

CHAPTER 30: TOWN GOVERNMENT

Section

Elections

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- 30.02 Number of districts
- 30.03 Boundaries of districts
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ELECTIONS

§ 30.01 ELECTIONS.

All qualified voters residing in the town shall be eligible to vote for, and elect, all members of the Town Council and the Clerk-Treasurer.
(Prior Code, § 30.01) (Ord. passed 11-15-1983; Res. passed 12-23-1992)

§ 30.02 NUMBER OF DISTRICTS.

The Town Council shall be divided into two districts, designated as District 1 and District 2, for the purpose of conducting elections of town officers.
(Prior Code, § 30.02) (Ord. passed 11-15-1983; Res. passed 12-23-1992; Ord. 12-18-12B, passed 12-18-2012)

§ 30.03 BOUNDARIES OF DISTRICTS.

(A) *District 1.* The boundaries of District 1, for the purpose of conducting the election of Town Officers, shall be as follows: All areas within the town located north of State Road No. 32.

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(B) *District 2*. The boundaries of District 2, for the purpose of conducting the election of Town Officers, shall be as follows: All areas within the town located south of State Road No. 32. (Prior Code, § 30.03) (Ord. passed 11-15-1983; Res. passed 12-23-1992; Ord. 12-18-12B, passed 12-18-2012)

§ 30.04 MEMBERS OF THE TOWN COUNCIL.

The Town Council for the town shall be comprised of six members. Two members of the Town Council shall reside in District 1. Two members of the Town Council shall reside in District 2. And, two members of the Town Council shall reside in either District 1 and/or District 2, and shall be elected “at large.”

(Prior Code, § 30.04) (Ord. 12-18-12B, passed 12-18-2012)

CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

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GENERAL PROVISIONS

§ 31.01 COMPENSATION.

The Town Council shall provide the reasonable compensation for town officers and employees listed in and for the amounts stated in the salary schedule, two copies of which are on file at the office of the Clerk-Treasurer and are incorporated herein by reference.

(Prior Code, § 31.01) (Ord. 3-20-01, passed 3-20-2001)

§ 31.02 BONDS.

(A) The Council shall fix the bonds for Clerk-Treasurer and any other employees and officers in the salary ordinance.

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(B) The bond for the following officers and employees shall be for at least the following amount, or as otherwise required by the State Board of Accounts:

- (1) Clerk-Treasurer: \$90,000 (minimum);
- (2) Deputy Clerk-Treasurer: \$5,000 (minimum);
- (3) Fines Clerk: \$5,000 (minimum);
- (4) Town Marshal: \$5,000 (minimum);
- (5) Captain Deputy Marshal: \$5,000 (minimum);
- (6) Deputy Marshals: \$5,000 (minimum); and
- (7) Accounting Clerk: \$5,000 (minimum).

(Prior Code, § 31.02) (Ord. 01-11-16, passed 1-11-2016)

§ 31.03 SEXUAL HARASSMENT.

(A) The town strongly disapproves of and does not tolerate sexual harassment of any kind. All employees must avoid offensive or inappropriate sexual behavior at work and are responsible for assuring that the workplace is free from sexual harassment at all times.

(B) (1) The town policy prohibits, when submission to such conduct is made either explicitly or implicitly a condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions; such conduct has the purpose or effect of substantially interfering with an individual's work performance; or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment:

(a) Unwelcome sexual advances;

(b) Requests for sexual acts or favors with or without accompanying promises, threats, or reciprocal favors or actions; and

(c) Other verbal or physical conduct of a sexual nature made to an employee.

(2) Examples of prohibited conduct include, but are not limited to, lewd or sexually suggestive comments; off-color language or jokes of a sexual nature; slurs and other verbal, graphic, or physical

conduct relating to an individual's gender; unwanted physical touching; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.

(C) (1) Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors is urged to bring the matter to the attention of town officials as soon as possible so that the Town Council may investigate and deal with the problem. Employees may bring their complaint to their department head, Town Council President, or the Town Council.

