

2021 ORDINANCES & RESOLUTIONS

NUMBER	DATE PASSED	DESCRIPTION
2021-OR-001	1/25/2021	ESTABLISHING FEES REQUIRED BY THE PLAN COMMISSION
2021-OR-002	1/11/2021	ACCEPTING THE 2020 UNIFIED DEVELOPMENT ORDINANCE CERTIFIED BY THE PLAN COMMISSION
2021-OR-003	1/11/2021	REPEALING AND REPLACING THE STORMWATER ORDINANCES
2021-OR-004	1/25/2021	DISPOSING OF SURPLUS PERSONAL PROPERTY
2021-OR-005	2/22/2021	AMENDING SEWER RATES
2021-OR-006	2/2/2021	AMENDING WATER AND FIRE PROTECTION RATES
2021-OR-007	2/8/2021	2021 SALARY ORDINANCE AMENDMENT
2021-OR-008	3/22/2021	REGULATING TRAFFIC CONTROL AT THE INTERSECTION OF GREENBRIAR BLVD. AND BENNETSVILLE RD.
2021-OR-009	3/2/2021	TRANSFER OF FUNDS
2021-OR-010	4/26/2021	AMENDING §52.01 OF THE CODE OF ORDINANCES WASTEWATER SUMMER AVERAGING
2021-OR-011	4/26/2021	TRANSFER OF FUNDS
2021-OR-012	5/10/2021	AMENDING THE ABATEMENT PROCESS OF NOXIOUS WEEDS AND GRASS
2021-OR-013	5/10/2021	REPEALING THE FEES TO BE CHARGED BY AND PAID TO THE BUILDING DEPARTMENT
2021-OR-014	5/24/2021	AMENDING 2021 SALARY ORDINANCE
2021-OR-015	5/24/2021	AMENDING CERTAIN SECTIONS OF ORDINANCE 2012-004 AMENDED BUILDING CODE
2021-OR-016	6/14/2021	ESTABLISHING AMERICAN RESCUE PLAN ACT FUND
2021-OR-017	6/14/2021	RAINY DAY TRANSFER
2021-OR-018	6/28/2021	AMENDING CONTRACTOR'S LICENSE FEES
2021-OR-019	7/12/2021	ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES
2021-OR-020	7/12/2021	AMENDING THE EMPLOYEE HANDBOOK HOLIDAYS
2021-OR-021	8/9/2021	ESTABLISHING A PLAN FOR THE AMERICAN RESCUE PLAN ACT OF 2021
2021-OR-022	8/9/2021	AMENDING §53.1 OF THE CODE OF ORDINANCES UTILITY ADMIN FEE \$55.00
2021-OR-023	8/9/2021	PETITION TO VACATE TWO PUBLIC WAYS JMAM HOLDINGS LLC
2021-OR-024	8/23/2021	AUTHORIZING THE INCURRENCE OF INDEBTEDNESS NEW POLICE STATION
2021-OR-025	9/13/2021	GOLF CART POLICY
2021-OR-026	9/13/2021	REGULATING THE SPEED LIMIT AT CERTAIN SECTIONS ON UTICA STREET AND NEW ALBANY STREET
2021-OR-027	10/25/2021	2022 BUDGET ADOPTION
2021-OR-028	10/25/2021	ESTABLISHING A 3-WAY STOP AT THE INTERSECTION OF EAST ST. JOE AND ALABAMA AVE.
2021-OR-029	10/11/2021	ESTABLISHING THE COMMUNITY INVESTOR AND SPONSORSHIP FUND
2021-OR-030	10/11/2021	AMENDING 2020 UNIFIED DEVELOPMENT ORDINANCE
2021-OR-031	11/22/2021	REPEALING AND REPLACING THE EMPLOYEE HANDBOOK
2021-OR-032	12/13/2021	ESTABLISHING 2022 SALARY ORDINANCE
2021-OR-033	11/22/2021	AMENDING 2020 UNIFIED DEVELOPMENT ORDINANCE
2021-OR-034	12/13/2021	PETITION TO VACATE SANITARY SEWER EASEMENT ZS DEVELOPER LLC.
2021-OR-035	12/13/2021	REPEALING ORDINANCES 2017-OR-036 (PPE) AND 2017-OR-037 (UNIFORM CLOTHING ALLOWANCE)
2021-OR-036	12/13/2021	ADDITIONAL APPROPRIATIONS
2021-OR-037	12/28/2021	2022 SALARY ORDINANCE
2021-OR-038	12/28/2021	TRANSFER OF FUNDS

2021-R-001	1/25/2021	PARK APPROPRIATION DECREASE
2021-R-002	3/8/2021	APPROVING THE TITLE VI IMPLEMENTATION PLAN
2021-R-003	4/12/2021	CONSOLIDATING RESOLUTIONS 2016-R-004 AND 2016-R-005
2021-R-004	5/24/2021	PROCLAIMING THE 4TH WEDNESDAY OF MAY "CHAMPIONS DAY"
2021-R-004A	11/22/2021	EXECUTION OF INDOT AGREEMENTS
2021-R-005	11/22/2021	AWARD OF PUBLIC PRIVATE AGREEMENT (BOT) WITH GM DEVELOPMENT
2021-R-006		NOT USED
2021-R-007	12/13/2021	APPROVING PLEDGE OF TAX INCREMENT REVENUES FOR BOT AGREEMENT

ORDINANCE No. 2021 – OR - 001

AN ORDINANCE ESTABLISHING FEES REQUIRED BY THE SELLERSBURG PLAN COMMISSION

WHEREAS, IC 36-7-4-411 allows the plan commission to establish a schedule of reasonable fees to defray the administrative costs connected with:

- (1) Processing and hearing administrative appeals and petitions for rezoning, special exceptions, and variances;
- (2) Issuing permits; and
- (3) Other official actions taken under this chapter.

WHEREAS, IC 36-7-4-704 allows the plan commission to establish a uniform schedule of fees proportioned to the cost of checking and verifying proposed plats;

WHEREAS, the Sellersburg Plan Commission has proposed a fee schedule; and

WHEREAS, the Sellersburg Plan Commission conducted a properly noticed public hearing on December 28, 2020, and gave a favorable recommendation on said fee schedule; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sellersburg, Indiana, the following fees are established as follows:

Variance (Use & Development Standard) - \$500

Special Exception - \$300

Administrative Appeal - \$200

Concept Plan - \$300

Primary Plat - \$330

Secondary Plat - \$375 plus \$20/lot

Minor Plat - \$250

Development Plan - \$300

Application Resubmittal - \$125*

Zone Map Change - \$460

PUD District - \$750

Other - \$40/hour

On-Site Signage - \$15/sign

**This fee applies to each time an application must be resubmitted 3 or more times due to lack of information or accuracy. Two revisions/resubmittals are included in the initial application fee.*

***Any amendment to a petition after it is approved or denied is required to submit a new application with the respective application fee.*

It is now ordained that this ordinance is in full force and effect beginning 1/25, 2021 and any ordinance of the Town of Sellersburg which is in conflict with the terms and provisions of this ordinance are hereby repealed, to the extent of such conflict only.

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki
Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 1/25/2021

MOTION: McVoy

SECOND: Czarniecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 1/25/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 002**AN ORDINANCE ACCEPTING, REJECTING, OR AMENDING THE 2020 UNIFIED DEVELOPMENT ORDINANCE AS CERTIFIED BY THE PLAN COMMISSION FOR SELLERSBURG, INDIANA.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on or about the 28th day of December, 2020, the Plan Commission for Sellersburg, Indiana (“Commission”), after conducting a public hearing in which the public was invited and heard, adopted *Resolution 2020-PC-005 A Resolution Certifying The 2020 Unified Development Ordinance (the "UDO") To The Town Council of Sellersburg, Indiana*, which incorporated the new UDO and zoning map therein, (See Attached Exhibit A); and,

WHEREAS, the 11th day of January, 2021 is the first regularly scheduled meeting of this Council after the Commission’s certification of the UDO; and,

WHEREAS, this Council has reviewed the UDO and zoning map and has paid reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

WHEREAS, this Council now desires to consider the certification of the UDO.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the attached UDO and zoning map, incorporated in Exhibit A hereto, is Accepted ~~Rejected~~, *or Amended* as set forth in the meeting minutes (*Circle One*).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council and furthermore the Commission is hereby charged with adhering to Ind. Code § 36-4-7-610 and all other relevant state laws after the adoption of this ordinance.

So Ordained this 11th day of January, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 1/11/2021

MOTION: Langford

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 1/11/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE PLAN COMMISSION OF SELLERSBURG, INDIANA

RESOLUTION NO. 2020 – PC – 005

A RESOLUTION CERTIFYING THE 2020 UNIFIED DEVELOPMENT ORDINANCE (“UDO”) TO THE TOWN COUNCIL OF SELLERSBURG, INDIANA.

WHEREAS, this Plan Commission of Sellersburg, Indiana (this “Commission”), pursuant to Ind. Code § 36-7-4-600 *et seq.*, has identified a need to repeal and replace the current zoning ordinance, zoning maps, and subdivision ordinances for the Town of Sellersburg, Indiana; and,

WHEREAS, this Commission, in conjunction with the Council for Sellersburg, Indiana (the “Council”), caused to have a Unified Development Ordinance (“UDO”) drafted for consideration in an effort to make the development laws of the town more efficient and streamlined for the general public; and,

WHEREAS, the UDO, attached hereto as Exhibit A and incorporated herein, is now complete and has been available for inspection by the general public since the 1st day of December, 2020; and,

WHEREAS, on the 28th day of December 2020, this Commission conducted a public hearing, for which the public was invited and was properly noticed pursuant to Indiana law, to consider certification of the UDO to the Council.

NOW THEREFORE BE IT RESOLVED by this Commission a favorable recommendation and certification of the UDO, attached hereto and incorporated herein, to the Council, for the replacement of the current zoning ordinance, inclusive or any amendments and zoning maps made thereto.

SO RESOLVED this ~~10th~~^{28th} day of December, 2020

"Aye"

"Nay"

UPO MAP
Brad J. Amos
Brad Amos
Commission Member

Brad J. Amos

UPO MAP
Brad Amos
Commission Member

Mark Tolliver
Commission Member

Mark Tolliver
Commission Member

Francis Conroy
Francis Conroy
Commission Member

Francis Conroy
Commission Member

Thomas McEwen
Thomas McEwen
Commission Member

Thomas McEwen
Commission Member

Nancy Hughes
Nancy Hughes
Commission Member

Nancy Hughes
Commission Member

Randall Mobley
Commission Member


















Randall Mobley
Commission Member

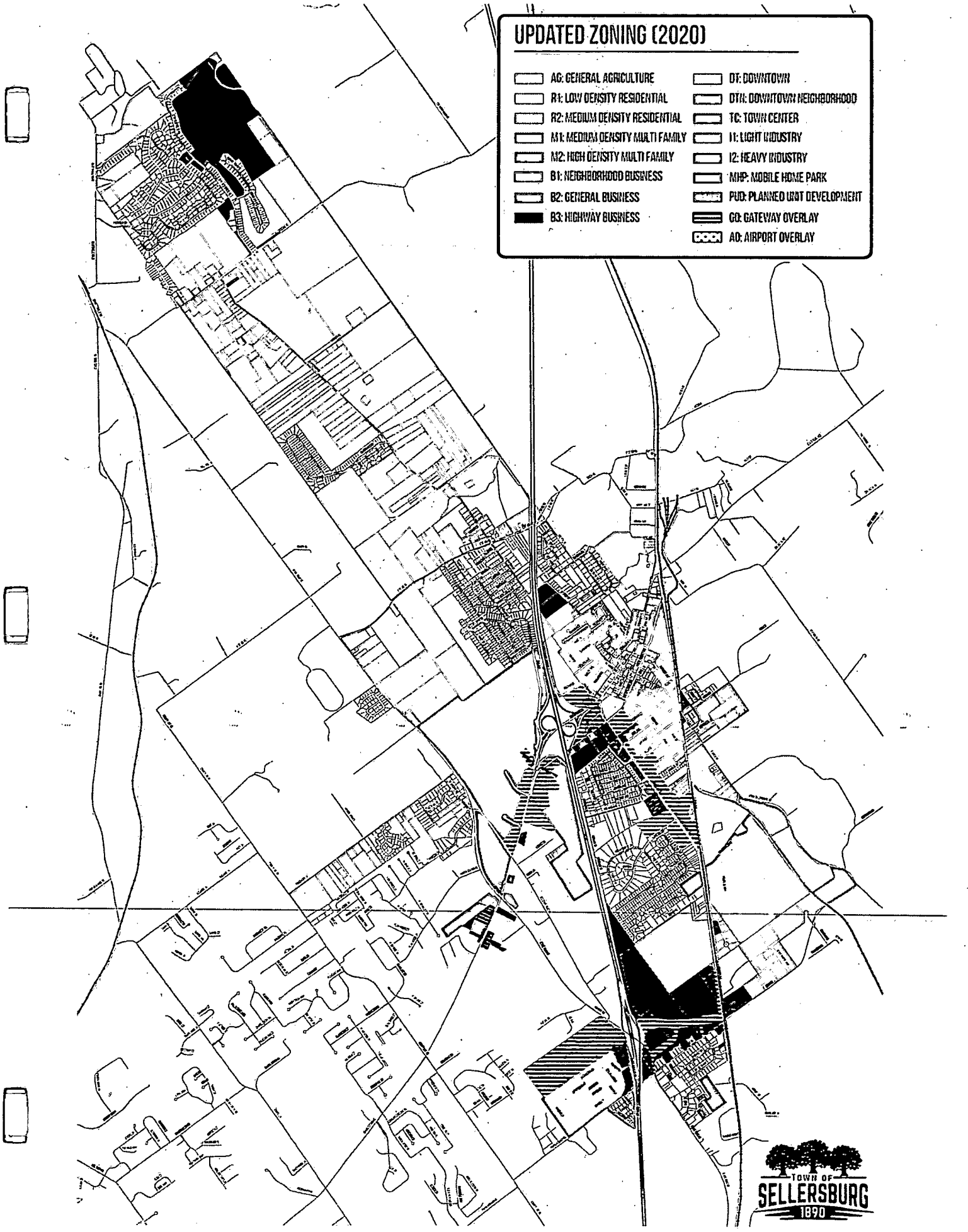
VACANT SEAT
Commission Member

VACANT SEAT
Commission Member

Attested by: Dark Stahl Dark Stahl
Secretary

UPDATED ZONING (2020)

- | | |
|---|---|
|  AG: GENERAL AGRICULTURE |  DT: DOWNTOWN |
|  R1: LOW DENSITY RESIDENTIAL |  DTN: DOWNTOWN NEIGHBORHOOD |
|  R2: MEDIUM DENSITY RESIDENTIAL |  TC: TOWN CENTER |
|  M1: MEDIUM DENSITY MULTI FAMILY |  I1: LIGHT INDUSTRY |
|  M2: HIGH DENSITY MULTI FAMILY |  I2: HEAVY INDUSTRY |
|  B1: NEIGHBORHOOD BUSINESS |  MHP: MOBILE HOME PARK |
|  B2: GENERAL BUSINESS |  PUD: PLANNED UNIT DEVELOPMENT |
|  B3: HIGHWAY BUSINESS |  GO: GATEWAY OVERLAY |
| |  AO: AIRPORT OVERLAY |



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STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 003

**AN ORDINANCE REPEALING AND REPLACING THE STORMWATER
ORDINANCES OF THE TOWN OF SELLERSBURG, INDIANA.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, upon the recommendation of the Town Manager, this Council now desires to repeal and replace the stormwater ordinances for the Town of Sellersburg.

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

1. The Sellersburg Stormwater Ordinance, attached hereto as Exhibit A, is hereby adopted and approved, which shall repeal and replace all previous stormwater ordinances. If there is any conflict between this ordinance and any other, said Sellersburg Stormwater Ordinance shall prevail.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 11th day of January, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

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Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 1/11/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

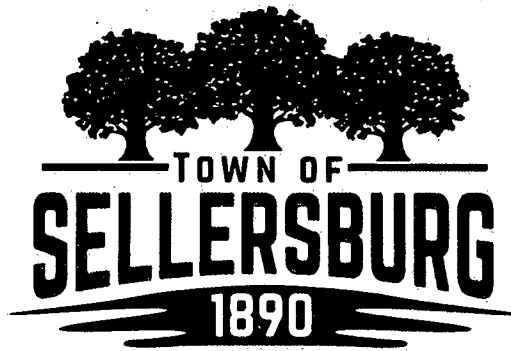
SECOND READING

DATE: 1/11/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN



Sellersburg Stormwater Ordinance
January 2021

CHAPTER 1

ABBREVIATED TABLE OF CONTENTS

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SECTION 1-1

GENERAL INFORMATION

(a) AUTHORITY AND TITLE

This Ordinance is required by Phase II of the National Pollutant Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). Based on this authority and these requirements, this Ordinance regulates:

1. Discharges of prohibited non-stormwater flows into the storm drain system.
2. Stormwater drainage improvements related to development of lands located within the corporate boundaries of the Town of Sellersburg ("Town").
3. Drainage control systems installed during new construction and grading of lots and other parcels of land.
4. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
5. The design, construction, and maintenance of stormwater drainage facilities and systems.
6. The design, construction, and maintenance of stormwater quality facilities and systems.

This Ordinance shall be known and may be cited as the Town of Sellersburg Drainage Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by the Town of Sellersburg.

(b) APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Sellersburg. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been accepted in writing by the Town. With the exception of the requirements of Section 1-2 and Section 1-6(d) of this Ordinance, single-family dwelling houses and duplexes in accepted subdivisions and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be agricultural land-disturbing activities.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual, compliance with all applicable ordinances of Town of Sellersburg as well as with applicable Federal, State of Indiana, and other Local statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Sellersburg Municipal Projects shall be exempt from obtaining a permit but are expected to meet all applicable technical requirements of this Ordinance and the Town of Sellersburg Stormwater Technical Standards Manual. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan accepted by the Town within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Section 1-2 of this Ordinance.

The Town of Sellersburg Council has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document. A pre-submittal meeting with the Town may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Town that may be based on the review of more detailed information and plans.

(c) BACKGROUND

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This federal regulation went into effect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5).

Under these State and Federal regulations, the Town of Sellersburg is required to establish a regulatory mechanism for regulating stormwater quality management. The Town had created ordinances to meet these regulations. Therefore, this document was created to update and consolidate these current ordinances into one comprehensive Drainage Ordinance and accompanying Stormwater Technical Standards.

(d) FINDINGS

The Town of Sellersburg finds that:

1. Water bodies, roadways, structures, and other property within, and downstream of the Town are at times subjected to flooding;
2. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
3. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
4. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
5. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the Town will, absent reasonable regulation and control, adversely affect the Town's water bodies and water resources;
6. Pollutant contributions from illicit discharges within the Town will, absent reasonable regulation, monitoring, and enforcement, adversely affect the Town's water bodies and water resources;
7. Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
8. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
9. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

(e) PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Sellersburg through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the Town. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

1. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
2. To regulate the contribution of pollutants to the storm drain system from construction site runoff.
3. To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development.
4. To prohibit illicit discharges into the storm drain system.
5. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

(f) ABBREVIATIONS AND DEFINITIONS

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

(g) RESPONSIBILITY FOR ADMINISTRATION

The Town of Sellersburg shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated by the Town Manager to qualified persons or entities acting in the beneficial interest of or in the employ of the Town.

(h) INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Appendix A, shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

(i) DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of the Town of Sellersburg or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

SECTION 1-2

PROHIBITED DISCHARGES AND CONNECTIONS

(a) APPLICABILITY AND EXEMPTIONS

This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the Town of Sellersburg, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities are exempted from the requirements of this section unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are *not* included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

(b) PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMP's).

Concrete washout material must be properly contained within an appropriate practice and any waste material properly disposed of.

The Town is authorized to require dischargers to implement pollution prevention measures, utilizing BMP's necessary to prevent or reduce the discharge of pollutants into the Town's stormwater drainage system.

(c) EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this section:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted streamflows;
4. Rising ground waters;
5. Uncontaminated groundwater infiltration;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;

18. Street wash water;
19. Discharges from firefighting activities;
20. Naturally introduced detritus (e.g. leaves and twigs).

(d) STORAGE OF HAZARDOUS OR TOXIC MATERIAL

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

(e) PRIVATE PROPERTY MAINTENANCE DUTIES

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(f) SPILL REPORTING

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Town of Sellersburg concerning the discharge. A written report concerning the discharge shall be filed with the Town and IDEM, by the dischargers, within five (5) days. The written report shall specify:

1. The composition of the discharge and the cause thereof;
2. The date, time, and estimated volume of the discharge;
3. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
4. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

(g) INSPECTIONS AND MONITORING

1. Storm Drainage System

The Town of Sellersburg has the authority to periodically inspect the portion of the storm drainage system under the Town's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

2. Potential Polluters

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Town may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Town's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Town or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 1-7 of this Ordinance.

3. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Town, the Town has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this section.

SECTION 1-3

STORMWATER QUANTITY MANAGEMENT

(a) APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of excess stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the Town of Sellersburg. The Town, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

(b) POLICY ON STORMWATER QUANTITY MANAGEMENT

It is recognized that most streams and drainage channels serving the Town do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Appendix A) located within the Town. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations, and compensatory floodplain storage rates are detailed in the Town of Sellersburg Stormwater Technical Standards.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Town of Sellersburg Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

(d) PLACEMENT OF UTILITIES

No utility company may disturb existing storm drainage facilities without the consent of the Town staff, whose decision may be appealed to the Town Council of Sellersburg. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 1-7 of this ordinance.

(e) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the Stormwater Management Permit by the Town and the commencement of construction activities, the Town has the authority to conduct inspections of the work being done to insure full compliance with the provisions of this section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.

The Town also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the Town. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town will undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved. Stormwater detention/retention

basins may be donated to the Town or other unit of government designated by the Town, for ownership and permanent maintenance providing the Town or other governmental unit is willing to accept responsibility in writing.



SECTION 1-4

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

(a) APPLICABILITY AND EXEMPTIONS

The Town of Sellersburg will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of the Town of Sellersburg that includes clearing, grading, excavation or other land disturbing activities resulting in the disturbance of 10,000 square feet or more of total land area is subject to the requirements of this section. This includes both new development and re-development. This section also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. Section 1-4 (c) provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 IAC 15-5 (Rule 5) shall also be in compliance with 327 IAC 15-5.

The requirements under this section do not apply to the following activities:

1. agricultural land disturbing activities; or
2. forest harvesting activities.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

1. Landfills that have been issued a certification of closure under 329 IAC 10.
2. Coal mining activities permitted under IC 14-34.
3. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Town, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Section 1-6 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

An individual lot with land disturbance less than 10,000 square feet, located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town in accordance with Section 1-6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the Town with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

(b) POLICY ON STORMWATER POLLUTION PREVENTION

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. For land disturbance of one (1) acre

or more, the developer must submit to the Town a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. For land disturbances totaling 10,000 square feet or more but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Town of Sellersburg Technical Standards must be designed and shown on the plans. The following principles apply to all land-disturbing activities and shall be considered in the preparation of a SWPPP within the corporate boundaries of the Town of Sellersburg.

1. Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent (within 35 feet of top of bank) to watercourses and lakes also should be left undisturbed wherever possible. Un-vegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.
3. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
4. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included Stormwater Technical Standards Manual.
5. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.
6. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
7. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.
8. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
9. Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

In calculating the total area of land disturbance, for the purposes of determining applicability of this section to a project, the following guidelines should be used:

1. Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, and other utilities) to a land disturbing project site, must be considered as a part

of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.

2. Strip developments will be considered as one (1) project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
3. To determine if multi-lot project sites are regulated by this section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - iii. To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the "Indiana Stormwater Quality Manual" and the Town of Sellersburg Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 5. A Copy of the Indiana Stormwater Quality Manual may be obtained through IDEM.

(d) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the Stormwater Management Permit by the Town and commencement of construction activities, the Town has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved Stormwater Pollution Prevention Plan, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A qualified professional, registered with the Town per Ordinance 2004-OR-026 shall perform a written evaluation of the project site by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections by the qualified professional shall continue until the entire site has been stabilized and a Notice of Termination has been issued.

The qualified professional should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The qualified professional should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the qualified professional performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed.

The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this section, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the qualified professional for modified stormwater quality measures should be implemented.

Although self-monitoring reports do not need to be submitted to the Town, the Town has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention

measures. All evaluation reports for the project site must be made available to the Town, in an organized fashion, within forty-eight (48) hours upon request.



SECTION 1-5

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

(a) APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Section 1-4, the stormwater pollution prevention plan, which is to be submitted to the Town as part of the Stormwater Management Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of the Town of Sellersburg that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 10,000 square feet or more of total land area is subject to the requirements of this section. This includes both new development and re-development, and disturbances of land less than 10,000 square feet of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. In addition, regardless of the amount of disturbance, the Town of Sellersburg reserves the right to require pre-treatment Best Management Practices (BMP's) for proposed hot spot developments in accordance to provisions contained in the Town of Sellersburg Stormwater Technical Standards Manual.

The requirements under this section do not apply to the following activities:

1. agricultural land disturbing activities; or
2. forest harvesting activities; or
3. construction activities associated with a single family residential dwelling disturbing less than one (1) acre, when the dwelling is not part of a larger common plan of development or sale; or
4. individual building lots within a larger permitted project.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

1. Landfills that have been issued a certification of closure under 329 IAC 10.
2. Coal mining activities permitted under IC 14-34.
3. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town in accordance with Section 1-6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMP's (especially, the protection of post-stormwater BMP's during construction phase) in compliance with this Ordinance and with the approved Stormwater Management Permit, and to notify the Town with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

(b) POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of the Town of Sellersburg, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of appropriate BMP's, stormwater runoff will be filtered, and harmful amounts of sediment, nutrients, and contaminants will be removed.

The project site owner must submit to the Town a SWPPP that shows placement of appropriate BMP's from a pre-approved list of BMP's specified in the Town of Sellersburg Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance (O&M) Manual for all post-construction BMP's included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in Appendix D of the Town of Sellersburg Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMP's, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP's must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Sellersburg Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Town of Sellersburg Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Town of Sellersburg Stormwater Technical Standards Manual.

(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

Calculation of land disturbance should follow the guidelines discussed in Section 1-3(c).

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMP's shall meet the design criteria, standards, and specifications outlined in the Town of Sellersburg Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards is in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

(e) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

After the approval of the Stormwater Management Permit by the Town and the commencement of construction activities, the Town has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the approved SWPPP the Town of Sellersburg Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Town of Sellersburg Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by the Town.

The Town also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

SECTION 1-6

PERMIT REQUIREMENTS AND PROCEDURES

(a) PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 for plan review requirements and procedures. Figure 1 is a flowchart summarizing the plan review/permit approval process and can be found at the end of this section.

All projects located within the corporate boundaries of the Town of Sellersburg lie within the Town's MS4 area boundary by default. The project site owner shall submit an application for a Stormwater Management Permit to the Town. The application will include construction plan sheets, a stormwater drainage technical report, a SWPPP, and any other necessary support information. Specific information to be included in the application can be found in Section (b) below. Four (4) copies of each application must be submitted to the Town. The Town may, at its discretion, require one or more copies be submitted to the Clark County Surveyor, or other entity deemed appropriate by the Town. Additionally, a digital copy of the construction plans is required in a format accepted by the Town.

After the Town's receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Town and/or its plan review consultant(s). Once the review has been completed, the Town Planning and Zoning Director or their designee will either approve the project, request modifications, or deny the project.

The project site owner must notify the Town and IDEM 48 hours before beginning construction. Notification shall be in the form of an updated IDEM NOI form. Once a permit has been issued and the updated NOI submitted to the Town and IDEM 48 hours before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Town. A Notice of Termination (NOT) shall be sent to the Town once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Town, or its representative, shall inspect the construction site to verify that the requirements for an NOT have been met. Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM. Permits issued under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration.

(b) INFORMATION REQUIREMENTS

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 1-1 through 1-5. If a project or activity is exempt from any or all requirements of this ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section c.

The different elements of a permit submittal include construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

1. Construction Plans

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be

accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include items listed in the application checklist provided in the Town of Sellersburg Stormwater Technical Standards Manual.

2. Stormwater Drainage Technical Report

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Town of Sellersburg Stormwater Technical Standards Manual.

3. Stormwater Pollution Prevention Plan (SWPPP) for Construction Sites

For sites with total disturbance of one (1) acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the Town of Sellersburg Stormwater Technical Standards Manual. For land disturbances totaling 10,000 square feet or more of land area but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Town of Sellersburg Technical Standards must be designed and shown on the plans.

4. Post-Construction Storm Water Pollution Prevention Plan

For sites with total land disturbance of 10,000 square feet or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the Town of Sellersburg Stormwater Technical Standards Manual. The post-construction storm water pollution prevention plan must include items listed in the application checklist provided in the Town of Sellersburg Stormwater Technical Standards Manual.

