OHIO AVE. AT HWY 311 (STOPLIGHT)  
OHIO AVE. AT ENTERPRISE WAY  
OHIO AVE. AT CAROLINA AVE.  
OHIO AVE. AT GEORGIAN AVE.  
OHIO AVE. AT ALABAMA AVE.


PARADISE AVE. AT N. NEW ALBANY ST.  
PARADISE AVE. AT HELBIG AVE.

PARALLEL AVE. AT POPP AVE.  
PARALLEL AVE. AT FOOTHILL RD.  
PARALLEL AVE. AT FOOTHILL RD.  
PARALLEL AVE. AT LINNWOOD AVE.

PAYNE-KOEHLER RD. AT AVCO BLVD.

PENN AVE. AT N. NEW ALBANY ST

PENN ST. AT E. UTICA ST.  
PENN ST. AT N. INDIANA AVE.



PENNSYLVANIA AVE. AT GEORGIAN AVE.  
PENNSYLVANIA AVE. AT ALABAMA AVE.

POPLAR DR. AT BEECHWOOD DR.  
POPLAR DR. AT BEECHWOOD DR.

POPP AVE. AT E. UTICA ST.  
POPP AVE. AT S. INDIANA AVE.  
POPP AVE. AT S. INDIANA AVE.


REGENTS PARK RD. AT ALABAMA AVE.

RENZ AVE. AT N. INDIANA AVE.

ST. JOE RD. E AT ALLENTOWN RD.

ST. PAUL ST. AT N. INDIANA AVE.  
ST. PAUL ST. AT N. NEW ALBANY ST.

SCHELLERS AVE. AT W. UTICA ST.  
SCHELLERS AVE. AT ST. PAUL ST.



SELLERS AVE. AT W. UTICA ST.

SERVICE DR. AT E. UTICA ST.

SHARPS LN. AT ST. JOE RD. E.

SHIRLEY AVE. AT ALLHANDS AVE.  
SHIRLEY AVE. AT PRATHER LN.

SOUTH ST. AT EDGELAND AVE.

SUNSET CT. AT LAKESIDE DR.(NON-DEDICATED STREET)

TERRY LN. AT PAYNE-KOEHLER RD.

TRIANGLE DR. AT S. INDIANA AVE.

TWINBROOK DR. AT CONJ. TO NEWBERRY DR.

E. UTICA ST. AT N. INDIANA AVE. (STOPLIGHT)  
E. UTICA ST. AT N. NEW ALBANY ST.  
E. UTICA ST. AT S.I.R. CROSSING  
E. UTICA ST. AT S.I.R. CROSSING

W. UTICA ST. AT N. INDIANA AVE. (STOPLIGHT)

VILLA DR. AT N. INDIANA AVE.  
VILLA DR. AT KAHL CT.

WHITNER CT. AT S. FORREST DR.

WILDWOOD RD. AT EDGEWOOD DR.  
WILDWOOD RD. AT NORMAN DR.

WILSON LN. AT PAYNE-KOEHLER RD.

WINDSOR DR. AT POINDEXTER RD.

Whoever shall violate this section shall be subject to a fine not to exceed the amount

provided under section 10.99.

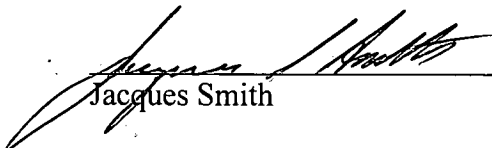
SO ORDAINED THIS 10<sup>th</sup> DAY OF January, 2005



Doug Reiter



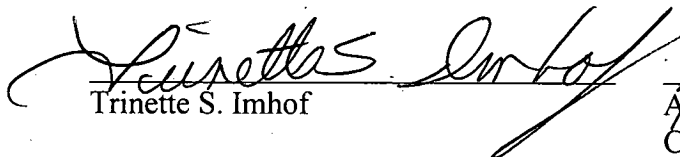
~~Donna Rhodes~~ Paul J. Rhodes



Jacques Smith



Michael Lockhart



Trinette S. Imhof



Attest: David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2005-003

AN ORDINANCE AMENDING ORDINANCE 2002-008  
REGARDING UNIFORM/CLOTHING ALLOWANCES FOR THE  
TOWN OF SELLERSBURG POLICE OFFICERS, DISPATCHERS, CLERK TREASURER  
AND CLERK TREASURER EMPLOYEES

WHEREAS, the Sellersburg Town Council did on June 10, 2002, pass Ordinance No. 2002-008 amending the uniform/clothing allowances for the Town of Sellersburg Police Officers, Dispatchers, Clerk/Treasurer, and Clerk Treasurer Employees; and

WHEREAS, upon information received from the Town of Sellersburg Chief of Police, the Sellersburg Town Council believes the current uniform/clothing allowance for the Town of Sellersburg Police Department is not sufficient; and

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

WHEREAS, the Sellersburg Town Council considered 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 Ordinance No. 2002-008 shall be and hereby is amended as follows:

Each police officer shall receive a uniform/clothing allowance in the amount of \$1,200.00 per year, with \$600.00 paid in the month of June and the remaining \$600.00 balance paid in the month of December of each given year:

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that said Ordinance shall be further amended as follows:

All uniforms and other necessary equipment shall be furnished by the Town of Sellersburg Police Department; therefore all newly appointed police officers will not receive a clothing allowance during the first year of employment.

All other provisions of Ordinance No. 2002-008 which are not inconsistent herewith shall remain in full force and effect.

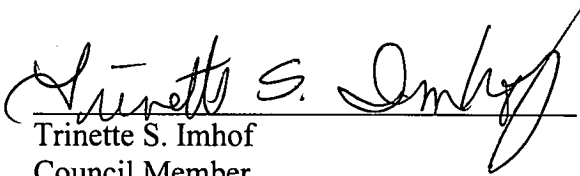
So ordained this 14<sup>th</sup> day of MARCH, 2005.



Doug J. Reiter  
Council President



Michael N. Lockhart  
Council Vice President



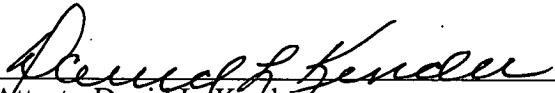
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005-004

ORDINANCE AMENDING ORDINANCE 2004-030 AFFIXING  
THE COMPENSATION OF APPOINTED OFFICIALS OF THE TOWN OF  
SELLERSBURG, INDIANA FOR THE CALENDAR YEAR 2005

WHEREAS, the Sellersburg Town Council has determined there is a need for a secretary for the Board of Metropolitan Police Commissioners, and the Sellersburg Parks Board; and

WHEREAS, there is currently no provision in Ordinance 2004-030 to provide compensation for a secretary for the Town of Sellersburg Board of Metropolitan Police Commissioners and the Sellersburg Parks Board; and

WHEREAS, the Sellersburg Town Council desires to provide a secretary for both the Board of Metropolitan Police Commissioner and the Sellersburg Parks Board and provide compensation for same; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the secretary for the Board of Metropolitan Police Commissioners and the secretary for the Sellersburg Parks Board shall be paid \$50.00 per meeting, or maximum of \$600.00 per year; and

WHEREAS, 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 that Ordinance No. 2004-030 shall be and hereby is amended to allow for the appointment of and compensation for a secretary for the Board of Metropolitan Police Commissioners and a secretary for the Sellersburg Parks Board in the amount of \$50.00 per meeting, or a maximum of \$600.00 per year, said funds shall be paid from the Town's General Fund;

BE IT FURTHER ORDAINED all other provisions of Ordinance No. 2004-030  
which are not inconsistent herewith shall remain in full force and effect without change.

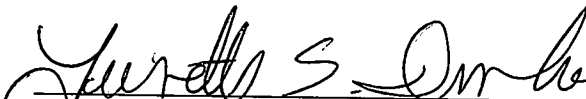
SO ORDAINED this 14<sup>th</sup> day of MARCH, 2005.



Doug J. Reiter  
Council President



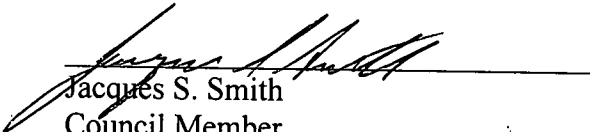
Michael N. Lockhart  
Council Vice President



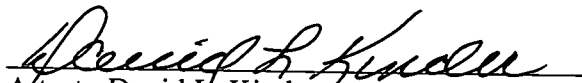
Trnette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 005

ORDINANCE RESCINDING ORDINANCE NO. 2003-004

WHEREAS, the Sellersburg Town Council did on the 10<sup>th</sup> day of February, 2003 pass Ordinance No. 2003-004 which established a Town of Sellersburg Police Department Group Health Insurance benefits and Medicare Supplement Insurance to Retired Full Time Sellersburg Police Department Fund; and

WHEREAS, the Sellersburg Town Council has been advised by the Indiana State Board of Accounts and the Sellersburg Clerk-Treasurer that said Ordinance is in conflict with Ordinance No. 2003-008; and

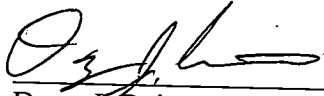
WHEREAS, the Sellersburg Town Council has been advised that Ordinance No. 2003-004 should be rescinded to eliminate this conflict; and

WHEREAS, the Sellersburg Town Council 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 participate; and

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that Ordinance No. 2003-004 shall be and hereby is rescinded effective upon the date of passage of the herein Ordinance.

SO ORDAINED this 14<sup>th</sup> day of February, 2005.



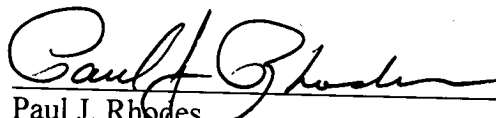
Doug J. Reiter  
Council President



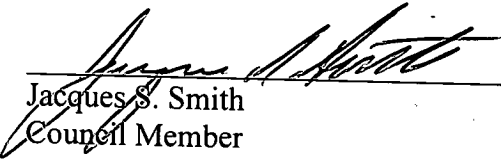
Michael N. Lockhart  
Council Vice President



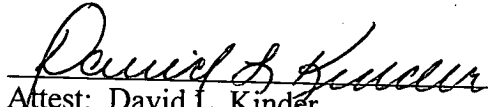
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005-006

ORDINANCE ELIMINATING THE TOWN OF SELLERSBURG CRIME CONTROL FUND

WHEREAS, the Sellersburg Town Council has been advised by the State Board of Accounts and the Sellersburg Clerk-Treasurer that during the last audit the Town of Sellersburg has in place a Crime Control Fund which needs to be eliminated; and

WHEREAS, the Town of Sellersburg has heretofore created a Law Enforcement Continuing Education Fund to deposit various funds of the Sellersburg Police Department as allowed under I.C. 5-2-5-7; and

WHEREAS, all funds collected by the Sellersburg Police Department shall be deposited into the Law Enforcement Continuing Education Fund, including but not limited to all fees the Town of Sellersburg Police Department is entitled to collect under I.C. 5-2-5-7, such as a release or inspection of a limited criminal history whereby a three (3) dollar fee shall be collected to defray the cost of processing the request for inspection, and a seven (7) dollar fee to defray the costs for processing a request for release. The police department is authorized to collect a notary public fee of two (2) dollars for each signature notarized for any purpose including all applications for duplicate or replacement license plates and applications for handgun license.

WHEREAS, all federal matching funds and local matching funds shall not be deposited into the Law Enforcement Continuing Education Fund, but shall be deposited into a fund designated as Police Grants.

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

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

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that a Crime Control Fund shall be and hereby is eliminated affective as of the passage of the herein

ordinance.

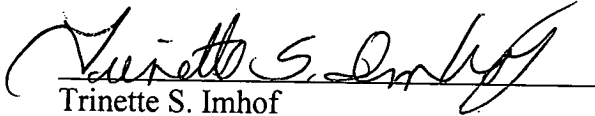
So ordained this 14<sup>th</sup> day of MARCH, 2005.



Doug J. Reiter  
Council President



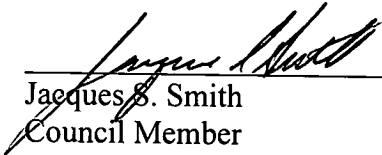
Michael N. Lockhart  
Council Vice President



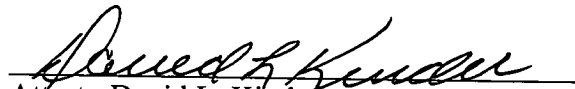
Trinetta S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2005- 007

AN ORDINANCE AMENDING SECTION 130.03 REGARDING THE  
DISCHARGE OF A FIREARM WITHIN THE SELLERSBURG MUNICIPAL LIMITS

WHEREAS, the Town of Sellersburg has heretofore passed an Ordinance which prohibits the discharge of a firearm within the Sellersburg Municipal Limits; and

WHEREAS, the Sellersburg Chief of Police has advised the Sellersburg Town Council that there are several non-profit and charitable organizations within the Sellersburg Municipal limits which regularly conduct fund raisers which involved the discharge of a firearm; and

WHEREAS, the Sellersburg Town Council desire to accommodate and support the fund raising activities of these non-profit and/or charitable organizations which involve the discharge of a firearm within the Sellersburg Municipal limits by allowing such activities to take place under the guidelines specified herein; and

WHEREAS, the Sellersburg Town Council has determined any non-profit and/or charitable organization which desire to conduct a fund raising event which involved the discharge of a firearm within the Sellersburg Municipal limits, shall submit a request in writing, 14 days prior to the event, to the Sellersburg Chief of Police which shall include the date, time, anticipated number of participants, the type of firearm which will be discharged, the type of ammunition round which will be utilized and the safety procedures to be proposed for use during the event; and

WHEREAS, the Sellersburg Chief of Police shall review the written request and determine if the proposed event will be conducted in a manner which poses little or no safety risk to the participants or viewing public; and

WHEREAS, the Sellersburg Chief of Police shall have sole and complete discretion in approving or denying the written request; and

WHEREAS, each non-profit or charitable organization desiring to conduct an event which involved the discharge of a firearm within the Sellersburg Municipal limits shall pay a per event application fee of \$50.00; and

WHEREAS, 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 participate.

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

1. Any non-profit or charitable organization which desires to conduct a fund raising event which involved the discharge of a firearm within the Sellersburg Municipal limits, shall submit a request in writing, 14 days prior to the event to the Sellersburg Chief of Police which shall include the date, time, anticipated number of participants, the type of firearm which will be discharged, the type of round which will be utilized and the safety procedures proposed to be used during the event.

2. The Sellersburg Chief of Police shall review the written request and determine if the proposed event will be conducted in a manner which poses little or no safety risk to the participants or viewing public.

3. The Sellersburg Chief of Police shall have sole and complete discretion in approving or denying the request; and

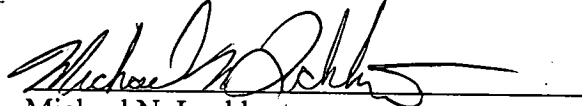
4. Each non-profit or charitable organization desiring to conduct an event which involved the discharge of a firearm within the Sellersburg Municipal limits shall pay a per event

application fee of \$50.00

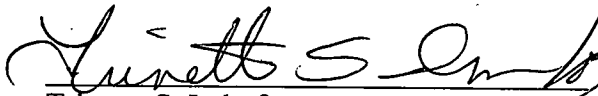
SO ORDAINED THIS 14<sup>th</sup> DAY OF MARCH, 2005.



Doug J. Reiter  
Council President



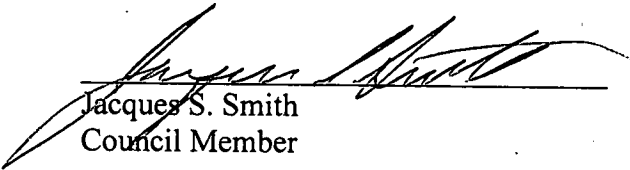
Michael N. Lockhart  
Council Vice President



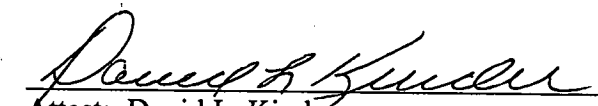
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005-008

ORDINANCE AMENDING ORDINANCE NO. 1993-552

WHEREAS, the Sellersburg Town Council did on the 22<sup>nd</sup> day of February 1993 pass Ordinance No. 1993-552 whereby a two-dollar (\$2.00) fee was charged for each signature which is notarized; and

WHEREAS, the Indiana State Board of Accounts and the Town of Sellersburg Clerk-Treasurer have advised the Sellersburg Town Council that Ordinance No. 1993-552 needs to be amended to reflect that all such fees collected shall be deposited in the Law Enforcement Continuing Education Fund; and

WHEREAS, the Sellersburg Town Council desires to comply with the recommendation of the Indiana State Board of Accounts and the Sellersburg Clerk-Treasurer; and

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

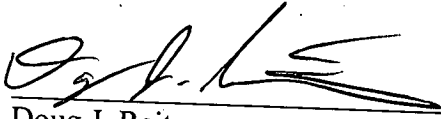
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED that Ordinance No. 1993-552 shall be and hereby is amended to reflect the two dollar (\$2.00) fee for each notarized signature shall be deposited into the Law Enforcement Continuing Education Fund effective as of the date of the

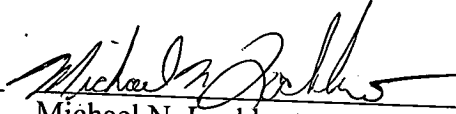
passage of the herein Ordinance.

All other provisions of Ordinance No. 1993-552 which are not inconsistent herewith shall remain in full force and affect.

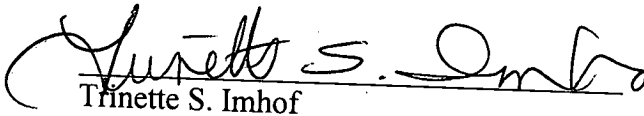
SO ORDAINED this 14<sup>th</sup> day of MARCH, 2005.



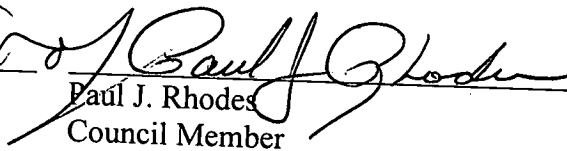
Doug J. Reiter  
Council President



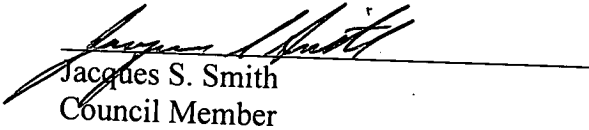
Michael N. Lockhart  
Council Vice President



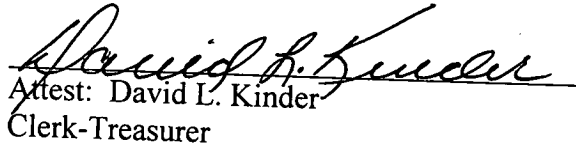
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

E-Sellersburg

ORDINANCE NO. 2005-009

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

WHEREAS, the Town of Sellersburg Plan Commission has received a Petition requesting a change of zoning for a certain parcel of real property commonly known as the Steve Doherty property located at 1228 Bringham Drive within the Town of Sellersburg, Indiana, which is more accurately identified and described below; and,

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

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

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

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

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

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

THAT THIS ORDINANCE WAS PRESENTED AND PASSED AT THE TOWN COUNCIL MEETING ON MARCH 14, 2005, AND WAS PRESENTED FOR FINAL VOTE AT THIS MEETING.

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

THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE STEVE DOHERTY PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

LOT NO. 10 AS SHOWN ON THE PLAT OF AIRPORT BUSINESS CENTER, A SUBDIVISION OF RECORD IN PLAT BOOK 12, PAGE 50, IN THE OFFICE OF THE RECORDER OF CLARK COUNTY, INDIANA.

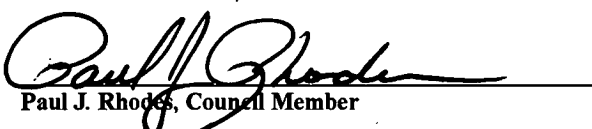
SHALL NOW BE REZONED AND THE CURRENT ZONING OF I-1 LIGHT INDUSTRY OF THE ABOVE DESCRIBED AREA SHALL BE CHANGED TO B-3 GENERAL BUSINESS.

DATED: MARCH 14, 2005

  
Douglas J. Reiter, President

  
Michael N. Lockhart, Vice-President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

ATTEST:   
DAVID KINDER,  
CLERK-TREASURER

ORDINANCE NO. 2005- 010

AN ORDINANCE RATIFYING SELLERSBURG TOWN COUNCIL  
ACTION TAKEN ON MARCH 31, 2005 AMENDING ORDINANCE  
NO. 2000-025 ESTABLISHING PREMIUM RESPONSIBILITIES FOR GROUP  
HEALTH INSURANCE BENEFITS

WHEREAS, the Sellersburg Town Council did pass Ordinance 2000-025 establishing health insurance benefits for the Town of Sellersburg employees and premium responsibilities; and

WHEREAS, the Sellersburg Town Council has determined it was necessary to amend Ordinance No. 2000-025 as it concerns health insurance benefits and premium responsibilities; and

WHEREAS, the Sellersburg Town Council determined this matter at an open meeting to which the public were invited to attend and participate on March 31, 2005;

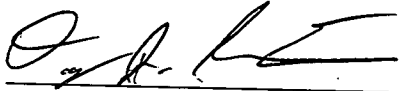
BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that Sellersburg Ordinance No. 2000-025 shall be amended and superceded by the herein Ordinance as follows:

1. The Town of Sellersburg shall pay on behalf of its employees 99% of the weekly total premiums for single coverage health benefits. The employee shall be responsible for 1% per week of the total premium.
2. The Town of Sellersburg shall pay on behalf of its employees who have children 61% of the total weekly insurance premium. The employee shall be responsible for 39% of the total weekly insurance premium.
3. The Town of Sellersburg shall pay on behalf of its employee and spouse 61% of the total weekly insurance premium. The employee shall be responsible for 39% of the total weekly insurance premium.

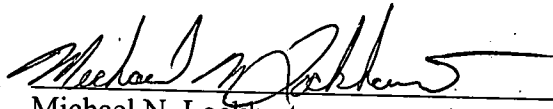
4. The Town of Sellersburg shall pay on behalf of its employee and family 61% of the total weekly insurance premium. The employee shall be responsible for payment of 39% of the total weekly insurance premium.

To recap, the Town of Sellersburg shall pay 99% of the total premiums on behalf of the employee, and 61% of the total premiums as it concerns employee's dependants for health insurance.

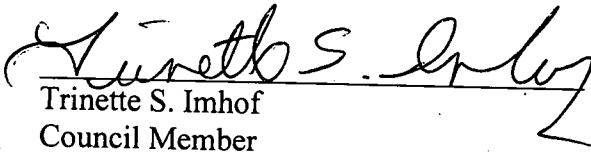
SO ORDAINED THIS 31<sup>st</sup> DAY OF MARCH, 2005.



Doug J. Reiter  
Council President



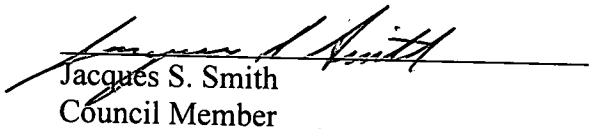
Michael N. Lockhart  
Council Vice President



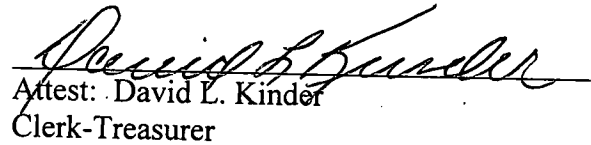
Trinetta S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer



**ORDINANCE NO. 2005-011**

**AN ORDINANCE ESTABLISHING THE TOWN OF SELLERSBURG IS RESPONSIBLE FOR STORMWATER MANAGEMENT**

**WHEREAS**, The Town of Sellersburg has made significant efforts to address the requirement of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit program requirements.