(2) If the complaint involves someone in the employee's direct line of command, or if the employee is uncomfortable discussing the matter with his or her direct supervisor, the employee is urged to go to another supervisor with the complaint, or to one of the other town officials listed in this section.

(D) The Town Council President will promptly investigate all complaints and will endeavor to handle these matters in a confidential and professional manner so as to protect the offended individual from any retaliation, harassment, or abusive behavior.

(E) Employees are not expected to endure harassment at any time.

(F) Any employee who violates this policy will be subject to appropriate disciplinary action up to and including discharge.

(Prior Code, § 31.04) (Ord. 6-16-1998C, passed 6-16-1998)

BUILDING COMMISSIONER

§ 31.15 CONFLICTS IN ISSUANCE OF PERMITS.

(A) If the Building Commissioner has a financial interest in the issuance of a permit, whether direct or indirect, the President of the Town Council shall then review the permit in question, conduct any required investigation, and determine whether the permit should be issued.

(B) In the situation described in division (A) above, as required by I.C. 36-1-27-4, the Building Commissioner shall report the conflict of interest, in writing, to the Clerk-Treasurer, who shall maintain a permanent record about such reports and who shall then notify the President of the Town Council that the President shall have the responsibility to review, investigate, and make a determination about the issuance of the permit in question.

(Prior Code, § 31.30) (Ord. 07-05-19A, passed 7-5-2019)

ASSISTANT SUPERINTENDENT OF WATER**§ 31.30 ESTABLISHMENT OF POSITION.**

The Town Council has created and established a position of Assistant Superintendent of Water. (Prior Code, § 31.25) (Ord. 1986, passed 6-17-1986)

§ 31.31 DUTIES AND RESPONSIBILITIES.

The Assistant Superintendent of Water shall be charged with assisting the Superintendent of Utilities in the operation and maintenance of public utilities, both in the well house and of the repair and maintenance of water pipes and all other equipment servicing the water utility, and in handling and satisfying consumer complaints.

(Prior Code, § 31.26) (Ord. 1986, passed 6-17-1986)

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

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- 32.02 Trading time
- 32.03 Police Reserves
- 32.04 Longevity pay for Chief and Deputy Marshals

Department of Storm Water Management

- 32.15 Adoption of state regulations
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Cross-reference:

Board of Zoning Appeals, see §§ 153.065—153.070

Ordinance Violation Deferral Program, see § 36.01

Tree Board, see § 99.03

Statutory reference:

Creation of an Ordinance Violations Bureau, see I.C. § 33-36-2-1

POLICE DEPARTMENT**§ 32.01 TOWN MARSHAL AND POLICE DEPARTMENT SERVICE TERMS.**

The Town Marshal and all members of the Police Department shall serve until January 1 of each year, when their terms shall expire.

(Prior Code, § 32.01)

§ 32.02 TRADING TIME.

(A) (1) It has been determined that trading time is appropriate for the Police Department. ***TRADING TIME***, one employee substituting for another, is permitted under the 1985 amendment of the Fair Labor Standards Act and state law.

(2) The Indiana Association of Cities and Towns has recommended that the town adopt specific policy and procedures for employees to follow when trading time.

(B) The following procedures are to be followed when employees desire to trade time.

(1) *Notification*. Employees must notify the Town Marshal or Chief Deputy Marshal prior to exchanging time. In the event both are not available, the Police Commissioner or Deputy Commissioner shall be notified.

(2) *Approval*. The exchange must be approved by one of the aforementioned officers prior to the exchange taking place.

(3) *Record-keeping*. Since time cards are used, the officer substituting must initial the time card on that day to indicate who made the substitution. A daily shift log is still required by each officer. This being necessary so auditors, several years later, may determine which employee actually worked on a specific date.

(4) *Salaried employees*. Salaried employees may substitute for hourly employees, providing they have met the weekly requirements of the Police Department.

(5) *Buying or selling time*. Buying or selling of time is considered very improper and possibly illegal. This is not permitted.

(Prior Code, § 32.02) (Motion adopted 2-17-1987)

§ 32.03 POLICE RESERVES.