(c) CHANGES TO PLANS

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the Town of Sellersburg prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

(d) REQUIRED ASSURANCES

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town or retained privately. As a condition of approval and issuance of the permit, the Town of Sellersburg shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 110 percent of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's, as regulated under this Ordinance, until the construction is completed, the site is stabilized, and as-built plans are accepted by the Town. Assurances shall be for a minimum of \$5,000. All other performance bonds, maintenance bonds or other assurances required by the Town in accordance with any and all other ordinances shall also apply and so be required. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

(e) CERTIFICATION OF AS-BUILT PLANS

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in Section (g) above, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to the Town for review. These as-built plans/record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to the Town. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

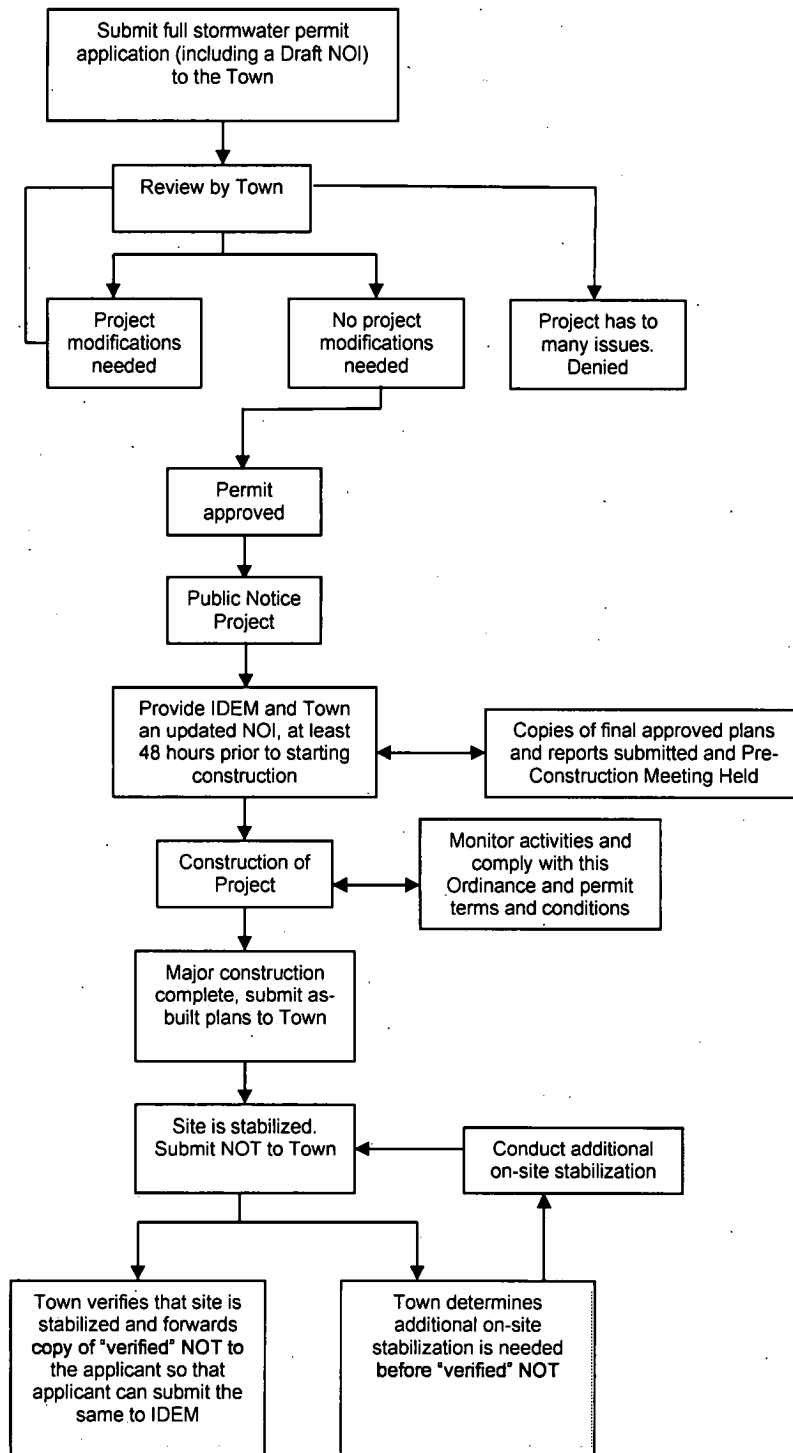
1. Pipe size and pipe material
2. Invert elevations
3. Top rim elevations
4. Elevation of the emergency overflow (spillway) for ponds
5. Grades along the emergency flood routing path(s)
6. Pipe structure lengths
7. BMP types, dimensions, and boundaries/easements
8. "As-planted" plans for BMP's, as applicable
9. Data and calculations showing detention basin storage volume
10. Data and calculations showing BMP treatment capacity
11. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the Stormwater Management Permit as approved by the Town. (See certificate in the Stormwater Technical Standards Manual.

The property owner, developer, or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the Town in an amount not to exceed twenty five percent (25%) of the cost of the stormwater management system, and in a form satisfactory to the Town in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this Ordinance. The bond or other acceptable guarantee shall be in effect for a period of three years after the date of the release of required performance assurances referenced in Section (g) above. The beneficiary of all maintenance bonds shall be the Town Council of the Town of Sellersburg.

To verify that all stormwater infrastructure is functioning properly, visual recordings (via closed circuit television) of such infrastructure, including all subsurface drains, shall be required twice, once following the completion of installation of the stormwater management system and submittal of as-builts, and the second time before release of maintenance bonds. These visual recordings will be scheduled by the Town and paid for by the developer. Notices shall be provided to the Town within 72 hours following the completion of installation and again at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town before the plat is recommended for recording and again before the maintenance bond shall be recommended to be released.



Figure 1: Permit Approval Process



SECTION 1-7

ENFORCEMENT

(a) COMPLIANCE WITH THIS ORDINANCE

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of the Town of Sellersburg as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

1. Violations

Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

2. Warning Notice

When the Town finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Town to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(b) ENFORCEMENT OF THIS ORDINANCE

1. Notice of Violation/Citation

If the Town determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this ordinance, it shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

2. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

3. Civil Penalties for Violations

Any person found in violation of any provision of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$2,500 for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law.

An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The issuance of fines shall be guided by the schedule below. The Town reserves the right to issue a maximum fine for any violation deemed sufficiently egregious or otherwise determined by the Town to warrant a maximum penalty.

Ordinance Section 1-2 Illicit Discharges - Table of Fines			
Fine Category	1st Offense	2nd Offense	3rd Offense
Residential	Warning and Cleanup Costs	\$250 and Cleanup Costs	\$500 & Cleanup Costs
Commercial Industrial Institutional	Warning and Cleanup Costs	\$1,500 and Cleanup Costs	\$2,500 & Cleanup Costs

Ordinance Section 1-4 Construction Activities - Table of Fines			
Fine Category	1st Offense	2nd Offense	3rd Offense
Individual Lot (Residential)	Warning & Cleanup Costs	\$350 & Cleanup Costs	\$750 & Cleanup Costs
Commercial Lot or Multi-Parcel Development (i.e., subdivision, commercial, industrial, institutional)	Warning & Cleanup Costs	\$1,000 & Cleanup Costs	\$2,500 & Cleanup Costs

4. Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, the Town may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Town to proceed with the work. A Stop Work Order will be posted on the site by the Town and it is unlawful for any person to remove the notice or continue any work on the site without permission from the Town.

The Town may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may also be assessed by the Town.

5. Withhold Certificate of Occupancy

The Town may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this ordinance as determined by the Town.

6. Suspension, Revocation, or Modification of Permits

The Town may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Town of Sellersburg may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

7. Suspension of Access to the Stormwater Drainage System

i. Emergency Cease and Desist Orders

When the Town finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or Waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Town may take such steps as deemed necessary to prevent or minimize harm to the stormwater drainage system or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services.

The Town may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

ii. Suspension Due to Illicit Discharges in Emergency Situations

The Town may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, the Town may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.

iii. Suspension Due to the Detection of Illicit Discharge

Any person discharging to the stormwater drainage system in violation of this ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Town will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the Town for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the Town.

8. Criminal Penalties for Violations

For intentional and flagrant violations of this ordinance, the Town may issue a notice to the applicant or other responsible person and the owner of the property, requiring such person to appear in the Circuit or Superior Court of Clark County to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set by the Town Council of Sellersburg, plus costs, damages, and expenses or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(c) COST OF ABATEMENT OF THE VIOLATION

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the Town may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Town for all costs of such work.

Nothing herein contained shall prevent the Town from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Town's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the Town or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(d) APPEALS

1. Appeal of Notice of Violation

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Unsafe Building Commission of Sellersburg the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Unsafe Building Commission of Sellersburg shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed.

In considering any such appeal, the Unsafe Building Commission of Sellersburg may consider the recommendations of the Town of Sellersburg Staff and/or engineering consultant and the comments of other persons having knowledge of the matter. In considering any such appeal, the Unsafe Building Commission of Sellersburg may recommend a variance from the terms of this Ordinance to the Town Council of Sellersburg to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- i. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- ii. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.

2. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Town Council upholding the decision of the Unsafe Building Commission then representatives of the Town of Sellersburg shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town or its designated contractor to enter upon the premises for the purposes set forth above.



ABBREVIATIONS AND DEFINITIONS

ABBREVIATIONS

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewers
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

DEFINITIONS

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Agricultural land disturbing activity. Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage pipe. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

Base Flow. Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

Best Management Practices. Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

Capacity (of a Storm Drainage Facility). The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

Channel. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

Comprehensive Stormwater Management. A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

Constructed Wetland. A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

Construction activity. Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

Construction site access. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

Contiguous. Adjoining or in actual contact with.

Contour. An imaginary line on the surface of the earth connecting points of the same elevation.

Contour Line. Line on a map which represents a contour or points of equal elevation.

Contractor or subcontractor. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

Cross Section. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

Culvert. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Dechlorinated swimming pool discharge. Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

Detention. Managing stormwater runoff by temporary holding and controlled release.

Detention Basin. A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

Detention Storage. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

Detention Time. The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

Detritus. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

Developer. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Development. Any man-made change to improved or unimproved real estate including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building;
2. Construction of flood control structures such as levees, dikes, dams or channel improvements;
3. Construction or reconstruction of bridges or culverts;
4. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than hundred eight (180) days;
5. Installing utilities, erection of walls, construction of roads, or similar projects;
6. Mining, dredging, filling, grading, excavation, or drilling operations;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

Disposal. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

Ditch. A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

Drain. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

Drainage. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

Dry Well. A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

Duration. The time period of a rainfall event.

Environment. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Erodibility Index (EI). The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of $(R \times K \times LS) / T$ (from the Universal

Soil Loss Equation) and $(Cxl)/T$ (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion* --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion* --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

Erosion and sediment control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Filter Strip. Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Floatable. Any solid waste that will float on the surface of the water.

Flood (or Flood Waters). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Floodplain. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 1% annual chance flood event. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

Floodway. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

Floodway Fringe. That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Footing Drain. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage. All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Gasoline outlet. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

Geographical Information System. A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

Grading. The cutting and filling of the land surface to a desired slope or elevation.

Grass. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

Groundwater. Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

Habitat. The environment in which the life needs of a plant or animal are supplied.

Highly Erodible Land (HEL). Land that has an erodibility index of eight or more.

Hot Spot Development. Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

Hydrologic Unit Code. A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology. The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

Impaired Waters. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

Impervious surface. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

Individual building lot. A single parcel of land within a multi-parcel development.

Individual lot operator. A contractor or subcontractor working on an individual lot.

Individual lot owner. A person who has financial control of construction activities for an individual lot.

Infiltration. Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet. An opening into a storm drain system for the entrance of surface storm water runoff, more completely described as a storm drain inlet.

Land-disturbing Activity. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

Land Surveyor. A person licensed under the laws of the State of Indiana to practice land surveying.

Larger common plan of development or sale. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lowest Adjacent Grade. The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well.

Lowest Floor. Refers to the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a] The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - b] Such enclosed space shall be usable only for the parking of vehicles or building access.

Manhole. Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

Measurable storm event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Mulch. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewers. An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

Refueling area. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

National Pollutant Discharge Elimination System. A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage. The flow patterns of stormwater run-off over the land in its pre-development state.

Nutrient(s). (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

Open Drain. A natural watercourse or constructed open channel that conveys drainage water.

Open Space. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

Outlet. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Peak Discharge (or Peak Flow). The maximum instantaneous flow from a given storm condition at a specific location.

Percolation. The movement of water through soil.

Permanent stabilization. The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Pervious. Allowing movement of water.

Point Source. Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

Porous pavement. A type of infiltration practice to improve the quality and reduce the quantity of storm water run-off via the use of manmade, pervious pavement which allows run-off to percolate through the pavement and into underlying soils

Professional Engineer. A person licensed under the laws of the State of Indiana to practice professional engineering.

Project site. The entire area on which construction activity is to be performed.

Project site owner. The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Qualified Professional. An individual who is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by professional certification or completion of coursework that enable the individual to make sound, professional judgements regarding stormwater control, treatment and monitoring, pollutant fate and transport, and drainage planning.

Rain garden. A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

Receiving Stream, Receiving Channel, or Receiving Water. The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

Recharge. Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

Redevelopment. Development occurring on a previously developed site.

Regional Pond. A detention/retention basin sized to detain/retain the runoff from the entire watershed, on-site and off-site, tributary to the pond's outlet.

Regulatory Flood. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway. See Floodway.

Release Rate - The amount of storm water release from a storm water control facility per unit of time.

Reservoir. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Retention. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention basin. A type of storage practice, that has no positive outlet, used to retain storm water runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

Return Period - The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

Riparian zone. Of, on, or pertaining to the banks of a stream, river, or pond.

Riparian habitat. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff. That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

Runoff Coefficient - A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

Sediment. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Sedimentation. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

Sensitive Water. A waterbody in need of priority protection or remediation base on its: providing habitat for threatened or endangered species, usage as a public water supply intake, relevant community value, usage for full body contact recreation, exceptional use classification as found in 327 IAC 2-1-11(b), outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Site. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

Slope. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parentheses--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as (100*V/H) --e.g., a 2:1 (1V:2H) slope is a 50% slope.

Soil. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District. A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

Solid Waste. Any garbage, refuse, debris, or other discarded material.

Spill. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

Storm Duration. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Event. An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

Storm Sewer. A closed conduit for conveying collected storm water, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater. Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Management System. A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's.

Stormwater Pollution Prevention Plan. A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

Stormwater Runoff. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Stormwater Quality Management Plan. A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure. A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

Stormwater Drainage System - All means, natural or man-made, used for conducting storm water to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Strip Development. A multi-lot project where building lots front on an existing road.

Subdivision, Major. A subdivision of a parcel of land into more than four (4) residential, commercial or industrial lots or any size subdivision requiring any new street.

Subdivision, Minor. The subdivision of a parent tract into any combination of not more than three (3) contiguous or non-contiguous new residential, commercial or industrial building site or the reconfiguration of existing lots that create new building sites and which does not involve the construction or extension of public or private streets, or, under the standards set forth in the Town's Subdivision Regulations and /or Subdivision Control Ordinance, does not involve substantial improvement or realignment of any existing publicly maintained street or road.

Subsurface Drain. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

Surface Runoff. Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

Swale. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization. The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

Tile Drain. Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

Topographic Map. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Urban Drain. A drain defined as "Urban Drain" in Indiana Drainage Code.

Urbanization The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

Vegetated swale. A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

Water Quality. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources. The supply of groundwater and surface water in a given area.

Waterbody. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

Watercourse. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area. All land and water within the confines of a drainage divide. See also Watershed.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 004

AN ORDINANCE DISPOSING OF SURPLUS PERSONAL PROPERTY

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 5-22-22-3(b), this Council or its designee, acting as the purchasing agent, may sell property that “belongs to the governmental body, but is no longer needed for the purpose for which it was intended”; and,

WHEREAS, if the purchasing agent does not engage an auctioneer or if the surplus property is not sold through an Internet auction site under Section 4.5 of Ind. Code § 5-22-22 *et seq.*, the purchasing agent shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of the sale or as otherwise permitted by Indiana law. Advertisement of sale shall be made in accordance with Ind. Code § 5-3-1 and all sales shall be made to the highest and most responsible bidder. (*Ind. Code § 5-22-22-5*); and,

WHEREAS, pursuant to Ind. Code § 5-22-22-8, “if the property is worthless, it may be demolished or junked.” Property may be determined to be worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property; and,

WHEREAS, this Council has determined a need to dispose of certain personal property of the Town.

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

as follows:

1. That upon the recommendation of the Chief of Police, the following personal property is no longer needed for the purpose for which it was intended:
 - a. 2013 Chevrolet Tahoe - Vin# 1GNLC2E04DR304563
 - b. 2014 Dodge Charger - Vin# 2C3CDXKT9EH351241
 - c. 2015 Dodge Charger - Vin# 2C3CDXKT7FH746701
2. This Council grants the Chief of Police with the authority to dispose of said personal property pursuant to Ind. Code § 5-22-22 *et seq.* and Indiana law, or if the property is deemed worthless then to have the property scrapped.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 25th day of January, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 1/25/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 1/25/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 005

**AN ORDINANCE AMENDING SEWER RATES
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, pursuant to Ind. Code § 36-9-23-25, the municipal legislative body shall, by ordinance, establish just and equitable fees for the services rendered by the sewage works, and provide the dates on which fees are due; and,

WHEREAS, Just and equitable fees are the fees required to maintain the sewage works in the sound physical and financial condition necessary to render adequate and efficient service. The fees must be sufficient to:

1. Pay all expenses incidental to the operation of the works, including...maintenance costs, operating charges, repairs, lease rentals, and interest charges on bonds or other obligations;
2. Provide the sinking fund required by Section 21 of Ind. Code § 36-9-23;
3. Provide adequate money to be used for working capital; and,
4. Provide adequate money for improving and replacing the works.

WHEREAS, in 2018 this Council, understanding the condition of the sanitary sewer system, hired an engineering firm, Jacobi, Toombs & Lanz, to prepare an extensive Sanitary Sewer Master Plan, which specifically covered the sanitary, water, and stormwater system of the Town (“Master Plan”); and,

WHEREAS, the Master Plan was completed in September of 2020 and indicated several issues that needed to be addressed, but the single most significant issue was that the sewer plant was at 90% capacity; and,

WHEREAS, on March 5, 2019, the Indiana Department of Environment Management sent the Town a letter serving as an early warning notice that pursuant to 327 IAC 4-1 the Town could be considered for a sewer ban (“IDEM Letter”); and,

WHEREAS, in 2020, this Council caused to have a water and sewer rate study (“Rate Study”) performed by BakerTilly Municipal Advisors; and,

WHEREAS, the last sewer rate increase for the Town was in 2001 (i.e. 20 years ago) and the last modification to the sewer rate was in 2007 when the council, at the time, reduced said sewer rate; and,

WHEREAS, after reviewing the Master Plan, IDEM Letter and Rate Study in multiple public meetings, in which the public was invited, this Council has determined that the current sewer rates do not bring in sufficient revenue to adequately operate and maintain the sewer works system of the Town.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. Rates. The Sewer Rates for the Town of Sellersburg are repealed and replaced as follows:

	Phase I (1)		Phase II (2)	
	Inside Town	Outside Town	Inside Town	Outside Town
<u>Flow Charge:</u> (per 1,000 gallons)	\$6.22	\$6.22	\$8.83	\$8.83
<u>Base Charge (per month)</u>				
Meter Size:				
5/8 - 3/4 inch	\$14.47	\$26.91	\$20.53	\$38.19
1 inch	32.17	44.61	45.65	63.31
1 1/2 inch	71.12	83.56	100.92	118.58
2 inch	120.56	133.00	171.07	188.73
3 inch	273.78	286.22	388.49	406.15
4 inch	474.14	486.58	672.80	690.46
6 inch	1,075.22	1,087.66	1,525.74	1,543.40
<u>Unmetered Users:</u> (per month)				
Residential Single Family (assuming 5,400 gallons average)	\$48.06	\$60.50	\$68.21	\$85.87
(1) Proposed Phase I rates and charges to become effective May 1, 2021.				
(2) Proposed Phase II rates and charges to become effective May 1, 2022.				
Note: Based on 4,000 gallons, the monthly bill for an outside-of-town customer would continue to be 31.6% higher than the monthly bill for an inside-of-town customer. For unmetered customers, this rate differential will remain at 25.9%. These same rate differentials have been in place since at least 2001.				

2. Date Of Effect For Rates. Phase I and Phase II Sewer Rates will go into effect on May 1, 2021 and May 1, 2022, respectively.
- 3: This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22nd day of February, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer.

FIRST READING

DATE: 2/8/2021

MOTION: Czarnecki

SECOND: Langford

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 2/22/2021

MOTION: McVoy

SECOND: Langford

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 006

**AN ORDINANCE AMENDING WATER AND FIRE PROTECTION RATES
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8, a municipality owning a utility shall furnish reasonably adequate services and facilities; and,

WHEREAS, the rates and charges made by a municipality for a service rendered or to be rendered, either directly or in connection therewith, must be nondiscriminatory, reasonable, and just; and,

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8(b), “reasonable and just rates and charges for services” means rates and charges that produce sufficient revenue to:

1. Pay all expenses incident to the operation of the utility, including:
 - (a) Maintenance costs;
 - (b) Operating charges;
 - (c) Upkeep;
 - (d) Repairs;
 - (e) Depreciation;
 - (f) Interest charges on bonds or other obligations, including leases; and
 - (g) Costs associated with the acquisition of utility property under IC 8-1.5-2;
2. Provide a sinking fund for the liquidation of bonds or other obligations, including leases;
3. Provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the municipality, not to exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rental;
4. Provide adequate money for working capital;
5. Provide adequate money for making extensions and replacements to the extent not provided for through depreciation in subdivision (1); and
6. Provided money for the payment of any taxes that may be assessed against the

WHEREAS, pursuant to Ind. Code § 8-1.5-3-8(d), “it is the intent of this section that the rates and charges produce an income sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service. *Rates and charges too low to meet these requirements are unlawful;*” and,

WHEREAS, in 2018 this Council, understanding the condition of the sanitary sewer system, hired an engineering firm, Jacobi, Toombs & Lanz, to prepare an extensive Sanitary Sewer Master Plan, which specifically covered the sanitary, water, and stormwater system of the Town (“Master Plan”); and,

WHEREAS, in 2020, this Council caused to have a water and sewer rate study (“Rate Study”) performed by BakerTilly Municipal Advisors; and,

WHEREAS, after reviewing the Master Plan and Rate Study in multiple public meetings, in which the public was invited, this Council has determined that the current water and fire protection rates do not bring in sufficient revenue to adequately operate and maintain the water utility system of the Town as required by state law.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

[Remainder of page intentionally left blank]

1. Rates. The Water and Fire Protection Rates for the Town of Sellersburg are repealed and replaced as follows:

			Phase I	Phase II
			(1)	(2)
<u>Metered Consumption (rate per 1,000 gallons)</u>				
First	2,500 gallons		\$7.29	\$8.27
Next	500 gallons		6.00	6.80
Next	2,000 gallons		4.96	5.62
Next	15,000 gallons		3.98	4.51
Next	30,000 gallons		2.94	3.33
Over	50,000 gallons		2.26	2.56
<u>Wholesale Customers (rate per 1,000 gallons)</u>				
Rural Membership Water Corporation of Clark County			\$2.42	\$2.74
		Gallons Allowed For Minimum		
<u>Minimum Charge (per month)</u>				
5/8 - 3/4	inch meter	2,033	\$14.82	\$16.81
1	inch meter	6,410	36.76	41.67
1 1/4	inch meter	13,800	66.17	75.00
1 1/2	inch meter	19,394	88.43	100.23
2	inch meter	37,254	141.57	160.42
3	inch meter	133,495	367.74	416.61
4	inch meter	221,000	565.51	640.63
6	inch meter	439,769	1,059.92	1,200.67
<u>Private Fire Protection - Sprinklers (per annum)</u>				
1 1/2	inch connection		\$62.07	\$70.39
2	inch connection		110.20	124.97
2 1/2	inch connection		172.26	195.34
3	inch connection		248.03	281.27
4	inch connection		441.22	500.34
6	inch connection		992.64	1,125.65
8	inch connection		1,764.65	2,001.11
<u>Fire Protection - Hydrants (per annum)</u>				
Private hydrants - per hydrant			\$992.64	\$1,125.65
Surcharge per customer within 1,000 feet of a fire hydrant (per month)			\$5.05	\$5.73
(1) Proposed Phase I rates and charges to become effective May 1, 2021.				
(2) Proposed Phase II rates and charges to become effective May 1, 2022.				

2. Date Of Effect For Rates. Phase I and Phase II Water and Fire Protection Rates will go into effect on May 1, 2021 and May 1, 2022, respectively.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22nd day of February, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 2/18/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 2/22/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 007

AN ORDINANCE AMENDING THE 2021 SALARY ORDINANCE FOR THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, this Council is charged with the responsibility of adopting a salary ordinance; and,

WHEREAS, this Council now desires to amend the 2021 Salary Ordinance.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following salaries, including amendments, and the respective funds from which to pay said salaries for the calendar year 2021:

1. See Exhibit A attached hereto for a comprehensive list of job titles for the Town of Sellersburg and the specified funds by which to pay each position.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 8th day of February, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 2/8/21

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 2/8/21

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Clerk-Treasurer

Clerk-Treasurer + Longevity per Ordinance 2017-OR-028	Full-time	1	Exempt	34%	33%	33%							\$2,200.00	\$2,200.00
Chief Deputy Clerk-Treasurer	Full-time	1	Exempt (appointed)	34%	33%	33%							\$1,915.38	\$2,200.00
Deputy Clerk-Treasurer	Full-time	1	Non-Exempt (appointed)	34%	33%	33%			\$15.50	\$18.00				

Parks and Recreation

Park Superintendent	Full-Time	1	Exempt (appointed)					100%						
Pool and Events Manager	Part-time	1	Non-Exempt					100%	\$17.50	\$20.00			\$192.31	
Assistant Pool Manager (seasonal)	Part-time	2	Non-Exempt					100%	\$12.50	\$14.50				
Lifeguard (seasonal)	Part-time	14	Non-Exempt					100%	\$10.50	\$13.00				
Concession Worker (seasonal)	Part-time	4	Non-Exempt					100%	\$9.22	\$10.00				
Maintenance Worker	Part-time	1	Non-Exempt					100%	\$10.00	\$16.00				
Parks and Recreation Board President	Part-time	1	Exempt (appointed)					100%						\$1,800.00
Parks and Recreation Board Members	Part-time	4	Exempt (appointed)					100%						\$1,200.00
Parks and Recreation Town Council Liaison (non-voting)	Part-time	1	Exempt (appointed)					100%						\$1,200.00
Parks and Recreation Board Secretary (non-voting)	Part-time	1	Non-Exempt					100%						\$1,200.00

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 008

AN ORDINANCE REGULATING TRAFFIC CONTROL AT THE INTERSECTION OF GREENBRIAR BOULEVARD AND BENNETSVILLE ROAD.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-2, a local authority may adopt by ordinance additional traffic regulations with respect to highways under the authority’s jurisdiction; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-3, a local authority may regulate speed limits and traffic controls with respect to highways under the authority’s jurisdiction; and,

WHEREAS, this Council now desires to regulate certain traffic controls at the intersection of Bennettville Road and Greenbriar Boulevard.

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

1. A stop sign shall be installed at the terminus point of Greenbriar Blvd at the intersection with Bennettville Road. Furthermore, the Town Manager shall cause to have said stop sign installed in a public right-of-way and in accordance with all applicable state and local laws.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22nd day of March, 2021

"Aye"

"Nay"

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Absent

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle O. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 3/22/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 3/22/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 4 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA
ORDINANCE NO. 2021 – OR – 009
AN ORDINANCE TRANSFERRING CERTAIN FUNDS

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to transfer funds for the needs of the Town.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the following funds be transferred:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$25,200.00	101003359 TC Advertising	101003396 Animal Shelter
\$ 5,000.00	101301421 S&S Facilities	101301323 S&S Telephones/Internet

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22nd day of March, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Absent
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle O. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 3/22/2021

MOTION: Langford

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 3/22/2021

MOTION: Langford

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 010

**AN ORDINANCE AMENDING § 52.01 OF THE CODE OF ORDINANCES
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, from time to time, this Council deems it necessary to make amendments to the Code of Ordinances (the “Code”) for the Town of Sellersburg, Indiana.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. Section 52.01 of the Code is repealed and replaced in its entirety as follows:

§ 52.01 WASTEWATER SUMMER AVERAGING

(A) All “Residential” users (as defined below) connected to the town wastewater treatment plant may be exempt from payment for certain sewer use charges only on the water not specifically discharged into the town’s sewage system under the following terms and conditions:

(1) In the event that water usage for the months of June, July, August, and September (“Summer Months”) is greater than the average amount of water used by said residential user during October, November, December, and January (“Winter Months”) of the preceding year, then billing for sewage service for Summer Months shall be based upon the average of the water usage during the Winter Months.

(2) In the event that water usage is less during the Summer Months as compared to the Winter Months, then billing shall be based upon the actual water usage in said months.

(3) The term “Residential” user shall mean and apply to each lot, parcel of real estate or building which is occupied and used **solely** as a residence. The summer rate does not apply to any premises, which are partially or wholly, used for commercial or industrial

purposes including, but not limited to, hotels/motels, retirement/nursing home facilities, rooming house, apartment complexes, multi-family complexes, resident training or educational facilities, other commercial properties housing groups of individuals or anything similar thereto.