**WHEREAS**, the Town of Sellersburg is responsible for storm water management; and

**WHEREAS**, the Town of Sellersburg desires to provide effective storm water management for all their citizens to protect, to extent practicable, from the loss of life and property damage from flooding, and to minimize, to the extent practicable the impact to surface water quality from urban runoff; and

**WHEREAS**, the Town of Sellersburg has been mandated by the United States Environmental Protection Agency (USEPA) as administered by the Indiana Department of Environmental Management (IDEM) to obtain and maintain a permit for its storm water quality management system; and

**WHEREAS**, the benefits of flood control and surface water quality extend to all citizens and businesses in the Town of Sellersburg; and

**WHEREAS**, all real property in the Town of Sellersburg, including property owned by public and tax-exempt entities, contributes to runoff and either uses or benefits from the storm water system; and

**WHEREAS**, storm water runoff contributes to no-point source pollution to the streams of the Town of Sellersburg's watersheds and a storm water management program can reduce this type of pollution; and

**WHEREAS**, the Town of Sellersburg wishes to provide a fair, equitable and dependable source of funds to manage the storm water program in the Town of Sellersburg consistent with federal and state law; and

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SELLERSBURG, INDIANA.**

**Section 1. Introduction:**

- (1) The Town of Sellersburg maintains a system of above ground and below ground storm water management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements,

retention and detention basins, infiltration facilities, and other components as well as natural waterways.

- (2) Storm water quality is degrading due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the storm water system.
- (3) The public health, safety, and welfare are adversely affected by poor ambient storm water quality and flooding that results from inadequate management of both the quality and quantity of storm water.
- (4) All real property in the Town of Sellersburg either uses or benefits from the maintenance of the storm water system and managed discharges to the storm water system.
- (5) The extent of use of the storm water system by each property is dependant on factors that influence runoff quantity and quality, including construction practices, land use, the amount of impervious surface and amount of denuded soil on the property.

**Section 2. Purpose:**

This article establishes fees to support the Town of Sellersburg, Indiana in addressing the issues presented in the introduction to this article. The fees include point of service fees for construction plan review and site inspections.

**Section 3. Construction Plan Review and Inspection Fees:**

The Plan Review and Construction Site Inspection Fees to be charged for the review of storm water related plans are hereby established as follows:

<u>Residential Developments</u>	<u>Initial</u>	<u>Re-submissions</u>
1 to 4 lots	\$350	\$35
5 to 25 lots	\$500	\$50
26 to 75 lots	\$1,000	\$100
76 to 150 lots	\$1,500	\$150
150 or more lots	\$2,500	\$250
Sites with un-permitted construction underway	2X the above	

<u>Commercial Developments</u>	<u>Initial</u>	<u>Re-submissions</u>
Up to 5.0 acres	\$500	\$50
5.1 to 10.0 acres	\$1,200	\$120
10.1 to 25.0 acres	\$2,000	\$200
25.1 or more acres	\$2,500	\$250
Sites with un-permitted construction underway	2X the above	

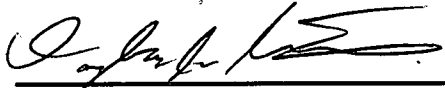
Resubmission fees presented above may be waived for minor modifications at the sole discretion of the Town (or its designee).

The Plan Review and Construction Site Inspection Fee may be adjusted from time to time by ordinance or resolution.

**Section 4. Enforcement:**

The Town of Sellersburg is authorized to take appropriate legal action to require compliance with this Article.

**SO ORDAINED** the 11<sup>th</sup> day of April, 2005.



Douglas J. Reiter, Council President



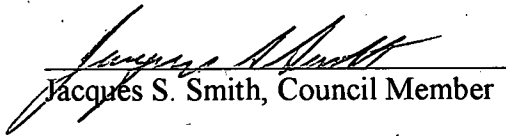
Michael N. Lockhart, Vice President



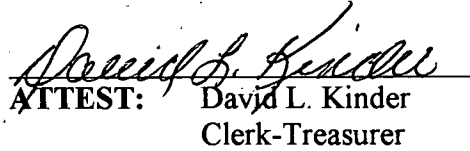
Trinette S. Imhof, Council Member



Paul J. Rhodes, Council Member



Jacques S. Smith, Council Member



ATTEST: David L. Kinder  
Clerk-Treasurer

**ORDINANCE NO. 2005-012**

**AMENDMENT TO ORDINANCE NO. 2004-026, ORDINANCE CONTROLLING  
URBAN CONSTRUCTION SITE RUNOFF WITHIN THE TOWN OF  
SELLERSBURG, INDIANA**

**Section 3- Perimeter/Outfall Protection Permit**

- 3.1.1 Work authorized by a permit shall have posted the permit card in a conspicuous place on the front of the premises.
- 3.1.2 The permit card shall be protected from the weather and be placed to allow easy access for recording entries. The permit card shall be of the size eight and one half inches by eleven inches and printed on orange paper as issued by the Town.
- 3.1.3 The permit card shall remain posted by the permit holder until the use and occupancy has been issued by the Town.

**Section 4 – Storm Water Quality Management Permit**


- 4.2.1 Work authorized by a permit shall not be commenced until the permit holder or his agent shall have posted the permit card in a conspicuous place on the front of the premises.
- 4.2.2 The permit card shall be protected from the weather and be placed to allow easy access for recording entries. The permit card shall be of the size eight and one half inches by eleven inches and printed on orange paper as issued by the Town.
- 4.2.3 The permit card shall remain posted by the permit holder until the use and occupancy has been issued by the Town.

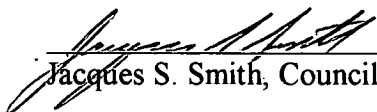
**SO ORDAINED, this 11<sup>th</sup> day of April, 2005.**

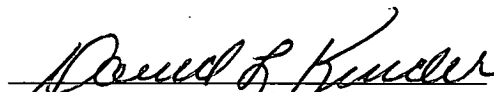
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

  
\_\_\_\_\_  
Jacques S. Smith, Council Member

  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer

**ORDINANCE NO. 2005-013**

**AN ORDINANCE VACATING A LOT IN THE TOWN OF SELLERSBURG  
INDIANA**

**WHEREAS**, a petition was filed with the Town Council for the Town of Sellersburg, Indiana, by Jerry Birge and Michael Endris, requesting the vacating of a lot in the Civil Town of Sellersburg, Indiana, which lot is particularly described in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof; and

**WHEREAS**, the proper legal advertising for a hearing on said petition to vacate said lot within the Civil Town of Sellersburg, Indiana, was placed in the appropriate newspapers; and

**WHEREAS**, the Town Council for the Town of Sellersburg, Indiana conducted a public hearing in regard to said petition to vacate the lot described in Exhibit "A" and Exhibit "B" attached hereto in the Civil Town of Sellersburg, Indiana on the 11<sup>th</sup> day of April, 2005 at which time the Town Council heard any and all evidence concerning the vacating of said lot.

**THEREFORE BE IT ORDAINED**, that the Town Council for the Town of Sellersburg, Indiana does hereby vacate the lot within the Civil Town of Sellersburg, Indiana as it was particularly set out and described in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof.

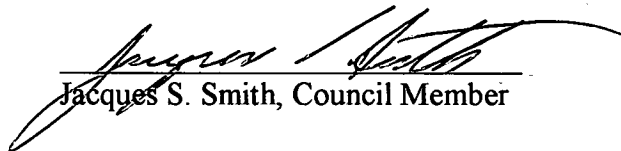
**SO ORDAINED** this 11<sup>th</sup> day of April, 2005.

  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinetta S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

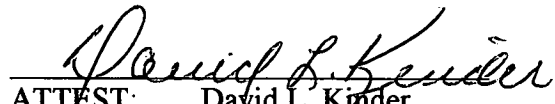
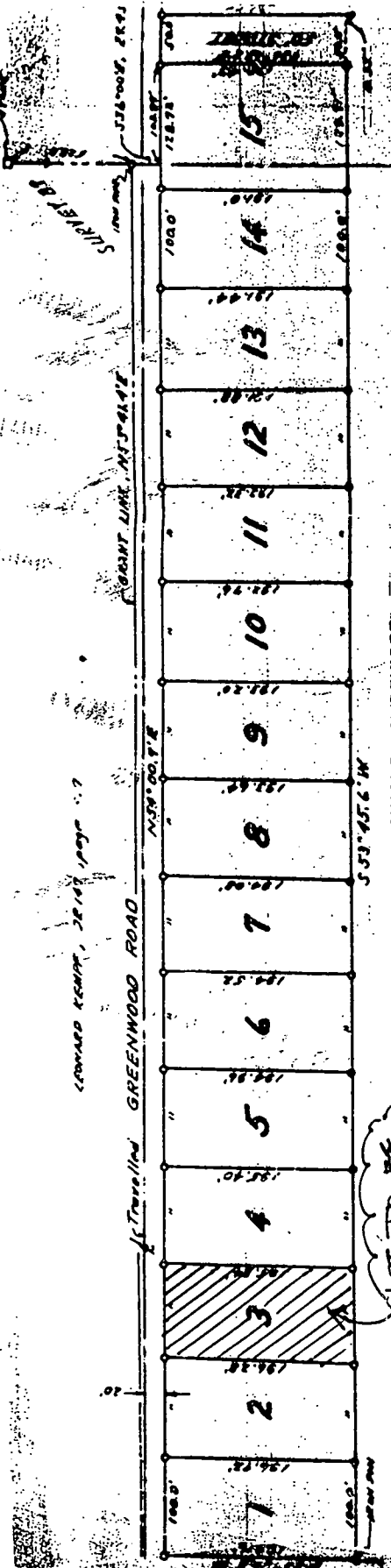
  
ATTEST: David L. Kinder  
Clerk-Treasurer

EXHIBIT "A"  
VACATION OF LOT 3, GREENWOOD  
SUBDIVISION, UNIT No. 1

Being Lot #3 of Greenwood Subdivision, Unit No. 1, Plat Book 6, Page 197, and part of Survey 66, Silver Creek Township, Clark County, Indiana, also being part of the lands described in Ekart (DD 6-298 and DD 2-5988).



**DESCRIPTION OF GREENWOOD UNIT 1**

Being a part of Surveys 66 and 67 of the Illinois Grant in Clark County, Indiana, and more particularly described as follows, to wit:

Commencing at an iron pipe marking the north corner of said Survey 66, running thence South 36°00' East, 24.48 feet to a point which is the true place of beginning;

Thence North 57°00.7' East, 761.99 feet to an iron pipe in the east R/W line of U.S. Hwy. 31-51; thence South 7°30.0' East, 1030.65 feet with said R/W line to an iron pipe; thence South 57°16.8' West, 335.50 feet to an iron pipe; thence North 32°33.0' West, 108.72 feet to an angle iron stake; thence North 58°15.9' East, 249.85 feet to an iron pipe; thence North 31°46.6' West, 139.11 feet to an iron pipe; thence North 58°15.4' East, 52.91 feet to a point; thence North 31°46.6' West, 160.55 feet to an iron pipe; thence North 7°30.0' West, 300.0 feet to an iron pipe; thence North 28°58.6' West, 88.57 feet to an iron pipe; thence South 51°02.7' West, 251.51 feet to an iron pipe; thence North 30°38.2' West, 4.35 feet to a point; thence South 58°46.1' West, 1579.71 feet to an iron pipe; thence North 35°20.5' West, 197.16 feet to an iron pipe; thence North 57°02.7' East, 142.75 feet to the true place of beginning and containing 15,336 Acres of land.

The bearings herein reference the true meridian as obtained by solar observation.

**CERTIFICATE OF OWNERS AND DEDICATION**

The undersigned owners of the real estate shown as fee within plat and described above hereby cause said real estate to be platted into lots and streets as shown upon said plat; and the streets and utility easements are hereby dedicated to the public use for such purposes.

In witness whereof, the said owners have hereunto set their hands and seals this 1st day of October 1956.

**GREENWOOD UNIT 1**  
**PLAT BOOK 6, PAGE 197**

*Charles D. Schaefer*  
*John D. Schaefer*  
*William D. Longest*  
*William C. Longest*  
*Margaret C. Longest*  
*Robert G. Longest*  
*Robert G. Longest*

*Jack B. Rogers*  
*James H. Hohl*  
*James E. Hohl*  
*Charles E. Elliott*  
*James H. Hohl*

*Diana E. Ellis*  
*Home Ellis*  
*Hilda E. Ellis*  
*Hilda E. Ellis*

*Michael W. Woodard*  
*Michael Woodard*

Sheet \_\_\_\_\_ of \_\_\_\_\_

Project: Villa's of Greenwood

Subject: EXHIBIT "B"

Project No.: 2004-080

Drawn: V. Jones

Checked: V. Jones

Date: 4/11/05

Revisions:

**RENAISSANCE DESIGN BUILD, INC.**  
 144 SOUTH NEW ALBANY STREET  
 SELLERSBURG, INDIANA 47172  
 VOICE & FAX 812-246-5897

ENGINEERING • DESIGN • GENERAL CONTRACTING  
 CONSTRUCTION MANAGEMENT • PLANNING

**ORDINANCE NO. 2005-014**

**AN ORDINANCE ESTABLISHING A CAPITAL ASSET POLICY FOR THE TOWN OF SELLERSBURG.**

**WHEREAS**, the Sellersburg Town Council has been advised by the State Board of Accounts of an immediate need to adopt policy and procedure for a Capital Asset Policy; and

**WHEREAS**, the adoption of said policy and procedure is necessary to insure the Town of Sellersburg's compliance with the Governmental Accounting Standards Board Statement 34 (GASB 34); and

**WHEREAS**, the Sellersburg Town Council has determined that the herein Ordinance is necessary for the effective and efficient 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 THEREFORE NOW ORDAINED AS FOLLOWS:**

**Section 1.1 General Information**

The Fixed Asset Policy is being issued effective May 1, 2005. The new policy will be referred to as the Capital Asset Policy. This Policy is being issued to document the minimum value of capital assets to be reported on our financial reports and to include infrastructure assets. The issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. Statement 34 will require the Town to depreciate capital assets. The capital asset threshold will be \$5,000.00. An asset with a value under \$5,000.00 will be expensed in the year purchased. The infrastructure portion of this policy is also effective May 1, 2005.

Town Water Utility will follow this same definition of capital assets except any item with a unit cost of \$500.00 or more shall be capitalized. Assets that are not capitalized (items <\$500.00) are expensed in the year of acquisition. Town Utilities will follow the capitalization guidelines of the Indiana Utility Regulatory Commission.

The Town of Sellersburg has established a Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able



to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies and regulators.

The purpose of establishing a Capital Policy is fivefold:

1. to safeguard the investments of the citizens of Sellersburg, to fix responsibility for the custody of equipment.
2. to fix responsibility for the custody of equipment.
3. to provide a basis for formulating capital asset acquisition, maintenance and retirement policies.
4. to provide data for financial reporting.
5. to demonstrate appropriate stewardship responsibility for public assets.

This policy will only serve to classify capital assets, including fixed and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include data processing, programming requirements, or computer operations procedures.

## **1.2 Definition of Capital Assets**

Capital assets include: land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All land will be capitalized but not depreciated. All items with a useful life of more than one year, having a unit cost of \$5,000.00 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria will be reported and depreciated in the government wide financial statements.

Assets that are not capitalized (items <\$5,000.00) are expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of <\$5,000.00. (See Section 1.8)

Exceptions are:

1. items costing less than the above limits which are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit,

2. modular equipment added subsequent to original equipment construction of a larger building or equipment unit which may be put together to form larger units costing more than the prescribed limits will be charged to capital assets though the cost of individual items is less than such units,
3. cabinets, shelving, bookcases, and similar items, added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized,

NOTE: Purchases made using grant funds must comply with grant requirements or the above procedures, whichever are the most restrictive.

**Threshold levels for capital assets**

The following schedule will be followed for the different types of capital assets other than infrastructure assets:

	<b><u>Capitalized/Depreciate</u></b>
Land	All/Capitalize only
Land Improvements	\$5,000.00
Building	\$5,000.00
Building Improvements	\$5,000.00
Construction in Progress	All/Capitalize only
Machinery and Equipment	\$5,000.00
Vehicle	\$5,000.00
Utility Assets	\$5,000.00

**Infrastructure**

At the network level, the asset will be classified as major if the cost of the network item is at least 10% of the cost of all capital assets in fiscal year 1999. A network will be defined as a group of similar assets that serve a particular function or purpose for the Town of Sellersburg.

At the subsystem level, the asset will be classified as major if the cost of the subsystem item is at least 5% of the cost of all capital assets in fiscal year 1999. A subsystem will be defined as a segment of a network of assets that serve a similar function for the Town of Sellersburg.

**1.3 Valuation of Capital Assets**

Capital assets must be recorded at actual cost. Normally the cost recorded is the purchase price or construction costs of the asset, but also included is any other reasonable and

necessary costs incurred to place the asset in its intended location and intended use. Such costs could include the following:

1. legal and title fees, closing costs,
2. appraisal and negotiation fees, surveying fees,
3. damage payments,
4. land preparation costs, demolition costs,
5. architect, engineering and accounting fees,
6. insurance premiums during construction,
7. transportation charges,
8. interest costs during construction

Donated or contributed assets should be recorded at their fair market value on the date donated.

#### **1.4 Asset Definitions by Major Category**

It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance be fully aware of the categorization system. This section further clarifies the asset definitions by major category.

##### **Land**

Land is defined as specified land, lots, parcels or acreage including rights of way and easements, owned by the Town of Sellersburg, its various departments, boards or authorities, regardless of the method or date of acquisition. Easements will not be included as the Town does not own them, but as an interest in land owned by another (i.e. property owner) that entitles its holder to a specified limited use.

##### **Improvements Other Than Buildings**

Examples of Town assets in this category are walks, parking areas and drives, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items.

Examples of Town Utilities assets in this category are water supply mains, collection sewers, wells, dams, fences, intake pipes, manholes, and fire hydrants.

##### **Buildings**

All structures designed and erected to house equipment services, or functions are included. This includes systems, services, and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the building.

Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, passenger and freight elevators, escalators, built-in-casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included with building, if owned. Communication antennas

and/or towers are not included as buildings. These are parts of the equipment units that they serve.

### **Equipment**

Equipment includes all other types of physical property within the scope of the Fixed Asset Management System not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, sanitation and park department, laboratory equipment, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, text equipment, civil defense equipment, and data processing equipment. All supplies are excluded.

### **Infrastructure**

Infrastructure assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital assets and that are normally stationary in nature. Examples include road, streetlights, traffic signals, drainage systems and water systems. Infrastructure assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property above.

Additions and improvements to infrastructure, which increase the capacity or efficiency of the asset, will be capitalized. Maintenance/repairs will be considered as necessary to maintain the existing asset, and therefore not capitalized. For example, patching, resurfacing, snow removal, etc., are considered maintenance activities and will be expensed. Also, normal department operating activities such as feasibility studies, and preliminary engineering and design, will be expensed and not capitalized as an element of the infrastructure asset.

Alleys will not be included as part of infrastructure for the following reason:

Existing improved alleys will be maintained as gravel alleys, and the Town is responsible only for the maintenance, such as patching and repairing. Any investments to upgrade the alleys will be done by homeowner participation. Therefore, the Town will not track and value alleys and the patching/repairs will be expensed as they occur.

The retroactive reporting requirements for infrastructure of GASB 34 requires the Town to report items put into service from 1980 forward, and gives the Town the option to report items put into service prior to 1980. The Town will report only on items put into

service after 1980. Retroactive reporting is not mandated until fiscal years beginning after January 1, 2007 which the Town will comply with.

## **1.5 Depreciation Methods**

The Town will be depreciating capital assets by using either composite/group method depreciation or the straight-line method. Salvage value will be determined on an asset-by-asset basis. Depreciation will be calculated at year-end. Land is not depreciated according to general accepted accounting principles.

### **Composite/Group Network**

Composite depreciation refers to calculating depreciation for a collection of similar assets. A single composite rate is applied annually to the acquisition cost of the collection as a whole. At year-end an adjustment will be made to the total cost to account for any additions/disposals throughout the year. The accumulated depreciation associated with it will also be adjusted. A gain or loss will never be reported on the asset when using the composite method. A full year's depreciation will be taken when the asset is placed in service and no depreciation recorded in the year it is sold or disposed of. To determine the appropriate depreciation rate for the composite group, divide 1 by the number of years the assets are depreciated. For instance, a group of assets with a 25-year life will be depreciated at 4% each year (1/25).

Following is the list of groups we will use for depreciation:

#### **Composite/Group Depreciation**

1. Street lights – 35 years
2. Traffic signals – 25 years
3. Flood walls/gates – 50 years
4. Roads
  - a. Cement – 10 years
  - b. Gravel – 15 years
  - c. Concrete – 30
  - d. Asphaltic Concrete – 20 years
  - e. Brick or Stone – 50 years

### **Straight-Line Depreciation**

All assets accounted for under the Capital Asset Policy will be depreciated using the straight-line method of depreciation. A gain or loss on disposal will be recorded. Following is a list of the most common useful lives:

1. Vehicles – 5 years
2. Office Equipment – 5 years
3. Office Furniture – 20 years
4. Heavy Equipment – 10 years
5. Fire Trucks – 15 years
6. Buildings – 50 years
7. Building Components (HVAC systems, roofing) – 20 years
8. Leasehold Improvements – useful life of asset or lease term (whichever is shorter).
9. Lane Improvements – structure (parking lots, athletic courts, swimming pools) – 20 years
10. Land Improvements – ground work (golf course, athletic fields, landscaping, fencing) – 20 years
11. Outdoor equipment – (playground equipment, radio towers) – 15 years
12. Grounds Equipment – (mowers, tractors, attachments) – 15 years
13. Computer Hardware – 3 years
14. Computer Software – 5 years

Town Utilities” useful lives are as follows:

#### Water

1. Buildings and Improvements – 50 years
2. Transmission and Distribution Mains – 50 years
3. Meters/Hydrants – 50 years
4. Pumping Equipment – 50 years
5. Water Treatment Equipment – 50 years
6. Reservoirs Tanks – 50 years
7. Furniture and Equipment – 10 years
8. Other Equipment – 10 years
9. Transportation Equipment – 10 years
10. Shop and Laboratory Equipment – 10 years
11. Computer Equipment – 3 years
12. Communications Equipment 10 years

#### Sewer

1. Buildings and Improvements – 50 years
2. Sewer lines -50 years
3. Combined Sewer Overflow – 50 years
4. Lift Station – 50 years
5. Treatment Plant/Equipment – 10 years
6. Office Equipment – 5 years
7. miscellaneous Operating Equipment – 5 years

## 1.6 Capital Asset Acquisitions

The method of acquisition is not a determining factor. Each department should report items acquired by:

1. regular purchases,
2. lease purchase – see below,
3. construction by Town personnel,
4. construction by an outside contractor,
5. resolution/condemnation,
6. donation/contribution,
7. addition to existing asset,
8. transfer from another department,
9. trade or barter,
10. annexation

Leased equipment should be capitalized if the lease agreement meets any one of the following criteria:

1. The lease transfers ownership of the property to the lessee by the end of the lease term
2. The lease contains a bargain purchase option
3. The lease term is equal to 75 percent of the estimated economic life of the leased property
4. The present value of the minimum lease payments at the inception of the lease, excluding executor costs, equals at least 90 percent of the fair value of the leased property.

Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements.

## 1.7 Asset Transfers and Dispositions

Property should not be transferred, turned-in for auction, or disposed of without prior approval of the department head. A Vehicle/Equipment Out processing checklist should be sent to the Clerk-Treasurer's Office in all cases. This form is a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department, building, floor, or room) or retirement (disposal) of property.

The main points to be remembered when using this form are:

1. always provide sufficient detail to properly identify the asset, most importantly the asset's tag number or Town ID

2. be accurate and do not overlook any of the needed entries
3. write legibly
4. complete each column for every asset listed on the form
5. enter information in correct row, depending on whether you are transferring or deleting an asset
6. have Department Head sign at the bottom of the form
7. return the form to the Clerk-Treasurer's office

If an asset is stolen, the department should notify the Town Police Department as well as the Clerk-Treasurer's Office.

### **1.8 Periodic Inventories**

A physical inventory of all capital assets (any item over \$5,000.00) will be conducted in each department on or about December 31 of every year. The Clerk-Treasurer's Office will conduct spot checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year end.

### **1.9 Responsibilities of Clerk-Treasurer's Office**

The Fiscal Officer will ensure the accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Fiscal Officer will further ensure that the capital asset report will be updated annually to reflect additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculation.

### **1.10 Responsibilities of Department Managers**

It is the responsibility of the department manager to act as or designate a steward for each piece of property. The steward will become the focal point for questions regarding the availability, condition, and usage of the asset, as well as the contact during the physical inventory process.


Someone should be designated to record the receipt of the asset, to examine the asset to make sure that no damage was incurred during shipment and to make sure that the asset was received in working order.