(A) The Town Council establishes the Town Police Reserves.

(B) The members of the Police Reserves shall be appointed by the Town Marshal.

(C) No more than 15 persons shall be members of the Police Reserves at any particular time.

(D) The employment benefits (if any) of the members of the Police Reserves shall be determined annually by the Town Council as part of the salary ordinance.
(Prior Code, § 32.03) (Ord. 3-19-1996B, passed 3-19-1996; Ord. 7-26-10, passed 7-26-2010)

§ 32.04 LONGEVITY PAY FOR CHIEF AND DEPUTY MARSHALS.

(A) The Town Council establishes longevity pay for the Town Marshals, including the Chief Marshal, Assistant Chief Marshal(s), and Deputy Marshals.

(B) The members of the Police Reserves shall not be eligible for longevity pay.

(C) The Marshal must have been employed by the town for at least one full year prior to December 1 of the award year and be actively employed by the town on December 1 of the award year.

(D) (1) Longevity pay of \$66 per year of completed service shall be paid on the whole number of years of service completed by the employee on December 1 of the award year.

(2) Commencing in 2020, longevity pay shall be increased to \$100 per year. Such increase, however, shall not be retroactive, but shall begin with the longevity award calculated on December 1, 2020. (For example, an employee with 6.7 years of service on December 1, 2020 would be paid \$66 per year for five years, and \$100 per year for one year, totaling \$430.)

(3) Commencing in 2021, longevity pay shall remain at \$100 per year, but the \$100 amount shall also be applicable to the whole number of years of past service completed by the employee on December 1 of the award year. (For example, an employee with 7.7 years of service on December 1, 2021 would be paid \$100 per year for seven years, totaling \$700.)

(E) The longevity pay for the award year shall be included in the first pay period in December of the award year. Longevity pay shall be charged to the same accounts and in the same proportions as the regular pay of the employee.

(Prior Code, § 32.04) (Ord. 11-19-1996, passed 11-19-1996; Ord. 10-19-20, passed 10-19-2020)

DEPARTMENT OF STORM WATER MANAGEMENT**§ 32.15 ADOPTION OF STATE REGULATIONS.**

Pursuant to I.C. 8-1.5-5 (providing for the establishment of a Department of Storm Water Management), I.C. 8-1.5-5 is adopted as provided in said statute by the Council, and by so doing makes that statute, and any and all amendments thereto, effective and operative as to the town.
(Prior Code, § 32.15) (Ord. 1998, passed 5-21-1991)

§ 32.16 ESTABLISHMENT OF DEPARTMENT.

A Department of Storm Water Management, hereinafter referred to as “Department,” is created, which Department shall be controlled by a Board of Directors.
(Prior Code, § 32.16) (Ord. 1998, passed 5-21-1991)

§ 32.17 BOARD OF DIRECTORS.

(A) The Board of Directors shall consist of three Directors, to be appointed by the President of the Town Council.

(B) All Directors of the Department shall live in the town and not more than two of them shall be of the same political party.

(C) (1) At the time of appointing such Directors, the President of the Town Council shall appoint one Director to serve for two years; one Director to serve for three years; and one to serve for four years.

(2) At the expiration of each of the initial terms, the President of the Town Council shall appoint a successor Director, and each successor Director shall serve for a period of four years.

(D) (1) The President of the Town Council may remove a Director at any time, when, in the judgment of the Council, it is in the best interest of the Department that such Director be removed.

(2) In the event that any Director shall remove his or her residence from the town, his or her term of office shall thereupon terminate and the President of the Town Council will thereupon appoint a Director to complete the unfinished term of the removed Director.
(Prior Code, § 32.17) (Ord. 1998, passed 5-21-1991)

§ 32.18 POWERS AND DUTIES.

(A) The Board of Directors for the Department has the powers and duties as set forth in by I.C. 8-1.5-3-4(a) and I.C. 8-1.5-5-6.

(B) The Department has exclusive jurisdiction over the collection and disposal of storm water within the district as set forth in I.C. 8-1.5-5-6.