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 26th day of April, 2021

“Aye”

“Nay”

Brad J. Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 4/26/2021

MOTION: M^oVoy SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 4/26/2021

MOTION: Gzarnicki SECOND: M^oVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 011

AN ORDINANCE TRANSFERRING CERTAIN FUNDS

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to transfer funds for the needs of the Town.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the following funds be transferred:

From:	To:	Amount:
101301386 S&S Storm Drain	101314111 BPZ Department Salaries	\$72,000
101301386 S&S Storm Drain	101314124 BPZ Insurance	\$30,000
101301386 S&S Storm Drain	101314132 BPZ INPRS	\$17,000
101301314 S&S Consulting	101003122 TC Medicare	\$40,000
101003314 TC Consulting	101003391 TC Subscriptions/Dues	\$1,000
101301443 S&S Street Equipment	101003121 TC FICA/SS	\$70,000
101301421 S&S Facilities	101301323 S&S Telephones/Internet	\$5,000

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 26th day of April, 2021

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 4/26/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 4/26/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 012

AN ORDINANCE AMENDING THE ABATEMENT PROCESS OF NOXIOUS WEEDS AND GRASS (SECTIONS 95.45 – 95.50).

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to amend its ordinances for the betterment of the Town and effective administration of its duties.

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

1. Sections 95.45 – 95.50 of the Town’s Codification of Ordinances is hereby repealed and replaced as follows:

WEEDS; GRASS AND RANK VEGETATION

§ 95.45 DEFINITIONS.

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

WEEDS. Any undesirable, uncultivated plant.

WEEDS, GRASS AND RANK VEGETATION. Does not include agricultural crops such as hay and pasture.

§ 95.46 EXCESSIVE GROWTH PROHIBITED.

It is unlawful for the owner of any lot or tract of ground within the town to allow it to be overgrown with weeds, grass or rank vegetation beyond the height of nine inches, or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

§ 95.47 INSPECTIONS.

It shall be the duty of the Office of the Building Commissioner of the town to make a careful inspection of any lots, grounds and/or tracts of land situated within the corporate limits of the town for the purposes of determining whether there is a violation of this subchapter.

(Ord. 2005-021, passed 9-11-06)

§ 95.48 REMOVAL NOTICE; CONTINUOUS NOTICE.

(A) Whenever the Building Commissioner finds grass, weeds or rank vegetation on property within the town which is in such a condition as to violate this chapter, the Building Commissioner shall issue a written notice to the landowner to remove the grass, weeds or rank vegetation within ten (10) days of sending notice

(B) The notice shall be sent by first class mail or an equivalent service permitted under I.C. 1-1-7-1 to:

- (1) The owner of record of real property with a single owner; or
- (2) At least one of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the County Auditor on the date of the notice.

(C) The initial notice will also specify that "this will serve as a continuous abatement notice and will be posted at the property at the time of each abatement occurrence instead of by certified mail or equivalent service for all future infractions."

(D) The continuous abatement notice will be posted at the property at the time of each abatement occurrence after the initial notice is served.

(E) Within five (5) days of receiving the notice, the property owner may appeal in writing to the Town Manager or Building Commissioner and request a meeting to discuss the matter. If an agreement

cannot be worked out, the matter will be brought before the Town Council at next regularly scheduled meeting in which the property owner may be heard on the matter.

§ 95.49 FAILURE TO REMOVE; REMEDIES.

(A) The Building Commissioner shall reinspect the property on the 10th day after the date of the notice to determine whether the violation has been cured. If the landowner has failed to remove the grass, weeds or rank vegetation, the Building Commissioner, his or her deputy or designee may issue to the landowner a citation for an ordinance violation which states the relevant offense(s) of this chapter, and the matter shall be prosecuted in the appropriate court by the Town Attorney.

(B) In addition, if the landowner upon reinspection has failed to remove the grass, weeds or rank vegetation, the town through its Building Commissioner may enter the property and remove the grass, weeds or rank vegetation and the property owner shall be responsible for the all reasonable costs associated therewith. The town may also pursue any other appropriate legal remedies.

§ 95.50 COST OF REMOVAL BY TOWN.

(A) If the landowner fails to remove the grass, weeds or rank vegetation, and it is subsequently removed by the town, the Building Commission shall prepare a statement to be certified by the Clerk-Treasurer of the actual costs incurred by the town for the removal together with an administrative fee cost of \$250 for the first offense, \$500 second offense, \$1,000 third offense in the calendar year beginning January 1 of said year. The statement shall be served on the landowner by certified mail to the landowner's last known address and by affixing a copy of said statement to the property location where the violation occurred. The landowner shall pay the amount of the statement to the Clerk-Treasurer to the general fund within ten days of the receipt of the statement.

(B) If the landowner fails to pay within the specified ten-day period, the Building Commissioner or its designee shall file same certified statement in the Office of the Clark County Auditor. The Auditor shall place the amount claimed on the tax duplicate on the property affected by the removal of the town. The amount shall be collected as taxes are collected and dispersed to the Planning and Zoning Fund (Fund Number 270) of the town.

(C) The town retains the right to pursue any and all legal remedies provided by law and nothing herein waives same.

2. This ordinance shall be in full force and effect upon its adoption and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected members of this Council.

So Ordained this 10th day of May, 2021

[Signature page to follow]

“Aye”

“Nay”

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 5/10/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 5/10/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA
ORDINANCE NO. 2021 – OR – 013

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG,
INDIANA, REPEALING THE FEES TO BE CHARGED BY AND PAID TO THE TOWN OF
SELLERSBURG BUILDING DEPARTMENT FOR VARIOUS PERMITS, AND
INSPECTIONS.**

WHEREAS, the Town Council of the Town of Sellersburg has determined that it is necessary pursuant to IC 36-1-3 to repeal Sections 150.095 through 150.105 of the Town of Sellersburg Code of Ordinances the fees to be charged by and paid to the Town of Sellersburg Building Department for various permits, inspections, and plan review.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS: Sections 150.095 through 150.105 is repealed and replaced as follows:

SECTION 1 – TITLE

This ordinance shall be commonly known as the Town of Sellersburg Permit and Inspection Fee Ordinance.

SECTION 2. – EXPIRATION OF PERMITS

All permits issued in accordance with this ordinance shall expire as follows:

If work is not started within six (6) months-180 days

If work has not been completed within one (1) year of the date of issuances.

SECTION 3. – RE-INSTANTMENT OF EXPIRED PERMIT

If there has been no change to the construction, no change in the various codes adopted by the Fire Prevention and Building Safety Commission, for good cause shown the Building Commission may grant the re-instatement of an expired permit. Re-instated permit shall expire one (1) year from date of re-instatement.

SECTION 4. – EXTENSION OF PERMTIS

For good cause shown, the Building Commissioner may grant a one (1) time extension of an unexpired permit not to exceed one (1) year.

SECTION 5 – Fees

- A. The following fees shall be paid to obtain said permit and inspections performed:
- B. Calculation of square footage shall be based on floor area of every floor, including basement (finished and unfinished), garages, decks, porches, etc. based on exterior dimensions.

SECTION 6. – Disposition of Fees

All fees collected or received by the Sellersburg Building Department pursuant to this ordinance shall be deposited with the Clerk-Treasurer of the Town of Sellersburg to be deposited in the general fund of the Town.

SECTION 7 – Severability of Provisions

If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and application of its provisions to other persons not similarly situated or to the circumstances shall not be affected thereby.

Commercial Permits (Class 1 structure) Permit fee based on Indiana Building Code Occupancy Type: New Construction – Remodel - Addition – First Tenant Finish	
Assembly (A-1, A-2, A-3)	\$0.15 per square foot
Assembly (A-4, A-5)	\$0.10 per square foot
Business (B)	\$0.13 per square foot
Education	\$0.14 per square foot
Factory (F1, F-2)	\$0.12 per square foot
High Hazard (H-1, H-2, H-3, H-4, H-5)	\$0.12 per square foot
Institutional (I-1, I-2, I-3, I-4)	\$0.14 per square foot
Mercantile (M)	\$0.13 per square foot
Storage (S-1, S-2)	\$0.11 per square foot
Hotel/Motel/Multi-Family (R-1, R-2, R-3, R-4)	\$0.13 per square foot
Utility/Miscellaneous (Private garage, Carport & Sheds associated with Class 1 Structure)	\$0.10 per square foot
Utility/Miscellaneous - Towers (cell/radio, etc.)	\$1000.00 new/\$300 co-locate
Agriculture that are Class 1 Structures	\$0.10 per square foot
Remodel/Renovation	\$150.00 plus \$0.05 per square foot
Class 1 Indiana Industrialized Building System (Modular) [includes site improvement] Class 1 Indiana Mobile Structure (Temporary Installation) [includes site improvements]	\$75.00 per labeled unit

Awning/Canopy	\$100.00 per awning/canopy
Class 1 Structure – Foundation Only (including accessory structures)	\$200 .00
Commercial Electrical Class 1	
Class 1 New Construction	\$1.00 per amp
Class 1 Structure – Addition/Remodel/Renovation	\$50.00 plus \$0.05 per sq. ft.
Multi-Family (3 family and over), new construction	\$125.00 per unit
Multi-Family (3 family and over), Addition/Remodel/Alteration	\$75.00 per unit
Change of Service/Upgrade	\$1.00 per amp
Reconnect Inspection	\$75.00
Temporary Electrical Pole (Service)	\$75.00
Cell Tower	\$75.00 + \$1.00 per amp
Sign	\$75.00 pole or monument \$25.00 per wall sign
Commercial Plumbing class 1	
Class 1 – New Construction	\$100.00 plus \$5.00 per plumbing fixture*
Class 1 Structure – Addition/Remodel/Renovation	\$75.00 plus \$2.50 per plumbing fixture*
Fixtures include, Water closet/urinal/sink/lavatory/service sink/drinking fountain/dental cuspidor/floor drain/dishwasher, etc.	
Multi-Family, (3-family and over), new construction	\$75.00 per dwelling unit
Multi-Family, (3-family and over) – Addition/Remodel/Renovation	\$25.00 per dwelling unit
Water Heater – New or Replacement	\$50.00 per water heater

Commercial Heating/Ventilation/Air Conditioning class 1	
Class 1 Structure – New Construction – Combination Heating and Air Conditioning	\$100.00 – 1st unit \$50.00 – for Each additional
Furnace & Air Combination (Replacement) Furnace or AC only (Replacement)	\$100.00 Per set \$75.00 per unit
Roof Top Units (RTU)	\$100.00 Per Unit
Class 1 Structure – Addition/Remodel/Renovation	\$50.00 plus \$0.05 per square foot
Multi-Family, (3-family and over), new construction	\$50.00 per dwelling unit
Multi-Family, (3-family and over) – Addition/Remodel/Renovation	\$25.00 per dwelling unit
PTAC/Split System	\$100.00 per unit
Spray Booth Ventilation, Exhaust Fans	\$150.00 per unit
Fireplace/Manufactured/Masonry	\$100.00 Per unit
Commercial Kitchen Hoods	
Type I or (including fire suppression system)	\$150.00
Type II (No Fire suppression)	\$75.00
Commercial Fire Protection Sprinkler System Class 1	
New NFPA 13 or NFPA 13R	\$100.00 + \$0.25 each sprinkler head
Alteration NFPA 13 or NFPA 13R	\$75.00 + \$0.25 each sprinkler head
Commercial Fire Alarm System Class 1	
Fire Alarm System (automatic or manual)	Up to 20,000 square feet - \$150.00
	20,001 square feet - 150.00 Plus \$20.00 for each additional 10,000 square feet
Flammable and Combustible Liquid Storage Tank	
Underground	\$100.00 per tank
Aboveground	\$50.00 per tank
Commercial Miscellaneous Permits/Fees	
Swimming pool	\$250.00
Hot Tub/ Spa	\$75.00
Sauna	\$50.00

Fence	\$100.00
Demolition/wrecking Class 1 structure Including accessory structures	\$100.00 per building
Roofing	\$150.00
Inspections	\$50.00 per inspection
Temporary Work Trailer	\$75.00
Dumpster Enclosure	\$100.00
Inspection fees and Fines Class 1	
Reinspection's: Multifamily	1 st -\$100.00 1 st -\$50.00 per unit
Reinspection's	2 nd - \$350.00 2 nd Multifamily \$100.00 per unit
Reinspection's:	3 rd and < - \$500.00 3 rd Multifamily \$200.00 per unit
Work Without a License	\$150.00
Certificate of Occupancy:	\$150.00 – Assembly, Business, Mercantile, Storage, Miscellaneous
	\$300.00 – Educational, Factory, High Hazard, Institution, Hotel
Work Without a Permit:	1 st – \$300.00
	2 nd - \$500
	3 rd – \$1,000.00 and License Suspension – 1 year
	4 th - License Revocation
Plan Review – Class 1 Structure	
New Construction	150.00 plus \$0.04 per sq. ft.
Additions/Remodel/Renovation	\$100.00 plus \$0.04 per sq. ft.
Amendment to plans, including Plan Revisions, Fire Alarm, Sprinkler Systems, Type 1 Kitchen Hood, etc.	\$50.00 per submittal

Residential (Class 2 structure) permit fees [1 or 2 Family Dwellings]	
New Construction	\$100.00 plus \$0.10 per sqft.
New Construction Additions	\$50.00 plus \$0.10 per sqft.
Manufactured Home or Indiana Residential Industrialized Building System (modular) Electric, HVAC and Plumbing shall be separate permits.	\$100.00
Foundation Only (including associated attached accessory structure)	\$100.00
Remodel/Renovation	\$50.00 plus \$0.05 per square foot
Plan Review fee for New Single- or Two-Family Homes	\$75.00
Accessory Structures to a Class 2 Structure – garages, Detached carports, portable storage sheds (greater than 150 sq. ft. floor area), deck porch, etc.	\$0.05 per square foot Minimum fee: \$50.00
Fence	\$50.00
Residential Electrical (class 2)	
New Construction	\$.50 per amp
Addition/Remodel/Renovation	\$50.00 plus \$0.02 per square foot
Change of Service/Upgrade	\$100.00
Reconnection Inspection –	\$50.00 per unit
Temporary Electrical Service	\$75.00
Residential Plumbing (class 2)	
New Construction	\$75.00 plus \$2.50 each plumbing fixture
Shall include Water closet/sink/lavatory/clothes washer standpipe/combo bathtub-shower/individual bathtub/individual shower/bidet, etc.	
Addition/Remodel/Renovation	\$75.00 plus \$1.00 each plumbing fixture

Water Heaters (New and Replacement)	\$50.00
Residential Heating/Ventilation/Air Conditioning Class 2 per unit	
Combination Furnace and AC (new)	\$100.00 per combination
Combination Furnace and AC (replacement)	\$75.00 per combination
Furnace or AC (Replacement)	\$50.00 per unit
Mini Split/PTAC	\$75.00 Per Unit
Addition/Remodel/Renovation/Replacement	<u>\$75.00</u>
Residential Miscellaneous Permits	
Demolition/Wrecking	\$150.00 per building
Swimming pool Inground or Aboveground	\$100.00
Dumpsters Located in R.O.W. (right of way)	\$100.00
Inspection fees and fines Class 2	
1 st Reinspection fee	\$50.00 per unit
2 nd Reinspection fee	\$150 per unit
3 rd Reinspection fee	\$350 per unit
Class 1 Structure and Class 2 Structure Permit Renewal	One-half (1/2) original permit fee – if approved
Working with No Permit (per project, multiple projects may be subject to multiple offenses)	1 st – Offense \$300.00 plus cost of permit. 2 nd – Offense \$500.00 plus cost of permit 3 rd < - License Suspension
Working without a License	\$100.00 plus the cost of the license

Signs	
Billboard	\$1,200.00
EVMS Billboard	\$1,500.00

<p>Temporary: DT, TC, GO Districts</p> <p>B1, B2, B3, DT, TC, I1, I2, GO</p>	<p>Portable - \$100.00/\$50 per face Portable EVMS - \$300.00/\$150.00 per face</p> <p>Site, Swing, and Yard Signs: \$100.00/\$50.00 per face</p>
<p>Permanent: AG, R1, R2, M1, M2, DTN, MHP</p> <p>B1, B2, B3, GO</p> <p>I1 and I2</p> <p>DT and TC</p>	<p>Monument - \$300.00/\$150.00 per face</p> <p>Awning - \$150.00 Monument - \$300.00 Projecting - \$200.00 Wall - \$150.00 Window - \$100.00</p> <p>Awning - \$300.00 Monument - \$500.00 Projecting - \$300.00 Wall - \$300.00 Window - \$150.00</p> <p>Awning/Canopy - \$150.00 Monument - \$300.00 Projecting - \$200.00 Wall - \$150.00 Window - \$100.00</p>

This ordinance shall be in full force and effect upon its adoption and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected members of this Council.

So Ordained this 10th day of May, 2021

“Aye”

“Nay”

Brad J. Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 5/10/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 5/10/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 014

AN ORDINANCE AMENDING THE 2021 SALARY ORDINANCE FOR THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, this Council is charged with the responsibility of adopting a salary ordinance; and,

WHEREAS, this Council now desires to amend the 2021 Salary Ordinance.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following salaries, including amendments, and the respective funds from which to pay said salaries for the calendar year 2021:

1. See Exhibit A attached hereto for a comprehensive list of job titles for the Town of Sellersburg and the specified funds by which to pay each position.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 24th day of May, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 5/24/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 5/24/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 015

An Ordinance Amending Certain Sections of Ordinance 2012 – 004 Amended Building Code of Town of Sellersburg.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, this Council has previously adopted *Ordinance 2012 – 004 Amended Building Code of Town of Sellersburg*; and,

WHEREAS, *Ordinance 2012 – 004 Amended Building Code of Town of Sellersburg* states in relevant parts:

SECTION 8: PERMIT REQUIRED.

ALL BUILDING PERMITS AND MECHANICAL PERMITS ARE REQUIRED TO BE OBTAINED PRIOR TO COMMENCING WORK FROM THE BUILDING COMMISSION IN THE FOLLOWING INSTANCES:

1. A. BUILDING PERMIT
 1. ALL CONSTRUCTION, ALTERATION, REMODELING OR REPAIR OF ANY BUILDING OR STRUCTURE, THE COST OF WHICH EXCEEDS ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)

WHEREAS, from time to time this Council desires to amend said ordinances.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following amendment to Section 8 of *Ordinance 2012 – 004 Amended Building Code of Town of Sellersburg*:

A. SECTION 8: PERMIT REQUIRED

ALL BUILDING PERMITS AND MECHANICAL PERMITS ARE REQUIRED TO BE OBTAINED, UNLESS EXEMPTED BY THE INDIANA BUILDING CODE, PRIOR TO COMMENCING WORK FROM THE BUILDING COMMISSION IN THE FOLLOWING INSTANCES:

1. BUILDING PERMIT

ALL CONSTRUCTION, ALTERATION, REMODELING OR REPAIR OF ANY BUILDING OR STRUCTURE.

- B. All other sections of Section 8 (1)(A)(1.1-1.6) remain unchanged.
- C. All other provisions of *Ordinance 2012 – 004 Amended Building Code of Town of Sellersburg* are unaffected by this ordinance and remain in full force and effect.
- D. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 24th day of May, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad J. Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 5/24/2021

MOTION: Mobley

SECOND: Langford

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 5/24/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 016

**AN ORDINANCE ESTABLISHING FUND TITLED THE
“AMERICAN RESCUE PLAN ACT FUND”**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 36-1-3 *et seq.* (i.e. “Home Rule”), a unit may exercise any power it has to the extent that the power is not expressly denied by the Indiana Constitution or by statute and is not expressly granted to another entity; and,

WHEREAS, at the direction of the Indiana State Board of Accounts, this Council has determined a need to establish a fund titled “American Rescue Plan Act Fund” to sufficiently be able to audit how said funds that are received from the Act are spent.

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

1. “American Rescue Plan Act Fund” is hereby established, and the funds shall only be expended in a manner consistent with Indiana and Federal laws and upon approval by this Council.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 14th day of June, 2021

"Aye"

"Nay"

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki

Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 5/24/2021

MOTION: McVoy

SECOND: Czarniecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 6/14/2021

MOTION: Czarniecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 017

AN ORDINANCE TRANSFERRING FUNDS INTO THE RAINY DAY FUND

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to transfer unused or unencumbered funds into the Rainy Day Fund; and,

WHEREAS, this Council now desires to transfer certain funds.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the following funds be transferred:

<u>Amount</u>	<u>From</u>	<u>To</u>
\$217,968.00	TC (101) General Fund	TC (405) Rainy Day

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 14th day of June, 2021

[Signature page to follow]

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 6/14/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 6/14/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 018

AN ORDINANCE AMENDING THE CONTRACTOR'S LINCENSE FEES FOR THE BUILDING ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this "Council") is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, this Council has previously adopted *Ordinance No. 2012-004 Amended Building Ordinance of the Town of Sellersburg*; and,

WHEREAS, from time to time this Council desires to amend its ordinances for the betterment of the Town and effective administration of its duties.

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

1. The Contractor's Licenses Fees are:

General Contractor	Plumbing	HVAC	Electrical
\$100.00	\$100.00	\$100.00	\$100.00

2. The yearly renewal fees are the same as the above referenced initial fees.
3. All other sections and provisions of *Ordinance No. 2012-004 Amended Building Ordinance of the Town of Sellersburg* shall be unaffected by this amendment and are in full force and effect.
4. This ordinance shall be in full force and effect upon its adoption and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected members of this Council.

So Ordained this 29th day of June, 2021

Aye”

“Nay”

Absent

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Absent

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

Brad Amos
Council President

Matthew Czarnecki
Council Vice President

Terry Langford
Council Member

Scott McVoy
Council Member

Randall Mobley
Council Member

FIRST READING

DATE: 6/28/2021

MOTION: Mobley

SECOND: Langford

VOTE: 3 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 6/28/2021

MOTION: Langford

SECOND: Mobley

VOTE: 3 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 019

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

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the 2019 and 2020 supplement of Code of Ordinances of the Town of Sellersburg, Clark County, Indiana, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of this Political Subdivision; and,

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

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

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

Section 1. That the 2019 and 2020 supplement to the Code of Ordinances of the Town of Sellersburg, Clark County, Indiana as submitted by the American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. Such supplement, shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the Town of Sellersburg, Clark County, Indiana, is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of the Town of Sellersburg, and shall take effect at the earliest date provided by law.

So Ordained this 12th day of July, 2021

^{"Aye"}
Brad Amos
Brad Amos
Council President

"Nay"

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 7/12/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 7/12/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 020

AN ORDINANCE AMENDING THE TOWN OF SELLERSBURG EMPLOYEE HANDBOOK.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time it is necessary to make amendments to the Town of Sellersburg’s Employee Handbook (“Employee Handbook”); and,

WHEREAS, this Council now desires to make an amendment to the Employee Handbook specific to part-time and seasonal employees.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. Holidays

All full-time and part-time employees are eligible to receive holiday pay. Employees must work the day before and the day after the holiday to receive holiday pay unless time off has been previously approved by their supervisor. Employees do not receive holiday pay while on an unpaid leave of absence.

Any full-time or part-time hourly employee required to work on a scheduled holiday will receive eight hours of holiday pay in addition to time and a half for hours worked on the holiday.

The Town of Sellersburg observes the following holidays:

- | | | |
|---------------------------------|------------------|--------------------------------|
| New Year’s Day | Juneteenth | Thanksgiving Day |
| Martin Luther King Jr. Birthday | Independence Day | The Day after Thanksgiving Day |
| President’s Day | Labor Day | Christmas Eve |
| Good Friday | Columbus Day | Christmas Day |
| Memorial Day | Veteran’s Day | Election Day |

- 2. All other terms and conditions of the Employee Handbook are unaffected by this amendment and shall be in full force and effect as if fully restated herein.
- 3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 12th day of July, 2021

“Aye”

“Nay”

Brad Amos
 Brad Amos
 Council President

 Brad Amos
 Council President

Matthew Czarniecki
 Matthew Czarniecki
 Council Vice President

 Matthew Czarniecki
 Council Vice President

Terry Langford
 Terry Langford
 Council Member

 Terry Langford
 Council Member

Scott McVoy
 Scott McVoy
 Council Member

 Scott McVoy
 Council Member

Randall Mobley
 Randall Mobley
 Council Member

 Randall Mobley
 Council Member

Michelle D. Miller
 Attested by: Michelle Miller
 Sellersburg Clerk-Treasurer

First Reading:

Date: 7/12/2021
 Motion: McVoy
 Second: Mobley
 Vote: 5 aye 0 nay

Second Reading:

Date: 7/12/2021
 Motion: Mobley
 Second: Czarniecki
 Vote: 5 aye 0 nay

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 021

**AN ORDINANCE ESTABLISHING A PLAN FOR THE AMERICAN RESCUE PLAN
ACT OF 2021 FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, the American Rescue Plan Act of 2021 (ARP) was enacted by the 117th United States Congress within months of convening after recognizing the urgency needed to provide immediate relief for the country, and was subsequently signed into law by President Biden; and,

WHEREAS, on the 14th day of June, 2021 this Council adopted *Ordinance No. 2021 – OR – 016 An Ordinance Establishing Fund Titled The “American Rescue Plan Act Fund”* to receive the approximately \$2,011,181.75 the Town of Sellersburg, Indiana is entitled to; and,

WHEREAS, said monies will be disbursed to the Town of Sellersburg in two payments, one in 2021 and the other in 2022; and,

WHEREAS, the Town of Sellersburg received its first payment installment from the Federal Government on August 4, 2021 in the amount of \$1,005,590.88; and

WHEREAS, the Indiana State Board of Accounts has directed each fiscal body of a local unit of government receiving ARP funds to adopt a separate fund and plan detailing how the monies may be expended; and,

WHEREAS, pursuant to Ind. Code § 5-11-10-1.6, the monies received through the ARP must be appropriated by the fiscal body before use and are required to go through the normal claims process with adequate supporting documentation, and,

WHEREAS, the monies may not be transferred to another fund of the unit; and,

WHEREAS, this ordinance, herein below, establishes the plan and meets the requirements set forth by the Indiana State Board of Accounts.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana, and in compliance with the Indiana State Board of Accounts, the plan for use of the funds received through ARP and shall only be used for the following:

1. To respond to the public health emergency with respect to the Coronavirus Disease 2019 (Covid-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality; and,
2. To respond to workers performing essential work during the Covid-19 public health emergency by providing premium pay to eligible workers of the town that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work; and,
3. For the provision of government services to the extent of the reduction in revenue of the city due to the Covid-19 public health emergency relative to revenues collected in the most recent full fiscal year of the city and prior to the emergency; and,
4. To make necessary investments in water, sewer, or broadband infrastructure.

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 9th day of August, 2021

[Signature page to follow]

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 8/9/2021

MOTION: McVoy

SECOND: Langford

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 8/9/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 028

**AN ORDINANCE AMENDING § 53.115 OF THE CODE OF ORDINANCES
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and,

WHEREAS, from time to time, this Council deems it necessary to make amendments to the Code of Ordinances (the “Code”) for the Town of Sellersburg, Indiana.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. Section 53.115(B) of the Code is hereby amended as follows:

(B) The non-refundable administrative fee in the amount of \$55 shall be used by the Town of Sellersburg Utility Billing Department to process the individual’s application for sewer service and/or water service and to set up the individual’s account through the Town of Sellersburg billing office.

2. All other parts of Section 53.115 are unaffected by this amendment and remain in full force and effect.

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 9th day of August, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 8/9/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 8/9/2021

MOTION: McVoy

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Duly Entered For Taxation
Subject To Final Acceptance
For Transfer

Aug 26 2022 - BNT

Danny Goetz
Auditor of Clark County

202218868 VAC \$25.00
08/26/2022 09:08:34AM 20 PGS
Terry Conway
Clark County Recorder IN
Recorded as Presented



BEFORE THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021-OR-049 023

IN RE THE PETITION TO VACATE PORTIONS OF TWO (2) PUBLIC WAYS LOCATED IN
BLOCK B OF THE FAIRVIEW ADDITION TO THE TOWN OF SELLERSBURG

WHEREAS, the Petitioner, JMAM Holdings LLC (hereinafter referred to as "JMAM"), has filed a petition pursuant to the provisions of Ind. Code § 36-7-3-12 for the vacation of portions of certain unnamed platted alleys located in Block B of the Fairview Addition to the Town of Sellersburg, as shown in Plat Book 4, Page 102 in the office of the Recorder of Clark County, Indiana; and,

WHEREAS, JMAM has properly notified the owners of all real property abutting the alleys and caused a notice of public hearing on such petition before this Council to be properly published in accordance with Indiana law; and,

WHEREAS, this Council having held such public hearing at the date and time as stated in such published notification; and,

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

1. The Council hereby finds all of the following:
 - a. The proposed vacations will not hinder the growth or orderly development of the Town of Sellersburg or the neighborhood in which they are located or to which it is contiguous.
 - b. The proposed vacations will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient.
 - c. The proposed vacations will not hinder the public's access to a church, school, or other public building or place.
 - d. The proposed vacations will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

2234-002/586702

[Signature]
CLARK CO, IN ASSESSOR

BEFORE THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021-OR-019 023

IN RE THE PETITION TO VACATE PORTIONS OF TWO (2) PUBLIC WAYS LOCATED IN
BLOCK B OF THE FAIRVIEW ADDITION TO THE TOWN OF SELLERSBURG

WHEREAS, the Petitioner, JMAM Holdings LLC (hereinafter referred to as "JMAM"), has filed a petition pursuant to the provisions of Ind. Code § 36-7-3-12 for the vacation of portions of certain unnamed platted alleys located in Block B of the Fairview Addition to the Town of Sellersburg, as shown in Plat Book 4, Page 102 in the office of the Recorder of Clark County, Indiana; and,

WHEREAS, JMAM has properly notified the owners of all real property abutting the alleys and caused a notice of public hearing on such petition before this Council to be properly published in accordance with Indiana law; and,

WHEREAS, this Council having held such public hearing at the date and time as stated in such published notification; and,

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

1. The Council hereby finds all of the following:
 - a. The proposed vacations will not hinder the growth or orderly development of the Town of Sellersburg or the neighborhood in which they are located or to which it is contiguous.
 - b. The proposed vacations will not make access to the lands of any aggrieved person by means of public way difficult or inconvenient.
 - c. The proposed vacations will not hinder the public's access to a church, school, or other public building or place.
 - d. The proposed vacations will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

2. Pursuant to Ind. Code § 36-7-3-12, JMAM's petition for vacation of the unnamed platted alleys is hereby granted, and the portions of the unnamed public ways lying within the Town of Sellersburg as depicted on the drawing attached hereto as Exhibit "A" are hereby vacated.