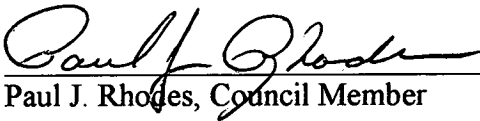
The steward is also responsible for arranging for the necessary preventative maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory or when someone wants to borrow the asset. The steward ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the steward should report any property damage or theft.

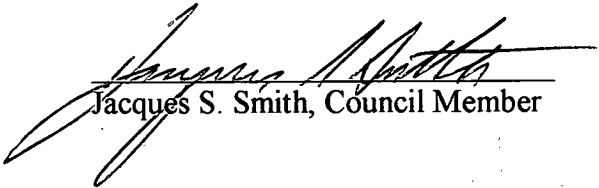
**SO ORDAINED THIS 9<sup>th</sup> day of MAY, 2005.**

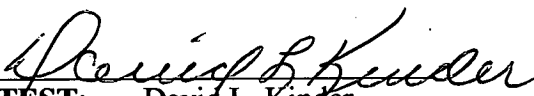
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinetta S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
**ATTEST:** David L. Kinder  
Clerk-Treasurer

**ORDINANCE NO. 2005- 015**

**AN ORDINANCE AMENDING ORDINANCE NO. 2004-029 REGARDING 2005 SALARY, HOLIDAY AND LONGEVITY PAY**

**WHEREAS, the Sellersburg Town Council did on the 29th day of November, 2004, adopt Ordinance No. 2004-029, establishing 2005 Salary, Holiday and Longevity Pay; and**

**WHEREAS, the Sellersburg Town Council has determined that said Ordinance should be amended to accurately reflect the hiring of 3 part time Street Laborers in place of the anticipated hiring of 1 sanitation laborer; 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 were invited to attend and participate.**

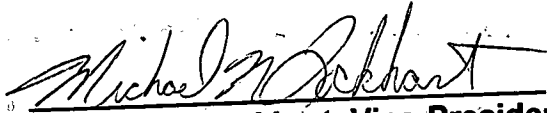
**BE IT THEREFORE NOW ORDAINED that Ordinance No. 2004-029, regarding 2005 Salary, Holiday and Longevity Pay be amended as follows:**

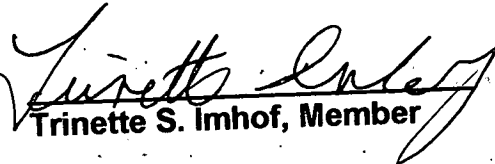
**The hourly rate for the 3 part time street laborers shall be Ten dollars (10) per hour for a period of 12 weeks payable from Motor Vehicle Highway Fund;**

All other provisions of Ordinance No. 2004-029 shall remain in full force and effect.

SO ORDAINED THIS 16th DAY OF May, 2005.

  
Douglas J. Reiter, President

  
Michael N. Lockhart, Vice-President

  
Trinette S. Imhof, Member

  
Jacques S. Smith, Member

  
Paul Rhodes, Member

Attest:  
David Kinder, Clerk Treasurer

ORDINANCE NO. 2005-016

An Ordinance amending Ordinance No. 2003-007

WHEREAS, the Town Council of the Town of Sellersburg ("Town") adopted Amended and Restated Ordinance No. 2003-007 ("Ordinance") on March 10, 2003, which Ordinance authorizes the issuance of the District's Sewage Works Bond Anticipation Notes ("BANs"); and

WHEREAS, the Ordinance provides that 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, and

WHEREAS, the Town has issued its first series of BANs (the "2003 BANs") allowing the 2003 BANs to be prepayable by the Town on any date as provided for under the provisions of the Ordinance; and

WHEREAS, the Town Council will issue another series of BANs under the Ordinance, and it has been advised that BANs will be redeemable at the option of the Town, but no sooner than eighteen (18) months after their date of delivery; and

WHEREAS, the Ordinance provides that the Town shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of revenue bonds to be issued under the Ordinance; and

WHEREAS, the Town will issue another series of BANs to be paid from the issuance of revenue bonds pursuant to and under the Ordinance, and it has been advised that the interest on the BANs shall also be payable from Net Revenues; and

WHEREAS, the payment of interest on the BANs from the Net Revenues of the sewage works shall be junior and subordinate to the payment of the Refunding Bonds, all bonds issued pursuant to the Ordinance, and any bonds issued subsequent to the date of delivery of the BANs, but while the BANs are outstanding; and

WHEREAS, the Town Council finds that the Ordinance should now be amended to allow (i) the BANs to be redeemable at the option of the Town, but no sooner than eighteen (18) months after their date of delivery, and (ii) the interest on the BANs to be payable from with Net Revenues;

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

Section 1. Section 3(a) of the Ordinance shall be amended to allow the BANs to be redeemable at the option of the Town, but no sooner than eighteen (18) months after their date of delivery.

Section 2. Section 2(a) of the Ordinance shall be amended to add the following paragraph:

"The interest on the BANs may also be payable on January 1 and July 1, from Net Revenues of the sewage works. The interest on the BANs may also be payable from the Net Revenues of the sewage works, subject to the prior payment of the Refunding Bonds, the bonds issued under this ordinance, and any bonds issued subsequent to the date of delivery of the BANs, but while the BANs are outstanding. If any interest on the BANs to be paid from Net Revenues is to occur on a date other than January 1 or July 1, by reason of maturity or redemption, such payment may only occur if all of the principal and interest on all outstanding bonds of the sewage works of the Town due on the next succeeding principal and interest payment dates is fully accumulated in the Bond and Interest Account of the Sewage Works Sinking Fund."


Section 3. Section 21 (c) of the Ordinance shall be amended and restated as follows:

“Except as otherwise noted in Section 2 with respect to the BANs, 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,”

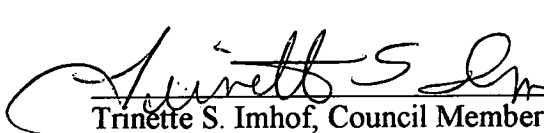
Section 4. All other provisions of the Ordinance, along with any previous amendments to the Ordinance, shall remain in full force and effect. The Town Council finds that this amendment does not adversely affect the owners of the 2003 BANs.

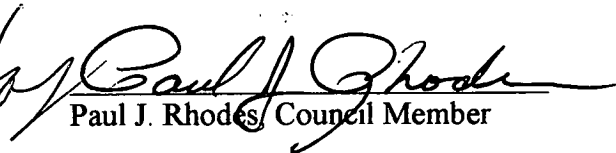
Section 5. This Ordinance shall be in full force and effect from and after its passage.

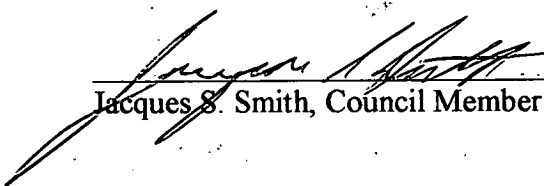
Passed and adopted by the Town Council of the Town of Sellersburg on the 13<sup>th</sup> day of June, 2005.


  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005-017

AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA AUTHORIZING THE ISSUANCE OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2005 (GRACELAND SOUTHERN BAPTIST CHURCH, INC. PROJECT), IN THE PRINCIPAL AMOUNT OF UP TO \$3,000,000.00 TO FINANCE THE COSTS OF AN ECONOMIC DEVELOPMENT FACILITY FOR GRACELAND SOUTHERN BAPTIST CHURCH, 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 GRACELAND SOUTHERN BAPTIST CHURCH, 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, including education, 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. Graceland Southern Baptist Church, Inc. (the "Company"), an Indiana not-for-profit corporation, engaged in the business of providing education and related activities, has applied to the Commission for economic development revenue bond financing pursuant to the Act up to the principal amount of \$3,000,000.00 to finance the costs of the moving and

expanding of a daycare facility operated by the Applicant located at 3600 Kamer Miller Road, New Albany, Indiana, and converting classrooms in what had been the school building into office space and retaining two gymnasiums located in the building (all of the above hereinafter referred to as the "Project"), located approximate to the Town of Sellersburg, Indiana.

C. The Town of Sellersburg Economic Development Commission (the "Commission") adopted on June 9, 2005, a Resolution approving the Borrower's application to the Town for issuance of economic development revenue bonds and adopted and approved the Project Report. On June 9, 2005, pursuant to prior published notice, the Commission, on behalf of itself and on behalf of the Town Council, conducted a public hearing 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 educational welfare in the Town.

D. In order to accomplish the public purposes of the Act and to benefit the economic and educational welfare of the citizens of the Town and the region, the Town Council considers it necessary and proper to [i] authorize the issuance of the Town's Economic Development Revenue Bonds, Series 2005 (Graceland Southern Baptist Church, Inc. Project) (the "2005



Bonds”) and 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 as follows:

1. Public Purpose. The Town Council hereby finds and declares that the issuance of the 2005 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 and educational welfare of the Town and to Floyd County, Indiana.

2. Authorization of the 2005 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 Resolution;

B. the issuance, execution, sale and delivery of the 2005 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 2005 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

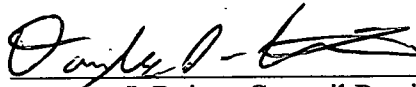
INTEREST THEREON CONSTITUTE OR GIVE RISE TO ANY INDEBTEDNESS OF THE TOWN OF SELLERSBURG, THE TOWN COUNCIL OR THE TOWN OF SELLERSBURG ECONOMIC DEVELOPMENT COMMISSION OR ANY CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER; THE BONDS AND THE PAYMENT OF INTEREST THEREON SHALL BE SECURED AND PAYABLE SOLELY 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. Administrative Fee. The Company agrees that it will pay to the Town an administrative fee of Seven Thousand Five Hundred and no/100 Dollars (\$7,500.00) on the date of closing of the Bonds.

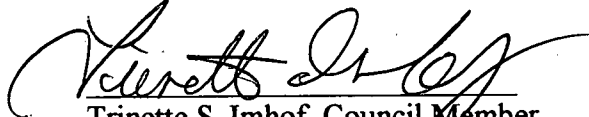
6. Further Acts and Deeds. The President of the Town Council and the Clerk/Treasurer of the Town Council and other appropriate officers and employees of the Town are hereby authorized and directed to execute, acknowledge and deliver on behalf of the Town any and all papers, instruments, certificates, 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 2005 Bonds, provided that neither the Town nor any of its members, officers, employees or agents shall incur any general liability thereby.

7. 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.
8. 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.
9. Effective Date. This Ordinance shall be in full force and effect from and after its enactment.

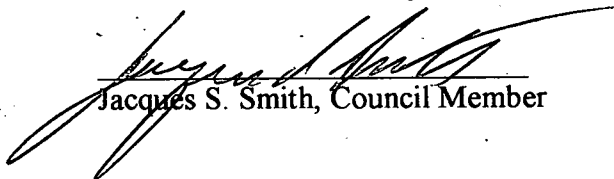
SO ORDAINED THIS 13<sup>TH</sup> DAY OF JUNE, 2005.

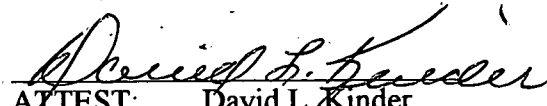
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

E-Sellersburg

STATE OF INDIANA

BEFORE THE SELLERSBURG TOWN COUNCIL

**ORDINANCE NO. 2005-018**

**AN ORDINANCE CHANGING THE ZONING MAP DESIGNATION OF THAT CERTAIN 77.892-ACRE TRACT OF REAL ESTATE LOCATED AT THE COMMONLY KNOWN ADDRESS OF 7615 STATE ROAD 31, SELLERSBURG, CLARK COUNTY, INDIANA, FROM "A, AGRICULTURAL" AND "R-1, RESIDENTIAL" TO "I-1, LIGHT INDUSTRIAL"**

Whereas, Silver Creek, LLC, an Indiana limited liability company, has filed a petition before the Sellersburg Plan Commission to change the zoning map designation of a 77.892-acre tract of real estate located at the commonly known address of 7615 State Road 31, Sellersburg, Clark County, Indiana (the "Real Estate") from "A, Agricultural" and "R-1, Residential" to "I-1, Light Industrial", which Real Estate is more particularly described as follows:

Being a part of Survey #89 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at a stone on the common corner to Surveys 87, 88, and 89; Thence North 55°57'52" East, 2005.92 feet to a steel pin; Thence South 7°32'35" East, 494 feet to a steel pin; Thence North 81°44'26" East, 418.82 feet to an iron pipe on the west Right-of-Way line of State Highway 31; Thence South 7°32' 35" East, along said Right-of-Way line, 998.31 feet to steel pin; Thence South 82°27'25" West along said Right-of-Way line, 10 feet to a concrete Right-of-Way marker; Thence South 7°32'35" East, along said Right-of-Way line, 304.8 feet to a steel pin dividing Surveys 67 and 89; Thence South 54°15'52" West, along said dividing line, 1557.19 to a stone on the common corner to Surveys 67, 87, and 89; Thence North 34°32'05" West 1832.32 feet to the PLACE OF BEGINNING.

Containing 77.892 acres and being subject to all easements of record.

and,

Whereas, following notice of hearing in accordance with Indiana law, the Sellersburg Plan Commission held a public hearing on the application on May 16, 2005,

following which it has certified to this Town Council a favorable recommendation concerning the proposed change to the Real Estate on the Town's zoning map; and,

**Whereas**, this matter is now before this Town Council at a properly convened special meeting after certification of the proposed change of zoning map designation pursuant to the provisions of I.C. 36-7-4-608(f)(1); and,

**Whereas**, this Town Council has timely posted notice of its intent to consider the proposed change of zoning map designation at its special meeting scheduled for June 27, 2005 at 7:00 o'clock p.m. (prevailing local time); and,

**Whereas**, all interested persons have been given an opportunity to appear before this Town Council and be heard regarding this matter at such public meeting.

**NOW, THEREFORE, BE IT ORDAINED** by this Town Council that the zoning designation of the Real Estate is hereby changed from "A, Agricultural" and "R-1, Residential" to "I-1, Light Industrial", subject only to the condition set forth hereinbelow; and,

**IT IS FURTHER ORDAINED** that the zoning map of the Town of Sellersburg, Indiana, shall be amended to include such change.

This Ordinance shall be in full force and effect upon the execution and recordation by the Applicant of the Zoning Commitment attached hereto as Exhibit "A", which Zoning Commitment may be subsequently modified by the Applicant only with the express prior consent of this Town Council. The Town Council acknowledges that such Zoning Commitment is not to be recorded until important issues regarding the project proposed to be developed on the Real Estate are finalized, which issues include, but are not limited to, any title issues with respect to the Real Estate that require resolution prior to closing, and the finalization of incentives offered, or to be offered, by the Indiana Department of Commerce. In the event that such Zoning Commitment is not executed and recorded by the Applicant on or before December 31, 2005, this Ordinance, and the legislative action in rezoning the Real Estate as set forth herein, shall be deemed as void and of no further legal effect.

## ZONING COMMITMENT

This Zoning Commitment made in accordance with the provisions of I.C. §36-7-4-615 by and between:

The Town of Sellersburg, Indiana, and the Sellersburg Plan Commission (collectively "Sellersburg"), with an address of 316 East Utica Street, Sellersburg, Indiana 47172; and,

Silver Creek, LLC (collectively "Owner"), with an address of 3205 Magnolia Court, Sellersburg, Indiana 47172.

### *RECITALS:*

WHEREAS, Owner owns that certain tract of real estate located at the commonly known address of 7615 State Road 31, Sellersburg, Clark County, Indiana (the "Real Estate"), which is more particularly described as follows, *to-wit:*

Being a part of Survey #89 of the Illinois Grant to Clark County, Indiana and being further described as follows:

Beginning at a stone on the common corner to Surveys 87, 88, and 89; Thence North 55°57'52" East, 2005.92 feet to a steel pin; Thence South 7°32'35" East, 494 feet to a steel pin; Thence North 81°44'26" East, 418.82 feet to an iron pipe on the west Right-of-Way line of State Highway 31; Thence South 7°32' 35" East, along said Right-of-Way line, 998.31 feet to steel pin; Thence South 82°27'25" West along said Right-of-Way line, 10 feet to a concrete Right-of-Way marker; Thence South 7°32'35" East, along said Right-of-Way line, 304.8 feet to a steel pin dividing Surveys 67 and 89; Thence South 54°15'52" West, along said dividing line, 1557.19 to a stone on the common corner to Surveys 67, 87, and 89; Thence North 34°32'05" West 1832.32 feet to the PLACE OF BEGINNING.

Containing 77.892 acres and being subject to all easements of record.

;and,

**EXHIBIT "A"**

WHEREAS; the Real Estate is within the municipal boundaries of Sellersburg, and is therefore subject to the zoning jurisdiction of Sellersburg; and,

WHEREAS, Sellersburg has previously assigned a zoning designation of "A-1, Agricultural" to the Real Estate pursuant to the provisions of its Zoning Ordinance and Zone Map; and,

WHEREAS, about April 2005 Owner filed an application with Sellersburg to change the Zone Map whereby the zoning designation of the Real Estate would be changed to "I-1, Light Industrial" under the provisions of the Sellersburg Zoning Ordinance; and,

WHEREAS, following public hearing in accordance with Indiana law at the regular meeting of the Sellersburg Plan Commission on May 16, 2005, Owner's application was forwarded to the Sellersburg City Council with a favorable recommendation by the affirmative vote of three (3) of its four (4) present and voting members; and,

WHEREAS, at a properly noticed and convened special meeting on June 27, 2005, the Sellersburg Town Council passed an ordinance granting Owner's requested zoning map change, subject to Owner's offer to effect a written commitment with respect to its intended development of the Real Estate; and,

WHEREAS, this written Zoning Commitment is now tendered by Owner to Sellersburg in consideration of the Sellersburg's final adoption of an ordinance granting Owner's requested zone map change with respect to the Real Estate.

NOW, THEREFORE, Owner, in consideration of the grant of the requested Zone Map change regarding the Real Estate to "I-1, Light Industrial", expressly commits to the following:

1. Owner shall set aside land for, and construct at its sole expense, a landscaped earthen berm along the northern property line of the Real Estate as shown on the landscape and buffer plan attached hereto as Exhibit "A". Such earthen berm shall have dimensions of approximately one hundred ten feet (110') in width and ten feet (10') in height to provide buffering along the common boundary to the adjacent residential zoning district. The earthen berm will be constructed during the initial phase of construction with landscaping material planted when the appropriate weather conditions occur. Owner shall maintain the berm and landscape buffer areas at its sole expense in a clean and orderly manner, including the regular mowing of grass and removal of trash and debris.

2. Owner shall install any site lighting in such manner as the lights are directed inward to the Real Estate, and such light shall not exceed 0.2 foot-candles at any point on the property line of the Real Estate.

3. Owner shall construct drainage facilities on the Real Estate such that surface water drainage shall be transported to the retention facility to be constructed on the site as shown on the development plan. The rate of post-construction surface water run-off onto any adjacent site shall not exceed the rate that existed prior to construction on the Real Estate.

4. Owner shall reimburse Sellersburg for its matching funds share of any improvements to the Bean Road Lift Station and Force Main pursuant to any infrastructure grant by the State of Indiana; provided, however, that such reimbursement amount to be paid by Owner shall not exceed \$250,000 absent subsequent written agreement between Owner and Sellersburg.

5. Owner shall reimburse Sellersburg for its matching funds share of any improvements to be deemed as necessary as the result of Owner's project on the Real Estate to US 31 by the Indiana Department of Transportation pursuant to any infrastructure grant by the State of Indiana; provided, however, that such reimbursement amount to be paid by Owner shall not exceed \$375,000 absent subsequent written agreement between Owner and Sellersburg.

6. Notwithstanding the provisions of the Sellersburg Zoning Ordinance as the same exists on the date of execution of this instrument, Owner covenants and agrees that the following uses (which are otherwise permissible under Section 2.12.2.1 of the Zoning Ordinance as a matter of right in an I-1 zone) shall not be permitted on the Real Estate absent subsequent express approval by Sellersburg:

- a. Auto storage yard.
- b. Bars and taverns.
- c. Dog kennel.
- d. Manufacturing of food and kindred products as defined in Section 2.12.2.1(4)(a).
- e. Manufacturing of apparel and other textile products as defined in Section 2.12.2.1(4)(b).
- f. Manufacturing of paper and allied products as defined in Section 2.12.2.1(4)(c).



- g. Manufacturing of leather and leather products as defined in Section Section 2.12.2.1(4)(e).

7. All improvements to the Real Estate shall be constructed in conformity with (a) the development standards provisions for the "I-1, Light Industrial" zoning classification under the Sellersburg Zoning Ordinance, as the same may subsequently be amended from time to time, and (b) the plans and specifications submitted to Sellersburg in application for one or more building permits, except upon the express prior approval of the Sellersburg Town Council, Sellersburg Plan Commission, or the Sellersburg Board of Zoning Appeals, as applicable. Owner further stipulates and agrees that such plans and specifications shall be in substantial conformity with the provisions of the development plan attached hereto as Exhibit "B". For purposes of interpreting and enforcing this Zoning Commitment, the term "substantial conformity" shall mean plus or minus fifteen percent (+/- 15%) with respect to the size, height, or location from any property line of each proposed structure shown on the development plan attached hereto as Exhibit "B"; provided, however, that this term shall not be construed to permit the construction of any other structures not presently shown on the development plan attached hereto as Exhibit "B" without the prior express approval of the he Sellersburg Town Council, Sellersburg Plan Commission, or the Sellersburg Board of Zoning Appeals, as applicable.

8. This Zoning Commitment shall be effective and binding following the completion of the last of each of the following acts: (a) the grant of final approval of the Zone Map change regarding the Real Estate to "I-1, Light Industrial" as requested by Owner; and, (b) the grant of a non-appealable building permit to construct the improvements shown on the development plan attached hereto as Exhibit "A" on terms and conditions reasonably acceptable to Owner. Subsequent to the satisfaction of all such conditions, Owner shall execute this Zoning Commitment, cause same to be recorded in the office of the Recorder of Clark County, Indiana, and provide a duly recorded copy of same to Sellersburg.

9. The terms and conditions of this Zoning Commitment shall run with the Real Estate and be binding on, and enforceable against, Owner, or its successors or assigns. Subsequent to its recording as provided hereinabove, the terms and conditions of this Zoning Commitment may be enforced in any Indiana court of competent jurisdiction by Sellersburg or any adversely affected owner of land that adjoins the Real Estate.

ORDINANCE NO. 2005-035

ORDINANCE AMENDING PROVISIONS OF ORDINANCE NO. 2004-029 REGARDING HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA FOR THE CALENDAR YEAR 2005

WHEREAS, the Sellersburg Town Council did previously pass Ordinance No. 2004-029 for the Hourly, Salary, Holiday and Longevity Pay for the Employees of the Town of Sellersburg, Indiana for the Calendar Year 2005; and

WHEREAS, the Sellersburg Town Council implemented a policy whereby any employee becoming a Certified Drivers Licenses (CDL) will receive a \$.50 per hour pay increase; and

WHEREAS, Sellersburg employee, Glen Freeman has obtained a CDL; and

WHEREAS, the Town Council now finds that Ordinance No. 2004-029 shall be amended to reflect a \$.50 per hour pay increase for sanitation laborer, Glen Freeman retroactive to December 8, 2005; and

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

WHEREAS, all other provisions of Ordinance No. 2004-029 which are not in conflict herewith shall remain in full force and effect without modification.

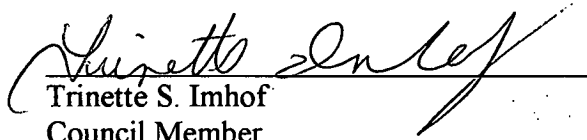
So Ordained this 19<sup>th</sup> day of December, 2005.