(C) The Board of Directors of the Department, after approval by the Town Council, in ordinance form shall:

(1) Assess and collect user fees from all of the property of the storm water district for the operation and maintenance of the storm water system;

(2) Issue and sell bonds of the district in the name of the municipality for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the Board;

(3) Levy a special benefit tax upon all of the property of the storm water district in an amount necessary to meet and pay the principal of any bonds issued as they severally mature, together with all accruing interest. The territory initially included in the special taxing district, created pursuant to I.C. 8-1.5-5-5, is all of the territory now and hereafter included within the corporate limits of the town; and

(4) User fees shall include, but not be limited to, bonds, service rates, revenue bonds, or any other available funds.

(Prior Code, § 32.18) (Ord. 1998, passed 5-21-1991)

ORDINANCE VIOLATIONS BUREAU

§ 32.30 ESTABLISHMENT.

There is created the Town Ordinance Violations Bureau, effective January 1, 2023.
(Ord. 11-21-22, passed 11-21-2022)

§ 32.31 VIOLATIONS CLERK.

(A) The Clerk-Treasurer shall be appointed and shall serve as the Violations Clerk, who administers the Bureau.

(B) The Clerk-Treasurer and the Clerk-Treasurer's staff, as the Clerk-Treasurer's agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violations set out herein during the hour's specified on the Ordinance Violations Bureau form accompanying a complaint issued under authority of this subchapter.
(Ord. 11-21-22, passed 11-21-2022)

§ 32.32 COMPLAINTS; HOW HANDLED.

(A) A complaint filed for the violation of any ordinance for which a fine of up to \$250 shall be imposed pursuant to this code shall be processed through the Bureau.

(B) The Ordinance Violations Bureau form accompanying complaints issued under authority of this subchapter shall specify the location where and the hours when the acceptance of written appearances, waivers of trial, and admissions of violations, and payments of civil penalties shall be made.
(Ord. 11-21-22, passed 11-21-2022)

§ 32.33 COMPLAINTS; ISSUANCE.

Any police officer shall issue complaints for violation of the town's ordinances and provide the necessary form to the person against whom the complaint is issued.
(Ord. 11-21-22, passed 11-21-2022)

§ 32.34 COMPLAINTS; TIME OF ADMISSION.

(A) (1) Any person against whom a complaint is issued pursuant to this subchapter shall appear at the Clerk-Treasurer's office to admit or deny the violation within 30 days after the issuance of the complaint, or shall have transmitted his or her admission and entire penalty payment or transmitted his or her written denial to the Clerk-Treasurer's office within said time frame.

(2) The Clerk-Treasurer shall accept admissions and any required payments or shall accept denials on Mondays through Thursdays, excluding holidays, from 9:00 a.m. until 3:00 p.m.

(B) After 30 days of the issuance of the complaint, the Bureau shall not accept admission of a violation or a payment of the civil penalty without the consent of the town's attorney, who may withhold that consent if the violation has been referred to the court for legal proceedings, or as otherwise determined by said attorney.
(Ord. 11-21-22, passed 11-21-2022)

§ 32.35 ENFORCEMENT.

This subchapter does not preclude the town from taking other legal action to enforce this code where the code provides for other enforcement options.

(Ord. 11-21-22, passed 11-21-2022)

CHAPTER 33: PERSONNEL POLICIES

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Substance Abuse Policy

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EMPLOYEE LEAVE**§ 33.001 LEAVE POLICY.**

Each employee of the town is entitled to sick leave, jury duty leave, and compassionate leave to the extent and under the conditions as hereinafter set in this subchapter.

(Prior Code, § 33.01) (Ord. passed 1-19-1988)

§ 33.002 JURY DUTY LEAVE.

(A) An employee who receives a jury summons shall immediately notify his or her immediate supervisor.

(B) Such employee will be allowed time off to report for duty when called and will receive regular, hourly compensation for the time absent.

(C) The amount paid for jury duty during this period will be subtracted from the employee's next regularly scheduled pay.