3. JMAM shall cause a certified copy of this Ordinance to be recorded in the office of the Recorder of Clark County, Indiana, in accordance with the provisions of Ind. Code § 36-7-3-12(e), and thereafter shall file a recorded copy with the office of the Auditor of Clark County, Indiana.

4. This Ordinance shall be in force and effect upon its adoption.

So Ordained by majority vote of the entire membership of the Town Council for the Town of Sellersburg at a properly noticed and convened public meeting held this 26th day of July, 2021.

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

ATTESTED BY:

Michelle D. Miller
Michelle Miller
Sellersburg Clerk-Treasurer

First Reading:
Date: 7/26/2021
Motion/Second: Mobley/Langford
Vote: 3-aye, 1-nay by McVoy, Czarnecki was absent

Approved 1
Second Reading:
Date: 8/9/2021
Motion/Second: Langford / Mobley
Vote: 4-aye, 1-nay by McVoy

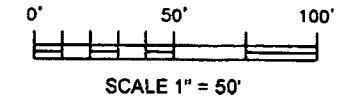
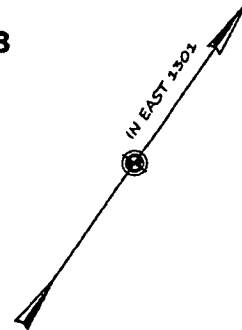
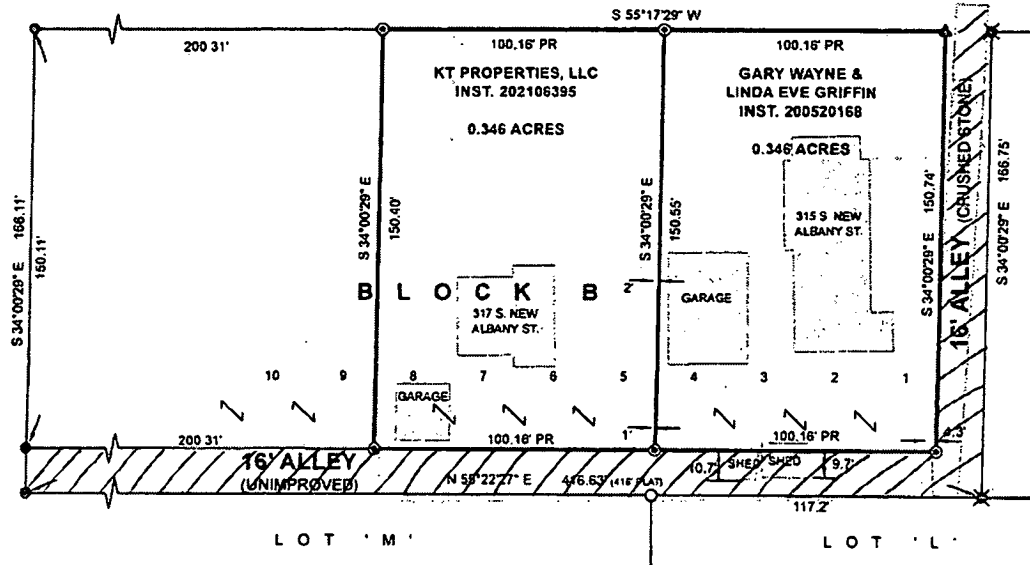
EXHIBIT "A"

**DRAWING OF PORTIONS OF
PUBLIC WAY TO BE VACATED**

[attached]

**RECORD OF SURVEY
FAIRVIEW ADDITION, BLOCK B
P.B. 4, PG. 102
TOWN OF SELLERSBURG
LOTS 1, 2, 3, 4, 5, 6, 7 & 8
CLARK COUNTY, INDIANA**

**SOUTH NEW ALBANY STREET
(FORMERLY STATE HWY. 31W)
R/W VARIES**



- LEGEND**
- ⊙ SET 5/8" IRON PIN, 24" IN LENGTH
AFFIXED ORANGE CAP
STAMPED J. BRINKWORTH LS21500002
 - ▲ FOUND RAILROAD SPIKE
 - ⊙ FOUND IRON PIN 'MOFFETT'
 - ⊙ FOUND IRON PIN 'BLANKENBEKER'
 - ⊙ FOUND IRON BAR
 - X—X— EXISTING FENCE



CERTIFICATE
I, JOHN G. BRINKWORTH, III, CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND WAS EXECUTED IN ACCORDANCE WITH IAC TITLE 865, ARTICLE 1, RULE 12. THE FIELD WORK WAS COMPLETED ON APRIL 21, 2021.

John G. Brinkworth, III 4/21/21
JOHN G. BRINKWORTH, III
PROFESSIONAL SURVEYOR LS21500002

JOHN G. BRINKWORTH, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
5150 CHARLESTOWN ROAD • SUITE 4 • NEW ALBANY, IN 47150
PHONE 812-944-6731 APRIL 21, 2021

SHEET 1 OF 2

CLIENT: CHRIS MILLER
JOB NO. 2021035
PREPARED BY JOHN G. BRINKWORTH, III

**NOTICE OF PUBLIC HEARING
ON PETITION TO VACATE PORTIONS OF TWO (2) PUBLIC WAYS IN
THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA**

Notice is hereby given that the petitioner, JMAM Holdings LLC (hereinafter referred to as "JMAM"), an Indiana limited liability company, has filed a petition with the Town Council for the Town of Sellersburg to vacate portions of certain unnamed platted alleys located in Block B of the Fairview Addition to the Town of Sellersburg, as shown in Plat Book 4, Page 102 in the Office of the Recorder of Clark County, Indiana, in accordance with the provisions of Ind. Code § 36-7-3-12. The petition seeks the vacation of two unnamed 16-foot-wide alleys as more particularly described in Exhibit "C" of JMAM's petition.

Notice is further hereby given that a public hearing will be held on the above-described petition during the regular meeting of the Town Council for the Town of Sellersburg scheduled for **July 26, 2021, at 6:00 p.m.**, in the Town Council Chambers located at 316 E. Utica Street, Sellersburg, Indiana 47172. Remonstrances or objections to the proposed vacations shall be heard at such hearing as provided in Ind. Code § 36-7-3-13. A complete copy of the petition is on file in the office of the Clerk Treasurer for the Town of Sellersburg, at the above-referenced address and may be inspected during regular business hours.

The Town Council for the Town of Sellersburg may continue the public hearing from time-to-time as deemed necessary, and/or may adopt the proposed vacation by ordinance or reject the proposed vacation following the conclusion of such hearing.

So noticed this ____ day of _____, 2021.

/s/ Michelle Miller

**Michelle Miller,
Sellersburg Clerk-Treasurer**

STATE OF INDIANA
COUNTY OF CLARK
BEFORE THE TOWN COUNCIL
OF THE TOWN OF SELLERSBURG, INDIANA

IN RE THE PETITION TO VACATE PORTIONS OF
TWO (2) PUBLIC WAYS IN THE TOWN of
SELLERSBURG, CLARK COUNTY, INDIANA,

JMAM HOLDINGS LLC,

Petitioners.

**PETITION TO VACATE PORTIONS OF TWO (2) PUBLIC WAYS IN
THE TOWN OF SELLERSBURG, CLARK COUNTY, INDIANA**

Comes now the Petitioner, JMAM Holdings LLC (hereinafter referred to as "JMAM"), and hereby petitions the Town Council for the Town of Sellersburg (hereinafter referred to as the "Town"), to vacate portions of those certain unnamed platted alleys, one (1) of which is unimproved and one (1) of which is improved with crushed stone, located in Block B of the Fairview Addition to the Town of Sellersburg, as shown in Plat Book 4, Page 102 in the Office of the Recorder of Clark County, Indiana (the "Plat"), all situated in the Town of Sellersburg, and, in support hereof, would state as follows:

1. JMAM, an Indiana limited liability company, with its principal office located at 305 S. New Albany St., Sellersburg, IN 47172, is the owner of the following parcels of real property situated within the Town of Sellersburg, Clark County, Indiana (the "Property")

a. **315 S. New Albany St., Sellersburg, Indiana**, acquired by JMAM by Deed dated May 3, 2021, and recorded as Instrument No. 202111434 by the Office of the Recorder of Clark County, Indiana and consists of Lot Nos. 1, 2, 3 and 4 in Block "B", Fairview Addition to the Town of Sellersburg, Clark County, Indiana; and

b. **317 S. New Albany St.**, Sellersburg, Indiana, acquired by JMAM by Deed dated May 3, 2021, and recorded as Instrument No. 202111460 by the Office of the Recorder of Clark County, Indiana and consists of Lot Nos. 5, 6, 7 and 8 in Block "B", Fairview Addition to the Town of Sellersburg, Clark County, Indiana

(collectively "the Property"). A survey of the Property is attached hereto as Exhibit "A" (the "Survey"). A copy of the Plat of the Town of Sellersburg is attached hereto as Exhibit "B".

2. As shown on the Plat and Survey, the Property is abutted by two unnamed 16-foot-wide alleys (the "Alleys"). To Petitioner's knowledge and belief, the Alley to the Southwest of the Property is not now, nor has it ever been, improved (the "Unimproved Alley"). The Alley to the Southeast of the Property has been improved with crushed stone (the "Crushed Stone Alley"). Said Crushed Stone Alley abuts 311 S. New Albany Street, Sellersburg, Indiana and terminates at 305 S. New Albany Street, Sellersburg, Indiana, both of which are owned by JMAM.

3. Pursuant to the provisions of IND. CODE § 36-7-3-12, JMAM seeks to vacate the Alleys. The areas of the platted Alleys proposed to be vacated are identified on the drawing attached hereto as Exhibit "C".

4. As stated, JMAM owns all of the real property abutting the Crushed Stone Alley and part of the real property abutting the Unimproved Alley. The name and addresses of the remaining owners of property abutting the Unimproved Alley to be vacated are identified as follows:

- a. Christopher G. O'Neal
9616 County Line Rd.
Sellersburg, IN 47172
- b. James O'Neal and Christopher G. O'Neal
9620 County Line Rd.
Sellersburg, IN 47172

5. In support of the proposed vacation, JMAM further affirmatively states its good faith belief that:

a. The proposed vacations will not hinder the growth or orderly development of the Town or the neighborhood in which they are located or to which it is contiguous.

b. The proposed vacations will not make access to the lands of any persons by means of public way difficult or inconvenient.

c. The proposed vacations will not hinder the public's access to a church, school, or other public building or place.

d. The proposed vacations will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

6. JMAM has further caused notice of the filing of this Petition and the scheduled hearing hereon to be published in *The News and Tribune* newspaper one (1) time at least ten (10) days before the scheduled date of such hearing as required by IND. CODE § 5-3-1-2(b).

WHEREFORE, the Petitioner, JMAM Holdings LLC, respectfully asks that the Town Council for the Town of Sellersburg, Indiana, conduct a public hearing on this Petition, and that following such hearing, enact and adopt an ordinance vacating the unnamed platted Alleys, public ways, all as requested herein.

JMAM HOLDINGS LLC an Indiana limited liability company

By: Sara M. Rocke
Sara M. Rocke, Attorney for
JMAM Holdings LLC

Prepared by:

Sara M. Rocke
Attorney for Petitioner
APPGATE FIFER PULLIAM, LLC
428 Meigs Ave.
Jeffersonville, Indiana 47130
(812) 284-9499

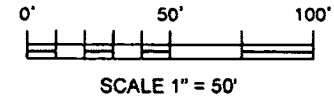
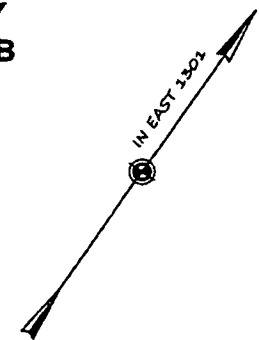
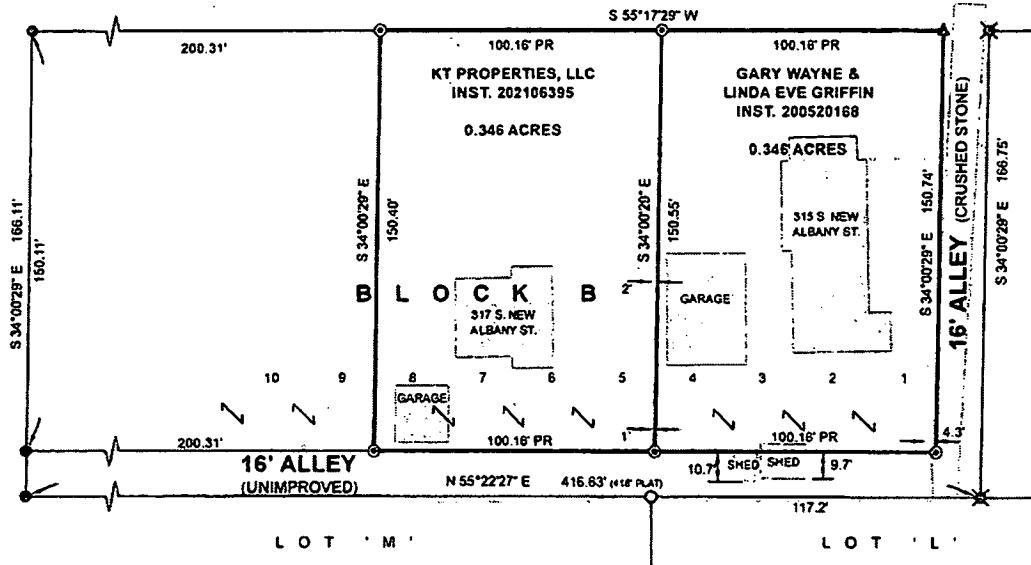
EXHIBIT "A"

Survey of Property

[attached]

**RECORD OF SURVEY
FAIRVIEW ADDITION, BLOCK B
P.B. 4, PG. 102
TOWN OF SELLERSBURG
LOTS 1, 2, 3, 4, 5, 6, 7 & 8
CLARK COUNTY, INDIANA**

**SOUTH NEW ALBANY STREET
(FORMERLY STATE HWY. 31W)
R/W VARIES**



- LEGEND**
- ⊙ SET 5/8" IRON PIN, 24" IN LENGTH
AFFIXED ORANGE CAP
STAMPED 'J. BRINKWORTH LS21500002'
 - ▲ FOUND RAILROAD SPIKE
 - FOUND IRON PIN 'MOFFETT'
 - ⊗ FOUND IRON PIN 'BLANKENBEKER'
 - FOUND IRON BAR
 - X—X— EXISTING FENCE



CERTIFICATE
I, JOHN G. BRINKWORTH, III, CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY DIRECT SUPERVISION AND WAS EXECUTED IN ACCORDANCE WITH IAC TITLE 865, ARTICLE 1, RULE 12. THE FIELD WORK WAS COMPLETED ON APRIL 21, 2021.

John G. Brinkworth, III 4/21/21
JOHN G. BRINKWORTH, III
PROFESSIONAL SURVEYOR LS21500002

JOHN G. BRINKWORTH, INC.
CONSULTING ENGINEERS • LAND SURVEYORS
5150 CHARLESTOWN ROAD • SUITE 4 • NEW ALBANY, IN 47150
PHONE 812-944-6731 APRIL 21, 2021

SHEET 1 OF 2

CLIENT: CHRIS MILLER
JOB NO. 2021036
PREPARED BY JOHN G. BRINKWORTH, III

**RECORD OF SURVEY
FAIRVIEW ADDITION, BLOCK B
P.B. 4, PG. 102
TOWN OF SELLERSBURG
LOTS 1, 2, 3, 4, 5, 6, 7 & 8
CLARK COUNTY, INDIANA**

SURVEYOR'S REPORT

THEORY OF LOCATION
THE RELATIVE POSITIONAL PRECISION (RPP) FOR THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR AN INDIANA URBAN SURVEY (0.07 FEET + 50 PPM) AS DEFINED BY IAC 865.

IN ADDITION TO RECORD DOCUMENTS, RECOVERED MONUMENTS AND EVIDENCE OF POSSESSION, THESE SURVEYS WERE USED TO RE-ESTABLISH THE LINES SHOWN HEREON:

DAVID R. BLANKENBEKER, MAY 2019, JOB 23,133
PAUL E. MOFFETT, AUGUST 2000, JOB 20133

IN SUMMARY, THE FOLLOWING, NOTABLE UNCERTAINTIES OF THIS SURVEY ARE AS FOLLOWS:

- A. AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS. UP TO 0.63 FEET ALONG THE NORTHWEST AND SOUTHEAST LINES OF BLOCK B. THIS EXCESS WAS PRORATED ACROSS EACH 25' LOT. UP TO 0.74 FEET ALONG THE SIDE LINES AS NOTED HEREON.
- B. OCCUPATION OR POSSESSION LINES.
1. CHAIN LINE FENCE CROSSES THE EASTERLY LINE OF LOT 1 UP TO 4.3 FEET, AS SHOWN HEREON.
 2. TWO SHEDS, AS SHOWN, CROSS INTO THE 16' ALLEY.
 3. FENCES TAKE IN THE 16' ALLEY, AS SHOWN.
- C. CLARITY OR AMBIGUITY OF THE RECORD DESCRIPTION USED AND/OR ADJOINER'S DESCRIPTIONS AND THE RELATIONSHIP OF THE LINES OF THE SUBJECT TRACT WITH ADJOINER'S LINES. NO UNCERTAINTY APPARENT.



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John G. Brinkworth, III 4/21/21
JOHN G. BRINKWORTH, III
PROFESSIONAL SURVEYOR LS21500002

JOHN G. BRINKWORTH, INC.

CONSULTING ENGINEERS • LAND SURVEYORS

5150 CHARLESTOWN ROAD • SUITE 4 • NEW ALBANY, IN 47150

PHONE 812-944-6731

APRIL 21, 2021

SHEET 2 OF 2

CLIENT: CHRIS MILLER

JOB NO. 2021036

PREPARED BY JOHN G. BRINKWORTH, III

EXHIBIT "B"

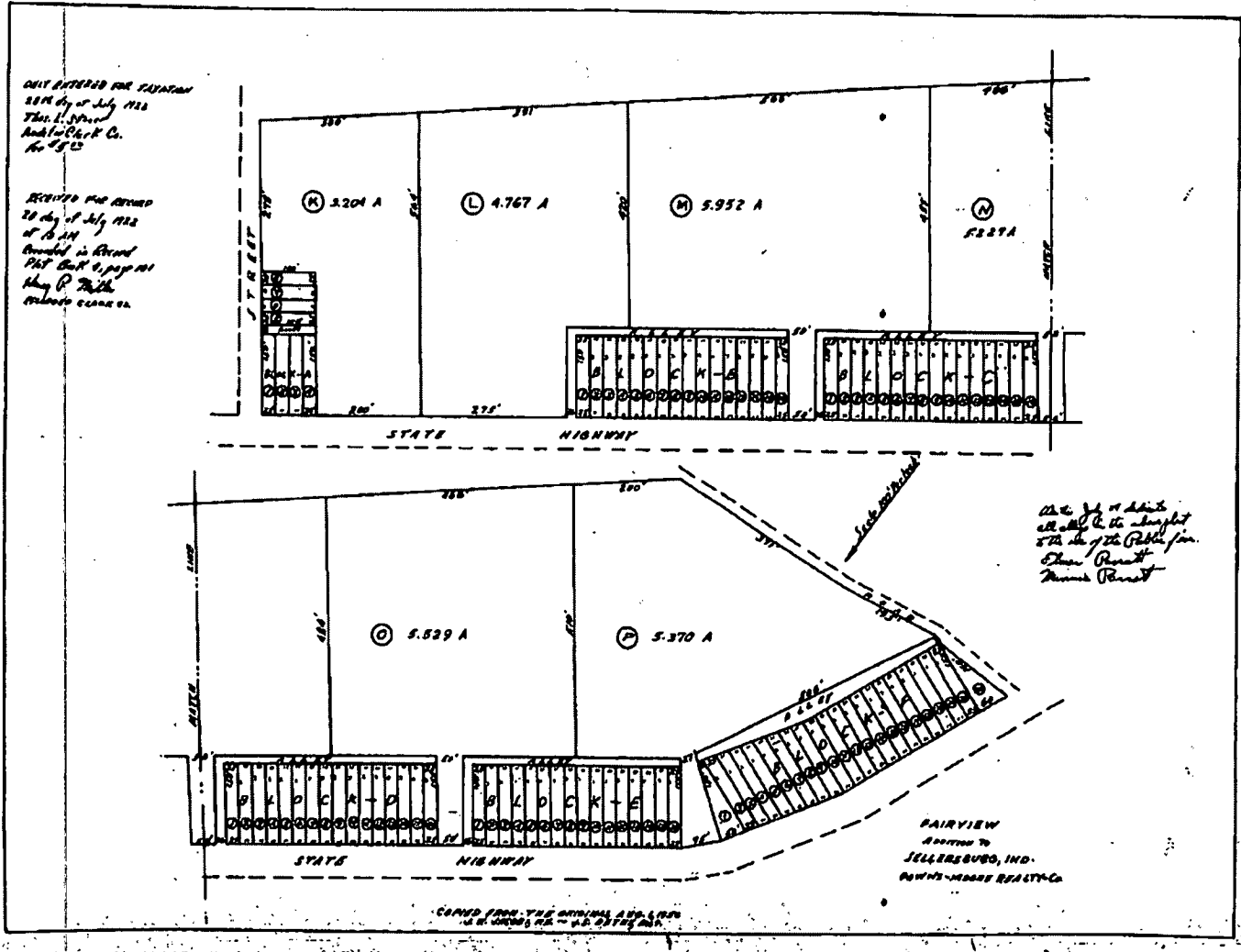
PLAT Filed in Plat Book 4, Page 102

[attached]

712

ONLY ENTERED FOR REGISTRATION
28th day of July 1922
The L. Wilson
And C. Clark Co.
No. 512

RECEIVED FOR RECORD
28 day of July 1922
at 10:10
Recorded in Record
167 Book 2, page 101
Chas. P. Hall
Recorder Clark Co.



As to the 1/2 of which
all other lots are except
to the use of the Public for
Chas. Bennett
Dunn & Moore

PB4x102

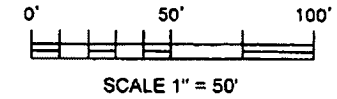
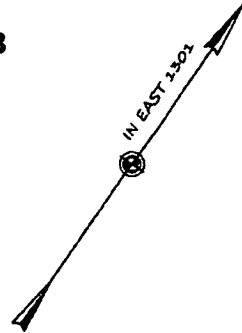
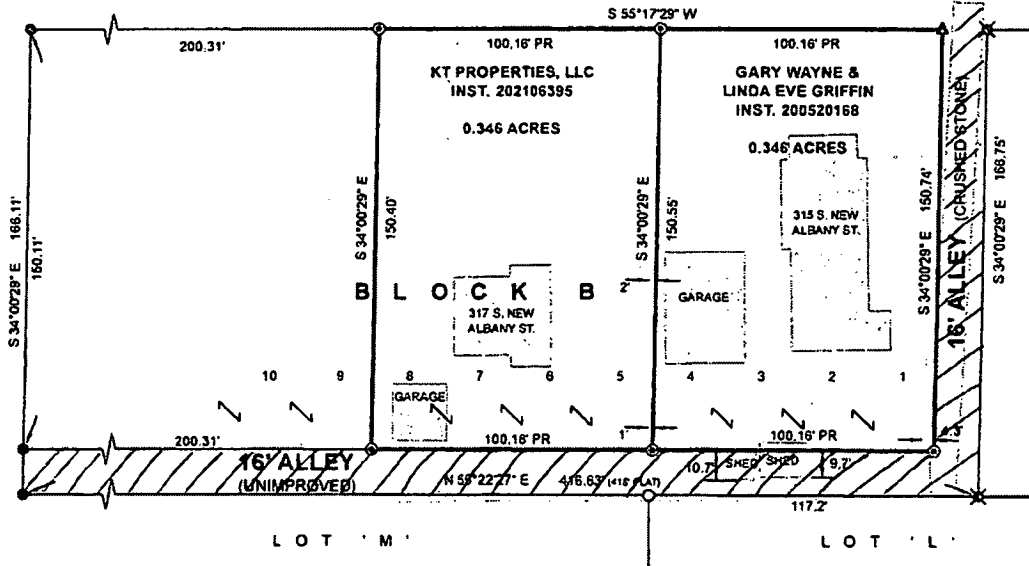
EXHIBIT "C"

**DRAWING OF PORTIONS OF
PUBLIC WAY TO BE VACATED**

[attached]

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CERTIFICATE

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PHONE 812-944-6731 APRIL 21, 2021

SHEET 1 OF 2

CLIENT: CHRIS MILLER
JOB NO. 2021036
PREPARED BY JOHN G. BRINKWORTH, III

**AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA,
AUTHORIZING THE INCURRENCE OF INDEBTEDNESS FOR THE
PURPOSE OF PROVIDING FUNDS TO PAY FOR CERTAIN PROJECTS
OF THE TOWN AND INCIDENTAL EXPENSES IN CONNECTION
THEREWITH**

WHEREAS, the Town Council (the “Town Council”) of the Town of Sellersburg, Indiana (the “Town”) has considered undertaking the planning and construction of certain projects of the Town as more fully described on Exhibit A attached hereto (collectively, the “Project”);

WHEREAS, the Town Council has found that it is in the best interests of the Town and its citizens to pay the costs of all or a portion of the Project through the issuance of financial obligations of the Town;

WHEREAS, the Town Council deems it advisable to issue, pursuant to IC 36-5-2-11, and other applicable provisions of the Indiana Code (collectively, the “Act”), the “Town of Sellersburg, Indiana Police Station Obligations of 2021” (the “Obligations”) in an original principal amount not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000) for the purpose of providing for the payment or reimbursement of (i) all or a portion of the costs of the Project, (ii) preliminary expenses related thereto and all incidental expenses incurred in connection therewith, (all of which are deemed to be a part of the Project), and (iii) the costs of selling and issuing the Obligations;

WHEREAS, the Town Council has been advised that the Obligations will not be used to finance a controlled project, as defined in IC 6-1.1-20-1.1;

WHEREAS, the Obligations shall not be secured by the taxing authority of the Town, and shall instead be subject to existing revenues and annual appropriation pursuant to IC 6-1.1-18, and accordingly shall not be considered bonded indebtedness of the Town for purposes of IC 6-1.1-18.5;

WHEREAS, the amount of proceeds of the Obligations allocated to pay costs of the Project, together with any estimated investment earnings thereon, does not exceed the cost of the Project as estimated by the Town Council;

WHEREAS, the Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Obligations have been complied with in accordance with the Act; and

WHEREAS, Section 1.150-2 of the United States Treasury Regulations (the “Reimbursement Regulations”) specifies conditions under which a reimbursement allocation may be treated as an expenditure of proceeds, and the Town intends by this ordinance to qualify any

amounts advanced by the Town to the Project for reimbursement from proceeds of the Obligations in accordance with the requirements of the Reimbursement Regulations.

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

SECTION 1. Authorization for Obligations. In order to provide financing for the Project and incidental expenses incurred in connection therewith and on account of the issuance of the Obligations, the Town shall borrow money and issue the Obligations as herein authorized. The Town reasonably expects to reimburse any previously incurred expenditures for the Project with proceeds of the Obligations and this constitutes a declaration of official intent pursuant to Treasury Regulation 1.150-2(e) and IC 5-1-14-6(c).

SECTION 2. General Terms of Obligations. In order to procure funds for the Project, the Clerk-Treasurer, as the fiscal officer of the Town, is hereby authorized and directed to have prepared and to issue a promissory note or bond of the Town in an amount not to exceed One Million Eight Hundred Thousand Dollars (\$1,800,000) (the "Authorized Amount"), to be designated "Town of Sellersburg, Indiana Police Station Obligations of 2021" or similar designation for the purpose of providing financing for the Project and incidental expenses, such expenses to include without limitation all expenses of every kind incurred preliminary to the funding of the Project and the costs of issuing the Obligations, including any origination fees charged by the purchasers of the Obligations.