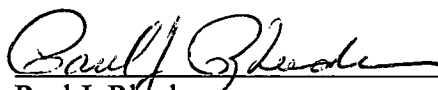
Doug J. Reiter  
Council President



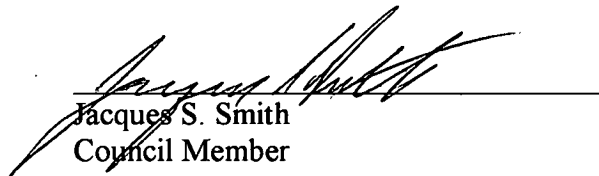
Michael N. Lockhart  
Council Vice President



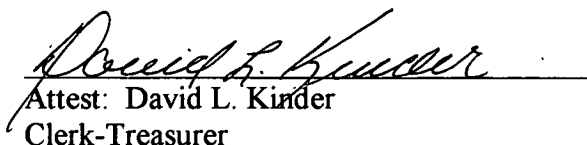
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NUMBER 2005-036

ORDINANCE REGULATING MEDIAN SOLICITATION/ROADBLOCKS

WHEREAS, the Sellersburg Town Council has determined a need for an ordinance governing Median Solicitation/Roadblocks within the municipal boundaries of the Town of Sellersburg; and

WHEREAS the Sellersburg Town Council has determined no prior ordinance exists regarding Median Solicitation/Roadblocks; and

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

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

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

**DEFINITIONS:**

**SOLICIT and SOLICITATION.** Engaging in or requesting, directly or indirectly, that an addressed person or limited audience or the public generally makes a contribution or contributions. Solicitation shall be deemed to have taken place when the request is made, whether or not the requested contribution is made.

**SOLICITOR.** A natural person who, by personal contact, transmits by oral communication or writing, which identifies that person, requests a specific person to make a contribution for charitable or civic purposes.

**CHARITABLE or CIVIC ORGANIZATION** Any person(s)/organization(s) determined by the Internal Revenue Service to be a tax-exempt organization; or as determined by other Federal Authorities.

**CHARITABLE or CIVIC PURPOSE** Any purpose or activity which holds itself out to be benevolent, educational, philanthropic, humane, patriotic, religious, or fraternal or to be established for a social welfare or advocacy, public health, environmental conservation, or civic purpose, or is designed to serve the welfare of society generally or any class or group to which society is morally obligated or a specific community or to preserve or improve the culture thereof or environment enjoyed thereby; or as may otherwise be defined under applicable federal

or Indiana statutes or revenue rulings of the Internal Revenue Service or Indiana Department of Revenue.

**CONTRIBUTION.** Any grant, promise, or pledge of money, credit, property, financial assistance, or other thing of any kind or value in response to a solicitation for a charitable or civic purpose.

**HIGHWAY.** Any public road, street, avenue, alley or boulevard, bridge, viaduct, or trestle and the approaches to them include private residential roads and parking lot and off-street parking facilities offered for public use, whether publicly or privately owned.

**RELIGIOUS ORGANIZATION.** Any organization, the activity of which is protected by the First Amendment of the Constitution of the United States.

**SOLICITATION ACTIVITY:**

1. All persons desiring to solicit within the town must have a permit issued by the police department.
2. Persons/ Organizations wishing to solicit donations shall apply for a permit no less than forty-eight (48) hours prior to the event.
3. Permittee must provide the dates and times of the proposed solicitations, and the highways and the adjoining intersections thereof where the solicitations are to be conducted.
4. Maximum of two (2) solicitations per calendar year, per organization, allowed within the town boundaries.
5. Organization Representative/Permittee must provide a valid photo ID/ driver's license at the time of applying for the permit. Photo ID must be in plain view at all times while acting under the authority of the permit.
6. Only one person or group of persons shall be allowed to solicit charitable contributions on the highways and adjoining intersections thereof at any given time.
7. Permittee must place at each point of collection, four (4) orange traffic cones, minimum height of thirty (30) inches, each being fifteen feet (15') apart, totaling a distance of sixty feet (60') from the permittee, towards oncoming traffic. These cones shall be placed on the median/center line.
8. Permittee MUST display a two (2) foot by three (3) foot sign at each point of collection, indicating the organization and cause they are soliciting donations for. Letters on the sign shall be a minimum of four (4) inches tall and one half (1/2) inch wide. These signs are to be placed a minimum of sixty feet (60') away from each collection point, facing oncoming traffic.

9. Limit solicitation activity to two (2) persons per lane.
10. Refrain from yelling at or otherwise distracting motorist, and from touching any vehicle.
11. Person under eighteen (18) years of age shall be accompanied by an adult when in the right-of way.
12. No person shall solicit before 9:00 a.m. or thirty (30) minutes following sunset each day, Monday through Sunday.
13. Inclement weather during which wipers or lights are necessary for safe vehicular travel or in the judgment of any law enforcement officer existing conditions constitute a traffic hazard to motorist and pedestrians shall cause solicitations to cease. (If such an instance occurs, permittee may petition the police department, in writing for an additional makeup date.)
14. No solicitation in construction "work zones".
15. Permittee must not stand, sit or walk on a roadway (other than on a grass or raised median strip or area which has been cordoned off by traffic cones) except to travel to or from a motor vehicle whose driver has signaled the permitted to approach.
16. Permittee must not deliver or receive any tangible thing to or from any occupant of any motor vehicle in a lane that is not contiguous with the median strip or area, which has been cordoned off by traffic cones. For instance, if there are two (2) northbound lanes, you can go to the lane next to the median/cordoned area, but you cannot go to the other northbound lane.
17. Permittee must not deliver or receive any tangible thing to or from any occupant, other than the driver or a person on the driver's side, of a motor vehicle that is on the roadway.
18. Permittee may not place any sign or other device in the street right-of-way that is in violation of State, County or Town Laws/ Ordinances.
19. Permittee MUST wear reflective outerwear (ex: orange traffic vest with reflective strips) while at the collection points.
20. The police department will have available orange traffic vests with reflective strips and orange caution cones for the permitted upon payment of a refundable deposit in an amount of one hundred and fifty (\$150.00) for the cost of the replacement of the items. Upon return of the items the deposit will be refunded in full.
21. Permittee may not interfere with the quick and safe passage across the roadway of pedestrians or persons in or on wheelchairs or other devices designed or intended to assist the mobility-impaired.

22. Permittee shall not violate any litter or traffic laws, State or Local, or fail to remove all goods for sale, and all structures, devices, things, and materials or any kind used for transport, protect, display, advertise, or sale any goods, from the street right-of-way when the permittee is more than fifty (50) feet away from any such item.
23. Permittee may not stop or attempt to stop a motor vehicle that is approaching a traffic signal unless the traffic signal requires the vehicle to come to a complete stop.
24. Permittee shall not impede the regular flow of traffic.
25. Permittee shall not approach a person/vehicle in a manner that appears likely to cause a reasonable person with ordinary sensibilities to feel intimidated, threatened or harassed.
26. Permittee shall not approach a person/vehicle within one (1) foot, unless that person has indicated that he/she wishes to be solicited.
27. Permittee shall not follow and continue to solicit a person who walks away from the solicitor.

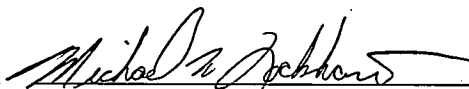
**Enforcement/Penalties:** The police department shall be responsible for the enforcement of the herein Ordinance and the issuance of citations for violations of its provisions. Any person, firm or corporation who violates any provision of this Ordinance or fails to obtain a permit, shall be subject to a fine not to exceed \$2,500.00.

A separate offense shall be deemed committed for each Ordinance provision alleged to have been violated.

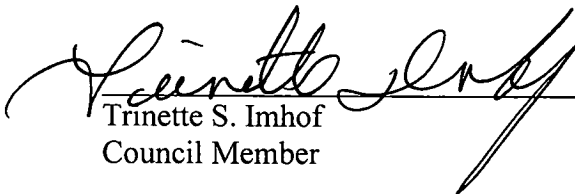
SO ORDAINED THIS 19<sup>th</sup> DAY OF December, 2005.



Doug J. Reiter  
Council President



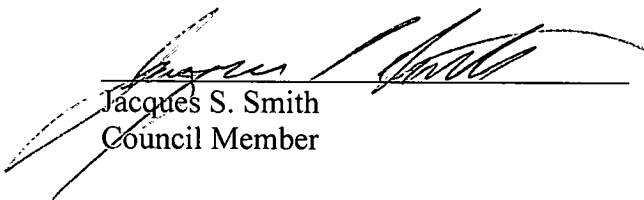
Michael N. Lockhart  
Council Vice President



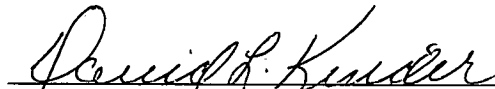
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 200 5 - 037

AN ORDINANCE AMENDING THE TOWN OF SELLERSBURG  
ANIMAL CONTROL ORDINANCE

WHEREAS, the Town of Sellersburg has heretofore adopted animal control ordinances;  
and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the  
Town of Sellersburg animal control officers of the need for various amendments to the animal  
control ordinance; and

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

WHEREAS, the Town Council has determined the herein amendments are necessary for  
the efficient and effective administration of the Town government:

BE IT THEREFORE ORDAINED AS FOLLOWS:

1.) Section 93.04(c) of the Sellersburg Town Code shall be amended to read as  
follows:

An owner reclaiming an impounded animal the first, second, third or subsequent time, the  
animal is impounded shall pay to the animal shelter the appropriate impoundment fee  
currently assessed by said shelter, in addition to the other regular fees charged by the  
animal shelter.

The owner shall be responsible for all other fees imposed by the animal shelter, such as a  
pick up fee, daily boarding fee, and rabies voucher fee.

An owner reclaiming an impoundment animal must pay all fees as assessed by the animal  
shelter to which the animal has been taken for impoundment.

2.) Section 93.16(B)(2) shall be amended as follows:

The person(s) or entity receiving a citation described in subsection (1) shall be required to appear on a designated date and time in the Sellersburg Town Court for a hearing upon said citation.

All other provisions of said section shall remain in full force and affect without amendment.

3.) Section 93.17(C) shall be amended as follows:

In addition to any kennel fee required by the State of Indiana or Clark County, each kennel owner shall purchase a kennel license from the Town of Sellersburg at the Town of Sellersburg Clerk-Treasurer's office at a cost of \$50.00 annually. The license must be purchased or renewed in January of each year.

4.) Section 93.19(A) shall be amended as follows:

In lieu of impounding an animal found at large (not in restraint), the animal control officer, law enforcement officer, or other authorized person, may issue the animal owner a citation specifying the section(s) of this chapter violated and an indication of the specific nature of the violation(s). If authorized on the citation as a payable citation and the violator wishes to admit the violation(s), the violator shall pay a \$35.00 fine for each citation issued.

5.) Section 93.19(B) shall be amended as follows:

If the violation is an animal running at large which is not spayed or neutered, the fine for each such citation shall be \$70.00. Proof of the animal being spayed or neutered shall be required to avoid the imposition of the \$70.00 fine. All citation fines shall be payable to the Sellersburg Clerk-Treasurer within 30 days of issuance.

6.) Section 93.19(C) shall be amended as follows:



All fines imposed of this chapter shall be paid to the general fund of the Town of Sellersburg.

7.) Section 93.19(D) and (E) shall be amended and replaced as follows:

If the issued citation is not payable as set forth in subsection (A) and (B) above, or if the alleged violator contents or denies the violation(s) the animal control officer, law enforcement officer, or other authorized person shall file the citation in the Sellersburg Town Court and assign a date and time for the alleged violator to appear in Court for further legal proceedings.

8.) Section 93.19(F) shall be amended as follows:

Animal control officer, police officer, or other authorized person is authorized to write and issue citations under this chapter.

9.) Section 93.99(A) shall be amended as follows:

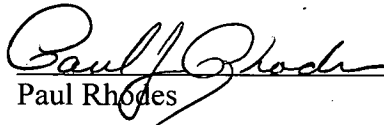
Any person violating any provisions of this chapter for which a specific penalty is not provided shall upon conviction be fined the sum of not more than \$2,500.00 plus court costs.

10.) All other provisions of this section shall remain in full force and affect without amendment.

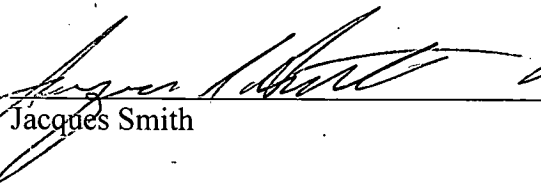
SO ORDAINED THIS 19<sup>th</sup> DAY OF December, 2005.



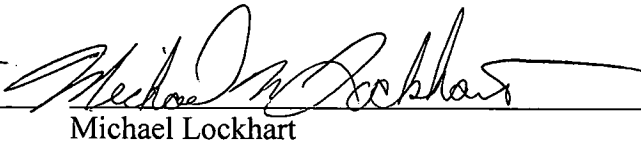
Doug Reiter



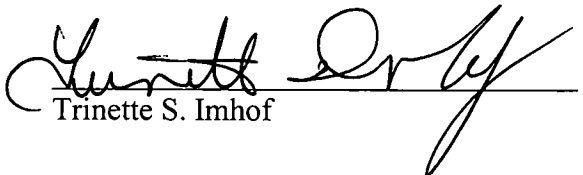
Paul Rhodes



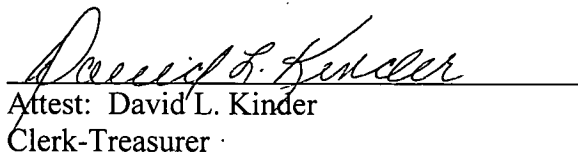
Jacques Smith



Michael Lockhart



Trinette S. Imhof



Attest: David L. Kinder  
Clerk-Treasurer

Attest: David L. Kinder  
Clerk-Treasurer

IN WITNESS WHEREOF, this Zoning Commitment s voluntarily made, undertaken, and tendered to Sellersburg for its acceptance in consideration of the grant of the Zoning Map change requested by Owner, this 31st day of August, 2005.

SILVER CREEK, LLC

By: [Signature]  
David Summitt, Member

STATE OF INDIANA )

) SS:

COUNTY OF CLARK )

Before me, a Notary Public in and for the above-named County and State, personally appeared DAVID SUMMITT, as the duly authorized member of Silver Creek, LLC, an Indiana limited liability company, and acknowledged the execution of the forgoing Zoning Commitment on behalf of such company as its free and voluntary act and deed for the uses and purposes specified therein.

Witness my hand and Notarial seal this 31<sup>st</sup> day of August, 2005.

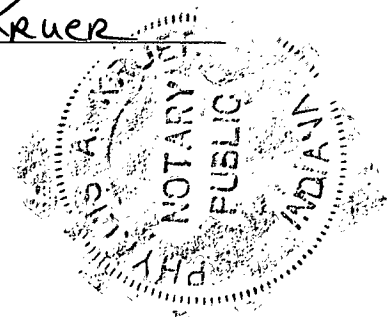
My Commission expires:

21 March 2012

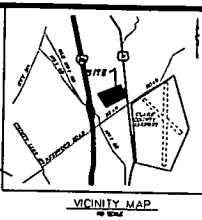
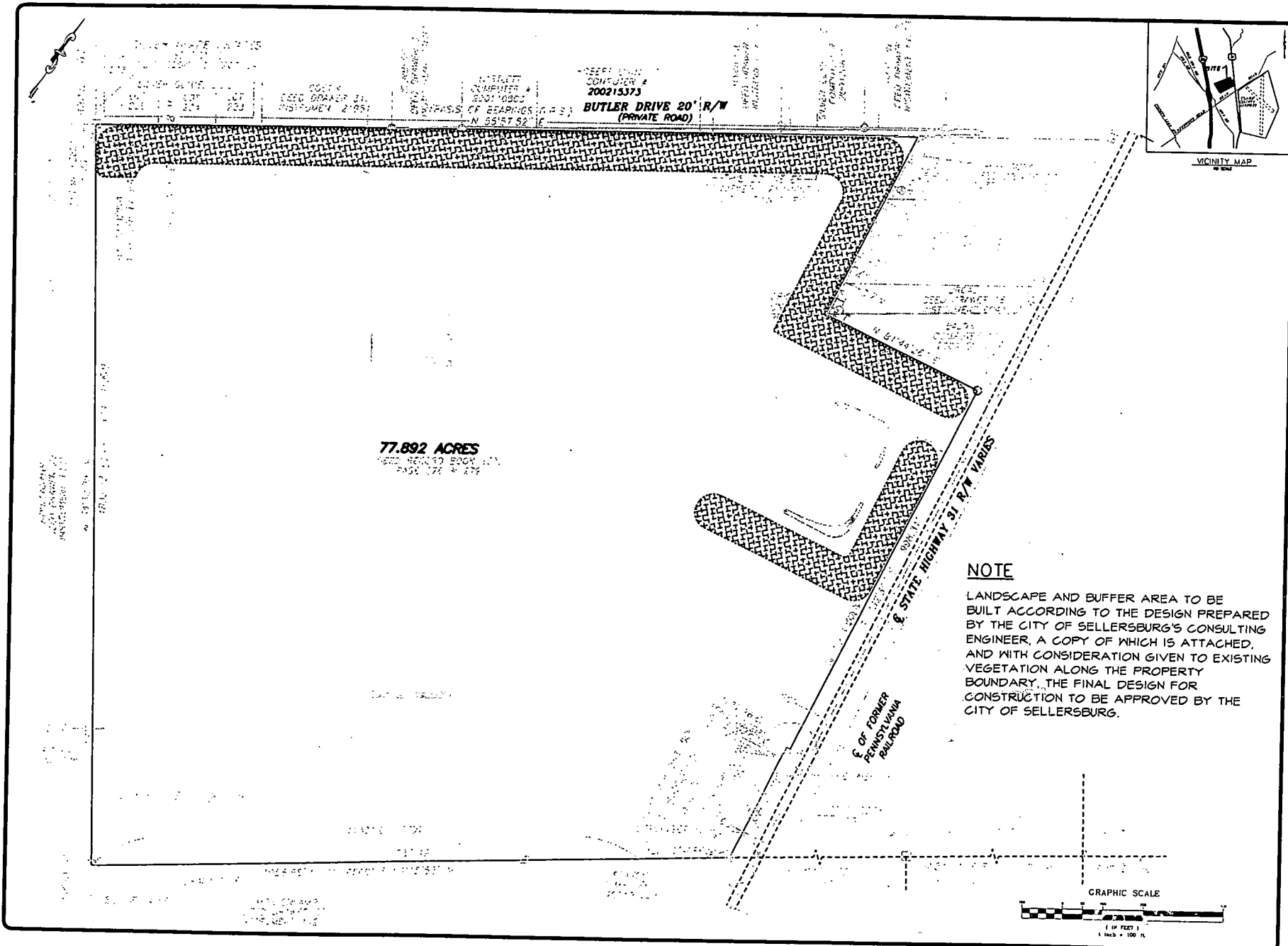
Resident of Clark County

[Signature]  
Notary Public

Phyllis A. Krueger  
Printed Signature



*This instrument prepared by:*  
C. Gregory Fifer, Attorney  
APPLEGATE & FIFER  
131 East Court Avenue, Suite 101  
Jeffersonville, Indiana 47131.1418  
(812) 284-9499



REVISIONS	BY

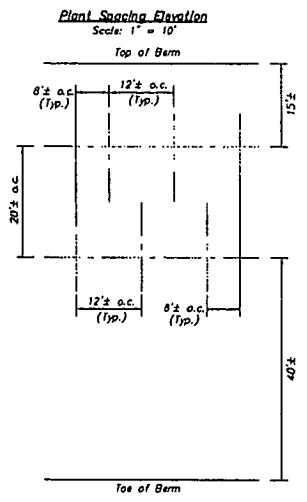
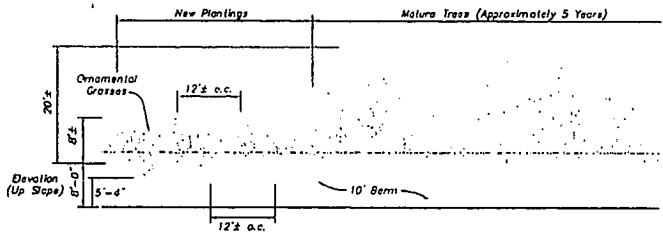
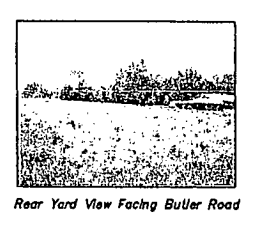
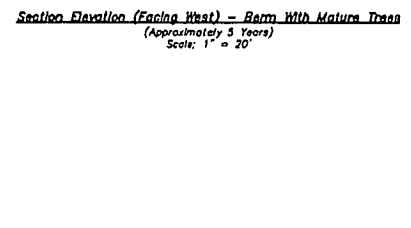
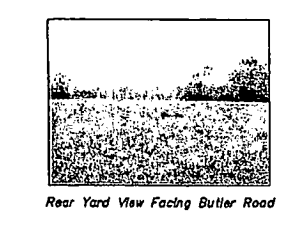
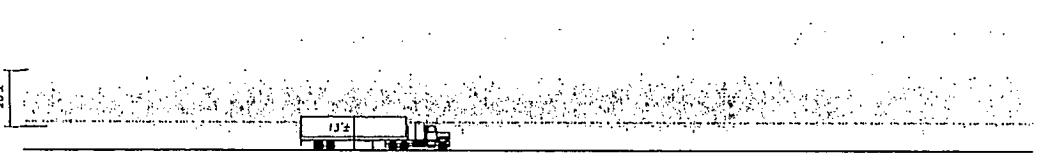
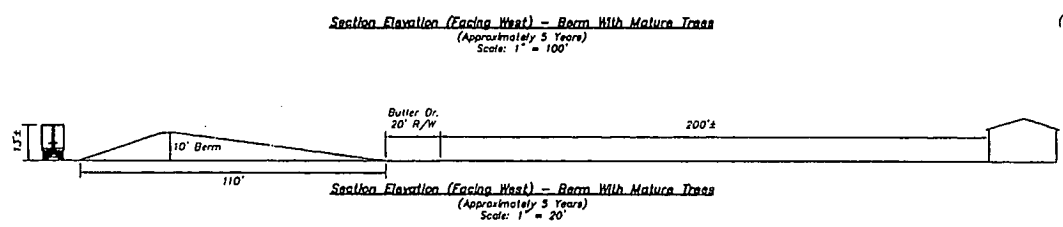
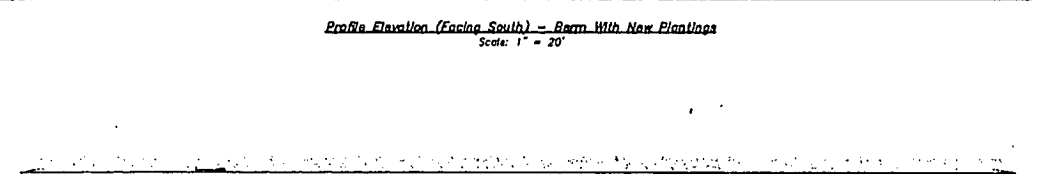
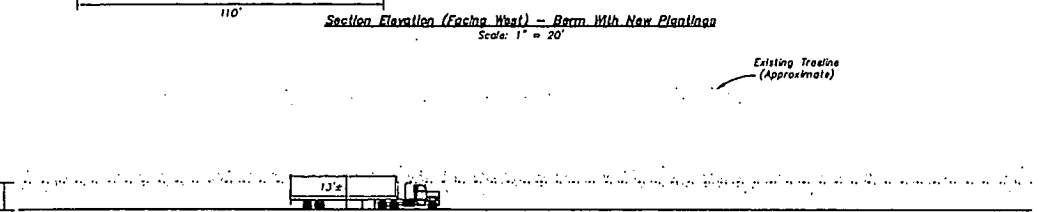
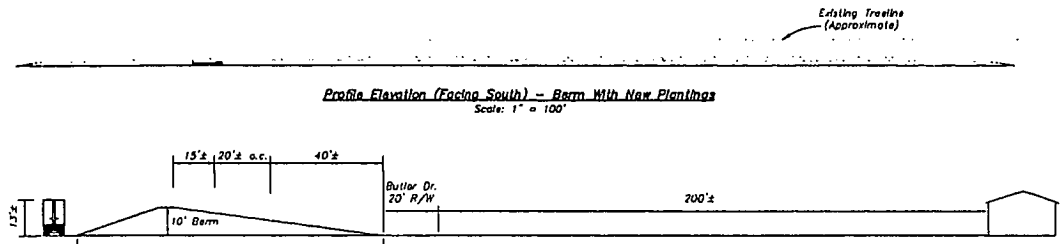
NEW CORPORATE OFFICE AND WAREHOUSE  
**SUMMIT LOGISTICS AND BROKERAGE**

DATE	ISSUE
JAN	JAE
FEB	JAE
MAR	JAE
APRIL 2, 2005	JAE
SHEET	1 OF 10
( IN FEET ) 1 inch = 100 ft	

**Planting Notes**

- A solid wall of coniferous trees (preferably spruce), spaced twelve (12) feet on center and staggered in 2 rows, will form a continuous screen within one (1) year. The lower row will be planted at a vertical height of five (5) feet above the foot of the slope and the top row will be planted at an eight foot vertical height. Each tree will be a minimum of eight (8) feet tall with a skirt diameter of seven (7) feet.
- One of the two following grass selections will be sown along the top five (5) feet of the berm ridge.
  - Bermudagrass: a warm-season, sod-forming perennial with a mature height of three (3) to four (4) feet and rich green color; or
  - A mix of Tall Fescue, a warm-season bunchgrass having a mature height of two (2) to four (4) feet, with Red Clover, a leafy cool-season perennial having violet flowers and a mature height of two (2) to three (3) feet
- In addition to the seasonal screening grasses, Kentucky Bluegrass, a low-growing turf grass, will be sown on the northwest facing slope of the berm.