(Prior Code, § 33.02) (Ord. passed 1-19-1988)

§ 33.003 SICK LEAVE.

(A) Each employee is entitled to a total of ten days each year not worked because of hospitalization or confinement for medical treatment under a physician's care and will be paid for each of the ten days at the regular hourly rate for long-term sick leave. The period of long-term sick leave for any employee may be extended by the Town Council for an additional 20 days during any given year, subject however, to such wage reductions beginning on the fifteenth day of long term sick leave in any given year, as the Council shall impose. Each employee is entitled to the five days not worked for personal illness during any calendar year, during which period such employee will be paid at regular hourly rates. Such personal illness must be reported to the employee's immediate supervisor at least one hour prior to the time the employee is scheduled to report to work. Payment for personal illness must be approved by the Clerk-Treasurer or the Town Council member under whose supervision said employee works.

(1) The Town Council, in its discretion, shall have the ability to continue to pay a town employee that employee's regular wages or salary, or any part thereof, when the employee's spouse or child suffers serious illness.

(2) Type and severity of illness, the length of the employee's leave, and the percent of wages or salary that the town will continue to pay during any such period of leave shall be in the Town Council's sole discretion. Any payments made to a town employee in the event of a serious illness of the employee's spouse or child shall only be authorized by vote of the Town Council at a regular or duly called special meeting.

(3) If the Town Council authorizes payments to a town employee for a certain period of time, the Town Council may, acting at a regular or duly called special meeting, decide to terminate the payment to the town employee without continuing to make payments through the entire period of time that was earlier approved by the Town Council.

(B) Neither long-term sick leave days nor personal illness days can be accumulated from one calendar year to another.

(C) The Town Council may require a written verification by a physician that such employee is under his or her care for such employee to collect pay under the long-term sick leave provision of this section.

(Prior Code, § 33.03) (Ord. passed 1-19-1988; Res. 01-22-08A, passed 1-22-2008)

§ 33.004 COMPASSIONATE LEAVE.

(A) Each employee of the town will be excused from work from the date of the death of any member of the employee's immediate family through the date of the funeral ceremony. In addition, if the funeral ceremony takes place 300 miles from the town, the employee will be excused for one additional day. The employee will be paid at his or her regular hourly rate during the period of such absence.

(B) For the purpose of this section, *IMMEDIATE FAMILY* is defined as a spouse, child, parent, brother, sister, mother-in-law, father-in-law, grandparent, or grandchild of an employee, or any step-child, step-parent, step-brother, step-sister, step-grandparent, or step-grandchild of an employee. (Prior Code, § 33.04) (Ord. passed 1-19-1988; Ord. 7-20-04, passed 7-20-2004)

§ 33.005 HEALTH INSURANCE.

(A) Each town employee who works more than 30 hours per week is entitled to participate in any health insurance plan that has been established and obtained by the town. The cost of the employee's portion of the plan will be paid through payroll deduction once per pay period as follows.

(1) For each town employee participating who works more than 30 hours per week, 100% of the premium cost for each employee will be paid by the town.

(2) For each employee participating, 50% of the premium cost for each employee's spouse or dependents will be paid for by the town and the remaining amount to be paid by the employee.

(3) The premium costs to be paid by the town, however, whether 100% for the employee, or 50% for the employee's spouse or dependents, shall be based on non-smoker rates. Any increase in premium costs above non-smoker premium costs due to the employee, the employee's spouse, or the employee's dependent or dependents being a smoker shall be paid entirely by the employee.

(B) To be eligible for any health insurance plan established by the town, the employee must be employed by the town for at least three consecutive months. (Prior Code, § 33.05) (Ord. 6-16-1998B, passed 6-16-1998; Ord. 12-14-15, passed 12-14-2015)

§ 33.006 PAID TIME OFF.

(A) *Paid time off schedule.* All covered employees, excluding members of the Town Police Department, shall be credited with paid time off in accordance with the following schedule:

- (1) More than six months, but less than one year of employment: 20 hours;
- (2) One year of employment, but less than two years of employment: 40 hours;
- (3) Two years of employment, but less than five years of employment: 80 hours;
- (4) Five years of employment, but less than ten years of employment: 120 hours;
- (5) Ten years of employment, but less than 15 years of employment: 160 hours; and
- (6) Fifteen or more years of employment: 200 hours.