The Obligations shall be signed in the name of the Town by the manual or facsimile signature of the President of the Town Council (the "President") and attested by the manual or facsimile signature of the Clerk-Treasurer of the Town (the "Clerk-Treasurer"), who may affix the seal of the Town, if necessary and if any, to each of the promissory notes or bonds, as appropriate, manually or may have the seal imprinted or impressed thereon by facsimile or other means. In case any officer whose signature or facsimile signature appears on the Obligations shall cease to be such officer before the delivery of the Obligations, such signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in office until delivery thereof.

The Obligations may be, as to all the principal thereof and interest due thereon, payable from the Town's General Fund, or such other revenues as may be available to the Town. The Obligations shall be unsecured and subject to existing revenues and annual appropriation pursuant to I.C. 6-1.1-18.

Principal and Interest on the Obligations shall be payable in equal semiannual installments commencing on January 1, 2022. Interest on the Obligations shall accrue at a rate or rates not exceeding three and 00/100 percent (3.00%) per annum calculated on a 365/365 simple interest basis, or upon such other terms as may be determined by the President and the Clerk-Treasurer upon consultation with the Town's municipal advisor. The final maturity of the Obligations shall be no later than July 1, 2041, however the Town shall have the right to prepay the outstanding principal amount of the Obligations at any time without prepayment penalty, or upon such other terms as may be determined by the President and the Clerk-Treasurer upon consultation with the Town's municipal advisor.

SECTION 3. Terms of Prepayment. The President and the Clerk-Treasurer, upon consultation with the Town's municipal advisor, may designate any amount of Obligations that shall be subject to mandatory sinking fund prepayment on the corresponding prepayment dates, and in the amounts so approved. Except as otherwise set forth in this Ordinance, the President and the Clerk-Treasurer, upon consultation with the Town's municipal advisor, are hereby authorized and directed to determine the terms governing any such prepayment, as evidenced by the delivery of the Obligations.

SECTION 4. Form of Obligations. The form and tenor of the Obligations shall be in such form as determined appropriate by the Town Council President as evidenced by his manual signature on any such documents as attested by the Clerk-Treasurer, provided that the terms of any such document shall not be inconsistent with this Ordinance.

SECTION 5. Sale of Obligations. The Obligations shall be sold in a negotiated or public sale pursuant to IC 5-1-11-1. The Clerk-Treasurer shall cause to be published a notice of preliminary determination once each week for two consecutive weeks per IC 5-3-1-2. The date fixed for the sale shall not be earlier than fifteen (15) days after the adoption of this Ordinance.

After the Obligations have been properly sold and executed, the Clerk-Treasurer shall receive from the purchasers payment for the Obligations and shall provide for delivery of the Obligations to the purchasers.

The Clerk-Treasurer is hereby authorized and directed to obtain a legal opinion as to the validity of the Obligations from Jacob C. Elder, Attorney-at-Law, and as to the tax-exempt status of the interest on the Obligations from Frost Brown Todd LLC, and to furnish such opinions to the purchasers of the Obligations. The cost of such opinions shall be paid out of the proceeds of the Obligations.

SECTION 6. Use of Proceeds. The Clerk-Treasurer is hereby authorized to create a new fund designated the Town of Sellersburg, Indiana 2021 Police Station Fund (the "Police Station Fund"). The proceeds received from the Obligations shall be deposited in the Police Station Fund and be used to pay expenses incurred in connection with the Project together with the expenses incidental thereto on account of the issuance of the Obligations. The proceeds deposited in the Police Station Fund shall be expended only for the purpose of paying expenses incurred in connection with the Project together with the expenses incidental thereto and on account of the issuance of the Obligations. Any balance remaining in the Police Station Fund after the completion of the Project which is not required to meet unpaid obligations incurred in connection therewith and on account of the issuance of the Obligations may be used to pay debt service on the Obligations or otherwise used as permitted by law. The Clerk-Treasurer is hereby authorized to create a new fund designated the 2021 Obligation Sinking Fund (the "2021 Obligation Sinking Fund") into which any other funds to be used to pay debt service on the Obligations shall be deposited prior to the payment of principal, interest and premium, if any, on the Obligations. Any surplus remaining in the Police Station Fund after all costs and expenses are fully paid shall be transferred to the 2021 Obligation Sinking Fund.

SECTION 7. Defeasance. If, when the Obligations or any portion thereof shall have become due and payable in accordance with their terms irrevocable instructions to prepay the

Obligations or any portion thereof have been given, and the whole amount of the principal and the interest so due and payable or any portion thereof then outstanding shall be paid, or cash shall be held irrevocably in trust for such purpose, and provision shall also be made for paying all fees and expenses for the payment, then and in that case the Obligations or such designated portion thereof shall no longer be deemed outstanding or secured by this Ordinance.

SECTION 8. Tax Covenants. In order to preserve the exclusion of interest on the Obligations from gross income for federal income tax purposes and as an inducement to purchasers of the Obligations, the Town represents, covenants and agrees that:

(a) The Town will not take any action or fail to take any action with respect to the Obligations that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the Obligations pursuant to Section 103 of the Internal Revenue Code of 1986 as in effect on the date of issuance of the Obligations (the "Code"), including, without limitation, the taking of such action as is necessary to rebate or cause to be rebated arbitrage profits on proceeds of the Obligations or other monies treated as proceeds to the federal government as provided in Section 148 of the Code, and will set aside such monies, which may be paid from investment income on funds and accounts notwithstanding anything else to the contrary herein, in trust for such purposes.

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

(c) No proceeds of the Obligations will be loaned to any entity or person other than a state or local governmental unit. No proceeds of the Obligations will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the proceeds of the Obligations.

(d) The Town will file an information report Form 8038-G with the Internal Revenue Service as required by Section 149 of the Code.

(e) The Town will not make any investment or do any other act or thing during the period that any Obligations are outstanding hereunder which would cause the Obligations to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the Obligations.

Notwithstanding any other provisions of this Ordinance, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Obligations from gross income under federal income tax law (the "Tax Exemption") need not be complied with to the extent the Town receives an opinion of nationally recognized bond counsel that compliance with such Tax Section is unnecessary to preserve the Tax Exemption.

SECTION 9. Amendments. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Obligations then outstanding shall have the right, from time to time, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on the Obligations, without the consent of the holder of any Obligations so affected; or

(b) A reduction in the principal amount of the Obligations or the rate of interest thereon, or a change in the monetary medium in which such amounts are payable, without the consent of the holder of each Obligation so affected; or

(c) A preference or priority of the Obligations over any other indebtedness of the Town, without the consent of the holders of all Obligations then outstanding; or

(d) A reduction in the aggregate principal amount of the Obligations required for consent to such supplemental ordinance, without the consent of the holders of all Obligations then outstanding.

Whenever at any time within one (1) year after the date of the mailing of such notice, the Town shall receive any instrument or instruments purporting to be executed by the owners of the Obligations of not less than sixty-six and two-thirds percent (66-2/3%) in aggregate principal amount of the Obligations then outstanding, which instrument or instruments shall refer to the proposed supplemental ordinance described in such notice, and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, but not otherwise, the Town may adopt such supplemental ordinance in substantially such form, without liability or responsibility to any owners of the Obligations, whether or not such owners shall have consented thereto.

No owner of any Obligation shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the

Town and all owners of Obligations then outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the Town and of the owners of the Obligations, and the terms and provisions of the Obligations and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the Obligations then outstanding.

Without notice to or consent of the owners of the Obligations, the Town may, from time to time and at any time, adopt such ordinances supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental ordinances shall thereafter form a part hereof),

- (a) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance; or
- (b) To grant to or confer upon the owners of the Obligations any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the Obligations; or
- (c) To procure a rating on the Obligations from a nationally recognized securities rating agency designated in such supplemental ordinance, if such supplemental ordinance will not adversely affect the owners of the Obligations; or
- (d) To obtain or maintain insurance with respect to the Obligations; or
- (e) To provide for the prepayment, refunding or advance refunding of the Obligations; or
- (f) To make any other change which, in the determination of the Town Council in its sole discretion, is not to the prejudice of the owners of the Obligations.

SECTION 10. Other Action. The appropriate officers are hereby authorized to take all actions to obtain a rating, insurance or any other form of credit enhancement for the Obligations if economically feasible and desirable and with the favorable recommendation of the municipal advisors to the Town. In addition, the appropriate officers of the Town are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate the acquisition, construction and equipping of the Project, the issuance of the Obligations, or any other purposes of this Ordinance, including without limitation, the execution of any documents deemed necessary by the President or the Clerk-Treasurer of the Town.

SECTION 11. No Conflict. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. After the issuance of the Obligations and so long as any of the Obligations or interest thereon

remains unpaid, except as expressly provided herein, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of the Obligations, nor shall the Town adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders.

SECTION 12. Severability; Interpretation. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 13. Holidays, Etc. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the Town are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date.

SECTION 14. Interpretation. Unless the context or laws clearly require otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 15. Effectiveness. This Ordinance shall be in full force and effect from and after its adoption and the procedures required by law. Upon payment in full of the principal and interest respecting the Obligations authorized hereby or upon deposit of an amount sufficient to pay when due such amounts in accord with the defeasance provisions herein, all pledges, covenants and other rights granted by this ordinance shall cease.

[Remainder of Page Intentionally Left Blank]

SAID ORDINANCE is hereby passed and adopted by the Town Council of the Town of Sellersburg, Indiana, this 23rd day of August, 2021.

**TOWN COUNCIL OF THE TOWN OF
SELLERSBURG, INDIANA**

Brad J. Amos
Brad Amos, President

Matthew Czarnecki
Matthew Czarnecki, Vice President

Terry Langford
Terry Langford, Member

Scott McVoy
Scott McVoy, Member

Randall Mobley
Randall Mobley, Member

Attest:

Michelle D. Miller
Michelle D. Miller, Clerk-Treasurer

Exhibit A

PROJECT DESCRIPTION

The Project shall consist of the acquisition of certain real property located at 8757 Old Highway 60, Sellersburg, Indiana 47172 and an existing structure constructed thereon, and the redevelopment and repurposing the same as a police station and any related improvements.

4812-5960-9332v8

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 025

**AN ORDINANCE ESTABLISHING THE GOLF CART POLICY
FOR THE TOWN OF SELLERSBURG, INDIANA**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, Ind. Code § 9-21-1-3.3 avers:

(a) a city, county, or town may adopt by ordinance traffic regulations concerning the use of golf carts or off-road vehicles, or both on a highway under the jurisdiction of the city, county, or town. An ordinance adopted under this subsection may not:

(1) conflict with or duplicate another state law; or

(2) conflict with a driver's licensing requirement of another provision of the Indiana Code.

(b) A fine assessed for a violation of a traffic ordinance adopted by a city, county, or town under this section shall be deposited into the general fund of the city, county, or town.

(c) Notwithstanding subsection (a), an ordinance adopted by a county under this section:

(1) may allow an operator of a golf cart or off-road vehicle to cross a highway in the state highway system, at right angles, in order to travel from one (1) highway under the jurisdiction of the county to another highway under the jurisdiction of the county when the operation can be done safely; and

(2) must set a limit as to the number of passengers (other than the operator) that may be permitted on a golf cart or off-road vehicle.

(d) A violation of an ordinance adopted under this section that is committed on a state highway by the operator of a golf cart or off-road vehicle is considered to be an ordinance violation.

WHEREAS, the Sellersburg Police Department has historically received numerous 911 calls related to operation of golf carts on town's roads and highways and as a direct result this Council now desires to establish a Golf Cart Policy for the Town of Sellersburg, Indiana for the safety of its residents..

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

1. Title. This Ordinance shall be known as the "Golf Cart Policy for the Town of Sellersburg, Indiana."
2. Authority. Pursuant to Ind. Code § 9-21-1-3.3 this Council desires to allow and regulate the use of golf carts on certain Sellersburg streets in a manner not in conflict with Indiana law.
3. Permitted Streets. Golf carts that meet the standards for the general requirements of a motor vehicle, as defined herein below, shall be permitted to be operated by a person with a valid driver's license or a person holding learner's permit accompanied by an adult, on the following types of roads:
 - a) Local Roads: those roads that serve primarily to provide access to the traffic originating from the properties and discharge them onto collector roads. They serve a minor role in the classification system and usually have low traffic. On Local Roads speed is usually kept low due to the frequent movements of children and adults both in the residential area.
4. Prohibited Streets. Golf carts are prohibited from being operated on the following streets:
 - *Perry Crossing Road*
 - *Allentown Road*
 - *East St. Joe Road*
 - *Ohio Ave. (South of Hill-N-Dale entry to Enterprise Dr.)*

- *Dreyer Lane*
- *West Utica Street*
- *East Utica Street*
- *Prather Street*
- *North New Albany Street*
- *South New Albany Street*
- *Broadway Street*
- *Popp Avenue*
- *South Fern Street*
- *North Fern Street*
- *South Penn Avenue*
- *Appleleaf Lane*
- *Greenwood Road*
- *Payne Koehler Road*
- *Old Highway 60*
- *SR 60*
- *CO 311(Charlestown Road)*
- *US 31(North and South Indiana Avenue)*

5. Required Golf Cart Equipment and Documents. Operators of the golf carts shall be required to have the following equipment on each golf cart and shall also provide the following documents:
- a) Headlights
 - b) Brake lights
 - c) Rear View Mirror
 - d) Seat Belt(s)
 - e) Tail Lamps
 - f) Turn Signals
 - g) Verification of Residency
 - h) Proof of Insurance (Homeowners Insurance)

6. Permitting Process. A person wishing to operate a golf cart on the Local Roads not otherwise prohibited herein, shall make contact the Sellersburg Police Department to make application and to have his or her golf cart inspected.

The cost of the application is \$10.00 and upon the successful inspection of the golf cart by the police department, he or she will be issued a sticker, which will serve the function of a permit, to be placed in an unobstructed manner on the exterior of the golf cart. The permit is valid for five (5) years.

However, the Sellersburg Police Department retains the right to revoke the permit any time, at the sole discretion of the police department, if it is determined that the golf cart no longer meets the requirements of this Ordinance. If the permit holder


disagrees with the revocation, he or she may petition this Council in writing for review of the decision at the next regularly scheduled meeting of the Town Council.

- 7. Effect. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of September, 2021


“Aye”

“Nay”

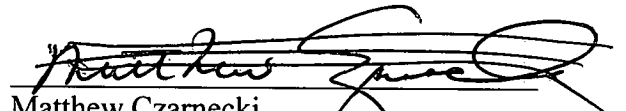


 Brad Amos
 Council President


 Brad Amos
 Council President



 Matthew Czarnecki
 Council Vice President

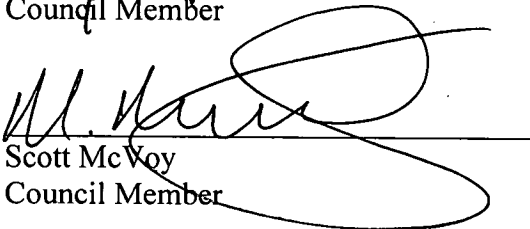


 Matthew Czarnecki
 Council Vice President



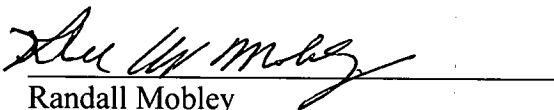
 Terry Langford
 Council Member

 Terry Langford
 Council Member



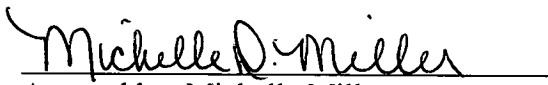
 Scott McVoy
 Council Member

 Scott McVoy
 Council Member



 Randall Mobley
 Council Member

 Randall Mobley
 Council Member



 Attested by: Michelle Miller
 Sellersburg Clerk-Treasurer

FIRST READING

DATE: 8/23/2021

MOTION: McVoy

SECOND: Langford

VOTE: 4 AYE 1 NAY 0 ABSTAIN
Mohley

SECOND READING

DATE: 9/13/2021

MOTION: McVoy

SECOND: Czajnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

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STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 026

**AN ORDINANCE REGULATING THE SPEED LIMIT AT CERTAIN SECTIONS ON
UTICA STREET AND NEW ALBANY STREET.**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-2, a local authority may adopt by ordinance additional traffic regulations with respect to highways under the authority’s jurisdiction; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-3, a local authority may regulate speed limits and traffic controls with respect to highways under the authority’s jurisdiction; and,

WHEREAS, this Council now desires to regulate the speed limit at certain sections of Utica Street and New Albany Street, which is more specifically depicted in **Exhibit A**, attached hereto and incorporated herein.

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

1. The speed limit on certain sections of both Utica Street and New Albany Street, as more specifically depicted in Exhibit A, shall be increased from 20 mph to 25 mph.
2. The Town Manager, or its designee, is hereby directed to install the necessary speed limit signs, consistent with Indiana law and INDOT standards, to cause said increase in the speed limit.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of September, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 9/13/2021

MOTION: Czarnecki

SECOND: Langford

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 9/13/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

EXHIBIT A



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ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/29/2021 10:47:41 AM

Ordinance / Resolution Number: 2021-OR-027

Be it ordained/resolved by the **SELLERSBURG TOWN COUNCIL** that for the expenses of **SELLERSBURG CIVIL TOWN** for the year ending December 31, **2022** the sums herein specified 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 purposes of raising revenue to meet the necessary expenses of **SELLERSBURG CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **SELLERSBURG TOWN COUNCIL**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
SELLERSBURG TOWN COUNCIL	Town Council	10/25/2021

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$677,000	\$0	0.0000
0101	GENERAL	\$4,175,000	\$2,452,906	0.7008
0342	POLICE PENSION	\$50,000	\$0	0.0000
0706	LOCAL ROAD & STREET	\$250,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$300,000	\$0	0.0000
1303	PARK	\$275,000	\$75,000	0.0214
2240	PLANNING	\$65,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$25,000	\$0	0.0000
		\$5,817,000	\$2,527,906	0.7222

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	LOIT PUB SAFETY	\$240,000
9501	LECE	\$50,000
9502	CEDIT	\$455,000
9504	SPD CHRISTMAS FOR KIDS	\$30,000
9505	RETIREE'S INSURANCE FUND	\$20,000
9509	TIF FUND	\$420,000
9512	WILKERSON PARK MEMORIAL FUND	\$1,265
9535	ARPA of 2021	\$2,011,182
9536	MVH RESTICTED	\$250,000
9537	LIT SPECIAL DIST	\$81,142
9538	Unsafe Building Fund	\$7,000
		\$3,565,589

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 9/29/2021 10:47:41 AM

Name		Signature
BRAD AMOS	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Brad J. Amos</i>
RANDALL MOBLEY	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Randall Mobley</i>
MATTHEW CZARNECKI	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Matthew Czarniecki</i>
TERRY LANGFORD	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Terry Langford</i>
SCOTT MCVOY	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Scott McVoy</i>

ATTEST

Name	Title	Signature
MICHELLE D MILLER	CLERK TREASURER	<i>Michelle D. Miller</i>

MAYOR ACTION (For City use only)

Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1 Yes No

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31 Yes No

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 028

AN ORDINANCE ESTABLISHING A THREE (3) – WAY STOP AT THE INTERSECTION OF EAST ST. JOE AND ALABAMA AVE.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-2, a local authority may adopt by ordinance additional traffic regulations with respect to highways under the authority’s jurisdiction; and,

WHEREAS, pursuant to Ind. Code § 9-21-1-3, a local authority may regulate speed limits and traffic controls with respect to highways under the authority’s jurisdiction; and,

WHEREAS, this Council now desires to establish a three (3) – way stop at the intersection of East St. Joe and Alabama Avenue.

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

1. The intersection of East St. Joe and Alabama Avenue shall now be a three (3) – way stop.
2. The Town Manager, or its designee, is hereby directed to install the necessary stop signs within public right-of-way, consistent with Indiana law and INDOT standards, to satisfy the intent this ordinance.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 25 day of October, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 10/11/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 10/25/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 029

**AN ORDINANCE ESTABLISHING THE
“COMMUNITY INVESTOR AND SPONSORSHIP FUND”**

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, pursuant to Ind. Code § 36-1-3 *et seq.* (i.e. “Home Rule”), a unit may exercise any power it has to the extent that the power is not expressly denied by the Indiana Constitution or by statute and is not expressly granted to another entity; and,

WHEREAS, this Council has determined a need to establish a “Community Investor and Sponsorship Fund” to service and manage the numerous requests for monetary support from organizations serving the Town of Sellersburg, Indiana.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. The “Community Investor and Sponsorship Fund” is hereby established.
2. The intent of the fund is to use sponsorship donations by and from companies that support the Town of Sellersburg, Indiana for community events, including but not limited to, fireworks, parades, and other neighborhood events or activities that are open to the public.
3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 11th day of October, 2021

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 10/11/2021

MOTION: Langford

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 10/11/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 030

AN ORDINANCE ACCEPTING, REJECTING, OR AMENDING THE PROPOSED AMENDMENT TO THE 2020 UNIFIED DEVELOPMENT ORDINANCE AS CERTIFIED BY THE PLAN COMMISSION FOR SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on or about the 20th day of September, 2021, the Plan Commission for Sellersburg, Indiana (“Commission”), after conducting a public hearing in which the public was invited and heard, adopted *Resolution 2021-08-01 A Resolution Amending The Sellersburg Unified Development Ordinance (the “UDO”) For Sellersburg, Indiana*, which amended certain development standards and zoning administration procedures (See Attached Exhibit A); and,

WHEREAS, this Council has reviewed said proposed amendment to the UDO and has paid reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

WHEREAS, this Council now desires to consider the recommendation and certification of the amendments to the UDO.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the aforementioned resolution incorporated herein and attached hereto, is Accepted ~~Rejected~~, *or Amended* as set forth in the meeting minutes (*Circle One*).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and

serving members of this Council and furthermore the Commission is hereby charged with adhering to Ind. Code § 36-4-7-610 and all other relevant state laws after the adoption of this ordinance.

So Ordained this 11th day of October, 2021

“Aye”

“Nay”

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 10/11/2021

MOTION: Langford

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 10/11/2021

MOTION: Mobley

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

TO THE SELLERSBURG PLAN COMMISSION
OF SELLESRBURG, INDIANA

RESOLUTION NO. 2021-08-01
Amendment No. 01
TO ORDINANCE NO. 2021-OR-002

**AN RESOLUTION AMENDING THE SELLERSBURG UNIFIED DEVELOPMENT ORDINANCE
FOR SELLERSBURG, INDIANA**

WHEREAS, the Sellersburg Town Council of Sellersburg, Indiana, adopted the Sellersburg Unified Development Ordinance as Ordinance No. 2021-OR-002; and

WHEREAS, since the adoption of said Ordinance, the Planning Director has made a recommendation that the Unified Development Ordinance be modified and believes such recommendation should be followed:

The following is a summary of the proposed Amendments to Ordinance No. 2021-OR-002:

1. Chapter 3: Site Development Standards: Permanent Signs: DT and TC Districts: Window Signs:
 - a. Within the Additional Standards chart, an exception to allow for one lit internal window sign for the express purpose of indicating the business is "Open", not to exceed ten (10) square feet.
2. Chapter 3: Site Development Standards: Bufferyard and Bufferyard Planting Standards: (c) Location of the Bufferyard:
 - a. The addition of the following language:
 - iii. Bufferyards shall be required between residential and commercial uses within the DT, TC, and GO districts. The bufferyard used shall be based on Bufferyard C, as depicted in Table 2: Bufferyard Planting Requirements.
3. Chapter 3: Site Development Standards: Section 1 Accessory Structures: (c) Fences:
 - a. The deletion of the current language and replacement with the following language:
 - iii. Fences are not allowed in platted easements. If a fence is installed within a platted easement, it is at the property owner's own risk and may be damaged and/or removed at the property owner's cost.
4. Chapter 3: Site Development Standards: Section 1. Accessory Structures: (d) Swimming Pools:
 - a. The addition of the following language:

There shall also be a ten (10) foot setback from any swimming pool to the primary structure unless attached to or part of the primary structure.
5. Chapter 8: Zoning Administration and Procedures: Section 4. Special Exception, Variance from Development Standards, and Variance of Use Procedures: (d) Expiration:
 - a. The deletion of the current language and replacement with the following language:

- i. If construction or structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within one (1) year of approval by the BZA, the approval shall be void; or
6. Chapter 3: Site Development Standards: Section 8: Sidewalk and Pedestrian Amenity Standards: (a) General:
 - a. The addition of the following language:
 - i. Any approvals and/or amendments to the requirements listed in this section due to extenuating external circumstances shall be obtained through the Technical Review Committee (TRC) as a recommendation to the Plan Commission for final approval and shall comply with the Town's minimum design standards for each respective district.
7. Chapter 3: Site Development Standards: Section 3: Bufferyard and Bufferyard Planting Standards: (e) Substitutions and Modifications:
 - a. The addition of the following language:
 - v. Any substitutions or modifications from the requirements listed in this section as a whole may be made by the TRC as a recommendation to the Plan Commission for final approval of development plans.
8. Chapter 3: Site Development Standards: Section 10: Storage Standards: (b) RV Storage:
 - a. Under iii. Rear Yard RV Storage:
 - i. Delete the current language for (e)
 - ii. Replace the current language for (c) with the following language:

Must be located on a solid surface, such as asphalt or concrete.
9. Chapter 3: Site Development Standards: Section 9: c. Permanent Signs: B1, B2, B3, and GO districts:
 - a. Add the following language to "Awning Signs (Permanent)" and "Wall Signs (Permanent)":

Size:

For multi-tenant, one story structures (only), maximum allowable sign square footage may not exceed one-half (1.5 or ½) of the length of the individual tenant storefront. This square footage does not count towards the maximum cumulative area.
10. Chapter 3: Site Development Standards: Section 9: c. Permanent Signs: DT and TC districts:
 - a. Add the following language to "Awning Signs (Permanent)" and "Wall Signs (Permanent)":

Size:

For multi-tenant, one story structures (only), maximum allowable sign square footage may not exceed one-half (1.5 or ½) of the length of the individual tenant storefront. This square footage does not count towards maximum cumulative area.

11. Chapter 3: Site Development Standards: Section 2: Architectural Standards: e. Building Materials:

a. The addition of the following language:

- j. (d) Any approvals and/or amendments to the requirements listed in this section shall be obtained through the Technical Review Committee (TRC) as a recommendation to the Plan Commission for final approval and shall comply with the Town's minimum design standards for each respective district.

RECOMMENDATION OF ORDINANCE AMENDMENT. This Resolution shall be sent to the Town Council with a favorable recommendation by the Plan Commission

RECOMMENDED this 20th day of September, 2021.

Brad J. Amos
Brad Amos, President

ATTEST: [Signature]

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 031

AN ORDINANCE REPEALING AND REPLACING THE EMPLOYEE HANDBOOK FOR THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on or about the 18th day of December, 2017, this Council repealed and replaced the employee handbook for the Town of Sellersburg, Indiana by adopting *Ordinance 2017-OR-034*; and,

WHEREAS, sine the 18th day of December, 2017 this Council has made various amendments to the employee handbook and has also hired a Town Manager to handle HR matters; and,

WHEREAS, pursuant to *Ordinance 2020-OR-004*, this Council again repealed and replaced its employ handbook for the Town of Sellersburg on the 9th day of March 2020; and,

WHEREAS, this Council amended the employee handbook on the 24th day of August, 2020; and

WHEREAS, upon the recommendation of the Town Manager certain sections of the employee handbook need to be clarified or amended; and,

WHEREAS, this Council now desires to repeal and replace its employee handbook for the Town of Sellersburg.