Species	Per Tree \$	Subtotal	Shipping	Total	Per Tree Total
Austrian Pine (7'-8')	113.69	33,318.72	6,000.00	39,318.72	136.52
Austrian Pine (8'-10')	135.25	38,952.00	8,000.00	46,952.00	163.03
Norway Spruce (7'-8')	97.93	28,209.60	6,000.00	34,209.60	118.78
Norway Spruce (8'-10')	143.75	41,400.00	6,000.00	47,400.00	171.53




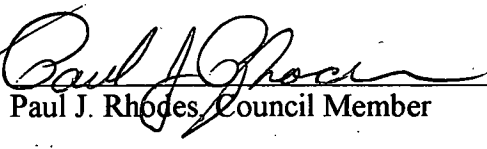
Plant Spacing Plan  
Scale: 1" = 10"

SO ORDAINED this 27<sup>th</sup> day of June, 2005.

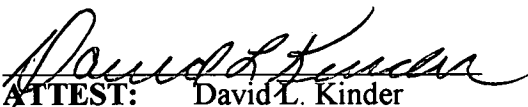
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

\_\_\_\_\_  
Jacques S. Smith, Council Member

  
ATTEST: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 019

AN ORDINANCE AMENDING ORDINANCE REGARDING  
SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Sellersburg Town Council did previously adopt an Ordinance establishing the 2005 Salary, Holiday and Longevity Pay; and

WHEREAS, the Sellersburg Town Council has determined that said Ordinance should be amended to accurately reflect the new rates of pay for the two (2) Clerks of the Sellersburg Town Court; 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 were invited to attend and participate.

BE IT THEREFORE NOW ORDAINED that the Ordinance regarding 2005 Salary, Holiday and Longevity Pay be amended as follows:


The hourly rate for the two (2) Clerks of the Sellersburg Town Court, to-wit: Amanda Kingsbury, and Kristin Hostettler, shall be changed from \$10.00 per hour to \$12.55 per hour;


This amendment shall be effective August 19, 2005.

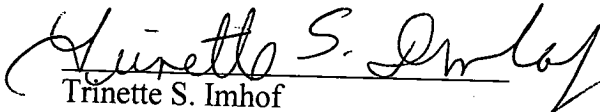
All other provisions of the 2005 Ordinance regarding salary, holiday and

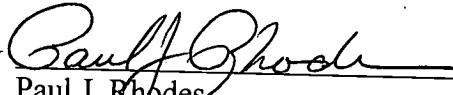
longevity pay shall remain in full force and effect.


SO ORDAINED THIS 15th DAY OF AUGUST, 2005.


  
\_\_\_\_\_  
Doug J. Reiter  
Council President

  
\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

  
\_\_\_\_\_  
Trinette S. Imhof  
Council Member

  
\_\_\_\_\_  
Paul J. Rhodes  
Council Member

  
\_\_\_\_\_  
Jacques S. Smith  
Council Member

  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer

**ORDINANCE NO. 2005-020**

**ORDINANCE AUTHORIZING TOWN OF SELLERSBURG ELECTED OFFICIALS  
AND TOWN ATTORNEY TO RECEIVE INSURANCE BENEFITS THROUGH THE  
TOWN OF SELLERSBURG HEALTH, DENTAL, AND LIFE INSURANCE  
PROGRAM.**

**WHEREAS**, the Town of Sellersburg has elected to provide health, dental and life insurance benefits for the Town of Sellersburg employees; and

**WHEREAS**, in addition to the regular employees of the Town of Sellersburg, the Town Council for the Town of Sellersburg desires to make health, dental, and life insurance benefits available to elected officials and the town attorney of the Town of Sellersburg; and

**WHEREAS**, the Town Council for the Town of Sellersburg must enact an ordinance authorizing elected officials and the town attorney to receive health, dental, and life insurance benefits; and

**WHEREAS**, the Town Council for the Town of Sellersburg desires to pass the herein ordinance to make insurance benefits available to elected officials and the town attorney as is currently available to other Town of Sellersburg employees; and

**WHEREAS**, the cost of said health, dental and life insurance benefits for an elected official and the town attorney shall be the same as the cost expended by the Town of Sellersburg to provide said insurance benefits to a regular Town employee; and

**WHEREAS**, 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;



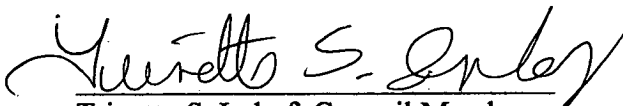
**BE IT NOW THEREFORE ORDAINED** by the Town Council for the Town of Sellersburg that health, dental, and life insurance benefits shall be made available to elected officials and the town attorney for the Town of Sellersburg in the same manner as insurance which is provided for a regular employee of the Town;

**BE IT FURTHER ORDAINED** by the Town Council for the Town of Sellersburg that the receipt of health, dental and life insurance by an elected official shall be at the election of said individual, however the failure to utilize said health, dental and life insurance shall not entitle the individual to receive additional compensation equal to the value of said insurance benefits in lieu of enrolling for said insurance benefits.

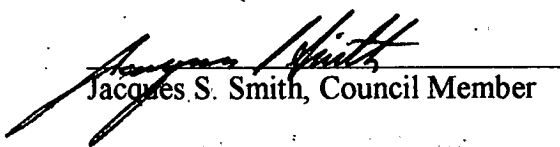
So ordained this 12<sup>th</sup> day of September, 2005.

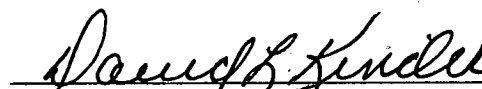
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice-President

  
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Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

  
\_\_\_\_\_  
Jacques S. Smith, Council Member

  
\_\_\_\_\_  
ATTEST: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO.: 2005-02

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, 2006, 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.

APPROVED BY:

COUNTY COUNCIL

Presented to the County Council of \_\_\_\_\_ County,  
Indiana, and read in full for the first time this \_\_\_\_\_ day of  
\_\_\_\_\_, yr.

\_\_\_\_\_  
President County Council

ATTEST:

\_\_\_\_\_  
County Auditor and/or Clerk of County Council

Presented to the County Council of \_\_\_\_\_ County,  
Indiana, and read in full for the second time, and adopted this \_\_\_\_\_ day of  
\_\_\_\_\_, yr. by the following vote:

YEA

NAY

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

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Council Member

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Council Member

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
County Auditor and/or Clerk of County Council

COMMON COUNCIL OR FPD BOARD

This ordinance shall be in full force and effect from and after its passage and approval by the Common Council and the Mayor or Fire Protection Board.

Adopted by the following vote on \_\_\_\_\_ yr.

YEA

NAY

\_\_\_\_\_  
Council/Board Member

\_\_\_\_\_  
Council/Board Member

\_\_\_\_\_  
Council/Board Member

\_\_\_\_\_  
Council/Board Member

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Council/Board Member

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Council/Board Member

\_\_\_\_\_  
Council/Board Member

\_\_\_\_\_  
Council/Board Member

Approved by the Mayor/Board \_\_\_\_\_ yr

\_\_\_\_\_  
Mayor/Board

ATTEST:

\_\_\_\_\_  
City Clerk or Clerk-Treasurer/Board

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 12, yr 2005

YEA

NAY

*[Signature]*  
Council Member

\_\_\_\_\_  
Council Member

*[Signature]*  
Council Member

\_\_\_\_\_  
Council Member

*[Signature]*  
Council Member

\_\_\_\_\_  
Council Member

*[Signature]*  
Council Member

\_\_\_\_\_  
Council Member

*[Signature]*  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:

*[Signature]*  
DAVID L. KINDER, TOWN CLERK TREASURER

BUDGET REPORT FOR

2008		TOWN OF SELLERSBURG				COUNTY		
ID	YEAR	CO	TYPE	KEY	TAXING UNIT			
			FUND: GENERAL			DEPARTMENT: TOWN COUNCIL	FUNCTION:	
			100000 PERSONAL SERVICES			364,850.00		
			200000 SUPPLIES			1,000.00		
			300000 OTHER SERVICES AND CHARGES			234,300.00		
			400000 CAPITAL OUTLAY			28,400.00		
			9999 TOTAL			628,550.00		
			FUND: GENERAL			DEPARTMENT: TOWN COURT	FUNCTION:	
			100000 PERSONAL SERVICES			57,500.00		
			200000 SUPPLIES			6,500.00		
			300000 OTHER SERVICES AND CHARGES			9,000.00		
			400000 CAPITAL OUTLAY			2,000.00		
			9999 TOTAL			75,000.00		
			FUND: GENERAL			DEPARTMENT: CLERK/TREASURER	FUNCTION:	
			100000 PERSONAL SERVICES			130,500.00		
			200000 SUPPLIES			8,200.00		
			300000 OTHER SERVICES AND CHARGES			30,500.00		
			400000 CAPITAL OUTLAY			5,000.00		
			9999 TOTAL			174,200.00		
			FUND: GENERAL			DEPARTMENT: POLICE DEPT	FUNCTION:	
			100000 PERSONAL SERVICES			885,000.00		
			200000 SUPPLIES			11,700.00		
			300000 OTHER SERVICES AND CHARGES			71,500.00		
			400000 CAPITAL OUTLAY			83,000.00		
			9999 TOTAL			1,011,200.00		
			FUND: GENERAL			DEPARTMENT: STREET/SANITATION	FUNCTION:	
			100000 PERSONAL SERVICES			200,000.00		
			200000 SUPPLIES			25,800.00		
			300000 OTHER SERVICES AND CHARGES			68,400.00		
			400000 CAPITAL OUTLAY			241,250.00		
			9999 TOTAL			553,450.00		
			FUND: GENERAL			DEPARTMENT: ANIMAL CONTROL	FUNCTION:	
			100000 PERSONAL SERVICES			31,800.00		
			200000 SUPPLIES			4,400.00		
			300000 OTHER SERVICES AND CHARGES			4,500.00		
			400000 CAPITAL OUTLAY			2,000.00		
			9999 TOTAL			42,500.00		
			FUND: METRO POLICE PENTION (MPP)			DEPARTMENT: MPP	FUNCTION:	
			100000 PERSONAL SERVICES			-		
			200000 SUPPLIES			-		
			300000 OTHER SERVICES AND CHARGES			130,000.00		
			400000 CAPITAL OUTLAY			78.00		
			9999 TOTAL			130,078.00		
			FUND: PARKS & RECREATION (PR)			DEPARTMENT: PARKS & REC.	FUNCTION:	
			100000 PERSONAL SERVICES			80,850.00		
			200000 SUPPLIES			22,000.00		
			300000 OTHER SERVICES AND CHARGES			30,000.00		
			400000 CAPITAL OUTLAY			14,000.00		
			9999 TOTAL			127,350.00		
			FUND: CUMULATIVE CAPITAL DEVELOPMENT (CCD)			DEPARTMENT: CCD	FUNCTION:	
			100000 PERSONAL SERVICES			-		
			200000 SUPPLIES			-		
			300000 OTHER SERVICES AND CHARGES			17,000.00		
			400000 CAPITAL OUTLAY			84,000.00		
			9999 TOTAL			111,000.00		
			FUND: CUMULATIVE CAPITAL IMPROVEMENT (CCI)			DEPARTMENT: CCI	FUNCTION:	
			100000 PERSONAL SERVICES			-		
			200000 SUPPLIES			-		
			300000 OTHER SERVICES AND CHARGES			11,000.00		
			400000 CAPITAL OUTLAY			32,500.00		
			9999 TOTAL			43,500.00		
			FUND: MOTOR VEHICLE HIGHWAY (MVH)			DEPARTMENT: MVH	FUNCTION:	
			100000 PERSONAL SERVICES			290,000.00		
			200000 SUPPLIES			68,500.00		
			300000 OTHER SERVICES AND CHARGES			169,700.00		
			400000 CAPITAL OUTLAY			85,000.00		
			9999 TOTAL			613,200.00		
			FUND: LOCAL ROADS & STREETS (LRS)			DEPARTMENT: LRS	FUNCTION:	
			100000 PERSONAL SERVICES			-		
			200000 SUPPLIES			-		
			300000 OTHER SERVICES AND CHARGES			108,000.00		
			400000 CAPITAL OUTLAY			132,000.00		
			9999 TOTAL			240,000.00		
			FUND: LLECE			DEPARTMENT: LLECE	FUNCTION:	
			100000 PERSONAL SERVICES			-		
			200000 SUPPLIES			-		
			300000 OTHER SERVICES AND CHARGES			-		
			400000 CAPITAL OUTLAY			-		
			9999 TOTAL			-		

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND GENERAL

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:		AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
1.	Total budget estimate for incoming year <b>2006</b>	2,485,000.00			
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	1,590,609.00			
3.	Additional appropriation necessary to be made July 1 to December 31 of present year				
4.	Outstanding temporary loans				
	a. To be paid not included in lines 2 or 3				
	b. Not repaid by December 31 of present year				
5.	Total funds required (add lines 1, 2, 3, 4a and 4b)	4,075,609.00	0.00	0.00	
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:					
6.	Actual cash balance, June 30 of present year (including cash investments)	-221,611.00			
7.	Taxes to be collected, present year (December Settlement)	1,069,271.00			
8.	Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year (Schedule on File):				
	a. Total Column A Budget Form 2	405,700.00			
	b. Total Column B Budget Form 2	703,762.00			
9.	TOTAL FUNDS (add lines 6, 7, 8a and 8b)	1,957,122.00	0.00	0.00	
10.	Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	2,118,487.00	0.00	0.00	
11.	Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	-675,487.00			
12.	Amount to be raised by tax levy (add lines 10 and 11)	1,443,000.00	0.00	0.00	
13.	Property Tax Replacement Credit from Local Option Tax	43,000.00			
14.	NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	1,400,000.00	0.00	0.00	
15.	Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16.	Net amount to be raised	1,400,000.00	0.00	0.00	
17.	Net Tax Rate on each one hundred dollars of taxable property	0.80			

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND LRS

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:		AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
1.	Total budget estimate for incoming year <u>2006</u>	240,000.00			
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	169,840.00			
3.	Additional appropriation necessary to be made July 1 to December 31 of present year				
4.	Outstanding temporary loans				
	a. To be paid not included in lines 2 or 3				
	b. Not repaid by December 31 of present year				
5.	Total funds required (add lines 1, 2, 3, 4a and 4b)	409,840.00	0.00	0.00	
<b>FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:</b>					
6.	Actual cash balance, June 30 of present year (including cash investments)	223,390.00			
7.	Taxes to be collected, present year (December Settlement)				
8.	Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year				
	(Schedule on File):				
	a. Total Column A Budget Form 2	29,521.00			
	b. Total Column B Budget Form 2	63,131.00			
9.	TOTAL FUNDS (add lines 6, 7, 8a and 8b)	316,042.00	0.00	0.00	
10.	Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	93,798.00	0.00	0.00	
11.	Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	0.00			
12.	Amount to be raised by tax levy (add lines 10 and 11)		0.00	0.00	
13.	Property Tax Replacement Credit from Local Option Tax				
14.	NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	0.00	0.00	0.00	
15.	Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXX	
16.	Net amount to be raised	0.00	0.00	0.00	
17.	Net Tax Rate on each one hundred dollars of taxable property				

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND MPP

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:		AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
1.	Total budget estimate for incoming year 2006	130,000.00			
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	81,176.00			
3.	Additional appropriation necessary to be made July 1 to December 31 of present year				
4.	Outstanding temporary loans				
	a. To be paid not included in lines 2 or 3				
	b. Not repaid by December 31 of present year				
5.	Total funds required (add lines 1, 2, 3, 4a and 4b)	211,176.00	0.00	0.00	
<b>FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:</b>					
6.	Actual cash balance, June 30 of present year (including cash investments)	138,728.00			
7.	Taxes to be collected, present year (December Settlement)	500.00			
8.	Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year				
	(Schedule on File):				
	a. Total Column A Budget Form 2	25,656.00			
	b. Total Column B Budget Form 2	12,220.00			
9.	TOTAL FUNDS (add lines 6, 7, 8a and 8b)	177,104.00	0.00	0.00	
10.	Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	34,072.00	0.00	0.00	
11.	Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	0.00			
12.	Amount to be raised by tax levy (add lines 10 and 11)	34,072.00	0.00	0.00	
13.	Property Tax Replacement Credit from Local Option Tax				
14.	NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	34,072.00	0.00	0.00	
15.	Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16.	Net amount to be raised	34,072.00	0.00	0.00	
17.	Net Tax Rate on each one hundred dollars of taxable property	0.025			

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND PARKS & RECREATION

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:		AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
1.	Total budget estimate for incoming year 2006	127,350.00			
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	85,811.00			
3.	Additional appropriation necessary to be made July 1 to December 31 of present year				
4.	Outstanding temporary loans				
	a. To be paid not included in lines 2 or 3				
	b. Not repaid by December 31 of present year				
5.	Total funds required (add lines 1, 2, 3, 4a and 4b)	213,161.00	0.00	0.00	
FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:					
6.	Actual cash balance, June 30 of present year (including cash investments)	25,197.00			
7.	Taxes to be collected, present year (December Settlement)	40,000.00			
8.	Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year (Schedule on File):				
	a. Total Column A Budget Form 2	19,620.00			
	b. Total Column B Budget Form 2	39,170.00			
9.	TOTAL FUNDS (add lines 6, 7, 8a and 8b)	123,987.00	0.00	0.00	
10.	Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	89,174.00	0.00	0.00	
11.	Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	0.00			
12.	Amount to be raised by tax levy (add lines 10 and 11)	89,174.00	0.00	0.00	
13.	Property Tax Replacement Credit from Local Option Tax	0.00			
14.	NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	89,174.00	0.00	0.00	
15.	Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16.	Net amount to be raised	89,174.00	0.00	0.00	
17.	Net Tax Rate on each one hundred dollars of taxable property	0.06			

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND MVH

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
<b>FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:</b>				
1. Total budget estimate for incoming year 2006	611,200.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	348,674.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans a. To be paid not included in lines 2 or 3 b. Not repaid by December 31 of present year				
5. Total funds required (add lines 1, 2, 3, 4a and 4b)	959,874.00	0.00	0.00	
<b>FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:</b>				
6. Actual cash balance, June 30 of present year (including cash investments)	708,490.00			
7. Taxes to be collected, present year (December Settlement)				
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year (Schedule on File): a. Total Column A Budget Form 2 b. Total Column B Budget Form 2	151,201.00 297,211.00			
9. TOTAL FUNDS (add lines 6, 7, 8a and 8b)	1,156,902.00	0.00	0.00	
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)		0.00	0.00	
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)	0.00	0.00	0.00	
13. Property Tax Replacement Credit from Local Option Tax				
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	0.00	0.00	0.00	
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16. Net amount to be raised	0.00	0.00	0.00	
17. Net Tax Rate on each one hundred dollars of taxable property				



2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND CCI

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

	AMOUNT USED TO COMPUTE PUBLISHED BUDGET	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
<b>FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:</b>				
1. Total budget estimate for incoming year <u>2006</u>	43,500.00			
2. Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	26,952.00			
3. Additional appropriation necessary to be made July 1 to December 31 of present year				
4. Outstanding temporary loans				
a. To be paid not included in lines 2 or 3				
b. Not repaid by December 31 of present year				
5. Total funds required (add lines 1, 2, 3, 4a and 4b)	70,452.00	0.00	0.00	
<b>FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:</b>				
6. Actual cash balance, June 30 of present year (including cash investments)	37,811.00			
7. Taxes to be collected, present year (December Settlement)				
8. Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year (Schedule on File):				
a. Total Column A Budget Form 2	11,170.00			
b. Total Column B Budget Form 2	21,127.00			
9. TOTAL FUNDS (add lines 6, 7, 8a and 8b)	70,108.00	0.00	0.00	
10. Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	344.00	0.00	0.00	
11. Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)				
12. Amount to be raised by tax levy (add lines 10 and 11)	344.00	0.00	0.00	
13. Property Tax Replacement Credit from Local Option Tax				
14. NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	344.00	0.00	0.00	
15. Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16. Net amount to be raised	344.00	0.00	0.00	
17. Net Tax Rate on each one hundred dollars of taxable property				

2006  
 ID YEAR CO TYPE FUND

**BUDGET ESTIMATE - FINANCIAL STATEMENT - PROPOSED TAX RATE**

TAXING UNIT TOWN OF SELLERSBURG  
 FUND CCD

COUNTY \_\_\_\_\_  
 NET ASSESSED VALUATION \$177,737,930.00

(This form is to be prepared for each fund that requires either a tax rate or an appropriation)  
 (NOT TO BE PUBLISHED)

FUNDS REQUIRED FOR EXPENSES TO DECEMBER 31st OF INCOMING YEAR:		AMOUNT USED TO COMPUTE PUBLISHED	APPROPRIATING BODY	TAX ADJUSTMENT BOARD	CONTROL BOARD AND DLGF FINAL ACTION
1.	Total budget estimate for incoming year <b>2006</b>	111,000.00			
2.	Necessary expenditures, July 1 to December 31 of present year, to be made from appropriation unexpended	55,112.00			
3.	Additional appropriation necessary to be made July 1 to December 31 of present year				
4.	Outstanding temporary loans				
	a. To be paid not included in lines 2 or 3				
	b. Not repaid by December 31 of present year				
5.	Total funds required (add lines 1, 2, 3, 4a and 4b)	166,112.00	0.00	0.00	
<b>FUNDS ON HAND TO BE RECEIVED FROM SOURCES OTHER THAN PROPOSED TAX LEVY:</b>					
6.	Actual cash balance, June 30 of present year (including cash investments)	115,601.00			
7.	Taxes to be collected, present year (December Settlement)	25,000.00			
8.	Miscellaneous revenue to be received July 1 of present year to December 31 of incoming year (Schedule on File):				
	a. Total Column A Budget Form 2	6,399.00			
	b. Total Column B Budget Form 2	6,399.00			
9.	TOTAL FUNDS (add lines 6, 7, 8a and 8b)	153,399.00	0.00	0.00	
10.	Net amount to be raised for expenses to December 31 of incoming year (deduct line 9 from line 5)	12,713.00	0.00	0.00	
11.	Operating balance (not in excess of expense January 1 to June 30, less miscellaneous revenue for same period)	42,287.00			
12.	Amount to be raised by tax levy (add lines 10 and 11)	55,000.00	0.00	0.00	
13.	Property Tax Replacement Credit from Local Option Tax				
14.	NET AMOUNT TO BE RAISED BY TAX LEVY (deduct line 13 from line 12)	55,000.00	0.00	0.00	
15.	Levy Excess Fund applied to current budget	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXX	
16.	Net amount to be raised	55,000.00	0.00	0.00	
17.	Net Tax Rate on each one hundred dollars of taxable property	0.03			

Notice is hereby given the taxpayers of SELLERSBURG County, City Town or Fire Protection District of SELLERSBURG, Indiana, that the County Council, Common Town Council or board of SELLERSBURG at SELLERSBURG TOWN HALL on AUGUST 22, 2005, at 7:00 P.M., will conduct a public hearing on the budget. Following this meeting, and ten or more tax payers may object to a budget, tax rate, or tax levy by filing an objecting petition with proper officers of the political subdivision within seven days after the hearing. The objecting petition must identify the provisions of the budget, tax rate or tax levy that taxpayers object to. If a petition is filed, the political subdivision shall adopt with its budget a finding concerning the objections filed and testimony presented. Following the aforementioned meeting, the fiscal body will meet at SELLERSBURG TOWN HALL on SEPTEMBER 12, 2005 at 7:00 P.M. to adopt the following budget.