(B) *Probationary period.* All new employees will be under a probationary period for the first six months of their employment, starting with the first day on the job. During this probationary period, the employee will not be entitled to paid time off benefits.

(C) *Post-probationary period paid time off.* After the employee completes a six-month probationary period, the employee shall receive 20 hours of paid time off that shall be used between the date the probation period expired and December 31 in that same year. (For example, if an employee was hired on October 1, the employee's six-month probationary period would expire on March 31 of the following year. Then, for the period April 1 through December 31, the employee would be entitled to take 20 hours of paid time off.)

(D) *Paid time off schedule, how determined.* The paid time off schedule for 40 hours, 80 hours, 120 hours, 160 hours, and 200 hours is for uninterrupted service computed from January 1 of the year after the employee completes his or her six-month probationary period. (For example, if an employee is hired on March 1, the employee would earn 40 hours of paid time off as of January 1 of the following year. Therefore, from January 1 through December 31, the employee would be able to take 40 hours of paid time off.)

(E) *Unused paid time off.*

- (1) Employees are encouraged to use paid time off in the year it was earned.
- (2) An employee may roll over unused paid time off to the following year, but at no point shall an employee accumulate more than 80 hours of paid time off from prior calendar years.

(F) *Termination of employment.* An employee leaving the town's employment will receive a cash payment for unused paid time off, including any paid time off that was rolled over from prior calendar years.

(Prior Code, § 33.06) (Ord. 12-21-20, passed 12-21-2020)

*HOLIDAYS***§ 33.020 LEGAL HOLIDAYS.**

(A) (1) The Town Council shall, in the annual salary ordinance, designate the legal holidays for which all town officers and employees shall be compensated.

(2) Unless designated otherwise in the annual salary ordinance, town officers and town employees shall be compensated for the following holidays:

- (a) New Year's Day;
- (b) Martin Luther King, Jr. Day;
- (c) President's Day;
- (d) Good Friday;
- (e) Memorial Day;
- (f) Juneteenth;
- (g) Independence Day;
- (h) Labor Day;
- (i) Columbus Day;
- (j) Veteran's Day;
- (k) Thanksgiving Day;
- (l) Friday after Thanksgiving;
- (m) Christmas Eve;
- (n) Christmas Day; and
- (o) New Year's Eve.

(B) (1) When any of these holidays fall on Saturday or Sunday, the Council shall designate another day for the observance of that holiday.

(2) This section shall not affect any action taken by the Council while in regular or special session.

(3) Any action taken by the Council on any such holiday shall be valid for all purposes. (Prior Code, § 33.15) (Ord. 10-19-20A, passed 10-19-2020)

SOCIAL SECURITY

§ 33.035 SOCIAL SECURITY COVERAGE.

(A) The Council elects coverage under the Old-Age and Survivor's Insurance as provided by I.C. 5-10.1-2-1 et seq., as amended and as implemented by regulations of the state agency.

(B) All employees shall be covered except:

- (1) Those rendering services of an emergency nature;
- (2) Those with part-time positions. For example, those requiring 600 hours per year or less;
- (3) Positions for which compensation is on a fee basis; and/or
- (4) Town Council members.

(C) (1) For the purpose of carrying out the provisions of 42 U.S.C. §§ 301 et seq., as amended, the agreement entered into between the state agency with the approval of the Governor and the Social Security Administrator is made a part of this section and shall constitute an integral part of the federal agreement between the town and the state agency, and shall become part of the agreement or modification of the agreement between the state and the Social Security Administrator.

(2) The Council explicitly agrees that it will fully perform the obligation of a political subdivision under said federal-state agreement and I.C. 5-10.1-2-1 et seq., as amended and as implemented by regulations of the state agency. (Prior Code, § 33.25)

COMPENSATION**§ 33.050 PAYROLL POLICY.**

(A) The regular pay day each week is Thursday with the following exceptions.