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

1. The employee handbook for the Town of Sellersburg shall be repealed and replaced with the updated employee handbook incorporated and attached herewith as Exhibit A.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22nd day of November, 2021

"Aye"

"Nay"

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki

Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford

Terry Langford
Council Member

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Scott McVoy

Scott McVoy
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Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer
FIRST READING

DATE: 11/22/2021

MOTION: Czarniecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 11/22/2021

MOTION: Czarniecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Town of Sellersburg

EMPLOYEE HANDBOOK

Revised 11/22/2021

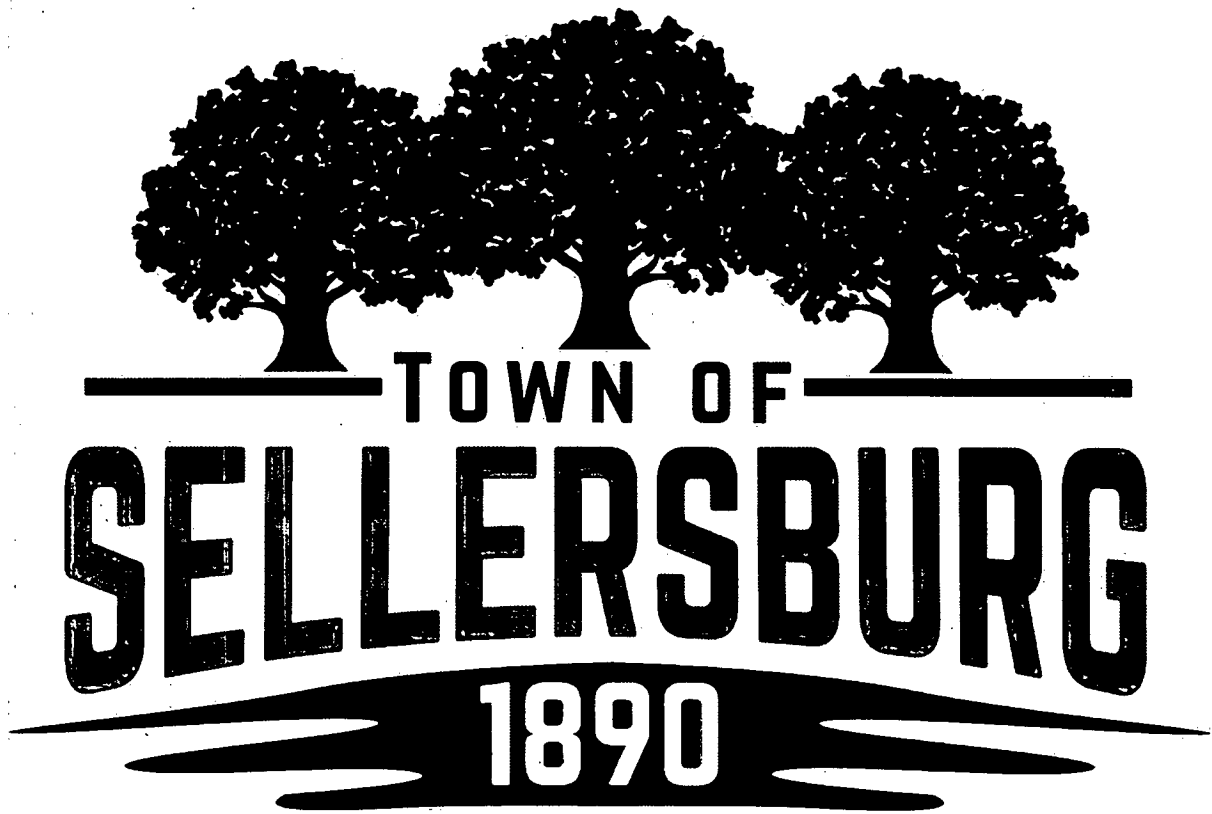


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Welcome to the Town of Sellersburg

Sellersburg, Indiana, is in Clark County, approximately 10 miles north of Louisville, Kentucky. The town has a population of more than 9,310 according to the 2020 U.S. census.

Sellersburg was settled in 1846 and is named after Moses W. Sellers, the first man to keep a store in the town and the town's first postmaster. Sellersburg was formally incorporated in 1890.

Your fellow employees of the Town of Sellersburg welcome you to our team. You are now part of a proud working tradition. Sellersburg is an outstanding community, and one of the biggest reasons we are so successful is because of the pride and dedication of our municipal workforce.

Town Organization and Structure

The Town of Sellersburg is organized into various departments to ensure adequate expertise, specialization, and efficiency. The Town Manager is the Administrative Department Head responsible for the day-to-day management of the Wastewater, Water, Streets and Sanitation, Building Planning and Zoning, and Billing Departments. The Sellersburg Police Chief is the Administrative Department Head responsible for the day-to-day management of Police Department.

The town council governs the Town of Sellersburg. The Town Manager and Police Chief directly report to the town council and are responsible for the general administration of town business as it relates to the departments under their supervision. A member of the town council serves as a designee to each town department to enable transparent communication of operational issues between the governing and administrative functions of the town.

Sellersburg Police Department General Orders

The Sellersburg Police Department is governed by regulations (General Orders) approved by the Metropolitan Board of Police Commissioners in accordance with applicable state and Federal law. The Town of Sellersburg also has regulations (Policies) approved by the Sellersburg Town Council in accordance with applicable State and Federal law. In the event the Town of Sellersburg and Sellersburg Police Department both have regulation that covers a particular topic, the Police Department's General Order will supersede the Town's policy. If the Police Department does not have a specific regulation but is covered by a Town policy, then the Town's policy applies.

A Proud Team Dedicated to Citizen Service

You are now part of an organization that is dedicated to serving our community, and we are confident you will soon be contributing toward that end. Your coworkers and their predecessors have established an outstanding reputation serving the citizens of Sellersburg. Our simple motto is "Citizen Service." This means our mission is to provide quality service on a consistent basis with economy and efficiency in mind. We must be ever mindful of how we spend our taxpayers' dollars.

Please understand that you will be in the public's eye. We are confident you will serve the town with pride and honor.

All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding town policies, procedures, or services.

Employees should refer all citizen complaints to their department head, the Town Manager, and/or the Council Member who represents the district in which the citizen lives.

Purpose of the Handbook

The policies described in this handbook are intended to apply to all employees of the Town of Sellersburg. The policies and practices will apply unless superseded by applicable federal, state, or local laws or regulations.

We urge you to read this handbook, understanding that the policies and practices it sets forth are important guidelines and rules for your employment. It is not a contract. No one is authorized to represent otherwise. The Town of Sellersburg retains the right, at its sole option and at any time, to deviate totally or partially from the policies, practices, and procedures contained in this handbook. Further, employees are employed "at-will" for an indefinite period. That means that just as employees may leave the employment with the town at any time, the Town of Sellersburg retains the right to end the employment relationship at any time, for any reason, or for no reason.

Any employee benefit plan or program provisions described herein are for convenience only. Benefit plans and programs are governed by the provisions of their formal documents as they exist now or as they may exist in the future. Employees should refer to those documents for specifics.

The guidelines in this handbook will be helpful in familiarizing you with the town. However, this handbook cannot anticipate every situation or answer every question regarding employment.

Human Resources Policies and Procedures are periodically updated. This handbook is current as of the date of publication and replaces and supersedes all prior employee handbooks. However, changes may have been made which are not reflected in this document. The Town of Sellersburg expressly reserves the right to change, add, delete, and/or modify any or all the provisions of this guide, and/or to change, add, delete, and/or modify any other published or unpublished policies, from time to time, with or without notice. Management staff shall make every effort to keep employees aware of any policy changes.

This Employee Handbook applies to all employees of the Town of Sellersburg. If you have any questions, regarding this handbook or your employment, please refer them to your immediate supervisor or contact your department head or the Town Council.

Employees under the age of 18 must furnish a work permit to be employed by the town.

Section I. Employment

Employment at Will

All employees who do not have a separate written employment contract for a specific, fixed term of employment are employed on an at-will basis for an indefinite period. Employees may resign at any time and may be terminated at any time, with or without notice, and with or without cause. Nothing contained in this handbook alters or should be relied upon as altering this at-will relationship.

Equal Opportunity Employment

The town provides equal employment opportunity to all employees and applicants for employment regardless of race, color, religion, gender identity or expression, sexual orientation, national origin, age, genetic information, disability, status as a Vietnam-era or special disabled veteran, or any other protected factor in accordance with applicable federal laws.

Status of Employment

There are three classifications of employees:

- Full-time employees are classified as those who work a regular schedule of 37.5 to 40 hours per week.
- Part-time employees work a regular schedule of less than 37.5 hours per week.
- Temporary Employees are hired for a limited period to perform a job until it is finished. Seasonal employees are included in this category.

All employees are also classified as being "exempt" or "non-exempt." Non-exempt employees are eligible for overtime. Only time worked counts toward overtime. Exempt employees are not subject to the overtime provisions of the Fair Labor Standards Act, and are not eligible for overtime pay, compensatory pay, extra regular duty pay, on-call pay, or shift premium pay unless approved by their supervisor.

If an exempt employee feels that his/her pay is incorrect due to impermissible deductions, he/she should immediately present this issue to his/her immediate supervisor and/or Director.

Employees under the age of 18 must furnish a work permit to be employed by the town.

Accommodation of Individuals with Disabilities

In compliance with the Americans with Disabilities Act ("ADA") and other applicable state and local laws, we provide reasonable accommodations for qualified individuals with disabilities. It is our policy to:

Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment, as required by the ADA.

Provide qualified applicants and employees with disabilities with reasonable accommodations, except where such accommodations would create an undue hardship on us, as provided under the ADA.

It is the responsibility of an employee to inform management of the need for an accommodation.

Criminal Background Checks

At the time of employment, criminal background checks are obtained upon the extension of a conditional offer of employment. An employee's first day of work must not be prior to the satisfactory completion of a background check. Conviction of a crime does not automatically eliminate an applicant from consideration for employment. A decision is reached only after the nature, severity, and date of offense are thoroughly evaluated.

If an applicant attempts to withhold or falsify information pertaining to his or her criminal background history, he or she will be disqualified from further employment consideration. If an employee is discovered to have withheld or falsified information pertaining to his or her criminal background history, he or she will be subject to further disciplinary action, up to and including termination.

Personnel Files

Personnel files are the property of the town and may be reviewed by the employee in compliance with applicable state law. Employees wishing to view their personnel files should schedule a time with their supervisor or the town Clerk-Treasurer to do so.

Anti-Nepotism Policy

Individuals who are relatives may not be employed in a unit in a position that results in one relative being in the direct line supervision of the other relative. Certain employees may not be promoted to a position that results in one relative being in direct line supervision of the other relative who is a newly elected official of the town.

The town, through any of its boards, commissions, purchasing agents, may not enter into a contract or renew a contract for public works or procurement of goods and services with a relative or a business entity that is wholly or partially owned by a relative of the executive of the town or member of the legislative or fiscal body of the town unless certain requirements are met.

Relative is defined as spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law (including half-brothers and sisters and adopted children) for both Indiana nepotism statutes.

Grandfathering Clause

Elected officials as of 7/1/2012 are exempt from these provisions.

Consensual Romantic or Sexual Relationships

The Town of Sellersburg strongly discourages romantic or sexual relationships between a manager or other supervisory employee and his or her staff because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. If there is such a relationship, the parties need to be aware that one or both may be moved to another department, or other actions may be taken.

If any employee of the town enters into a consensual relationship that is romantic or sexual in nature with a member of his/her staff, or if one of the parties is in a supervisory capacity within the same department in which the other party works, the parties must notify the Administrative Department Head and/or a member of the Town Council. Because of potential issues regarding quid pro quo harassment, the town has made reporting mandatory. This policy also applies to romantic relationships between other employees, regardless of reporting structure.

Once the relationship is made known to the town, the situation will be reviewed by the Administrative Department Head to determine the course of action in the best interests of the town. Both parties may have to sign a Consensual Relationship Agreement.

Job Vacancies & Promotions

In the event a job vacancy exists, the town may post the opening throughout its facilities. The notice will remain posted for a period of five working days. It will include the date of the posting as well as the posting expiration date. Employees wishing to apply for another position within the town should notify their current supervisor.

Each posting will include:

- Job Title
- Job Description and Essential Functions
- Required Experience
- Compensation Range per the Salary Ordinance
- Application Deadline; and
- How to apply for the position

Employees still in their 45-day probationary period are not allowed to apply for a new position within the town.

Promotions

The Town of Sellersburg encourages you to seek promotional opportunities within the town. Promotions are based on job performance. In the event of equally qualified applicants, the town may take seniority into consideration when promoting an employee.

Outside Employment

The Town of Sellersburg recognizes the right of its employees to use their skills and knowledge to supplement their incomes outside of working hours. However, outside employment should not interfere with an employee's position with the town and should not be a conflict of interest. All full-time and part-time employees must consult their supervisor before accepting outside employment, to discuss the potential impact on their duties with the town.

Outside employment will not be considered as an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should outside employment cause or contribute to these or other undesirable work characteristics, disciplinary action, up to and including termination of employment may result.

Work Hours & Overtime

Regular hours are defined by your department director. Employees cannot change their assigned work schedule without the permission of their supervisor. Management may alter an employee's work schedule based upon the needs of the operation.

Employees classified as non-exempt are eligible for overtime premium pay in compliance with applicable state and federal law. Only time worked counts toward overtime. Employees are not permitted to work overtime without prior supervisory approval.

Ghost Employment

The Town of Sellersburg prohibits ghost employment. Ghost employment occurs when an organization pays and employee who does not perform work for the organization. (see Indiana Code 35-44-2-4). No employee will receive pay for work if it is not related to the operations of the town. Any employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination.

Eligibility for Rehire

To be considered for rehire by the Town of Sellersburg, the employee must have previously submitted the appropriate notice and have a satisfactory work record.

Resignation of Employment Notice Requirements

Employees who are considering resignation are asked to discuss the situation with their immediate supervisor before making a final decision. If the discussion does not reveal information that changes an employee's decision, notice is requested based on the following guidelines:

4 weeks: Directors

3 weeks: Assistant Directors and Managers

2 weeks: All other positions not listed above

The notice period will ensure that adequate arrangements can be made to replace the employee. Paid time off may not be used during the notice period, unless an employee extends his/her notice period by the length of time used. Failure to give the requested notice may affect eligibility for rehire. The town retains the right to dismiss a resigning employee prior to the conclusion of the notice period.

Expected Payment

If you are separated from employment, the Town of Sellersburg is obligated to pay you for the time you worked in addition to any earned but unused PTO time. You will receive your paycheck on the next scheduled payday.

Exit Interviews

An employee who has resigned may be contacted to participate in an exit interview. The interview serves a dual purpose:

Ensures that the reason for the resignation is not based on a misunderstanding or a condition that can be remedied, and

Gathers pertinent data about the employee's reasons for leaving the company. Topics to be covered include, but are not limited to, compensation, benefits, advancement opportunities, and training/orientation.

Section II: Benefits

The Town of Sellersburg offers health and welfare plans that are available to all full-time employees who work an average of 30 or more hours per week. Eligible employees can choose from a variety of benefit options including medical, dental, vision, life, and disability. Additional details concerning plan benefits are provided upon new employee orientation. Coverage begins on the first of the month following hire date of fulltime employment. Coverage will cease on last day of the month of the employee's last day of employment.

Benefits Enrollment

The town will conduct an annual Open Enrollment period December 1st-31st during which full-time employees will be given the opportunity to add/drop coverage or elect different plan options or coverage levels. An employee cannot change elections made during the Open Enrollment period for the duration of the plan year unless proof of a Qualifying Life event is provided to the Clerk-Treasurer within the required time period. New hires must enroll within 30 days of his or her hire date.

Health and Welfare Insurance – Medical/Dental/Life & Disability

Full-time employees are eligible for the town's medical insurance plan on the first of the month following date of hire. A summary plan description booklet will be provided upon enrollment. The town will comply with applicable provisions of federal and state insurance laws and regulations. Please contact your supervisor or the Clerk-Treasurer if you have questions regarding the group insurance plan. If there is any conflict between the insurance plan or plans and the information provided in the Handbook, the language of the insurance plan or plans shall control.

Benefit Election Changes

Health, Dental, and Life Insurance elections cannot be changed during the respective plan year unless the employee provides proof of a Qualifying Life Event to the Clerk-Treasurer within 30 days of the event.

Examples of Qualifying Life Events are as follows:

- a. Employee's marriage or divorce.
- b. Employee acquires new dependent because of marriage, birth, or adoption.
- c. Death of employee's spouse or child.
- d. Termination of employment (or spouse's employment) or change of employment status (or spouse's employment status).
- e. Significant change in the medical benefits or premiums available either to employee or through spouse's employment.

It is the employee's responsibility to notify the Clerk-Treasurer within the required time period of the intent to change coverage due to any event other than termination of employment or change in status to a benefit ineligible class with the Company. Requests must be submitted in writing with proof of the Qualifying Event.

Cobra Continuation

Most employers sponsoring group health plans are required to offer employees and their dependents the opportunity for a temporary extension of coverage (called "continuation coverage") at group rates where coverage under the plan would otherwise end.

Employees and their covered dependents, who are covered by the town Employee Health Plan have the right to choose this continuation coverage if group coverage is lost for any reason other than termination of employment resulting from gross misconduct by the employee. Under the law, you have at least 60 days from the date you would lose coverage to inform our insurance administrator that you want continuation coverage. Employee's that elect COBRA are responsible for maintaining coverage by paying 100% of their insurance premiums.

If you have questions regarding COBRA or your responsibilities to obtain continued coverage, you should contact the clerk-treasurer's office.

HIPPA Privacy Notice

As required by the Health Insurance Portability and Accountability Act (HIPAA), the Company will maintain the privacy of protected health information for all participants of our Health, Dental, and S125 benefit plans. All employees who choose to participate in one or more of these benefit plans will receive a Privacy Notice shortly after enrollment, which will outline the Company's legal duties and privacy practices with respect to protected health information.

Public Employees Retirement Fund (PERF)

PERF is one of the oldest and largest public or private pension funds in the nation. It provides secure, long-term benefits for full-time employees who choose careers in public service in Indiana. Mandatory contributions are determined by PERF and are suspended during an unpaid leave of absence. Members of the PERF retirement fund are vested following ten years of service.

Longevity

Longevity is a benefit that is based on your hire date. All full-time employees who have completed two years of employment with the Town will receive longevity pay on the payroll week following their anniversary date. Years of service will be determined by the anniversary date of each employee; in the year the benefit is to be received. Employees need to see their supervisor for additional information on Longevity Pay.

Upon retirement or resignation, Longevity shall be pro-rated based on months worked after employee's anniversary date.

Holidays

All full-time and part-time hourly employees are eligible to receive holiday pay. These employees must work the day before and the day after the holiday to receive holiday pay unless time off has been previously approved by their supervisor. Employees do not receive holiday pay while on an unpaid leave of absence.

Any full-time and part-time hourly employees required to work on a scheduled holiday will receive eight hours of holiday pay in addition to time and a half for hours worked on the holiday.

Police Officers shall receive 8 hours of holiday pay per holiday. Officers working a scheduled holiday shall receive holiday pay in addition to time and a half for hours worked on the holiday.

The Town of Sellersburg observes the following holidays:

New Year's Day	Veteran's Day
MLK Day	Thanksgiving Day
President's Day	Day after Thanksgiving
Good Friday	Christmas Eve
*Election Day	Christmas Day
Memorial Day	Columbus Day
Juneteenth	Labor Day
Independence Day	

*The State of Indiana does not hold elections every year. Election Day is only a paid holiday if there are elections being held in the State of Indiana that year. If elections are not being held in the State of Indiana on any specific year, there is no Election Day Holiday(s) that year.

Paid Time Off (PTO)

The Town of Sellersburg believes that employees should have opportunities to enjoy time away from work to achieve work life balance. The following PTO policy outlines the provisions for eligible employees.

Eligibility & Availability

All full-time employees are eligible for PTO. Eligibility begins the first of the month following 60 days of continuous employment. During the first calendar year of employment, employees earn 1.5 days per month. Thereafter, employees will receive PTO on January 1st of each year. PTO credited on January 1st will be based on the employee's years of service as of December 31st the previous year. PTO is earned on the following schedule:

***Length of Service Year to begin January 1st of the year following your anniversary.**

Length of Service	Accrual Rate
Less than 2 years of service	(1.5) days per month of full-time service (Maximum of 15 days)
2 - 4 years of service	25 days
5 -9 years of service	30 days
10 - 19 years of service	35 days
20 + years of service	40 days

Use and Scheduling of PTO

You must schedule PTO at least two weeks in advance or as soon as possible in the case of illness or emergency. All time away from work, including unexcused absences will be deducted from your PTO bank. Exceptions to this policy are holidays and time off in accordance with the Town's policy for jury duty, military duty, or bereavement. PTO may be used in half-day increments. You are required to use your PTO when out on an approved leave of absence.

PTO and Sick Bank Rollovers

At the end of each year, employees will receive the option to roll over any accrued but unused PTO into a "sick bank" or receive payment for unused time. (refer to the PTO Cash Out Policy) There is a 30-day maximum an employee can roll over into the sick bank. Sick bank leave must be approved by the Administrative Department Head.

The sick bank exists to help employees offset lost income while on an approved leave of absence for the employee's own illness or to care for a dependent who is ill. It may not be used for any other purpose. PTO does not need to be exhausted prior to using "sick bank" for approved leave of absence under this section.

Cash Out Option

Employees can cash out earned PTO days. Employee's selecting the cash out option will receive full payment for accrued but unused PTO of that year, up to their maximum earned days at the time of PTO cash out.

Payment upon Separation

Upon resignation or separation of employment, employees will be paid for all PTO earned but not used. Earned PTO is calculated by multiplying the number of full calendar months the employee worked in the current year by the number of PTO days he or she is eligible. That number is divided by 12. Please see the following example:

Employee	Years of Service	of Full Months Completed	Eligible PTO	Number of Days Paid Out
Employee A	3	6	25	12.5
Employee B	9	3	30	7.5
Employee C	14	10	35	29

Special Retirement Provision

Upon resignation or retirement after 20+ years of service with the Town of Sellersburg, eligible employees can cash in 60 days of "sick bank".

Retirees Insurance Fund

Upon retirement after 20+ years of service with the Town of Sellersburg, eligible full-time employees shall receive \$19,944 from the Retirees Insurance Fund to be paid upon retirement.

Bereavement Leave

The Town of Sellersburg will provide full-time employees with up to five paid days off upon the death of an immediate family member. The town will provide one paid day off to attend the funeral upon the death of non-immediate family members.

Definition of an immediate family member includes mother, father, sister, brother, spouse, grandparent, grandchild, stepbrother, stepsister, mother-in-law, father-in-law, or any other legal dependent of the employee. A non-immediate family member is defined as aunt, uncle, niece, nephew, or non-immediate step relative.

In exceptional circumstances, the employee may request paid bereavement leave from the Administrative Department Head for non-immediate family members.

This bereavement policy is designed to reimburse employees for time lost from work. It does not apply if the employee is on any other type of leave. Employees should notify their department head as soon as possible if the need for bereavement leave arises.

Indiana Military Leave

The Town of Sellersburg will grant Indiana employees military family leave in accordance with the Indiana Military Family Leave Act. Under the Military Family Leave Act, employees may take up to 10 days of unpaid leave per year during one or more of the following periods:

- Within the 30-day period before a family member begins active duty;
- During the leave period of a family member on active duty; or
- During the 30-day period following a family member's return from active duty.

To qualify as a family member, the employee must be the spouse, parent, grandparent or sibling of the service person. Active duty is defined as a period that exceed 89 consecutive calendar days.

Leave Qualifications

To qualify, an employee seeking leave must have been employed by the Town for at least 12 months and have worked 1,500 hours during the 12-month period immediately preceding the day the leave begins.

Continuation of Benefits & Paid Time Off

Employees may continue their health-care benefits while on leave. Employees are responsible for their portion of the premium. Employees may use available paid time off during the leave if they choose.

Notice Requirement

If foreseeable, an employee must request the leave not less than 30 days before the leave is to begin by completing a Leave of Absence Request form. Failure to submit the request at least 30 days in advance may result in a delay of the requested start date. The town reserves the right to require employees to provide proper verification of the need for leave. Failure to follow the procedure and provide proper verification may result in the absence as unexcused.

Family Medical Leave Act (FMLA)

What FMLA Provides

The FMLA provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. Any employee who has questions about this policy should contact their supervisor for guidance. The town will not interfere with, restrain or deny an eligible employee's use of FMLA leave.

Eligibility Requirements

Employees are eligible to request FMLA leave if they have worked for the town for at least one year, have worked at least 1,250 hours over the previous 12 months and work at a location where at least 50 employees are employed by the town within 75 miles.

While the 12 months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more are not counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the

Uniformed Services Employment and Reemployment Rights Act (USERRA), or a written agreement exists concerning the employer's intention to rehire the employee after the break in service. If you do not meet these criteria, you are not eligible for FMLA leave.

Qualifying Reasons for FMLA Leave

A covered employer must grant an eligible employee up to a total of 12 weeks of unpaid leave during any 12-month period for one or more of the following reasons:

- ✓ for the birth and care of a newborn child of the employee;
- ✓ for placement with the employee of a son or daughter for adoption or foster care;
- ✓ to care for a spouse, son, daughter, or parent with a serious health condition;
- ✓ to take medical leave when the employee is unable to work because of a serious health condition; or
- ✓ for "qualifying exigencies" arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation (up to 12 weeks); or
- ✓ "Military Caregiver Leave" to care for a covered service member with a serious injury or illness related to certain types of military service (up to 26 weeks per year may be taken for this purpose).

A "Serious Health Condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three (3) consecutive full calendar days and two (2) visits to a healthcare provider or one (1) visit to a healthcare provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

The maximum amount of leave that may be taken in any 12-month period-for all reasons combined is 12 weeks, with one exception. For leave to care for a Covered Service member, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

Identifying the 12-Month Period

The town measures the 12-month period in which leave is taken by the "rolling" 12-month method, measured backward from the date of any FMLA leave with one exception. For leave to care for a covered service member, the town calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. FMLA leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

Intermittent or Reduced Schedule Leave

You may request leave for the serious health condition for yourself, spouse, or child on an intermittent or reduced schedule. Under certain circumstances, the town may temporarily transfer you to an alternate position for which you are qualified that provides a solution to your accommodation request. Your pay at the time of the temporary transfer will not be affected during this time.

Employee Notice Requirements

Employees must provide 30 days' notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable. Employees must comply with normal call-in procedures.

Employees must provide sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform their supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified. When an employee seeks leave due to a FMLA qualifying reason for which the town has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Certifications

The Town of Sellersburg requires that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. The town may require second or third medical opinions at the expense of the town and periodic recertification of a serious health condition. The Town of Sellersburg may utilize a health care provider, a human resource professional, a leave administrator, or a management official – but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition.

The Town of Sellersburg requires employees returning from leave for their own serious health condition to submit a certification that they can resume work. If reasonable safety concerns exist, the Company may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Compensation and Benefits while on Family and Medical Leave

Family Medical Leave is unpaid leave. In accordance with applicable state law, employees may be required to apply all accrued and unused paid leave to all leaves covered by this policy.

The Town of Sellersburg will continue to pay its portion of the group health premium for the duration of any approved FMLA leave. The employee continues to be responsible for paying his or her group health insurance premiums as if he were still actively working during this period. Premiums must be submitted monthly. Failure to submit payment within 30 days may result in termination of coverage for the duration of the leave. An employee's failure to pay his or her portion of the group health insurance premium will result in coverage being canceled. If an employee does not wish to continue group health insurance while on family and medical leave, the town should be notified immediately.

Employees who can return to work within the FMLA approved leave time limits, will be entitled to be covered by health insurance at the time they return to work if their coverage has lapsed for any reason during the approved FMLA leave. Any changes to company health coverage while an employee is on a family and medical leave will be applied as if the employee were still actively employed.

Paid Time Off benefits will cease to accrue while an employee is on FMLA.

Return from Leave

Except as otherwise provided by law, upon returning from FMLA leave eligible employees will be restored to their original job or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. Restoration may not be possible if, for example, your position has been eliminated. Additionally, certain key employees may not be entitled to job restoration under certain conditions. If you are a key employee, you will be notified of such status. Use of FMLA leave will not affect the calculation of an employee's seniority or years of service. If an employee has taken leave due their own medical condition, a clearance to return to work is required from the certifying physician.

For additional information about your rights and responsibilities under FMLA and/or to request leave under this policy please contact your supervisor.

The Town of Sellersburg recognizes that certain states may have laws which provide greater or diverse types of leave and/or may require less advance notice than that set forth above. In such event, the applicable state family and medical leave law shall apply.

Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice, or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment. Contact your supervisor for more information or questions about military leave.

Personal Leaves of Absence

On occasion, for extraordinary reasons, you may wish to be temporarily released from your job duties but not submit your resignation. You may be eligible for unpaid leave under these circumstances. Request for unpaid leave may be made in writing to your direct supervisor, supervisor's supervisor or any Town Council member. If you are granted unpaid leave and receive health insurance, you will be responsible for the payment of premiums or risk loss of coverage.

Request for Leave and Notice

Employees requesting leave must obtain and submit a Leave of Absence form to their department head, preferably 30 days in advance.

If the leave request is approved, the employee must contact their department head every two weeks to provide updates and an estimate on their return to work date.

Use of Paid Time Off for Personal Leave of Absence

Employees are required to use their PTO during their personal leave of absence. Once the paid time off is exhausted, Sick Bank may be used with Administrative Department Head's approval.

Benefits

To continue health insurance coverage, employees are required to pay their portion of insurance premiums. You may pre-pay in advance or send in monthly payments to the clerk-treasurer's office. The payment must be received by the 15th day of the month. If any payment is more than 30 days late, the town will terminate your coverage. If a check is returned for insufficient funds, we will not consider the payment made until we receive sufficient cash, a money order, or a cashier's check.

Return to Work

Employees that are on a personal leave of absence due to medical reasons will need to provide a release to work from your physician. If you do not return to work on the agreed upon date the town will consider it job abandonment and your employment will be terminated.

Workers Compensation

From the first day of employment, all Town of Sellersburg employees are covered with insurance against medical expenses arising from work-related illnesses or accidents. This insurance also provides for a percentage of lost wages due to accidents and illness related to work. These benefits start seven days from the date of disability.

Employees who sustain a work-related injury or illness must inform their department head immediately. This will enable eligible employees to qualify for coverage as quickly as possible.

Unemployment Compensation

Each Town of Sellersburg employee's job is covered by state unemployment compensation, which may pay a weekly benefit if an employee is laid off. The cost of this benefit is paid entirely by the town.

Section III. Compensation

The Town of Sellersburg is committed to a compensation program that is consistent and fair and does not discriminate.

Paychecks

The town's payroll cycle runs on a bi-weekly pay period. Paychecks are issued every Friday. Employees that feel their wages have been calculated in error, it is their responsibility to notify the clerk-treasurer immediately. Every effort will be made to correct the error as quickly as possible.

Direct Deposit

The town requires direct deposit of paychecks into the banking institution of your choice. Any changes to banks or account numbers should be reported to the clerk-treasurer's office.