**BUDGET ESTIMATE**

Net Assessed Value 177,737,930

Complete details of budget estimates by fund and/or department may be seen at the County Auditor, City Controller, or Clerk-Treasurer's or Fire Protection District Offices.

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (Including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals (included in Column 3)	Current Tax Levy
GENERAL	2,485,000.00	1,400,000.00	500,000.00	1,069,271.00
MPP	130,000.00	34,072.00	0.00	533.00
PARKS	127,350.00	89,174.00	0.00	30,393.00
LRS	240,000.00	0.00	0.00	0.00
MVH	611,200.00	0.00	0.00	0.00
CCI	43,500.00	0.00	0.00	0.00
CCD	111,000.00	55,000.00	0.00	45,323.00
TOTAL	3,748,050.00	1,578,246.00	500,000.00	1,145,520.00

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (Including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals (included in Column 3)	Current Tax Levy
TOTAL	7,496,100.00	3,156,492.00	1,000,000.00	2,291,040.00

The 20\_05\_ estimated maximum levy limitation for the unit is 1,500,000

The Property Tax Replacement Credit used to reduce the rate for this unit is 43,000

Taxpayers appearing at the hearing shall have an opportunity to be heard. Pursuant to IC 6-1.1-17-13, after the tax levies have been determined, fixed by the appropriate governing body, and the tax rates published by the County Auditor, ten (10) or more taxpayers or one (1) taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision may initiate an appeals from the county board of tax adjustment's action on a political subdivision's budget by filing a statement of their objections with the County Auditor. The statement must be filed not later than ten (10) days after the publication of the notice. The statement shall specifically identify the provisions of the budget and tax levy to which the taxpayers object. The County Auditor shall forward the statement, with the budget, to the Department of Local Government Finance.

Date 7/22/2005

*(Signature)*  
 (County Auditor, City Controller, Clerk-Treasurer or Fire protection District)

ORDINANCE NO. 2005- 022

ORDINANCE AMENDING SECTION 95.15 OF THE SELLERSBURG CODE

WHEREAS, the Sellersburg Town Council has developed procedures to abate nuisances with the municipal limits of the Town of Sellersburg; and

WHEREAS, the current ordinance requires the Town of Sellersburg police officers to service notice upon the owner or occupant of premises where a nuisance is found to exist; and

WHEREAS, the Sellersburg Town Council has determined the Town of Sellersburg Building Commissioner should also be authorized to issue and service notice upon the owner or occupant of a premises where a nuisance is found to exist; and

WHEREAS, the Sellersburg Town Council has determined Section 95.15 of the Sellersburg Town Code should be amended to allow the Town of Sellersburg Building Commissioner, as well as the Town of Sellersburg Police Department to issue notice to the owner or occupant of the premises where a nuisance is found to exist and an abatement is required; and

WHEREAS, the Sellersburg Town Council desires to authorize the Town of Sellersburg Building Commissioner, as well as the Town of Sellersburg Police Department to perfect the personal service of the nuisance notice and request to abate same; and

WHEREAS, the herein amended 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; and

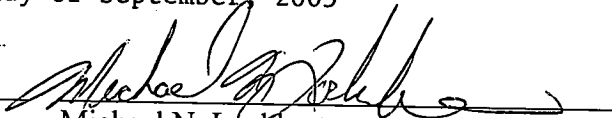
BE IT NOW THEREFORE ORDAINED that section 95.15 of the Sellersburg Town Code shall be amended to allow the Town of Sellersburg Building Commissioner, as well as the

Town of Sellersburg Police Department to issue and serve notice upon the owner or occupant of a premises where a nuisance is found to exist; and further authorize the Town of Sellersburg Building Commissioner, as well as the Town of Sellersburg Police Department to perfect the personal service of the nuisance notice and request to abate same. All other parts of said ordinance which are not in conflict herewith shall remain in full force and effect.

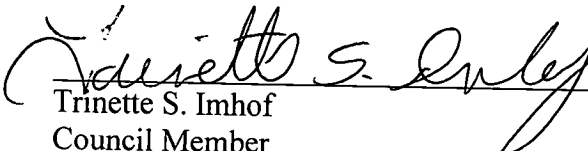
So Ordained this 12th day of September, 2005



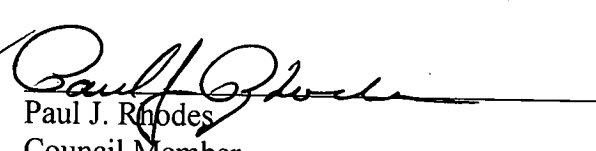
Doug J. Reiter  
Council President



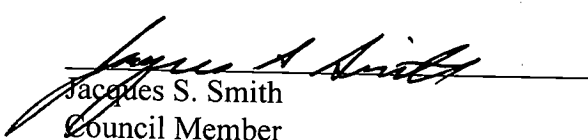
Michael N. Lockhart  
Council Vice President



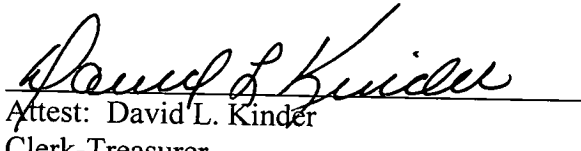
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 023

ORDINANCE AMENDING SECTION 95.12 OF THE SELLERSBURG TOWN CODE

WHEREAS, the Sellersburg Town Council has previously enacted an ordinance regarding animal nuisances within the Town of Sellersburg municipal limits; and

WHEREAS, the Sellersburg Town attorney has reviewed Section 95.12, as it concerns animal nuisances and has found that subsection (F) paragraphs 1, 2 and 3, are no longer appropriate and should therefore be deleted from the Sellersburg Town Code; and

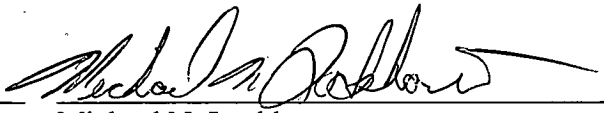
WHEREAS, the herein Ordinance is necessary for the efficient and effective administration of Town government;

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

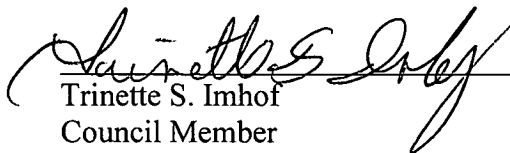
BE IT NOW THEREFORE ORDAINED, Section 95.12 subsection (F) paragraphs 1, 2, and 3 shall be and hereby are deleted and removed from the Sellersburg Town Code. All other parts of said ordinance which are not in conflict herewith shall remain in full force and effect.



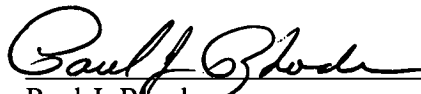
Doug J. Reiter  
Council President



Michael N. Lockhart  
Council Vice President



Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

SO ORDAINED THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2005.

ORDINANCE NO. 2005-024

ORDINANCE AMENDING SALARY, HOLIDAY, AND LONGEVITY PAY

WHEREAS, the Sellersburg Town Council previously amended the salary, holiday and longevity pay ordinance to reflect a change in the hourly wage of Amanda Kingsbury and Christina Hostettler from \$10.00 per hour to \$12.55 per hour during the absence of the current Clerk of Sellersburg Town Court; and

WHEREAS, the Clerk of the Sellersburg Town Court has now returned to her duties; and

WHEREAS, the Sellersburg Town Council now finds the pay rate of Amanda Kingsbury and Christina Hostettler shall be changed from \$12.55 per hour to \$10.00 per hour effective October 10, 2005; and


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

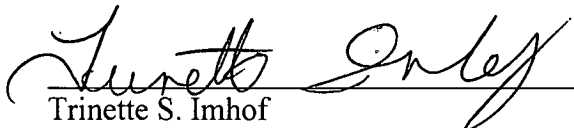
WHEREAS, the Sellersburg Town Council has determined the herein ordinance is necessary for the efficient and effective administration of Town government;


BE IT NOW ORDAINS AS FOLLOWS: The hourly rate for Sellersburg Town Court Deputy Clerks, Amanda Kingsbury and Christina Hostettler shall be changed from \$12.55 per hour to \$10.00 per hour effective October 10, 2005. All other provisions of the salary, holiday, and longevity

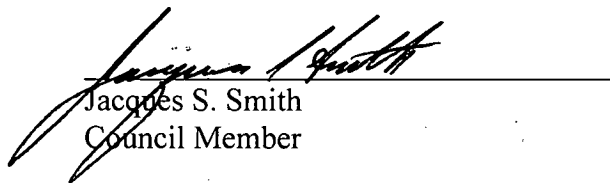
pay ordinance which are not in conflict herewith remain in full force and effect.

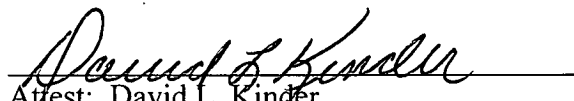
\_\_\_\_\_  
Doug J. Reiter  
Council President

  
\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

  
\_\_\_\_\_  
Trinette S. Imhof  
Council Member

  
\_\_\_\_\_  
Paul J. Rhodes  
Council Member

  
\_\_\_\_\_  
Jacques S. Smith  
Council Member

  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer



3  
e-Sellersburg

Richard P. Jones  
CLARK COUNTY RECORDER  
Filed for Record as Presented  
I 201205817  
JW Date 03/26/2012  
Page 1 of 3  
Time 12:27:20  
3P

ORDINANCE NO. 2005-025

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

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

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

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

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

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

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

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

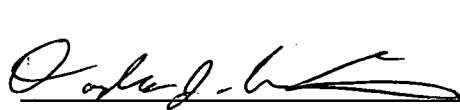
IT IS, THEREFORE, NOW ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

THAT A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS THE CONNIE GILLENWATER AND NAN GILLENWATER, HUSBAND AND WIFE, PROPERTY AND WHICH IS MORE PARTICULARLY DESCRIBED AND IDENTIFIED BY EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN SHALL NOW BE REZONED

AND THE CURRENT ZONING OF SINGLE FAMILY RESIDENCES (R-1 DISTRICT) OF THE DESCRIBED AREA SHALL BE CHANGED TO GENERAL BUSINESS (B-3 DISTRICT) SUBJECT TO THE FOLLOWING:

- A. 2.10.2.1 Uses permitted by right shall include the following:
  - (1) Any commercial use permitted by right in a B-1 District.
  - (3) Auto Parts/Supplies.
  
- B. 2.10.2.1 Uses permitted by right shall exclude
  - (2) auto parking and items 4 thru 26.

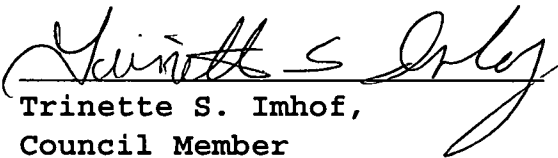
SO ORDAINED THIS 19TH DAY OF DECEMBER, 2005.




Douglas J. Reiter,  
Council President



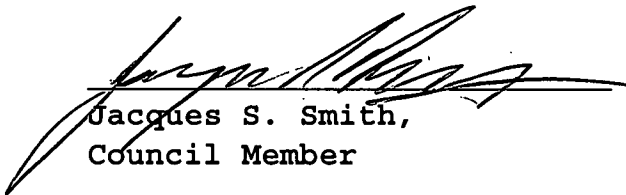
Michael N. Lockhart, Vice-President




Trinette S. Imhof,  
Council Member



Paul J. Rhodes, Council Member



Jacques S. Smith,  
Council Member

ATTEST 

David L. Kinder  
Clerk-Treasurer

EXHIBIT A

Part of Survey No. 108 of the Illinois Grant, described as follows: Beginning at the iron pin at the common corners of Surveys Nos. 88, 108 and 110 of the Illinois Grant; thence N. 40 deg. 04 min. W. along the original line dividing Surveys Nos. 108 and 110, 1993 feet more or less to a point in the center line of U.S. Highway No. 31-W; thence S. 9 deg. 07 min. W. along the center line of said Highway 1167.2 feet to a nail in said center line the true place of beginning; thence N. 68 deg. 11 min. E. 220.0 feet to an iron pipe; thence S. 7 deg. 11 min. W. 407.3 feet to an iron pipe; thence N. 71 deg. 17 min. W. 224.7 feet to a nail in the center of U.S. Highway No. 31-W; thence N. 17 deg. 11 min. E. along the center line of said highway 136.6 feet to a nail; thence N. 9 deg. 07 min. E. along the center line of said highway 121.3 feet to the true place of beginning, containing 1.533 acres more or less, hereby conveyed, subject to the right of way of U.S. Highway No. 31-W.

ORDINANCE NO. 2005-026												
HOURLY, SALARY, HOLIDAY AND LONGEVITY PAY												
FOR EMPLOYEES OF THE TOWN OF SELLERSBURG, INDIANA												
FOR CALENDAR YEAR 2006												
BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, that the												
hourly, and salary pay for the Town of Sellersburg, Indiana for calendar year 2006												
payable from the General Fund, Water Utility, Sewer Utility, and the Parks and Recreation Fund of the Town of Sellersburg												
shall be as follows:												
	Name		Hourly Rate	General Fund	MVH	Water	Sewer	General Fund	MVH	Water	Sewer	
<b>POLICE DEPARTMENT:</b>												
	Chief of Police	Salary	\$25.20	100%				\$52,416.00	\$52,416.00	\$0.00	\$0.00	\$0.00
	Assistant Chief	Salary	\$22.85	100%				\$47,528.00	\$47,528.00	\$0.00	\$0.00	\$0.00
	Sergeant	Salary	\$18.55	100%				\$38,584.00	\$38,584.00	\$0.00	\$0.00	\$0.00
	Sergeant	Salary	\$18.55	100%				\$38,584.00	\$38,584.00	\$0.00	\$0.00	\$0.00
	Sergeant	Salary	\$18.55	100%				\$38,584.00	\$38,584.00	\$0.00	\$0.00	\$0.00
	Detective	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	First Class Patrolman	Salary	\$17.48	100%				\$36,358.40	\$36,358.40	\$0.00	\$0.00	\$0.00
	School Resource Officer	Salary	\$17.48	100%		100%		\$36,358.40	\$0.00	\$36,358.40	\$0.00	\$0.00
Probationary Patrolman hired in 2006 will have a starting hourly wage of \$16.98.												
			Hourly Rate	General Fund	MVH	Water	Sewer					
	Full Time Police Dispatcher/Secretary	Hourly	\$14.25	100%				\$29,640.00	\$29,640.00	\$0.00	\$0.00	\$0.00
	Full Time Police Dispatcher	Hourly	\$13.50	100%				\$28,080.00	\$28,080.00	\$0.00	\$0.00	\$0.00
	Full Time Police Dispatcher	Hourly	\$13.00	100%				\$27,040.00	\$27,040.00	\$0.00	\$0.00	\$0.00
	Full Time Police Dispatcher	Hourly	\$12.50	100%				\$26,000.00	\$26,000.00	\$0.00	\$0.00	\$0.00
	Part Time Police Dispatcher	Hourly	\$12.50	100%				\$26,000.00	\$26,000.00	\$0.00	\$0.00	\$0.00
Full Time Police Dispatcher hired in 2006 will have a starting hourly wage of 12.50												
Employee other than Police, Clerical, and Administration receives fifty cent raise for acquiring a CDL License for the first time												
<b>SANITATION DEPARTMENT:</b>												
	Superintendent	Salary	\$20.35			100%		\$42,328.00	\$0.00	\$42,328.00	\$0.00	\$0.00
	Team Member	Hourly	\$16.25	100%				\$33,800.00	\$33,800.00	\$0.00	\$0.00	\$0.00
	Team Member	Hourly	\$15.25	100%				\$31,720.00	\$31,720.00	\$0.00	\$0.00	\$0.00
	Team Member	Hourly	\$15.25	100%				\$31,720.00	\$31,720.00	\$0.00	\$0.00	\$0.00
	Team Member	Hourly	\$15.25	100%				\$31,720.00	\$31,720.00	\$0.00	\$0.00	\$0.00
New Hire in 2006 will have a starting hourly wage of \$14.50												
<b>CLERK TREASURER'S OFFICE</b>												
	Chief Deputy Clerk Treasurer (Eve)	Hourly	\$15.90	100%				\$33,072.00	\$33,072.00	\$0.00	\$0.00	\$0.00
	Deputy Clerk Treasurer (Jones)	Hourly	\$15.75	100%				\$32,760.00	\$32,760.00	\$0.00	\$0.00	\$0.00
<b>ANIMAL CONTROL</b>												
	Animal Control Officer (Robinson)	Salary	\$15.75	100%				\$32,760.00	\$32,760.00	\$0.00	\$0.00	\$0.00
New Hire in 2006 will have a starting hourly wage of \$14.50												
<b>TOWN COURT</b>												
	Court Administrator (Weitzel)	Hourly	\$12.80	100%				\$26,624.00	\$26,624.00	\$0.00	\$0.00	\$0.00
	Part Time Court Clerk (TBA)	Hourly	\$10.00	100%				\$4,160.00	\$4,160.00	\$0.00	\$0.00	\$0.00
	Part Time Court Clerk (TBA)	Hourly	\$10.00	100%				\$4,160.00	\$4,160.00	\$0.00	\$0.00	\$0.00
New Hire in 2006 will have a starting salary of \$12.50												



**ORDINANCE NO. 2005-027**

**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:**

Transfer from the General Fund appropriation 101301432 S&S Sidewalks the following amounts to the following appropriations:

\$40.00	to 101002361 CT Cleaning
\$600.00	to 101003125 TC Unemployment
\$2000.00	to 101003317 TC Promotion
\$2000.00	to 101003318 TC Committee Members
\$24500.00	to 101003341 TC Ins. Other Than Group
\$5200.00	to 101003356 TC Hydrant Rental
\$800.00	to 101003395 TC Judgements
\$400.00	to 101019315 Court Translation Services
\$169.00	to 101020213 PD Office Supplies
\$1000.00	to 101020318 PD Police Commissioners
\$2700.00	to 101020323 PD Telephones/Pagers
\$400.00	to 101020351 PD Electric
\$4000.00	to 101301225 S&S Fuel for Packer
\$600.00	to 101301232 S&S Uniforms/Maintenance Supplies

**ORDINANCE NO. 2005-027**

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\$100.00 to 101301242 S&S Misc. Supplies  
\$900.00 to 101301323 S&S Telephones/Pagers  
\$6500.00 to 101301441 S&S Equipment/Packer  
\$23000.00 to 101301443 S&S Street Truck  
\$2800.00 to 101950393 AC Misc. Charges  
\$12500.00 to 101003394 TC Misc. Services/Charges

Transfer from the Motor Vehicle Highway (MVH) Fund appropriation 201001384 MVH

Paving & Culverts the following amounts to the following appropriations:

\$3000.00 to 201001225 MVH Gasoline  
\$14280.00 to 201001314 MVH Consulting Services  
\$7000.00 to 201001316 MVH Building Commissioner  
\$700.00 to 201001394 MVH Misc.  
\$11600.00 to 201001451 MVH Storm Sewer

Transfer from the Parks and Recreation Fund appropriation 204001111 PR Pool Salaries the

following amounts to the following appropriations:

\$300.00 to 204001125 PR Unemployment  
\$800.00 to 204001314 PR Consulting Services  
\$200.00 to 204001352 PR Electric/Wilkerson Park  
\$1000.00 to 204001397 PR Board Members  
\$700.00 to 204001442 PR Pool Equipment

Transfer to Local Road and Street (LRS) Fund appropriation 202001397 LRS Paving the

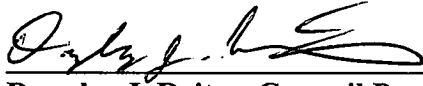
following amounts from the following appropriations:

\$6200.00 from 202001368 LRS Street  
\$20000.00 from 202001398 LRS Drainage  
\$20000.00 from 202001401 LRS Land Acquisitions


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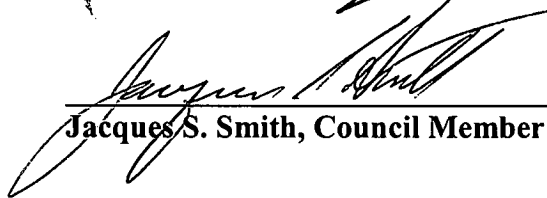
SO ORDAINED THIS 12<sup>TH</sup> DAY OF DECEMBER, 2005.

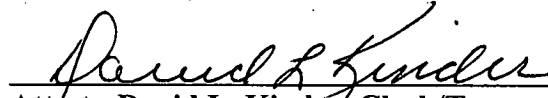
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice-President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

  
\_\_\_\_\_  
Jacques S. Smith, Council Member

  
\_\_\_\_\_  
Attest: David L. Kinder, Clerk/Treasurer



# Town of Sellersburg, Indiana

## Post-Construction Storm Water Management Ordinance

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Ordinance #2005-028

### Town of Sellersburg, Indiana

### Ordinance for Post-Construction Storm Water Management

#### Section I. Applicability

All new development and redevelopment activities that result in the disturbance of one (1) or more acres of land within the Town of Sellersburg, including land disturbing activities on individual lots of less than one (1) acre as part of a larger common plan of development of sale, shall develop a post-construction Storm Water Pollution Prevention Plan (SWPPP) which includes provisions necessary for minimizing the impacts of pollutants from the proposed land use.

#### Section II. Post-Construction Storm Water Pollution Prevention Plan Requirements

A *Storm Water Quality Management Permit* may only be issued after the review and acceptance of a Post-Construction SWPPP. The Post-Construction SWPPP is part of the *Storm Water Quality Management Plan* (SWQMP) and must include the following information:

1. A description of potential pollutant sources from the proposed land use that may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
2. Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality Best Management Practices (BMPs). Reference Section IV for acceptable stormwater quality BMPs.
3. A description of BMPs that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
4. A sequence describing when each post-construction stormwater quality BMP will be installed.
5. Stormwater quality BMPs that will remove or minimize pollutants from stormwater runoff.
6. Stormwater BMPs that will be implemented to prevent or minimize adverse impact to stream and riparian habitat.
7. A narrative description of the maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long-term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures.

**Section III. Buffer Requirements**

The SWPPP shall include provisions for buffers.

1. **No-Disturbance Buffer**

- a. The No-Disturbance Buffer will be used to define areas where land disturbance activities shall not be permitted. Grading clearing and grubbing shall not be permitted in this area, but pruning, trimming and partial removal of standing vegetation is permitted.
- b. The no-disturbance waterway buffer shall be defined as twenty-five (25) feet from the top of the waterway bank as defined by geomorphic shape (not by the current water surface elevation).
- c. The no-disturbance waterway buffer shall be applied to all waterways and drainage systems that drain more than twenty five (25) acres of contributing area or presented on a United State Geological Survey map as a blue line stream.

2. **Waterway Buffer**

- a. The Waterway Buffer will be used to define areas where land disturbance activities shall be permitted, but construction of any building or structure shall not be permitted.
- b. A waterway buffer shall be applied to all waterways serving more than 25 acres of tributary area or presented on a United States Geological Survey map as a blue line stream.
- c. Automatic exemptions are applied provided erosion prevention and sediment control, water quality and cut-fill policies are adequately addressed. Exemptions shall be applied for:
  - i. roads and utilities crossing waterways.
  - ii. pedestrian trails and walkways proximate to waterways.
- e. The waterway buffer shall be defined as the area contained within a boundary established 25-feet beyond the floodplain boundary as defined by FEMA or 50-feet from the top of waterway bank as defined by geomorphic shape (not by the current water surface elevation) which ever is larger.
- f. At a minimum the waterway buffer shall be at least the width of the no-disturbance buffer, if applicable.
- g. The waterway buffer and floodplain may be used for application of water quality devices. This may only be permitted provided erosion prevention and sediment control, water quality, and cut-fill policies are adequately addressed as determined by the Town of Sellersburg according to the provisions of this Ordinance.

#### Section IV. Approved Stormwater Best Management Practices (BMPs)

The SWPPP shall include provisions for storm water quality BMPs functioning independently or in combination. Acceptable storm water quality BMPs include:

1. Vegetated Buffers
2. Bioretention Swales
3. Vegetated and Forested Buffer Strips
4. Level Spreaders
5. Infiltration Systems
6. Dry Detention Ponds
7. Wet Detention Ponds
8. Retention Ponds
9. Constructed and Pocket Wetlands
10. Media Filtration and Screening Systems
11. Baffle Boxes and Grit Separators
12. Hydrodynamic Separator Systems
13. Sediment Forebays
14. Oil/Water Separators
15. Vault Storage / Infiltration BMPs (infiltration prohibited within wellhead protection areas)
16. Other measures reviewed and accepted by Town of Sellersburg.