(1) When a holiday falls on Thursday or a Thursday and Friday (Thanksgiving week), pay day will be the last day prior to the holiday, and the pay check will be dated that day.

(2) Anyone taking a vacation who would like to receive the vacation pay along with his, her, or their regular pay that week needs to give at least three days' prior notice to the payroll personnel.

(3) Anyone taking a vacation day on a Thursday who wants his, her, or their paycheck earlier that week must give three days' prior notice to the payroll department.

(B) All pay checks, both those requested early and regular pay, will be available by close of office hours on the pay day, barring no emergency or abnormal conditions which would prevent it.

(C) The Clerk-Treasurer has discretion to issue payroll checks early, when requested by an employee, because of an emergency.

(D) At the employee's request, and at the town's discretion, the town may, if authorized by the Town Council, allow an employee to draw a full-time salary or be paid full-time wages when the employee works less than full time. This shall be accomplished by allowing the employee to supplement hours actually worked with comp time that the employee has accumulated. This division (D) shall be retroactive to August 1, 2020.

(Prior Code, § 33.35) (Res. 12-19-00-A, passed 12-27-2000; Ord. 03-20-12A, passed 3-20-2012; Ord. 5-17-21, passed 5-5-2021)

§ 33.051 TRAVEL REIMBURSEMENT.

The town shall reimburse its employees for the use of their personal automobiles when these automobiles are utilized for town business in an amount equal to the standard mileage rate for such use at the maximum amount approved from time to time by the Internal Revenue Service. Reimbursements for such business use shall be \$0.555 per mile for all business miles, and this rate shall be utilized until a new rate is established by the Internal Revenue Service, at which time the reimbursement rate will change to reflect the current Internal Revenue Service rate.

(Prior Code, § 33.36) (Ord. 9-20-11-A, passed 9-20-2011)

SAFETY PROCEDURES

§ 33.065 EMPLOYEE RESPONSIBILITIES.

(A) All employees have a responsibility to themselves for their own safety. In addition, they have a responsibility to their family, fellow workers, and to the town. Therefore, they must obey safe-practice rules and instructions relating to efficient performance of work. Safe and efficient operations are reached only when all employees are safety-conscious and keenly alert both mentally and physically. Employees are charged to:

- (1) Comply with the supervisor's instructions;
- (2) Work in a safe, productive manner and maintain a safety awareness at all times;
- (3) Properly operate and maintain assigned vehicles/equipment and report defects;
- (4) Report accidents, injuries, and incidents immediately;
- (5) Wear proper and required clothing and protective equipment;
- (6) Maintain themselves in proper physical condition to safely perform work; and

(7) Use good common sense, both on and off the job. The town, as well as the employee and the employee's family, suffer if the employee is involved in an accident or injury.

(B) Anytime an employee is involved in any type of accident, he or she is to fill out an accident report immediately and advise the Town Hall Administration Department, whether or not he or she feels it is necessary.

(Prior Code, § 33.45) (Ord. 10-21-97, passed 10-21-1997)

§ 33.066 SUPERVISORY RESPONSIBILITIES.

(A) A supervisor is equally responsible for the safety of his or her employees and for their work. No job is so important or urgent that time cannot be taken to do it in a safe manner.

(B) (1) It is the supervisor's responsibility to ensure that vehicles and equipment are properly operated and maintained, and that any damage is minimized.

- (2) Equipment will be treated as if it was individually owned.

(C) (1) Do not use defective equipment.

(2) Equipment will not be used if its condition poses a hazard to any employee, the public, or when continued use may cause further damage.

(D) Supervisors will analyze work in advance to determine the safe, economical procedure and physical protection necessary to perform each operation. They will also be responsible for making sure that all necessary protection is obtained, maintained, and used throughout the operation.

(E) (1) It is the supervisor's responsibility to ensure that workers are properly trained.

(2) The supervisor is also responsible for assigning qualified workers to each job so that all tasks may be performed in a productive and safe manner.