Payroll Deductions & Garnishments

The town is required by law to make certain deductions from your paycheck. Among these are applicable federal, state, and local income taxes. Social security taxes must be deducted from your earnings up to a specified limit. The town matches the amount of social security taxes you pay. Court-ordered payments such as garnishments are pay deductions collected and forwarded to the courts. The clerk-treasurer's office will notify the employee when a garnishment is received.

Overtime

Occasionally, the Town of Sellersburg may require overtime for hourly employees on short notice. Although situations may arise that will prevent an employee from working overtime, the town expects all hourly employees to be available to work overtime and a flexible schedule when necessary.

Hourly employees will be paid overtime and one and one-half times their regular hourly rate for all hours worked over 40 hours per week. Paid time off and holidays are not included in the calculation of overtime pay. Police employees are exempt from this provision and will earn overtime pay in accordance with the department's standard operating procedure for overtime.

Meal Periods & Breaks

All hourly employees may take a 30-minute or one-hour unpaid lunch break at the discretion of their department head. Unless otherwise instructed to work through the meal period, nonexempt employees must record the meal period as unpaid on their time record. In addition, all employees are provided two 15-minute paid breaks during the workday. Department heads will determine break times.

On-Call Designation

Town employees who are designated as being on-call will receive an additional pay, per the salary ordinance, for serving in the on-call capacity. This applies only to civilian, non-exempt employees.

Travel & Expense Reimbursement

The Town of Sellersburg wants all staff traveling on town business to do so in a safe and comfortable manner. At the same time, each employee must control and minimize the cost of travel-related expenses. All travel must be approved in advance to receive reimbursement. Itemized receipts must be saved and submitted with a claim form to the clerk-treasurer within 7 days of the trip to receive reimbursement. False reporting on expense reports will result in disciplinary action, up to and including termination.

Mileage

The town will reimburse employees for mileage expenses incurred while conducting official town business. The mileage reimbursement rate will be the amount allowed by town ordinance as long the employee carries motor vehicle liability insurance as required by law.

Overnight Travel

Expenses incurred (meals, lodging, etc.) for overnight travel while conducting official town business must be approved by the Administrative Department Head prior to registering/reserving for the out-of-town business. Certain personal expenses incurred during travel are not reimbursable, including but not limited to personal telephone calls, laundry, entertainment, and alcoholic beverages.

Jury Duty

The Town of Sellersburg encourages employees to fulfill their obligation as citizens when they are called to serve jury duty. Employees are entitled to retain any compensation you receive from the courts. In addition, you will receive the difference between your jury duty pay and your normal salary or hourly rate for the period you serve on jury duty, not to exceed ten days.

Employees must submit their court order for jury duty to their supervisor. Prior to serving jury duty, an employee must ask the court clerk or bailiff to prepare a weekly verification form. The court clerk will typically provide the work verification form on each day you serve on jury duty. Employees must provide the work verification form to their department head each week. The check received for jury duty pay does not need to be submitted and should be retained by the employee.

Section IV: Workplace Expectations

Attendance

Being at work on time every day is important. Your co-workers and the town's residents depend on you. The Town of Sellersburg realizes that occasional absences are unavoidable. However, excessive absenteeism or tardiness creates a hardship for your co-workers. Because of this, frequent and unapproved absences and excessive tardiness can be cause for disciplinary action or dismissal.

Attendance Policy Guidelines

In the event you are unable to come to work, it is critical that you provide as much notice as possible to ensure coverage for your position. The further in advance you provide notice, the more likely that coverage will be possible.

Employee's must call their department head at least 60 minutes before the start of your scheduled work time to report an absence or extended time away from the office. It is your responsibility to contact your department head, leave a message and then call another department head on duty. This procedure must occur every day you are absent unless you are on an approved leave of absence.

In the event an employee is going to be late for work, the employee is required to notify their department head at least 30 minutes prior to start of their scheduled work time. Any instances of arriving late to work, taking extended breaks, or leaving work early must be reported to your supervisor and will be recorded in attendance records. Employees that need to leave work early for any reason must notify their department head before leaving.

A no-call, no-show will be cause for disciplinary action, up to and including termination of employment. If you have three unreported consecutive absences, the town will consider it to be job abandonment and will assume that you have voluntarily resigned from your employment.

If you are absent for three or more consecutive workdays, we may require you to provide medical documentation to support your absence. The town reserves the right to address the issue of chronic absenteeism or tardiness by accelerating the disciplinary process, up to and including termination.

Confidentiality

Depending upon the nature of your duties, you may have access to information that is confidential and privileged. This includes financial information, organizational information, and information regarding other employees or town residents. To protect confidentiality, you must limit the disclosure and discussion of this information to only those employees who need to know. Employees should never use this information for personal benefit or for the benefit of others.

Conflicts of Interest

Employees have a responsibility to avoid any situation that might make it difficult to act in the best interest of the Town of Sellersburg. A conflict of interest may exist when you or a member of your family has a financial interest in a company that has a contract or other dealings with the town. In addition, receiving personal gains from a business relationship, a conflict of interest likely exists. For clarity on whether any transaction or vendor relationship may be a violation of this policy, you should contact your department head.

In addition, employees, including elected officials, must not accept honorariums, compensation, or gifts in exchange for their services as a town employee. This policy does not prohibit the acceptance of small items of nominal value. However, prior to accepting any gifts, gratuities, favors, preferential treatment, event tickets or anything else of monetary value (more than \$25) from companies or individuals related to the job, you must receive approval from the Administrative Department Head. To the extent state law requires an alternative handling of honorariums, compensation, or gifts, the town will comply with those laws.

Solicitation & Distribution

People who are not employed by the Town of Sellersburg may not solicit or distribute literature and goods on town property for any purpose at any time. Vendors soliciting in the normal course of business who have established a business relationship with the town are excluded from this restriction. Exceptions to this policy are at the discretion of the town council.

The town strives to communicate clearly and accurately with its employees; therefore, unless the town is involved in the activity, all notices, brochures, and other forms of solicitation of or by outsiders are prohibited. Employees are discouraged from soliciting other employees during working time. Working time includes that time for which any employee is paid and is expected to be performing services for the town. Working time does not include meal breaks, recognized break periods, or time before or after the established workday. Department heads may authorize limited exceptions to this policy.

Dress Code

As an employee of the Town of Sellersburg, you should be concerned with the impression you make on others. You shall strive always to ensure that your clothing and appearance is clean and contributes to a professional atmosphere for co-workers, clients, residents, and visitors.

The town is a business-casual workplace. There are occasions where employees should wear business professional attire. These occasions would include special meetings and/or delivering presentations. If you have specific questions about whether something is appropriate to wear you should contact your department head for clarification. Employees that are dressed inappropriately will be asked to go home and change their attire. This time will be unpaid. Repeated violations of this policy may result in disciplinary action.

Uniforms

Employees in a customer facing position may need to offer verification that they are working in an official capacity and may be required to wear uniforms and/or official Town Identification Cards. The following shall always be observed:

- Uniformed employees are representatives of the town and will conduct themselves accordingly.
- If the position requires a uniform, the employee must always wear the uniform while on duty. Every attempt shall be made to keep uniforms in a tidy appearance. Should a uniform need to be replaced, the employee shall communicate to their supervisor so a replacement can be arranged.
- Uniforms may not be worn outside of work unless off-site for a work-related trip, seminar and/or meeting.

Drug & Alcohol-Free Workplace

The Town of Sellersburg prohibits employees from unlawfully manufacturing, distributing, dispensing, selling, transferring, using, or possessing any illegal controlled substance or alcohol on town premises while working. Any employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination. The town reserves the right to require applicants and employees to consent to a drug and alcohol test. No testing will be performed without an applicant's or employee's written consent.

Pre-Employment Testing

The town requires applicants for employment to submit to a drug screen prior to starting work. The drug test is a pre-employment, post-offer requirement. Candidates found to have a positive drug screening will be subject to additional medical review and, based on the findings, may not be considered for employment.

Post-Accident Testing

In the event of a workplace accident or injury, the town may determine that it is necessary to conduct a post-accident drug and or alcohol screening. The employee's supervisor will accompany the employee to the designated testing site. Refusal to submit to the test or a positive result on such a test, is grounds for disciplinary action, up to and including termination.

Reasonable Suspicion

The Company may ask you to submit to a drug and/or alcohol test when there is reason to believe that you are under the influence of drugs and/or alcohol while at work. Refusal to submit to such testing, or a positive result on such a test, is grounds for disciplinary action, up to and including termination.

Non-Harassment Policy

We are committed to providing all employees the opportunity to work in an environment free of illegal harassment. The town strives to provide all staff, clients, and vendors with an environment free of harassment. This can exist only when each employee is assured an atmosphere of mutual respect and one in which each is judged solely on criteria relating to job performance.

The town expressly prohibits any form of unlawful employment harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, genetic information, national origin, age, disability, status as Vietnam-era or special disabled veteran, or status in any group protected by state or local law. The town has adopted the following guidelines to deal with any form of harassment that may occur during business hours or on town premises, or in any location where the employee is conducting work.

Sexual Harassment includes:

- a. physical assaults or physical conduct that is sexual in nature
- b. unwelcome sexual advances or comments or requests for sex or sexual activities concerning one's employment or advancement, regardless of whether they are accompanied by promises or threats
- c. sexual displays or publications such as calendars, cartoons, or graffiti
- d. other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment
- e. Retaliation for complaints of harassment

The town regards all such conduct as creating a hostile and offensive work environment in violation of this policy, regardless of whether submission to such conduct is made either explicitly or implicitly a term or condition of employment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually-oriented "kidding," "teasing," or "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another's body; or reading or otherwise publicizing in the work environment, materials that are sexually suggestive or revealing.

Racial, religious, or national origin harassment includes:

- a. any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner which would make a reasonable employee uncomfortable in the work environment or which would interfere with the employee's ability to perform the job.

Examples of race, religious or national origin harassment include:

- a. jokes which include reference to race, religion, or national origin
- b. the display or use of objects or pictures which adversely reflect on a person's race, religion, or national origin;
- c. the use of language which is offensive due to a person's race, religion, or national origin.

If you have been a victim of sexual harassment or any other form of illegal harassment or if you witness the illegal harassment of others, you shall immediately report your concerns to a supervisor or the Town Manager. If this is not an option because your supervisor or Town Manager is the harasser, you should contact a member of the Town Council. Each complaint will be treated in a confidential manner, subject to our legal obligation to investigate and respond appropriately to such complaints. Retaliation against anyone involved in reporting an incident of harassment is strictly prohibited. Conversely, we consider filing knowingly false reports of harassment a violation of this policy.

Retaliation

The town's policy prohibits retaliation against any employee by another employee or by the town itself for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a federal or state enforcement agency. Prohibited retaliation includes, but is not limited to, demotion, suspension, failure to make employment recommendations impartially, adversely affecting working conditions, or otherwise denying any employment benefit.

Employee Performance Management

As a part of their performance management responsibilities, the town's management personnel are accountable for informing employees of performance and/or behavior which is in need of improvement. The purpose for such counseling is to create a mutual understanding of performance and conduct expectations, to develop and improve performance or conduct which is not meeting expectations, and to delineate consequences for those employees who do not achieve minimum acceptable standards for performance or conduct.

The Town of Sellersburg utilizes a progressive discipline policy. Outlined below are the steps of the town's progressive discipline policy and procedure. The Town of Sellersburg reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense.

Step One: Counseling and Documented Warning

The first step creates an opportunity for the employee's immediate supervisor to schedule a meeting with the employee and bring any existing performance, conduct or attendance issue to their attention. The supervisor will discuss the nature of the problem or violation of the town's policies and/or procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem. This meeting will be documented and signed by both the employee and supervisor.

Step Two A: Final Written Warning

Although the town hopes that the employee will promptly correct any performance, conduct or attendance issues that were identified in Step One, the town recognizes that this may not always occur. The Step 2 written warning involves more formal documentation of the performance, conduct or attendance issues and consequences.

During Step Two, the immediate supervisor will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued. The PIP will include a statement warning the employee that failure to meet and maintain the expectations of the plan will result in further disciplinary action, up to and including termination.

Step Two B: Suspension

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from a next-level manager and HR.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

Step Three: Recommendation for termination of employment

The last and most crucial step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the town will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the Town of Sellersburg reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

For the welfare of the Town, the Town Manager shall be notified and involved in all matters related to the discipline, suspension, termination, or transfer of Town employees. The Town Manager shall remove heads of departments with advice and consent of the Town Council as dictated by State Statute.

There are some behaviors that are considered so extreme by the town that a violation may result in immediate termination:

- Willful Misconduct/Dishonesty or a flagrant violation of the town's policy;
- Harassment of any employee, customer, vendor, or any other individual as defined by the harassment policy;
- Intentionally giving false or misleading information as a means of obtaining employment;
- Deliberate destruction or defacing of town property through abuse, indifference, neglect or carelessness;
- Violation of the town's Drug and Alcohol-Free Workplace policy;
- Theft, unauthorized use or removal of town property or property of any town employee customer or vendor;
- Unauthorized disclosure of any confidential information pertaining to the town or its employees;
- Fighting on town premises or threatening the life or well-being of another individual;
- Possession of firearms or other dangerous weapons on town property, unless authorized;
- Gross insubordination or refusal to complete duties as required by your supervisor;
- Falsification of work hours or any other town documents;
- Verbal and/or physical abuse of any person while on town property;
- Illegal acts on town premises or during working time.

This list is not all inclusive and the town reserves the right to terminate employees on an at-will basis unless otherwise prohibited by federal, state or local law.

Problem Solving Procedure

The Town encourages employees to address and discuss any work-related problems with their immediate supervisor. Every reasonable effort should be made by both the employee and the supervisor to resolve work related problems. If a resolution is not reached, the employee may use the town's problem-solving procedure.

This procedure has been established as a guide for resolution to work related problems. If the problem continues to exist after undertaking the actions below, the formal problem-solving procedure is invoked. While a complaint/concern is being resolved, employees will have the obligation to continue to work and not engage in work stoppages, slowdowns or other such actions. The system is designed to function without interrupting or downgrading the quality or delivery of patient care services. Supervisory staff is responsible for ensuring that the problem is fully processed until the employee is either satisfied with the answer or has exhausted the problem-solving procedure.

Formal Problem-Solving Procedure

After discussing the problem or concern with their direct supervisor, an employee is expected to document their grievance and submit it in writing to the next person in the chain of command. If the employee is not satisfied with the next response, they must continue up the chain of command. The Town of Sellersburg chain of command is as follows:

- Supervisor
- Department Head
- Town Manager/Police Chief
- Town Council

Management will not in any way discriminate or retaliate against an employee who exercises procedures of this policy. Furthermore, management will not discriminate or retaliate against an employee who assists in the investigation or presentation of complaints or concerns filed according to this policy.

Emergency Weather

In the event of emergency weather conditions, we ask you to use sound judgement in assessing your individual situation and in making decision regarding leaving work early, arriving late or staying home rather than attempting to reach work.

If Clark County or the county in which you live declares a weather emergency, the town will compensate you for your scheduled work hours. If you miss work and Clark County or the county in which you live has not declared a weather emergency, you will be required to use PTO to cover the absence.

When making decisions regarding severe weather conditions, employees must follow the general attendance policy.

Smoking

The use of tobacco products and electronic cigarettes is strictly prohibited in all facilities owned by the Town of Sellersburg. Any employee wishing to designate a working area a non-smoking area may submit the request in writing to the town council.

Media Inquiries

Employees must refer all inquiries for information from the news media to Town Manager. Unless authorized to do so, employees must not speak on behalf of the town. Employees must remember that they represent the town and serve as an ambassador to the community and speak accordingly.

Security Inspections & Right to Search

The Town of Sellersburg wishes to maintain a work environment that is free from illegal drugs, alcohol, firearms, explosives, or other dangerous materials. The town requires the cooperation of all employees in administering this policy. An employee's refusal to cooperate in a search, inspection or investigation will result in further disciplinary action, up to and including termination.

Desks, lockers, and other storage devices may be provided for the conveniences of employees but remain the sole property of the town. Accordingly, any agent or representative of the town can inspect them, as well as any articles found within them, at any time, either with or without prior notice. A minimum of two town representatives will be present to conduct and record details of the search.

The town likewise wishes to discourage theft or unauthorized possession of the property of employees, visitors, and residents. To facilitate enforcement of this policy, the Town of Sellersburg or its representative may inspect not only desks and lockers, but also any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto company premises.

Workplace Violence

The Town of Sellersburg supports an environment that is safe and free from violence for all employees, residents, and vendors. To achieve this goal, employees may not possess or carry firearms, knives, or any other weapons on town property or while conducting town business unless authorized by the Town Manager, Chief of Police, or the town council. If an employee is found possessing or carrying such an item on town property or while conducting town business, they will be subject to disciplinary action, up to and including termination.

Safety & Security

The Town of Sellersburg is committed to employee safety and to protecting employees from accidents. The town and all employees have a responsibility to drive and work safely at all times. This policy was created to promote and ensure the safe conduct of town operations for the benefit of all employees and residents.

Employees must make safety the first consideration when conducting town operations.

Employees must demonstrate a continuous awareness of safety considerations as an integral part of achieving accident prevention and efficient productivity.

The town will provide proper tools and materials, equipment, and facilities, as well as sufficient training for a safe work environment. Employees must understand and observe all town rules and safety regulations.

Accident Reporting

Following any accident, an employee is required to contact your department head as soon as possible. If your department head is not available, you must follow the chain of command for communication until someone is contacted. Accident reporting must not be delayed because the department head is unavailable.

Universal Precautions

Employees in certain departments may face occupational exposure to blood, bloodborne pathogens, or infectious material. The town will observe universal precautions to prevent contact with infectious material, and all such material will be considered infectious regardless of the source of the material being known. Notify your supervisor or department head if you are exposed.

To ensure the safety of our employees, the town has created the following guidelines:

Employees must wear protective equipment (gloves, goggles, face guards etc.) at all times when potential exposure exists.

Do not compress trash in waste cans. The trash may contain needles or sharp objects exposed to infectious materials and those items may burst during compression.

Examine trash bags prior to handling them to identify leaks, liquid substances, or sharp objects.

Do not reuse any protective equipment except for approved gloves that can be properly disinfected and cleaned.

Utilize proper handwashing techniques often and frequently. Handwashing facilities are available to employees who incur exposure.

Wastewater employees: Do not use your hands to clean out impellers or pumps where sharp objects may be lodged. Utilize the proper tools to clean, disassemble, and remove the objects. Use caution when shoveling out pits and tanks as infectious materials could be present in the sludge.

Use of Town Property & Vehicles

The Town of Sellersburg's facilities, equipment and property are to be used for business purposes only. Employees are responsible for equipment while it is in their possession, and any malfunction, damage or theft of property should be immediately reported to their department head. Employees may be responsible for costs associated with any damage or loss caused by abuse and/or carelessness.

Town Vehicles

Town owned vehicles are assigned to employees based on business need. Any employee using a town vehicle is expected to keep the interior clean. These vehicles are to be used for town business only, except during the commute to and from the employee's home. Only employee's authorized by their department head and/or the town council may take home a town vehicle.

Certain take-home vehicles are considered taxable fringe benefits and the commuting or lease value of the vehicle will be included in the employee's wages for tax purposes. The town will comply with all relevant tax laws and regulations regarding take-home vehicles.

Commuting

Take-home vehicles may be assigned to employees for use during town business due to the nature of the employee's position. This is generally considered a fringe benefit and is taxable. All use of the vehicle that is not for the benefit of the town constitutes personal use and is prohibited except where personal use is minimal.

Social Networking

The Town of Sellersburg understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether associated or affiliated with the town, as well as any other form of electronic communication. The town encourages you to ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Employees are expected to post only appropriate and respectful content. The following list provides recommended guidelines when using social media:

- Maintain the confidentiality of the Town of Sellersburg and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal town-related confidential communications.
- Do not create a link from your blog, website or other social networking site to a town website without identifying yourself as a Town of Sellersburg employee.
- Express only your individual opinions. Never represent yourself as a spokesperson for the town. If the town is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the town, fellow associates, residents, customers, suppliers or people working on behalf of the town. If you do publish a blog or post online related to the work you do or subjects associated with the town, make it clear that you are not speaking on behalf of the town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Sellersburg."

The town prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Personal Telephone Calls

The town reserves the right to monitor all telephone communications, utilizing the town's telephones. All telephone communications are the property of the town. Employees have no right of privacy or confidentiality regarding any telephone messages or communications. The town reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the telephone system for any purpose. Personal calls must be kept to a minimum and be limited to calls of an urgent or emergency nature only. Cellular phone calls are disruptive to the work environment and must be kept to a minimum during work time. Personal long-distance calls may not be charged to the town. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Computer Usage & Electronic Communication

The electronic communication systems, internet service and the computer hardware and software owned or leased by the Town of Sellersburg are to be used for business purposes only. Any message, file or information transmitted or stored on these systems is not considered private and may be seen by other individuals. Employees who use the town's computers and network resources must protect them and the information stored on them.

Software License and Copyright

The town will purchase and distribute software in compliance with license and copyright law. All employees are responsible for complying with the license and copyright provisions of the software they use. Only the department head can approve the installation of software. The department head issuing the software will restrict access to only the appropriate number of licensed users. Employees must not download to their computer any software without permission from the Town Manager.

Personal Use

As a rule, all town property, including computers is for town use only. Personal use should be minimal and must not interfere with town business or work processes. Employees should not use town property for personal use without approval of his or her department head or the Town Manager.

Internet Access

The town will determine which employees will have internet access and will set up privileges accordingly. Internet access is for business needs only and is not a fringe benefit. Under no circumstances should an employee access any web site that may be offensive or otherwise contain inappropriate material. All connections to the internet must pass through the town's firewall for security purposes.

The town reserves the right to block access to specific web pages. To help protect against viruses, employees should download files from the internet only with department head approval.

Electronic Mail (E-mail)

Electronic mail is provided to assist in conducting company business and not for personal use. All messages conveyed on either system are the property of the town and should not contain language that may be considered offensive, discriminatory, or abusive to any employee. Employees have no expectation of privacy in any e-mail messages made using town technology or directed toward town addresses. Authorizing another person or organization to use your computer accounts or the Town of Sellersburg network is strictly prohibited. Communicating or using any password, personal identification number, credit card number or other personal or financial information without the permission of its owner is prohibited.

The use of the town e-mail system is primarily for business purposes only. Limited personal use of e-mail may be allowed but **must be on the user's own time and is not to interfere with his/her job responsibilities.**

Town Cellular Phones

Employees who use cell phones provided to them by the Town of Sellersburg must follow the town policy for use of these devices during working time. Within guidelines, employees may be reimbursed for certain expenses associated with work-related use of cell phones.

While at work, employees are expected to exercise the same discretion in using personal cell phones as is expected for the use of town phones. Personal phone calls must be kept to a minimum and made during non-work time where possible. Cell phones must be turned off or set to silent or vibrate mode during meetings/conferences and in other locations where incoming calls may disrupt normal workflow.

All employees are expected to always follow applicable state or federal laws or regulations regarding the use of cell phones. Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving. There is never a business reason that requires an employee to text or use a phone while driving.

NOTES

RECEIPT AND ACKNOWLEDGMENT OF THE HANDBOOK

I have received, reviewed, and understand the contents of this handbook. I understand that this handbook contains summaries of policies and procedures that apply to me as an employee of The Town of Sellersburg.

I agree to read this handbook and follow the procedures described within it during my employment.

I understand that this handbook is a general guide and that the provisions of this handbook do not constitute an employment agreement or contract, express or implied, guaranteeing employment for any specific duration. Although we hope that your employment relationship with us will be long-term, either you or the Town of Sellersburg may terminate this relationship at any time, with or without cause, and with or without notice.

Further, I understand that the Town of Sellersburg reserves the right to modify any of the provisions of these policies at any time with or without notice, at its sole discretion. The Town Manager shall act as the interpreter for any areas of question that may arise within this document. I also understand that the descriptions included in this handbook are not employee benefit plan documents.

In the event any inconsistency exists between the information in this handbook and any applicable employee benefit documents, the provisions in the employee benefit plan documents shall govern.

Employee Handbook Acknowledgement

Signature _____ Date _____

Town of Sellersburg

Signature _____ Date _____

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 032

AN ORDINANCE ESTABLISHING THE 2022 SALARY ORDINANCE FOR THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code §.36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this "Council") is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, this Council is charged with the responsibility of adopting a salary ordinance; and,

WHEREAS, this Council now desires to adopt the 2022 Salary Ordinance.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following salaries and the respective funds from which to pay said salaries for the calendar year 2022:

- 1: See Exhibit A attached hereto for a comprehensive list of job titles for the Town of Sellersburg and the specified funds by which to pay each position.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of December, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki
Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Absent
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/13/2021

MOTION: McVoy

SECOND: Langford

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/13/2021

MOTION: McVoy

SECOND: Czarniecki

VOTE: 4 AYE 0 NAY 0 ABSTAIN

Redevelopment Secretary (Appointed by Redev. Comm.) (not-v)	Part-time	1	Non-Exempt					100%									\$1,200.00
Un-Safe Building Commission (Resident Member)	Part-time	1	Non-Exempt					100%									\$1,200.00
Clerk-Treasurer																	
Clerk-Treasurer + Longevity per Ordinance 2017-OR-028	Full-time	1	Exempt	34%	33%	33%								\$2,307.69	\$2,307.69		
Chief Deputy Clerk-Treasurer	Full-time	1	Exempt (appointed)	34%	33%	33%								\$1,915.38	\$2,238.46		
Parks and Recreation																	
Park Superintendent	Full-Time	1	Exempt (appointed)													\$192.31	
Pool and Events Manager	Part-time	1	Non-Exempt					100%	\$17.50	\$20.00							
Assistant Pool Manager (seasonal)	Part-time	2	Non-Exempt					100%	\$12.50	\$14.50							
Lifeguard (seasonal)	Part-time	14	Non-Exempt					100%	\$10.50	\$13.00							
Concession Worker (seasonal)	Part-time	4	Non-Exempt					100%	\$9.22	\$10.00							
Maintenance Worker	Part-time	1	Non-Exempt					100%	\$10.00	\$16.00							
Parks and Recreation Board President	Part-time	1	Exempt (appointed)					100%									\$1,800.00
Parks and Recreation Board Members	Part-time	4	Exempt (appointed)					100%									\$1,200.00
Parks and Recreation Town Council Liaison (non-voting)	Part-time	1	Exempt (appointed)					100%									\$1,200.00
Parks and Recreation Board Secretary (non-voting)	Part-time	1	Non-Exempt					100%									\$1,200.00

Includes rate of overtime to be time and one half, health, dental, and longevity benefits.

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 033

AN ORDINANCE ACCEPTING, REJECTING, OR AMENDING THE PROPOSED AMENDMENT TO THE 2020 UNIFIED DEVELOPMENT ORDINANCE AS CERTIFIED BY THE PLAN COMMISSION FOR SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on or about the 15th day of November, 2021, the Plan Commission for Sellersburg, Indiana (“Commission”), after conducting a public hearing in which the public was invited and heard, adopted *Resolutions 2021-10-01 Amendment No. 2; 2021-10-01 Amendment No. 4; and 2021-10-01 Amendment No. 5 - Resolutions Amending The Sellersburg Unified Development Ordinance (the “UDO”) For Sellersburg, Indiana*, which amended certain development standards and zoning administration procedures (See Attached Exhibit A); and,

WHEREAS, this Council has reviewed said proposed amendment to the UDO and has paid reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

WHEREAS, this Council now desires to consider the recommendations and certifications of the amendments to the UDO.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the aforementioned resolutions are incorporated herein and attached hereto, are Accepted, *Rejected, or Amended* as set forth in the meeting minutes (*Circle One*).

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council and furthermore the Commission is hereby charged with adhering to Ind. Code § 36-4-7-610 and all other relevant state laws after the adoption of this ordinance.

So Ordained this 22 day of November, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 11/22/2021

MOTION: Mobley

SECOND: Czarnecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 11/22/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

RESOLUTION NO. 3-21

**RESOLUTION OF THE SELLERSBURG REDEVELOPMENT COMMISSION
RECOMMENDING THE AWARD OF A PUBLIC-PRIVATE AGREEMENT AND
AUTHORIZING CERTAIN MATTERS RELATED THERETO, PURSUANT TO
INDIANA CODE SECTION 5-23 REGARDING A POTENTIAL ROAD PROJECT IN
SELLERSBURG, INDIANA**

WHEREAS, within the Town of Sellersburg, Indiana (the "Town"), a governmental unit and political subdivision of the State of Indiana, there is created the Sellersburg Redevelopment District (the "District"), governed by the Sellersburg Redevelopment Commission (the "Commission"); and

WHEREAS, the Common Council of the Town (the "Council") has adopted the provisions of Indiana Code Section 5-23 (the "Act") by Resolution 2020-R-002, which was adopted and approved by the Council on March 30, 2020 (the "Resolution"); and

WHEREAS, the Commission, pursuant to the Resolution and the Act, is authorized to issue requests for proposals for public-private projects and agreements related thereto; and

WHEREAS, the Commission on November 2, 2020 adopted Resolution No. 4 which authorized the issuance of a request for proposals, in accordance with the Act and in collaboration with the Town Manager, for the design, construction, operation, management, maintenance, and/or financing of a new road connecting County Road 311 to Highway 60 (the "Road Project"); and

WHEREAS, the Town published public notice of the request for proposals in the *The News & Tribune* on November 10, 2020 and November 19, 2020; and

WHEREAS, after the Commission and the Town Manager received and reviewed all of the responses to the request for proposals, accorded fair and equal treatment for all respondents, and further negotiated best and final offers; and

WHEREAS, the Commission recommends a public hearing to be held by the Council pursuant to the Act; and

WHEREAS, the Commission now seeks to provide a recommendation on the award of one or more public-private agreement related to the Road Project.