#### Section V. BMP Design Requirements and Criteria

The SWPPP shall include provisions for stormwater quality BMPs that are designed to achieve the following design / performance objectives:

1. Reduce Total Suspended Solids (TSS) from the first flush as defined by land use characteristics and contributing area; or, capture and treatment of at least 0.5-inch precipitation applied over the contributing area.
2. Reduce or buffer increases in storm runoff temperature caused by contact with impervious surfaces.
3. Storm water detention/retention facilities shall be designed to address the rate at which flow is released over the entire runoff discharge period and the volume of discharge over the critical design-storm period. The outlet structure shall be designed as a v-notch weir or other multiple stage configurations capable of controlling the discharge rates for the 2-, 10-, and 100-year design-storm events. **[Ensure consistency w/ Clark County Drainage Ordinance... add reference]**
  - a. The *Indiana Drainage Handbook* or the *Indiana Storm Water Quality Manual* should be reviewed and considered when preparing the SWPPP.

**Town of Sellersburg, Indiana**  
**Post-Construction Storm Water Management Ordinance**

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- b. Town of Sellersburg reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by the Town of Sellersburg should be reviewed and considered when preparing the SWPPP. These documents may be applied as standards by which designs are to be prepared and controls implemented. The Town of Sellersburg shall have authority to implement this Ordinance by appropriate regulations, guidance or other related materials. In this regard, technical, administrative, or procedural matters may be modified as needed to meet the objectives defined herein, so long as such modifications as to technical, administrative, or procedural matters are not contrary or beyond the intent of the objectives defined above.
  - i. Regulations, guidance or other related materials that may be given authority by this Ordinance may include, but are not limited to: Best Management Practice (BMP) manuals, design regulations and requirements, submittal checklists, review checklists, inspection checklists, certifications, storm water management manuals and operation and maintenance manuals.
  - ii. Materials may include information deemed appropriate by the Town of Sellersburg including guidance and specifications for the preparation of grading plans, selecting environmentally sound practices for managing storm water, minimum specifications and requirements, more complete definitions and performance standards.
  - iii. The above referenced documents shall not in any way require specific commercially available products. However, they may refer to performance specifications, class of devices, construction, or management practice.
  - iv. The above referenced documents may restrict or prevent the use of specific products, techniques or management practices (that are to be accepted by the public or are deemed to have a negative impact on public infrastructure or the MS4) that have been identified as unacceptable for performance, maintenance or other technically based reasons.
  - v. Documents referenced above may be updated periodically to reflect the most current and effective practices and shall be made available to the public. However, the failure to update the manual shall not relieve any applicant from the obligation to comply with this Ordinance, and shall not prevent the Town of Sellersburg from imposing the most current and effective practices.
4. Soil bioengineering, "green" and other "soft" slope and stream bank stabilization methods shall receive preference over rip rap, concrete and other hard armoring techniques. "Hard" alternatives shall only be permitted when their necessity can be demonstrated given site-specific conditions.
5. Retention - Supportive data must be submitted to justify the type of facility selected. If the facility is designed to retain (volume control) all or a significant portion of runoff (as opposed to temporarily detain), then appropriate soils analyses findings shall be submitted to the Town of Sellersburg. This submission shall also discuss the impacts the facility will have on local karst topography as found through a geotechnical investigation of the site. The facility may be designed to infiltrate runoff to groundwater rather than transmit it downstream under conditions up to a 10-year storm event. It must be able to bypass all other storms up to a 100-year event with a discharge rate equivalent to or less than pre-development conditions

without negatively impacting the 100-year floodplain above or below the site. If data indicates that the facility can not retain a significant portion of the runoff (95%) then the facility must be sized to detain runoff.

6. Detention facilities may, and are encouraged to, be designed to serve multiple purposes. For example, runoff may be detained under wet-weather conditions, but also serve as common or recreational areas during dry-weather conditions. Where multi-purpose facilities are provided, or where flat grades or poorly draining soils are encountered, provisions for adequate low-flow storm water management system may be required. Where the retention/detention facility is planned to be used as a lake, pond or storm water quality management practice with a permanent pool, water budget calculations shall be performed and submitted to demonstrate that an adequate pool is expected during dry summer months.
7. A licensed Professional Engineer shall stamp all plans for construction. This shall include all proposed improvements or modifications to existing or new storm water infrastructure and other related improvements or modifications.
8. The Town of Sellersburg reserves the right to require superceding or additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall storm water quality management program objectives or directives under a watershed improvement or Total Maximum Daily Load (TDML) program.

#### **Section VI. BMP Ownership and Easements**

1. Any storm water management facility or BMP which services individual property owners or subdivisions shall be privately owned. General routine maintenance (controlling vegetative growth and removing debris) shall be provided by the owner(s). The owner shall maintain a perpetual, non-exclusive easement that allows for access for inspection and emergency maintenance by the Town of Sellersburg. The Town of Sellersburg has the right, but not the duty, to enter premises for emergency repairs.
2. Any storm water management facility or BMP which services an individual subdivision in which the facility or BMP is within designated open areas or an amenity with an established homeowners association shall be privately owned and maintained consistent with provisions of this Ordinance. The owner shall maintain a perpetual, nonexclusive easement which allows for access for inspection and emergency maintenance by the Town of Sellersburg. The Town of Sellersburg has the right, but not the duty, to enter premises for emergency repairs.
3. Any storm water management facility or BMP which services commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for inspection and emergency maintenance by the Town of Sellersburg. The Town of Sellersburg has the right, but not the duty, to enter premises for emergency repairs.
4. All regional storm water management control facilities proposed by the owners, if approved and accepted by the Town of Sellersburg for dedication as a public regional facility, shall be publicly owned and/or maintained.
5. All other storm water management control facilities and BMPs shall be privately owned and/or maintained unless accepted for maintenance by the Town of Sellersburg.
6. The Town of Sellersburg may require dedication of privately owned storm water facilities, which discharge to the Town of Sellersburg's storm water system.

**Section VII. Coordination with Regional BMPs**

1. All properties are expected to implement on-site storm water quality control measures, but the extent of application may be reduced given the availability, proximity and nature of regional storm water quality BMPs.
2. The extent and type of on-site storm water quality management practices implemented must be proportionate to the land use, pollutant discharge potential and proximity to regional storm water quality management practices.
3. For properties where storm water quantity management practices are either not feasible or are not necessary in lieu of regional storm water quantity controls, Town of Sellersburg has the right to require on-site controls for storm water quality.
4. Town of Sellersburg encourages regional storm water quantity and/or quality management practices, serving 25 to 250 acres of tributary area, which may be consistently and efficiently managed and maintained. These types of practices will be encouraged in order to replace or reduce the implementation of on-site storm water quantity and/or quality management practices, as determined to be appropriate by the Town of Sellersburg.
5. Where a regional storm water management facility has been established by one (1) or more local governments, or by an authority operating on behalf of one (1) or more local governments, a development or property may participate in said program in lieu of runoff control required by this Ordinance.
  - a. This may be permitted provided that:
    - i. Runoff from the development drains to an approved existing or proposed public regional storm water management facility that will be operational within one (1) year.
    - ii. Participation in the form of contribution of funds, contribution of land, contribution of storm water management facility construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the Town of Sellersburg.
    - iii. The Town of Sellersburg finds that the storm water quality management plans are in compliance with all other applicable requirements and Ordinances.
    - iv. Each fiscal or in-kind contribution from a development owner participating in a regional storm water quality management facility shall be used for acquisition, design, construction or maintenance of one (1) or more such facilities in the same watershed in which the development is located.
6. Redevelopment of properties containing on-site storm water quantity management practices may be permitted, at the discretion of the Town of Sellersburg, provided the property and downstream public and private properties, infrastructure or "Waters of the State" are adequately protected by a regional facility(s) from storm water quantity or quality impacts.

**Section VIII. Coordination with Master Plans and Watershed Studies**

1. If available, each SWPPP shall be evaluated for consistency with the storm water master plan or watershed study for the major watershed or watersheds within which the project site is located. The individual project evaluation will determine if storm water quantity and quality management practices can adequately serve the property and limit impacts to

downstream public and private properties. The presence of a regional facility(s) will be considered in determining the extent to which quantity and/or quality controls will be necessary.

2. Special design criteria or requirements may be applied to storm water quality BMPs based on the direction or results of Master Plans, Watershed Studies and/or Total Maximum Daily Load (TMDL) requirements.

### **Section IX. Storm Water Quality Management Plan Permit Closure**

1. A SWQMP shall be considered open and active until a time when the Town of Sellersburg accepts the site conditions, as-built requirements have been completed and a *Long-Term Operation and Maintenance Agreement* has been accepted.
2. Acceptance of site conditions shall be made by Town of Sellersburg through inspection. If any of the following items are deemed to be insufficient, not appropriate and/or inconsistent with the SWPPP or objectives stated in this Ordinance, then approval will not be granted.
  - a. Pipes, channels, catch basins, water quality treatment devices and other infrastructure are clear of sediment, obstructions and debris, and are designed and operating as appropriate for final site conditions.
  - b. Slopes are permanently stabilized.
  - c. Temporary erosion prevention or sediment control devices (such as silt fence and staking, outlet protection, etc.) have been removed (as appropriate) and any resulting soil disturbance stabilized.
  - d. Temporary pollution prevention practices have been demobilized or removed and/or affected areas stabilized.
  - e. Sediment has been removed and slopes stabilized for permanent flood control and water quality control practices.
  - f. Detention pond grading is stabilized and/or excess sediment removed so that actual volume is at least equal to design volume and condition.
  - g. Other items as deemed to be important by Town of Sellersburg.

### **Section X. As-Built Requirements**

1. Prior to issuance of a use and occupancy permit, recording of the final plat or final release of bond, the as-built condition (including: invert elevations, size shape and location) of critical storm water management features must be identified and approved.
2. The volume, slopes, configuration, condition and topographic information of all detention, retention and water quality practices shall be certified by a licensed Professional Engineer. This information shall be provided to the Town of Sellersburg, in the form of an as-built drawing or other electronic form accepted/required by the Town of Sellersburg. The as-built

**Town of Sellersburg, Indiana**  
**Post-Construction Storm Water Management Ordinance**

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certification shall indicate if final conditions are consistent with, or exceed, the SWQMP provisions.

3. This section provides a set of guidelines and standards to ensure all plan submittals in digital format are compatible with the GIS system of the Town of Sellersburg. The goal of these requirements is not to burden the engineering, development and design community, but to standardize submittals to ensure quality and compatibility. The following standards have been developed and once initiated further revisions may be required.
  - a. The media will be legibly labeled with project name and phase; type of drawing (as-built, preliminary, final, etc.); submittal number; file creation date; and contact information (name and phone number).
  - b. As-built drawings shall be submitted in an electronic format of either AutoCad DWG or MicroStation format.
  - c. Submittals shall be spatially referenced to NAD 83, Indiana Stateplane Coordinate System, East Zone, U.S. Survey feet and tied to Grant corners, USGS or HARN monumentation as available.
  - d. Elevations shall be referenced to the NAVD88 vertical datum.
  - e. Drawings elements shall reside in the primary drawing file and not include cells, nodes, blocks or reference files (x-refs).
  - f. All features included in the CAD drawing must be drawn on their own layer and defined in the attribute table by a field named "LAYER," i.e. manholes should be attributed as MH in the field "LAYER."
  - g. Metadata, or data documentation, should be included with each submittal. The metadata should include information outlining the naming convention of each drawing file included in submittal, the type of plans submitted (Drainage or Sewer), a description of each layer in the drawing including names and descriptions of each submitted file, the projection used to define the coordinate information used in the digital submittal, a reference to the Record Number for the plans, date of study/revision date, and any other notes pertinent to submittal.
4. If it is determined that information provided in the as-built drawing, certification, inspection or survey of the site do not meet or exceed the SWQMP provisions, Town of Sellersburg reserves the right to withhold certification of occupancy or final bond. Furthermore, other enforcement mechanisms, as identified within this Ordinance, may be applied to the permittee or the person certifying the as-built information.
5. If upon inspection by Town of Sellersburg or its designated representative it is determined that there is an item that must be addressed to receive acceptance of site conditions, then the permittee shall be required to continue inspections and maintenance as described in the SWQMP.



**Section XI. Long-Term Operation and Maintenance**

1. A SWQMP may not be closed until a *Long-Term Operation and Maintenance Agreement* has been accepted by Town of Sellersburg.
2. *Long-Term Operation and Maintenance Agreements* shall include a maintenance plan for all storm water quality BMPs in new development or redevelopment that require more than general maintenance (e.g., periodic mowing).
  - a. The plan will be developed to ensure that the storm water quality BMP(s) is (are) kept functional. The maintenance agreement will specify minimum operation and maintenance requirements and intervals to be performed by the property owner.
  - b. The plan shall address schedules for inspections and techniques for operation and maintenance including vegetation clearing or mowing and removing accumulated trash, debris, sediment pollutants and other forms of pollution.
  - c. The agreement shall be noted on the final plat with the appropriate notation on the particular lot(s).
  - d. The agreement shall be included with property ownership title documents and shall be binding on the OWNER, its administrators, executors, assigns, heirs, and any other successors in interest.
  - e. The format for the *Long-Term Operational and Maintenance Agreement* is included in Appendix A.
  - f. Storm Water Detention and Retention Maintenance - Care must be taken to ensure that any required detention facilities do not become nuisances or health hazards. Detention and retention facilities should be designed to require minimal maintenance, and maintenance expectations must be clearly stated in a *Long-Term Operation and Maintenance Agreement*.
  - g. When a storm water quality BMP serves more than (1) parcel, an owners' association or binding contract for the purpose of operation and maintenance is required. The owners association shall be responsible for operation and maintenance as directed by this Ordinance.
  - h. The maintenance responsibilities for permanent storm water quality BMPs shall be determined based upon the type of ownership of the property which is controlled by the facilities.
    - i. Single entity ownership – Where the permanent storm water runoff control facilities are designed to manage runoff from property in a single entity ownership, the maintenance responsibility for the storm water control facilities shall be with the single entity owner.
      - A. A single entity shall be defined as an association, public or private corporation, partnership firm, trust, estate or any other legal entity allowed to own real estate exclusive of an individual lot owner.

- B. The stated responsibilities of the entity shall be documented in the form of a *Long-Term Operation and Maintenance Agreement*. Terms including owning, operating and maintaining the facilities shall be submitted with plans in application for a *SWQMP* for determination of their adequacy. Approval of a *SWQMP* shall be conditioned upon the approval of these terms. These terms shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the Town of Sellersburg, contain a provision permitting inspection at any reasonable time by the Town of Sellersburg of all facilities deemed critical in the public welfare.
- C. Upon approval of the storm water quality BMPs by the Town of Sellersburg, the facility owner(s) shall demonstrate the ability to guarantee and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by the Town of Sellersburg. The Town of Sellersburg will only accept funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.
- D. In the event that proposed funding is through an owners association, then it must be demonstrated that the association may not dissolve unless long-term operation and maintenance activities are accepted by another entity with equivalent longevity and adequate funding. Furthermore, the owners association's responsibility must be stated in the association's declaration, covenants, or by-laws, as appropriate.
- E. Unless made specifically clear in the preliminary stages of the site design and construction plan review procedure, it will be assumed that all storm water detention, retention, treatment or storage facilities and/or devices shall be owned, operated and maintained by a single entity as defined above.
- ii. **Town of Sellersburg Ownership** – Where the Town of Sellersburg has accepted an offer of dedication of the permanent storm water quality BMPs, the Town of Sellersburg shall be responsible for operation and maintenance.
- iii. **Maintenance Bond** – The Town of Sellersburg may require the posting of a maintenance bond to secure the structural integrity of said facilities as well as the functioning of said facilities in accordance with the approved *SWQMP* for a term of 18 months from the date of acceptance of dedication. A cash contribution can be used as the financial assurance in lieu of a maintenance bond although the contribution must be equivalent to the amount that would be estimated for the maintenance bond.

**Section XII. Oversight Inspections and Right of Entry – Reference to Construction Ordinance Section XI.**

**Section XIII. Enforcement and Penalties - Reference to Construction Ordinance Section XII.**

**Section XIV. Appeals Reference to Construction Ordinance Section XIV.**

APPENDIX A

LONG-TERM OPERATION AND MAINTENANCE AGREEMENT

File No.: \_\_\_\_\_ Parcel No.: \_\_\_\_\_

As accepted through SWQMP No.: \_\_\_\_\_

Project Name: \_\_\_\_\_

Primary function or description of activities to be executed at the site:

\_\_\_\_\_  
\_\_\_\_\_

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_, by and between \_\_\_\_\_ (hereinafter called the "OWNER") and the Town of Sellersburg, Indiana.

WITNESS, that

WHEREAS, Ordinance No. 2004-026, was adopted October 18, 2004 by the Town of Sellersburg, effective October 18, 2004, establishing requirements for storm water quality best management practices and a *Storm Water Quality Management Permit (SWQMP)* to manage the quality of storm water discharged from areas of urban development and redevelopment.

WHEREAS, under said Ordinance the Town of Sellersburg shall have the authority to inspect private systems within the Town of Sellersburg and to order such corrective actions to said private storm water management systems as are necessary to maintain properly the storm water management systems within the Town of Sellersburg.

WHEREAS, under said Ordinance it is provided that storm water quality best management practices not owned municipally must be maintained by the property owner according to the terms of *Long-Term Operation and Maintenance Agreement* that must be implemented before a *SWQMP* is approved.

WHEREAS, the Town of Sellersburg has adopted and approved technical guidelines relating to storm water quality best management practices in the Town of Sellersburg.

WHEREAS, the OWNER is the legal title-holder of certain real property, more particularly described as \_\_\_\_\_ as recorded by deed in the land records of the Town of Sellersburg, in Deed Book \_\_\_\_\_ at Page \_\_\_\_ (hereinafter called the "Property").

WHEREAS, the OWNER is proceeding to build on, develop or redevelop the property.

WHEREAS, the Stormwater Pollution Prevention Plan (SWPPP) and Long-Term Operation and Maintenance Plan, sealed by \_\_\_\_\_, a licensed Professional Engineer, dated \_\_\_\_\_, on file, the Town of Sellersburg, which is expressly made a part hereof, as approved or to be approved by the Town of Sellersburg, provides for storm water quality management within the confines of the property.

WHEREAS, the Town of Sellersburg and the OWNER agree that the health, safety, and general welfare of the residents of the Town of Sellersburg require that on-site storm water quality best management practices be constructed, operated and maintained on the property.

WHEREAS, the Town of Sellersburg requires that onsite storm water facilities in accordance with the Stormwater Pollution Prevention Plan (SWPPP) and Long-Term Operation and Maintenance Plan be adequately constructed and installed, operated and maintained by the OWNER.

WHEREAS, an approved Stormwater Pollution Prevention Plan and Long-Term Operation and Maintenance Plan will adequately illustrate the location type and extent of storm water quality best management practices, minimum inspection procedures and schedule, minimum operation procedures and schedule, and anticipated minimum maintenance activities including when and how to remove accumulated/collected/filtered/amassed/grown excess vegetation, sediment, debris, trash, pollutant and/or forms of pollution from the storm water quality best management practices.

NOW, THEREFORE,

In consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The onsite storm water quality best management practices shall be constructed by the OWNER in accordance with the SWPPP and Long-Term Operation and Maintenance Plan.
2. The OWNER shall operate and maintain the storm water quality best management practices as directed by the Long-Term Operation and Maintenance Plan in good working order acceptable to the Town of Sellersburg.
3. The OWNER agrees that inspections will be performed by a *Qualified Professional*.
4. The OWNER agrees that inspections will be documented and include the following information:
  - a. A description of the current operational or functional status of the storm water quality BMPs. For structures that accumulate sediment, trash, debris other pollutant or form of pollution, an indication of used and remaining capacity (fraction, percentage, depth or volume) shall be given to identify when the BMP must be cleaned out.
  - b. Identification of any necessary repairs, sediment/debris removal or replacement of all or portions of the storm water system(s).
  - c. The results of any field or laboratory analyses performed.
  - d. Other relevant or unusual observations related to the system(s).
  - e. Action plan to prevent premature storm water system failure as consistent with the Long-Term Operation and Maintenance Agreement(s) provisions.
  - f. Action plan to prevent the premature system failure that exceeds the Long-Term Operation and Maintenance Agreement(s) provisions, but are necessary to prevent storm water pollution from leaving the site.

**Town of Sellersburg, Indiana**  
**Post-Construction Storm Water Management Ordinance**

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5. The OWNER hereby grants permission to the Town of Sellersburg, its authorized agents and employees to enter the property to inspect the storm water quality best management practices whenever it deems necessary. Whenever possible, the Town of Sellersburg shall notify the OWNER prior to entering the property.
6. In the event the OWNER fails to maintain storm water quality best management practices in accordance with the SWPPP and Long-Term Operation and Maintenance Plan in good working order acceptable to the Town of Sellersburg, the Town of Sellersburg may enter the property and take whatever steps it deems necessary to repair or maintain said storm water quality best management practices. This provision shall not be construed to allow the Town of Sellersburg to erect any structure of a permanent nature on the land of the OWNER without first obtaining written approval of the OWNER. It is expressly understood and agreed that the Town of Sellersburg is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Town of Sellersburg.
7. In the event the Town of Sellersburg, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the OWNER shall reimburse the Town of Sellersburg upon demand, within ninety (90) days of receipt thereof for all costs incurred by the Town of Sellersburg hereunder. In the event that the OWNER does not reimburse the Town of Sellersburg within ninety (90) days of receipt; the Town of Sellersburg may apply a lien upon the property for double the expense to the Town of Sellersburg. In the event, the OWNER does not reimburse the Town of Sellersburg within one year from the application of a lien upon the property then the Town of Sellersburg may take other legal measures to recover costs, including associated legal costs, incurred by the Town of Sellersburg.
8. It is the intent of this Agreement to guarantee the proper maintenance of onsite storm water quality best management practices by the OWNER; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party for damage alleged to result from or be caused by storm water management practices.
9. The OWNER, its executors, administrators, assigns, and any other successors in interest, shall indemnify and hold the Town of Sellersburg and its agents and employees harmless for any and all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against the Town of Sellersburg from the construction, presence, existence, operation or maintenance of the storm water quality best management practices by the OWNER or the Town of Sellersburg.
10. In the event a claim is asserted against the Town of Sellersburg, its agents, or employees for the construction, presence, existence, operation or maintenance of the storm water quality best management practices by the OWNER, the Town of Sellersburg shall notify the OWNER and the OWNER shall defend at its own expense any suit based on such claim. If any judgment or claims against the Town of Sellersburg, its agents, or employees shall be allowed, the OWNER shall pay all costs and expenses in connection therewith.
11. This Agreement as attached by the SWPPP and Long-Term Operation and Maintenance Plan shall be recorded among the land records of the Town of Sellersburg, and shall constitute a covenant running with the land, and shall be binding on the OWNER, its administrators, executors, assigns, heirs, and any other successors in interest.

Town of Sellersburg, Indiana  
Post-Construction Storm Water Management Ordinance

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12. This Agreement as attached by the SWPPP and Long-Term Operation and Maintenance Plan shall be recorded among real property title documents for the said property, and shall constitute a covenant running with the land, and shall be binding on the OWNER, its administrators, executors, assigns, heirs, and any other successors in interest.

WITNESS the following signatures and seals:

Town of Sellersburg, Indiana

By \_\_\_\_\_ By \_\_\_\_\_  
Stormwater Program Superintendent

ATTEST:

Prepared by: \_\_\_\_\_  
\_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the Town of Sellersburg and State aforesaid, whose commission expires on the \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_, do certify that \_\_\_\_\_ whose names are signed to the foregoing Agreement bearing date of the \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_, have acknowledged the same before me in my said Town of Sellersburg and State aforesaid.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

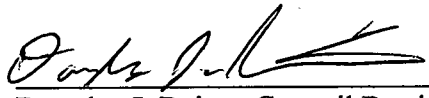
(STATE OF INDIANA )  
(TOWN OF SELLERSBURG)


I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, whose commission expires on the \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_, do certify that \_\_\_\_\_, (Acting) *[elected official]*, whose name is signed to the foregoing Agreement bearing date of the \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_, has acknowledged the same before me in my said Town of Sellersburg and State aforesaid.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, of the year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

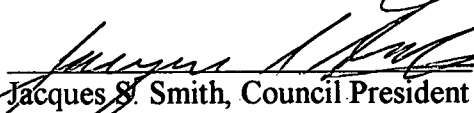
Passed and adopted by the Town Council of Sellersburg this 19<sup>th</sup> day of  
December 2005.

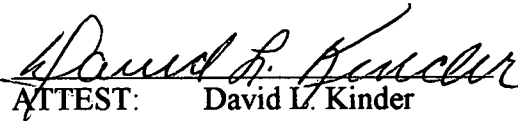
  
\_\_\_\_\_  
Douglas J. Reiter, Council President

  
\_\_\_\_\_  
Michael N. Lockhart, Vice-President

  
\_\_\_\_\_  
Trinette S. Imhof, Council Member

  
\_\_\_\_\_  
Paul J. Rhodes, Council Member

  
\_\_\_\_\_  
Jacques S. Smith, Council President

  
ATTEST: David L. Kinder  
Clerk-Treasurer



**ORDINANCE NO. 2005-29**

**AN ORDINANCE FIXING THE COMPENSATION OF APPOINTED OFFICIALS  
OF THE TOWN OF SELLERSBURG, INDIANA.  
FOR CALENDAR YEAR 2006**

BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, that the compensation for appointed officials of the Town of Sellersburg, Indiana for calendar year 2006 payable from the General Fund and the Parks and Recreation Fund of the Town of Sellersburg shall be as follows:

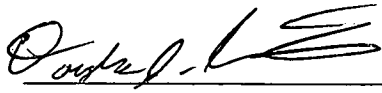
**PAYABLE FROM THE TOWN'S GENERAL FUND:**

5 Police Commissioners	\$50.00 per meeting, maximum \$600.00 per year
1 Police Commissioner/Council Member	\$50.00 per meeting, maximum \$600.00 per year
1 Police Commission Secretary	\$50.00 per meeting, maximum \$600.00 per year
5 Planning Commission Members	\$50.00 per meeting, maximum \$600.00 per year
1 Planning Commission Secretary	\$50.00 per meeting, maximum \$600.00 per year
2 Planning Commission/Council Member	\$50.00 per meeting, maximum \$600.00 per year
5 Zoning Appeals Members	\$50.00 per meeting, maximum \$600.00 per year
1 Zoning Appeals Secretary	\$50.00 per meeting, maximum \$600.00 per year

**PAYABLE FROM THE TOWN'S PARKS AND RECREATION FUND:**

5 Parks Board Members	\$50.00 per meeting, maximum \$600.00 per year
1 Parks Board Member/Council Member	\$50.00 per meeting, maximum \$600.00 per year
1 Parks Board Secretary	\$50.00 per meeting, maximum \$600.00 per year

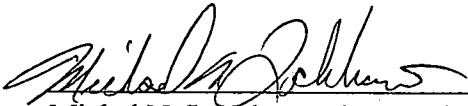
**SO ORDAINED this 19th day of December 2005**



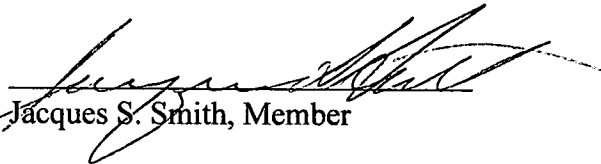
Douglas J. Reiter, President



Paul J. Rhodes, Member



Michel N. Lockhart, Vice-President

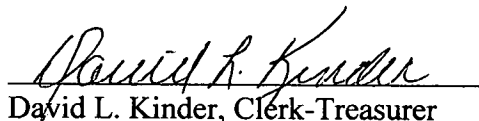


Jacques S. Smith, Member



Trinetta S. Imhof, Member

ATTEST:



David L. Kinder, Clerk-Treasurer

ORDINANCE NO. 2005-030

AN ORDINANCE FIXING THE COMPENSATION OF ELECTED OFFICIALS  
OF THE TOWN OF SELLERSBURG, INDIANA.  
FOR CALENDAR YEAR 2006

BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, that the compensation for elected officials of the Town of Sellersburg, Indiana for calendar year 2006 payable from the General Fund of the Town of Sellersburg shall be as follows:

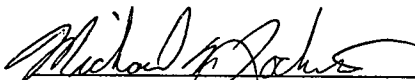
**PAYABLE FROM THE TOWN'S GENERAL FUND:**

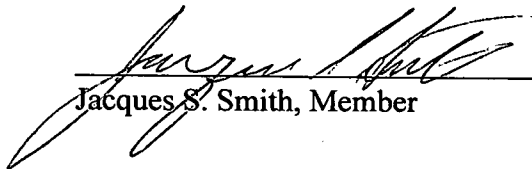
Town Council President	\$ 9,950.00 Annually
Town Council Vice President	\$ 8,750.00 Annually
Town Council Member	\$ 8,750.00 Annually
Town Council Member	\$ 8,750.00 Annually
Town Council Member	\$ 8,750.00 Annually
Clerk/Treasurer	\$36,809.76 Annually
Town Court Judge	\$32,900.00 Annually

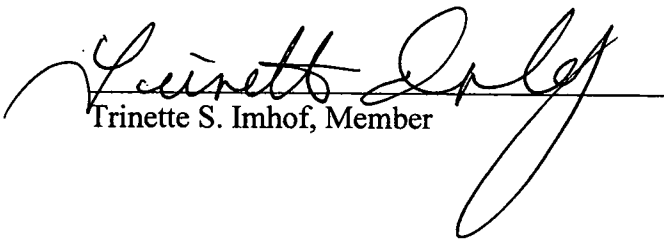
SO ORDAINED this 19th day of December 2005

  
\_\_\_\_\_  
Douglas J. Reiter, President

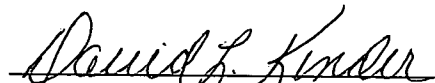
  
\_\_\_\_\_  
Paul J. Rhodes, Member

  
\_\_\_\_\_  
Michael N. Lockhart, Vice President

  
\_\_\_\_\_  
Jacques S. Smith, Member

  
\_\_\_\_\_  
Trinetta S. Imhof, Member

ATTEST:

  
\_\_\_\_\_  
David L. Kinder, Clerk-Treasurer

**ORDINANCE NO. 2005-031**  
**ORDINANCE REGARDING LONGEVITY PAY FOR ELIGIBLE EMPLOYEES OF**  
**THE TOWN OF SELLERSBURG**

**WHEREAS**, the Town Council of the Town of Sellersburg has determined that the longevity pay rate for eligible full time employees of the Town of Sellersburg should be amended; and

**WHEREAS**, the Town Council for the Town of Sellersburg has determined that said changes are necessary for continued efficient and effective administration of the Town government; and

**WHEREAS**, the Town Council for the Town of Sellersburg considered this matter in an open public 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:

All full time employees who have served at least two (2) consecutive full-time, non-interrupted years of service to the Town of Sellersburg, at the adoption of the herein ordinance, shall receive annually, on his/her anniversary date, the lump sum amount equal to 1% of the base salary of a First Class Patrolman, multiplied by the number of years of service that the eligible employee has to the Town of Sellersburg, with a maximum accumulation of twenty (20) years of service.

Longevity pay shall continue to accumulate while the eligible employee is employed with the Town of Sellersburg as a full-time employee, regardless of the transfer to another department within the Town of Sellersburg.

SO ORDAINED THIS 19<sup>TH</sup> DAY OF DECEMBER, 2005.

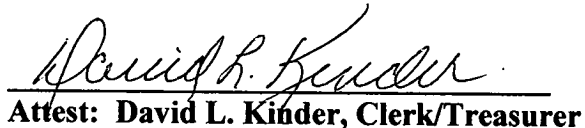
  
Douglas J. Reiter, Council President

  
Michael N. Lockhart, Vice-President

  
Trinette S. Imhof, Council Member

  
Paul J. Rhodes, Council Member

  
Jacques S. Smith, Council Member

  
Attest: David L. Kinder, Clerk/Treasurer

ORDINANCE NO. 2005- 032

ORDINANCE ESTABLISHING CONTROL OVER THE SEWER, WATER,  
AND STREET DEPARTMENTS BY THE SELLERSBURG TOWN COUNCIL  
AND CREATING A DEPARTMENT OF MUNICIPAL WORKS FOR  
MANAGEMENT OF THE DAY TO DAY OPERATIONS OF SAME

WHEREAS, on December 31, 2005 the Town of Sellersburg will terminate its contractual relationship with Environmental Management Corporation, (EMC), which is currently responsible for management of the Town's sewer and water departments, including billing and collections; and

WHEREAS, the Sellersburg Town Council desires to insure the efficiency and effectiveness of the day to day operations of the sewer, water and street department, as well as the billing and collection of all accounts, therefore the Sellersburg Town Council has determined it necessary for the Sellersburg Town Council to serve as the Municipal Works Board for the purpose of overseeing the day to day operations of the sewer, water, street department and the billing and collections department; and

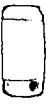
WHEREAS, the Sellersburg Town Council has determined it is in the best interests of the Town to establish a Department of Municipal Works; and

WHEREAS, the Municipal Works Board will delegate to the Department of Municipal Works responsibility for all day to day operations of the sewer, water, and street department, including the billing and collection of all accounts; and

WHEREAS, the Sellersburg Town Council has determined the Department of Municipal Works shall be under the immediate supervision and direction of the Director of Municipal Works who shall be appointed by the Municipal Works Board and shall serve at its pleasure; and

WHEREAS, the Sellersburg Town Council as the Municipal Works Board delegates all duties, responsibilities, and authority allowed under Indiana Law to the Director of the Municipal

Works in order to perform the day to day duties and operations of the sewer, water, and street departments, including billing and collection of all accounts; and



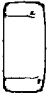
WHEREAS, the Director of Municipal Works shall have the authority to hire all employees deemed necessary to perform of all duties of the Department of Municipal Works; and

WHEREAS, the Sellersburg Town Council is authorized to establish the Municipal Works Board pursuant to I.C. 8-1.5-3-3; and

WHEREAS, 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 Sellersburg Town Council, there shall be and hereby is created a Municipal Works Board which shall consist of the members of the Sellersburg Town Council;



BE IT FURTHER THEREFORE ORDAINED, that the Municipal Works Board shall create the Department of Municipal Works for the purpose of performing the day-to-day operations of the sewer, water, and street departments including bill and collection of all accounts;

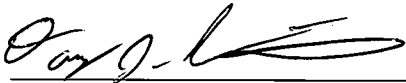
BE IT FURTHER ORDAINED, that the Sellersburg Town Council as the Municipal Works Board has determined a Director of Municipal Works shall be appointed to perform the day to day operations of the sewer, water, and street department, including the billing and collection of all accounts;



BE IT FURTHER ORDAINED, that the Director of Municipal Works shall serve at the pleasure of the Municipal Works Board;

BE IT FURTHER ORDAINED that all other ordinances which are inconsistent with the herein provisions shall be rescinded.

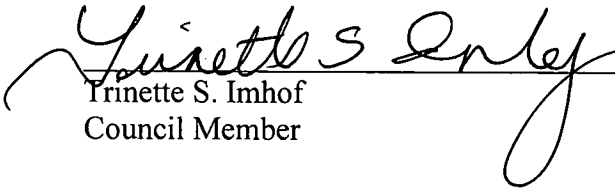
So Ordained this 19<sup>th</sup> day of December, 2005.



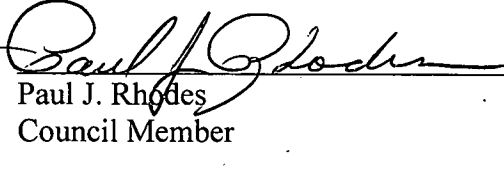
Doug J. Reiter  
Council President



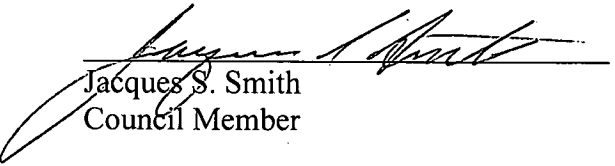
Michael N. Lockhart  
Council Vice President



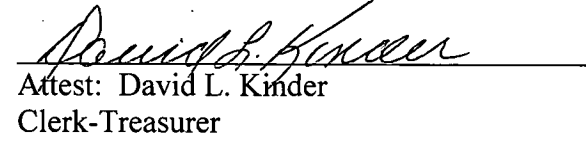
Trinette S. Imhof  
Council Member



Paul J. Rhodes  
Council Member



Jacques S. Smith  
Council Member



Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 033

ORDINANCE CREATING THE POSITIONS OF DIRECTOR OF MUNICIPAL WORKS, ASSISTANT DIRECTOR OF MUNICIPAL WORKS AND THE RESPONSIBILITIES AND DUTIES OF EACH POSITION

WHEREAS, the Town of Sellersburg has created a Department of Municipal Works which is responsible for the day to day operations of the sewer, water, street departments and billing and collection of accounts for the Town of Sellersburg; and

WHEREAS, the Department of Municipal Works must have a director who is responsible for overseeing the day to day operation and provide supervision of the various departments under the Department of Municipal Works; and

WHEREAS, the Sellersburg Town Council has determined the Director of Municipal Works shall be delegated all powers and authority under Indiana Law, necessary to affect the day to day operations of the sewer, water and street departments, including billing and collection; and

WHEREAS, the Sellersburg Town Council has determined the Director of Municipal Works shall have the following duties and responsibilities:

- 1) Directly responsible for administration, operation and maintenance of all Public Works divisions and related personnel;
- 2) Responsible for all existing Town utilities, and the planning for any new utilities;
- 3) Responsible for hiring and the dismissal of employees within the Department of Municipal Works;
- 4) Responsible for all Town streets and easements including maintenance;
- 5) Responsible for all existing facilities and the planning of any new facilities;
- 6) Responsible for representing the Town at all public and private functions within the given area involving Municipal Works problems and the planning for future needs;
- 7) Approve evaluation reports on personnel in the Municipal Works Department;

- 8) Responsible for the creation and maintenance of electronic maps;
- 9) Responsible for web content and upgrade of the web site known as

[www.Sellersburg.org](http://www.Sellersburg.org);

10) Responsible for MS 4 administration, operation, and reporting as required by statute;

11) The Department of Municipal Works shall include street department, water department, sewer department, sanitation department, and billing and collection department;

12) Responsible to act as the purchasing agent for the Town of Sellersburg and all departments as authorized by Indiana Law;

13) Authorize the billing manager/clerk to have exclusive responsibility for all funds within the Department;

14) All other duties as may be delegated by the Sellersburg Municipal Works Board.

WHEREAS, the Sellersburg Town Council has determined the Director of Municipal Works shall answer to the Sellersburg Municipal Works Board and serve at their pleasure; and

WHEREAS, the Sellersburg Town Council desires to create the position of Assistant Director of Municipal Works who shall have the following duties and responsibilities:

1) The Assistant Director of Municipal Works shall hold a Class Three (3) or Class Four (4) Sewer Operator's license at all times while engaged in his duties as the Assistant Director of Public Works;

2) Responsible for the safety education of all departments and coordinate classes to provide a safe work environment for all employees within the Municipal Works Department;

3) Responsible for the operation, reporting and maintenance of the waste water treatment facility;



4) Responsible for the repair and maintenance of the collection system of the municipal sewer system;

5) Responsible for creating and administering a budget as set forth by the Sellersburg Town Council for the Municipal Water and Sewer departments;

6) All other duties that may be delegated by the Director of Municipal Works; and

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

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

BE IT NOW THEREFORE ORDAINED by the Sellersburg Town Council that the position of Director of Municipal Works shall be and hereby is established, effective as of the passage of the herein ordinance; and

BE IT FURTHER ORDAINED by the Sellersburg Town Council that the Director of Municipal Works shall serve at the pleasure of the Sellersburg Municipal Works Board; and

BE IT FURTHER ORDAINED the Sellersburg Town Council has established the position of Assistant Director of Municipal Works, effective as of the passage of the herein ordinance. *12/19/05 Approved.*

\_\_\_\_\_  
Doug J. Reiter  
Council President

*Michael N. Lockhart*  
\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

*Trinette S. Imhof*  
\_\_\_\_\_  
Trinette S. Imhof  
Council Member

*Paul J. Rhodes*  
\_\_\_\_\_  
Paul J. Rhodes  
Council Member

*Jacques S. Smith*  
\_\_\_\_\_  
Jacques S. Smith  
Council Member

*David L. Kinder*  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2005- 034

ORDINANCE REVISING EMPLOYEE HANDBOOK REGARDING DISCIPLINE AND  
TERMINATION OF EMPLOYMENT POLICY AND PROCEDURE

WHEREAS, the Sellersburg Town Council has determined the Town of Sellersburg Employee Handbook is in need of revision; and

WHEREAS, the Sellersburg Town Council intends to fully revise the Town of Sellersburg Employment Handbook, but at this time immediate revisions are needed to the Employee Discipline and Termination polices and provisions; and

WHEREAS, the Sellersburg Town Council has determined the amendments are necessary for the efficient and effective administration of the Town government:

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

BE IT THEREFORE ORDAINED AS FOLLOWS:

1. PROGRESSIVE DISCIPLINARY POLICY: All employees are expected to perform their duties in a competent, efficient, and professional manner. Further employees are required to act courteously and cooperatively with their fellow employees, supervisors, and the public. When employee conduct falls below these standards, disciplinary action may be warranted.

In order to promote the common good and welfare of the Town and its employees, the Town has established "rules of conduct". The commission of any of the acts listed below will result in disciplinary action ranging from verbal or written warnings to suspension or to immediate discharge depending on the act and the circumstances. This list is not exhaustive:

Group I Rules:

If a violation of a Group I rule occurs, the Department Head/Assistant will use the following procedures:

1. Corrective interview, confirmed in writing (5 day suspension could happen at this stage.).
2. Continued violation of any Group I rule within the calendar year may subject the employee to up to 5 days suspension without pay.
3. Continued violations of any Group I rule, following a disciplinary suspension will be subject to discharge. (Pending review by a ~~Town Council hearing~~ *Municipal Works Board*).
4. The employee may request to have any written documentation removed from his/her file at the end of a year if no additional violations have occurred.

The following list provides examples of disciplinary violations. (This is not intended to be an exhaustive list.):

1. Excessive tardiness or absence
2. Leaving Town premises during working hours without permission
3. Failing to report absence on-half (1/2) hour before starting time
4. Unprofessional behavior while performing job duties
5. Neglect of duty and/or failure to perform assigned duties
6. Failure to follow established work procedure and policies
7. Horseplay or use of machinery, equipment, or tools in a hazardous manner
8. Creating or contributing to any unsanitary condition
9. Unauthorized use of bulletin boards
10. Posting notices in unauthorized places

11. Restricting one's own production or interfering with the production of other employees
12. Conducting personal business on Town time
13. Violating safety regulations
14. Failing to make an immediate report of an occupational injury
15. Fighting or committing an assault
16. Failure to report an accident while on company time
17. Failure to report a traffic ticket while driving a company vehicle
18. Loafing, loitering, or sleeping on the job

(The Department Head has the authority to determine if the violation warrants applying Group I or Group II Rules for each situation.)

Group II Rules:

Any violation of a Group II rule will result in the employee being relieved from duty with or without pay from 3 to 5 days and be subject to discharge pending a <sup>Municipal Works Board</sup> ~~Town Council~~ hearing.

Examples of Group II disciplinary actions include, ~~but are not limited to the following:~~

1. Absence without notification for three or more consecutive workdays
2. Failing to return from leave of absence as scheduled. Improper use of accident leaves or extended disability leave benefits
3. Insubordination
4. Possessing firearms, weapons, explosives, and so forth, on the premises
5. Disclosure of confidential Town information to outsiders without proper authorization

6. Completing another employee's time record or allowing another to complete one's time record
7. Mistreatment of members of the public; fellow employees or supervisory personnel or blatant disrespect of fellow employees, supervisor, and or citizens
8. Using abusive or threatening language
9. Using, selling or being under the influence of an illegal substance or controlled substance not prescribed by a physician
10. Disorderly, offensive or illegal conduct
11. Falsifying any Town records or employment application
12. Stealing or committing any criminal offense on Town property
13. Damage to or improper use of Town property either willfully or through gross negligence
14. Unauthorized use or possession of Town property
15. Intentional neglect of duties and or failure to perform job tasks as assigned
16. Repeated safety violation

#### EMPLOYEE APPEAL

A. In the event that disciplinary action must be taken against an employee, it will be for just cause and normally in a progressive manner in an attempt to correct and employee's behavior, except in those cases of gross or serious misconduct where an employee may be subject to suspension, reduction, or removal from employment for violation of Group II rules.

B. In cases of possible suspension without pay, reductions in pay or position, or termination, an employee shall be notified of the charges in advance and be afforded the opportunity to present evidence and witnesses on his/her behalf before disciplinary action. Said

hearing will be before the Town Council. The employee may also be represented by another employee if so requested.

#### GRIEVANCE PROCEDURE

A. It is inevitable that misunderstandings and differences will arise when employees of the Town are working together on a day-to-day basis. In order that employees have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following grievance procedure is hereby established:

1. The employee will submit an oral grievance to his/her immediate supervisor within (3) three working days of the action's occurrence. The immediate supervisor shall meet face to face with the employee and make every effort to resolve the grievance within (3) three working days of the date of the presentation of the grievance.

2. If the grievance has not been settled in Step 1, a written appeal shall be prepared in detail, dated, and signed by the employee, and presented to both the employee's immediate supervisor and the Department head within (3) three working days after the receipt of the immediate supervisor's oral reply from Step 1. Upon receipt of the written appeal, the department head shall attempt to resolve the grievance and reply in writing within (3) three working days of the date of presentation of the written grievance.

3. If the grievance has not been settled in Step 2, the written appeal along with all pertinent correspondence to date shall be presented to the Municipal Works Board within (3) three working days of the receipt of the reply from Step 2. The Municipal Works Board shall conduct a detailed investigation and shall issue a final decision within (10) ten working days of the date of presentation of the written grievance.

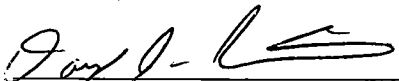
B. If the employee's immediate supervisor is also the department head and if the grievance has not been settled in Step 1, the written appeal shall be presented to both the department head and the Municipal Works Board within (3) three working days of the receipt of the oral reply from Step 1. the procedure stated in Step 3 shall then take effect. Failure of the employee to submit his/her appeal within the time limits specified will result in the Town considering the matter settled and closed.


C. The time limits in the grievance procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances.

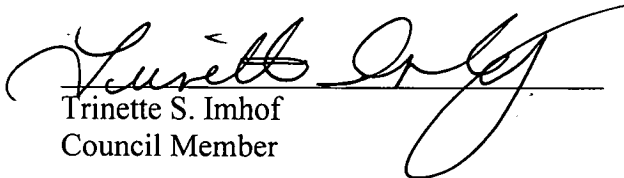
D. A grievance shall be considered resolved if, at any point, the grievant withdraws his or her grievance in writing or fails to process the grievance within the specified time limits.


E. Any grievance not answered by the designated department head at any step shall be considered to have been answered in the negative and may be taken to the next step by the grievant in accordance with the procedures above.

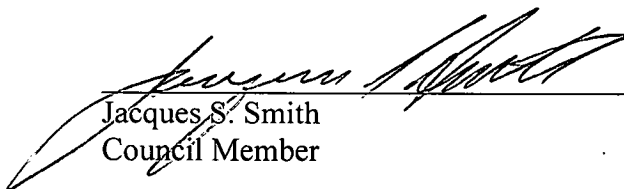
SO ORDAINED this 19<sup>th</sup> day of December, 2005.

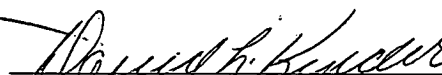
  
\_\_\_\_\_  
Doug J. Reiter  
Council President

  
\_\_\_\_\_  
Michael N. Lockhart  
Council Vice President

  
\_\_\_\_\_  
Trinette S. Imhof  
Council Member

  
\_\_\_\_\_  
Paul J. Rhodes  
Council Member

  
\_\_\_\_\_  
Jacques S. Smith  
Council Member

  
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Attest: David L. Kinder  
Clerk-Treasurer