NOW, THEREFORE, BE IT RESOLVED BY THE SELLERSBURG REDEVELOPMENT COMMISSION AS FOLLOWS:

SECTION 1. Recommendation and Explanation of Award of Public-Private Agreement.
The Commission, after review and negotiation of the responses to the request for proposals and weighing various options presented, firmly recommends an award of a public-private agreement in amounts not to exceed \$4,500,000 to GM Development Companies LLC (the "Offeror") for purposes of the design, construction, operation, management, maintenance, and/or financing of a

new road connecting County Road 311 to Highway 60 in the Town. The proposal provided by Offeror constituted the best and most appropriate response that complied with the parameters of the request for proposals, and the award to Offeror is in the best interests of the Town.

SECTION 2. Award of Public-Private Agreement. The Commission hereby acknowledges that the President of the Council and/or the Clerk-Treasurer of the Town, with the advice of counsel and consultants, shall negotiate and execute the public-private agreement and documents related thereto on behalf of the Commission and the Town. The Commission recommends the publishing of a notice of public hearing and holding of a public hearing by the Council related to the award of the public-private agreement. The award of the public-private agreement may be subject to necessary approval of financing, if any. All of the aforementioned procedures shall be carried out in accordance with the Act.

SECTION 3. Interpretation. Unless the context or law clearly requires otherwise, references herein to statutes or other laws include the same as modified, supplemented or superseded from time to time.

SECTION 4. Effectiveness. This Resolution shall be in full force and effect from and after its passage.

Adopted this 12th day of November, 2021.

**SELLERSBURG REDEVELOPMENT
COMMISSION**

Michael Hostetler
President

by John McDi...

ATTEST:

Secretary

TO THE SELLERSBURG PLAN COMMISSION
OF SELLESRBURG, INDIANA

RESOLUTION NO. 2021-10-01
Amendment No. 02
TO ORDINANCE NO. 2021-OR-002

**AN RESOLUTION AMENDING THE SELLERSBURG UNIFIED DEVELOPMENT ORDINANCE
FOR SELLERSBURG, INDIANA**

WHEREAS, the Sellersburg Town Council of Sellersburg, Indiana, adopted the Sellersburg Unified Development Ordinance as Ordinance No. 2021-OR-002; and

WHEREAS, since the adoption of said Ordinance, the Planning Director has made a recommendation that the Unified Development Ordinance be modified and believes such recommendation should be followed:

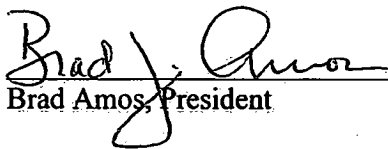
The following is a summary of the proposed Amendments to Ordinance No. 2021-OR-002:

1. Chapter 2: Zoning Districts: b. Uses & Development Standards: Permitted Uses – Neighborhood Business District (B1): Residential Uses:
 - a. Replace the existing language with the following:

- *dwellings, patio homes

RECOMMENDATION OF ORDINANCE AMENDMENT. This Resolution shall be sent to the Town Council with a favorable recommendation by the Plan Commission

RECOMMENDED this 15th day of November, 2021.



Brad Amos, President

ATTEST: 

TO THE SELLERSBURG PLAN COMMISSION
OF SELLESRBURG, INDIANA

RESOLUTION NO. 2021-10-01
Amendment No. 04
TO ORDINANCE NO. 2021-OR-002

**AN RESOLUTION AMENDING THE SELLERSBURG UNIFIED DEVELOPMENT ORDINANCE
FOR SELLERSBURG, INDIANA**

WHEREAS, the Sellersburg Town Council of Sellersburg, Indiana, adopted the Sellersburg Unified Development Ordinance as Ordinance No. 2021-OR-002; and

WHEREAS, since the adoption of said Ordinance, the Planning Director has made a recommendation that the Unified Development Ordinance be modified and believes such recommendation should be followed:

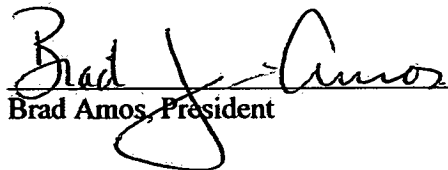
The following is a summary of the proposed Amendments to Ordinance No. 2021-OR-002:

1. Chapter 2: Zoning Districts: b. Uses & Development Standards: Permitted Uses – Down Town District (DT): Residential Uses:
 - a. Delete the following language:
 - *dwelling, multi-family

2. Chapter 2: Zoning Districts: b. Uses & Development Standards: Special Exception Uses – Down Town District (DT): Residential Uses:
 - a. Add the following language:
 - *dwelling, multi-family

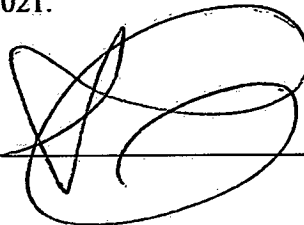
RECOMMENDATION OF ORDINANCE AMENDMENT. This Resolution shall be sent to the Town Council with a favorable recommendation by the Plan Commission

RECOMMENDED this 15th day of February 2021.



Brad Amos, President

ATTEST



TO THE SELLERSBURG PLAN COMMISSION
OF SELLESRBURG, INDIANA

RESOLUTION NO. 2021-10-01
Amendment No. 05
TO ORDINANCE NO. 2021-OR-002

AN RESOLUTION AMENDING THE SELLERSBURG UNIFIED DEVELOPMENT ORDINANCE
FOR SELLERSBURG, INDIANA

WHEREAS, the Sellersburg Town Council of Sellersburg, Indiana, adopted the Sellersburg Unified Development Ordinance as Ordinance No. 2021-OR-002; and

WHEREAS, since the adoption of said Ordinance, the Planning Director has made a recommendation that the Unified Development Ordinance be modified and believes such recommendation should be followed:

The following is a summary of the proposed Amendments to Ordinance No. 2021-OR-002:

1. Chapter 2: Zoning Districts: b. Uses & Development Standards: Permitted Uses – Down Town Neighborhood District (DTN): Residential Uses:

a. Delete the following language:

- *dwelling, multi-family

2. Chapter 2: Zoning Districts: b. Uses & Development Standards: Special Exception Uses – Down Town Neighborhood District (DTN): Residential Uses:

a. Add the following language:

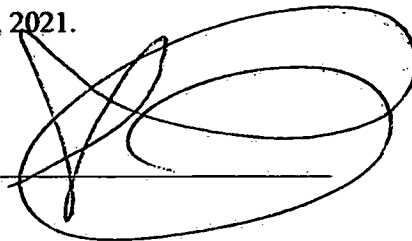
- *dwelling, multi-family

RECOMMENDATION OF ORDINANCE AMENDMENT. This Resolution shall be sent to the Town Council with a favorable recommendation by the Plan Commission

RECOMMENDED this 15th day of November, 2021.

Brad J Amos
Brad Amos, President

ATTEST:





STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA
ORDINANCE NO. 2021 - OR - 034

AN ORDINANCE CONSIDERING A PETITION TO VACATE A CERTAIN SANITARY SEWER EASEMENT.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this "Council") is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on the 11th day of November, 2021, ZS Developer, LLC petitioned this Council for the vacation of a sanitary sewer easement in the Town of Sellersburg, Indiana (the "Petition"). *See Attached Exhibit A;* and,

WHEREAS, the Clerk-Treasurer for Sellersburg, Indiana has properly noticed and advertised for a public hearing to be conducted on the 13th of December, 2021 at 6:00 p.m.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the Petition to vacate the sanitary sewer easement is hereby: approved or denied (*circle one*).

1. Effect. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of December, 2021

[Signature page to follow]

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

DEC 28 2021

Dan F. Grant
Auditor, Clark County

Aug 26 2022 - BNT

Danny Goat
Auditor of Clark County

202218869 VAC \$25.00
08/26/2022 09:08:34AM 8 PGS
Terry Conway
Clark County Recorder IN
Recorded as Presented



ORDINANCE NO. 2021 - OR - 034

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA
ORDINANCE NO. 2021 - OR - 034

AN ORDINANCE CONSIDERING A PETITION TO VACATE A CERTAIN SANITARY
SEWER EASEMENT.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this "Council") is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on the 11th day of November, 2021, ZS Developer, LLC petitioned this Council for the vacation of a sanitary sewer easement in the Town of Sellersburg, Indiana (the "Petition"). *See Attached Exhibit A;* and,

WHEREAS, the Clerk-Treasurer for Sellersburg, Indiana has properly noticed and advertised for a public hearing to be conducted on the 13th of December, 2021 at 6:00 p.m.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the Petition to vacate the sanitary sewer easement is hereby approved or denied (*circle one*).

1. Effect. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of December, 2021

[Signature page to follow]

[Signature]
CLARK CO, IN ASSESSOR

“Aye”

“Nay”

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki
Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Absent
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/13/2021

MOTION: Czarniecki

SECOND: Langford

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/13/2021

MOTION: McVoy

SECOND: Czarniecki

VOTE: 4 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 034

AN ORDINANCE CONSIDERING A PETITION TO VACATE A CERTAIN SANITARY SEWER EASEMENT.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on the 11th day of November, 2021, ZS Developer, LLC petitioned this Council for the vacation of a sanitary sewer easement in the Town of Sellersburg, Indiana (the “Petition”). *See Attached Exhibit A*; and,

WHEREAS, the Clerk-Treasurer for Sellersburg, Indiana has properly noticed and advertised for a public hearing to be conducted on the 13th of December, 2021 at 6:00 p.m.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the Petition to vacate the sanitary sewer easement is hereby approved or denied (*circle one*).

1. Effect. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of December, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Absent
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/13/2021

MOTION: Czarnecki

SECOND: Langford

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/13/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 4 AYE 0 NAY 0 ABSTAIN

NOTICE OF PUBLIC HEARING

A Public Hearing will be held on December 13, 2021 at 6:00 p.m. at the Sellersburg Town Hall, 316 E. Utica Street, in reference to a Petition for Vacation of Sanitary Sewer Easement located within the Town of Sellersburg, as requested by Chad Sprigler, President of ZS Developer LLC.

A full description of the petition can be found on the Town's website at www.sellersburg.org

**PETITION FOR VACATION OF SANITARY SEWER EASEMENT IN THE TOWN OF
SELLERSBURG, INDIANA:**

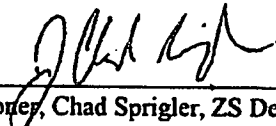
The undersigned, Chad Sprigler, President of ZS Developer, LLC and owner of all of the property that is subject to this request, hereby petitions and requests that the Town Council of Sellersburg, Indiana vacate the following described sanitary sewer easement, which is located within the incorporated limits of Sellersburg, Indiana.

Said Sanitary Sewer Easement is shown on "Exhibit A" and described in Instrument #200507296, both are made part of this petition. The undersigned Petitioner requests that said sanitary sewer easement be vacated as there are no active sanitary sewer lines that exist within the easement and no future need or purpose to maintain this easement.

"Exhibit A" identifies the full and formal names and legal mailing addresses of all of the current owners of land that abuts the subject sanitary sewer easement to be vacated.

I hereby affirm under the penalties of perjury that the facts and information contained in this Petition are true and accurate.

Dated this 11th day of November, 2021.



Petitioner, Chad Sprigler, ZS Developer, LLC

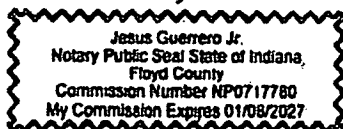
John Chad Sprigler - Owner
Printed Name and Title

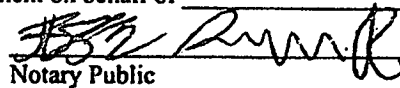
STATE OF INDIANA)

COUNTY OF Floyd)

Before me the undersigned Notary Public in and for the above county and state on the 11 day of November, 2021, personally appeared John Chad Sprigler acknowledged the execution of the foregoing document on behalf of _____

Witness my hand and notary seal





Notary Public
Jesus Guerrero Jr
Printed Name

Resident of Floyd County
Indiana

My commission expires: 1/8/27

GRAPHIC SCALE

EXHIBIT "A"



(IN FEET)

FLOYD & MAZIE HECKER
8009 HWY 31 WEST
SELLERSBURG, IN 47172

8 PRO LB GREENBRIAR PHASE 2
LLC 214 ELM ST
NEW ALBANY IN 47150

EXISTING 10' SANITARY SEWER
EASEMENT TO BE VACATED
(DOC #200507296)

28 DEVELOPER, LLC
214 ELM ST
NEW ALBANY, IN 47150

CAMPBELL RUN PKWY

(3)

ADD
179 S. Indiana Ave

Shirley Molot
CLARK COUNTY RECORDER 3P
Clark County Recorder
I 200567206 Page 1 of 3
C2 Date 04/13/2005 Time 14:28:14

EASEMENT

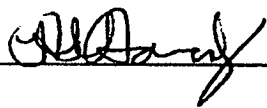
KNOW ALL MEN BY THESE PRESENTS, that HARDY DEVELOPMENT CORPORATION, a corporation duly organized and existing under the laws of the State of Indiana, hereinafter called "Grantor" does hereby grant, quitclaim and convey unto the TOWN OF SELLERSBURG, a municipality, of Clark County, Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, a perpetual easement and right of way to construct, operate, control, maintain, reconstruct, and remove a sanitary sewer line to be used for the transmission of sewage across the following described real estate in Clark County, Indiana, to-wit:

Being a part of Survey No. 108 of the Illinois Grant, Silver Creek Township, Town of Sellersburg, Clark County, Indiana, and being more particularly described as follows:

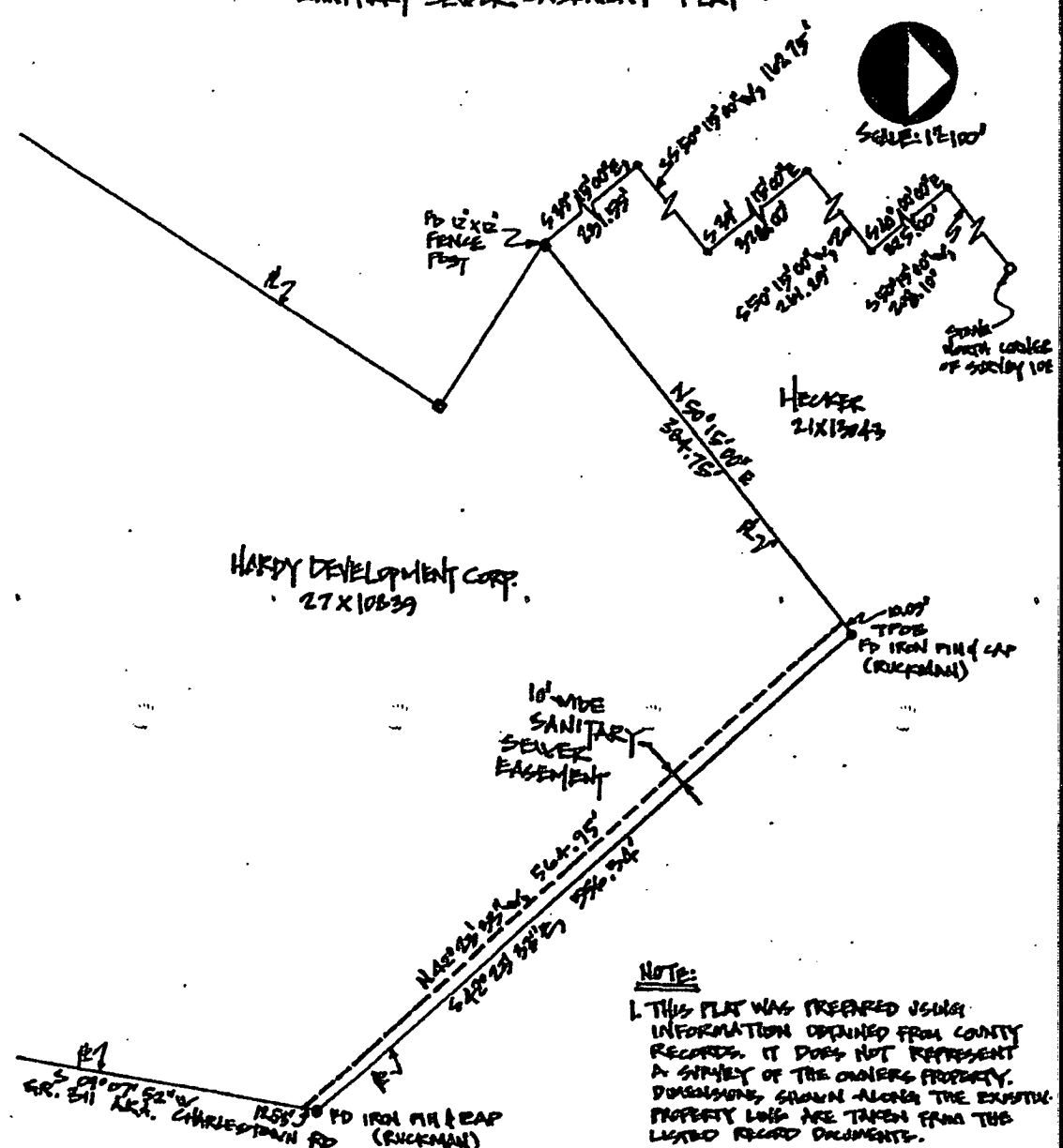
Commencing at the north corner of Survey No. 108; thence South 50 deg. 15' 00" West, 208.10 feet more or less, to a point; thence South 40 deg. 00' 00" East, 825.00 feet more or less, to a point; thence South 50 deg. 15' 00" West, 261.29 feet more or less, to a point; thence South 39 deg. 15' 00" East, 328.00 feet more or less, to a point; thence South 50 deg. 15' 00" West, 169.75 feet more or less, to a point; thence South 39 deg. 15' 00" East, 231.35 feet more or less, to a 12" x 12" fence post; thence North 50 deg. 15' 00" East, 384.75 feet more or less, to a found 5/8" steel pin with cap "Ruckman", the true place of beginning of 10' wide sanitary sewer easement. Thence South 42 deg. 23' 33" East, 556.54 feet more or less, to a found 5/8" steel pin with cap "Ruckman" and the Westerly right-of-way of S. R. 311 (Charlestown Rd.); thence South 09 deg. 07' 52" West, 12.53 feet more or less, with said Westerly right-of-way of S. R. 311 (Charlestown Rd.); thence North 42 deg. 23' 33" West, 564.95 feet more or less; thence North 50 deg. 15' 00" East, 10.09 feet more or less, to the true place of beginning and containing 0.13 acres of land.

IN WITNESS WHEREOF, the Grantor has executed this instrument, this 13th day of April, 2005.

HARDY DEVELOPMENT CORPORATION


BY: 

SANITARY SEWER EASEMENT FLAT



HARDY DEVELOPMENT CORP.
27 X 10639

NOTE:
THIS PLAN WAS PREPARED USING INFORMATION OBTAINED FROM COUNTY RECORDS. IT DOES NOT REPRESENT A SURVEY OF THE OWNERS PROPERTY. DIMENSIONS SHOWN ALONG THE EXISTING PROPERTY LINES ARE TAKEN FROM THE LISTED RECORD DOCUMENTS.

Sheet 1 of 1	Project: EASEMENT FLAT Subject: HARDY DEVELOPMENT CORP. Project No.: 2004-055	Drawn: <i>A. Jones</i> Checked: <i>A. Jones</i> Date: 9/21/05 Revisions: 9/22/05	 RENAISSANCE DESIGN BUILD, INC. 144 SOUTH NEW ALBANY STREET SELEERSBURG, PENNSA 17172 VOICE & FAX 812-246-5857 ENGINEERING • DESIGN • GENERAL CONTRACTING CONSTRUCTION MANAGEMENT • PLANNING
-----------------	--	---	---

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ZS DEVELOPER LLC
23 ELM ST
NEW ALBANY IN 47150



9590 9402 6347 0296 6730 16

2. Article Number (Transfer from service label)

7021 2720 0000 3274 4234

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X *[Signature]*
B. Received by (Printed Name)
Bronovick
C. Date of Delivery
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

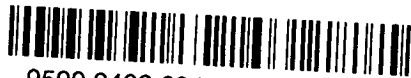
Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SPRIGLER GREENBRIAR PHASE 2 LLC
216 ELM ST
NEW ALBANY IN 47150



9590 9402 6347 0296 6730 09

2. Article Number (Transfer from service label)

7021 2720 0000 3274 4227

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X *[Signature]*
B. Received by (Printed Name)
Brian Bronovick
C. Date of Delivery
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FLOYD S. MAZIE HECKER
8109 HWY 31 WEST
SELLERSBURG IN 47172



9590 9402 6347 0296 6729 96

2. Article Number (Transfer from service label)

7021 2720 0000 3274 4210

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X *[Signature]*
B. Received by (Printed Name)
[Signature]
C. Date of Delivery
12/2
D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

USPS TRACKING#

9
2



9
2



9
2



STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 035

AN ORDINANCE REPEALING ORDINANCES 2017-OR-036 AND 2017-OR-037.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, upon the recommendation of the Town Manager, this Council now desires to repeal Ordinances 2017 – OR – 036 and 2017 – OR – 037.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that Ordinances 2017 – OR – 036 and 2017 – OR – 037 are hereby repealed.

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13th day of December, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad J. Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Absent

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/13/2021

MOTION: McVoy

SECOND: Czarnecki

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/13/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 036

AN ORDINANCE APPROVING ADDITIONAL APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; and,

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

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Sellersburg, Clark County, that for the expenses of the Town of Sellersburg the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

<u>Fund Name:</u>	<u>Amount:</u>
176 ARP American Rescue Plan	\$200,000.00
229 Public Safety Local Income Tax (LIT-PS)	\$ 60,000.00
446 SPD Christmas for Kids	\$ 20,000.00

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 13 day of December 2021

[Signature page to follow]

"Aye"

"Nay"

Brad J Amos

Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki

Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford

Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy

Scott McVoy
Council Member

Scott McVoy
Council Member

Absent

Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/13/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/13/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 4 AYE 0 NAY 0 ABSTAIN

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 037

AN ORDINANCE AMENDING THE 2022 SALARY ORDINANCE FOR THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, this Council is charged with the responsibility of adopting a salary ordinance; and,

WHEREAS, this Council now desires to amend the 2022 Salary Ordinance.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following salaries and the respective funds from which to pay said salaries for the calendar year 2022 are amended as follows:

1. See Exhibit A attached hereto for a comprehensive list of job titles for the Town of Sellersburg and the specified funds by which to pay each position.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 28th day of December, 2021

[Signature page to follow]

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarniecki
Matthew Czarniecki
Council Vice President

Matthew Czarniecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle O. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/28/21

MOTION: McVoy

SECOND: Czarniecki

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/28/21

MOTION: Czarniecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

Clerk-Treasurer											
Clerk-Treasurer + Longevity per Ordinance 2017-OR-028	Full-time	1	Exempt	34%	33%	33%				\$2,346.15	\$2,346.15
Chief Deputy Clerk-Treasurer	Full-time	1	Exempt (appointed)	34%	33%	33%				\$1,915.38	\$2,238.46
Deputy Clerk-Treasurer	Full-time	1	Non-Exempt (appointed)	34%	33%	33%		\$15.50	\$18.00		
Parks and Recreation											
Park Superintendent	Full-Time	1	Exempt (appointed)				100%				\$192.31
Pool and Events Manager	Part-time	1	Non-Exempt				100%	\$17.50	\$20.00		
Assistant Pool Manager (seasonal)	Part-time	2	Non-Exempt				100%	\$12.50	\$14.50		
Lifeguard (seasonal)	Part-time	14	Non-Exempt				100%	\$10.50	\$13.00		
Concession Worker (seasonal)	Part-time	4	Non-Exempt				100%	\$9.22	\$10.00		
Maintenance Worker	Part-time	1	Non-Exempt				100%	\$10.00	\$16.00		
Parks and Recreation Board President	Part-time	1	Exempt (appointed)				100%				\$1,800.00
Parks and Recreation Board Members	Part-time	4	Exempt (appointed)				100%				\$1,200.00
Parks and Recreation Town Council Liaison (non-voting)	Part-time	1	Exempt (appointed)				100%				\$1,200.00
Parks and Recreation Board Secretary (non-voting)	Part-time	1	Non-Exempt				100%				\$1,200.00

Benefits and Overtime are in accordance with Town of Sellersburg Employee Handbook.

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2021 – OR – 038

AN ORDINANCE TRANSFERRING CERTAIN FUNDS

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to transfer funds for the needs of the Town.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that the following funds in Exhibit A transferred:

This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 28th day of December, 2021

Signature Page to Follow

"Aye"

"Nay"

Brad Amos
Brad Amos
Council President

Brad Amos
Council President

Matthew Czarnecki
Matthew Czarnecki
Council Vice President

Matthew Czarnecki
Council Vice President

Terry Langford
Terry Langford
Council Member

Terry Langford
Council Member

Scott McVoy
Scott McVoy
Council Member

Scott McVoy
Council Member

Randall Mobley
Randall Mobley
Council Member

Randall Mobley
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/28/2021

MOTION: Czarnecki

SECOND: McVoy

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/28/2021

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

2021-OR-038 EXHIBIT A
 Installed by the TOWN OF SELLERSBURG-2015
Miscellaneous Appropriation Transaction List
 All Misc Appr Types
 All History
 Misc Appr Batch - TRANSFERS DEC 28 2021

APPR ACCT	DATE	TITLE	DESCRIPTION	TYPE	AMOUNT
101003112.000	12/28/2021	TC EXECUTIVE SECRETARY	TRANSFER	Transfer	-249.92
101003115.000	12/28/2021	TC ADMIN INPRS	TRANSFER	Transfer	249.92
101003112.000	12/28/2021	TC EXECUTIVE SECRETARY	TRANSFER	Transfer	-1436.58
101003441.000	12/28/2021	TC OFFICE/COMPUTER	TRANSFER	Transfer	1436.58
101314341.000	12/28/2021	BPZ INS OTHER THAN GROUP	TRANSFER	Transfer	-4883.00
101314111.000	12/28/2021	BPZ DEPARTMENT SALARIES	TRANSFER	Transfer	4883.00
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-40.77
204001121.000	12/28/2021	PR SS/FICA	TRANSFER	Transfer	40.77
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-9.53
204001122.000	12/28/2021	PR MEDICARE	TRANSFER	Transfer	9.53
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-15.64
204001226.000	12/28/2021	PR CHEMICALS	TRANSFER	Transfer	15.64
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-1992.57
204001227.000	12/28/2021	PR CONCESSIONS	TRANSFER	Transfer	1992.57
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-6701.87
204001242.000	12/28/2021	PR MISC SUPPLIES	TRANSFER	Transfer	6701.87
204001513.000	12/28/2021	PR CAPITAL IMPROVEMENTS	TRANSFER	Transfer	-683.79
204001243.000	12/28/2021	PR POOL UNIFORMS	TRANSFER	Transfer	683.79
101003121.000	12/28/2021	TC FICA/SS	TRANSFER	Transfer	-57343.34
101020111.000	12/28/2021	PD POLICE SALARIES	TRANSFER	Transfer	57343.34
101003114.000	12/28/2021	TC ADMIN INSURANCE	TRANSFER	Transfer	-9228.71
101020111.000	12/28/2021	PD POLICE SALARIES	TRANSFER	Transfer	9228.71
101020311.000	12/28/2021	PD EDUCATION/TRAINING	TRANSFER	Transfer	-5983.91
101020112.000	12/28/2021	PD SECRETARY/RECORDS	TRANSFER	Transfer	5983.91
101020444.000	12/28/2021	PD TRAFFIC EQUIPMENT OR	TRANSFER	Transfer	-10000.00
101020113.000	12/28/2021	PD POLICE LONGEVITY	TRANSFER	Transfer	10000.00
101020443.000	12/28/2021	PD POLICE AUTO	TRANSFER	Transfer	-3119.56
101020113.000	12/28/2021	PD POLICE LONGEVITY	TRANSFER	Transfer	3119.56
101020352.000	12/28/2021	PD HEAT/GAS	TRANSFER	Transfer	-996.84
101020123.000	12/28/2021	PD SEC/RECORDS CLERK	TRANSFER	Transfer	996.84
101020442.000	12/28/2021	PD POLICE RADIOS	TRANSFER	Transfer	-12784.72
101020127.000	12/28/2021	PD POLICE INPRS	TRANSFER	Transfer	12784.72
101003314.000	12/28/2021	TC CONSULTING SERVICES	TRANSFER	Transfer	-44788.37
101020124.000	12/28/2021	PD GROUP INSURANCE	TRANSFER	Transfer	44788.37
101003316.000	12/28/2021	TC TOWN ATTORNEY	TRANSFER	Transfer	-20618.24
101020124.000	12/28/2021	PD GROUP INSURANCE	TRANSFER	Transfer	20618.24
*** GRAND TOTAL ***					0.00