(F) Supervisors will ensure that new employees assigned to unfamiliar work receive specific instructions on the precautions to be observed and advise new employees of the location of safety equipment.

(G) It is the supervisor's responsibility to see that department safety regulations are complied with at all times, except when compliance with a particular regulation might, under unusual circumstance, constitute more of a hazard. Responsibility for such exceptions rests directly upon the supervisor.

(H) When a supervisor feels that a particular assignment will expose his or her workers to unusual hazards, he or she will report the condition to his or her supervisor and make plans to reduce the hazards or increase the protection.

(Prior Code, § 33.46) (Ord. 10-21-97, passed 10-21-1997)

§ 33.067 GOOD HOUSEKEEPING.

(A) After any project in the garage or on highway premises, sweep, clean, or pick up any parts or objects that are left over.

(B) After oil changes and servicing of vehicles, dispose of oil and filter in the proper manner and sweep out service area.

(C) Good housekeeping also includes the vehicle or piece of equipment the employee is operating. All vehicles or equipment used must be kept clean and free of debris at all times.

(Prior Code, § 33.47) (Ord. 10-21-97, passed 10-21-1997)

§ 33.068 HEARING PROTECTION.

Ear protection devices are available to any employee who feels that the noise level of an operation is hazardous to his or her hearing.

(Prior Code, § 33.48) (Ord. 10-21-97, passed 10-21-1997)

§ 33.069 EYE PROTECTION.

(A) Eye protection will be worn by all personnel when there is a reasonable probability of injury that could be prevented by such equipment.

(B) Eye protection must be worn, but not limited to, the following operations and equipment: tree and brush trimming with a chain saw, weed eating, grinders, chippers, power washer/steam cleaner, cutting torch, or welding, or any equipment which may cause hazards to the eyes.

(Prior Code, § 33.49) (Ord. 10-21-97, passed 10-21-1997)

§ 33.070 HARD HATS.

Hard hats must be worn by employees performing duties in which they are exposed to flying and falling objects such as, but not limited to, tree cutting, pipe work, excavation, and any equipment working overhead.

(Prior Code, § 33.50) (Ord. 10-21-97, passed 10-21-1997)

§ 33.071 VESTS.

Fluorescent orange vests will be worn at all times while engaged in operation upon or adjacent to roads and streets open to traffic.

(Prior Code, § 33.51) (Ord. 10-21-97, passed 10-21-1997)

§ 33.072 SAFETY BELTS.

Safety belts will be worn by all employees and passengers in all trucks and passenger vehicles where seat belts are available.

(Prior Code, § 33.52) (Ord. 10-21-97, passed 10-21-1997)

§ 33.073 SHOES.

(A) **WORK SHOES**, for shop and field personnel, are defined as sturdy, hard sole shoes. Specifically excluded from this definition are tennis, fabric, or similar shoes.

(B) Work shoes shall be worn by all personnel when there is a reasonable possibility of injury that can be prevented by the wearing of such protective equipment.

(C) Office personnel shall wear shoes appropriate for office types of duties.
(Prior Code, § 33.53) (Ord. 10-21-97, passed 10-21-1997)

§ 33.074 WORK ATTIRE.

All employees shall wear attire appropriate for their job. For field personnel, guidelines are shirt or blouse with sleeves and long pants or trousers. Tank tops, sleeveless shirts, shorts, and cutoffs are not considered appropriate work attire for field personnel. Office and other personnel should use good discretion in their work attire with proper consideration for safety hazards in their jobs.

(Prior Code, § 33.54) (Ord. 10-21-97, passed 10-21-1997)

§ 33.075 OPERATING RESPONSIBILITY.

(A) Each vehicle or piece of equipment is the responsibility of the person who is operating the vehicle or equipment.

(B) Be sure to check fluid levels (oil, grease, and fuel) in all vehicles or equipment used by the employee.

(Prior Code, § 33.55) (Ord. 10-21-97, passed 10-21-1997)

§ 33.076 USE OF TRENCHING AND EXCAVATIONS: OSHA CONSTRUCTION STANDARD.

(A) The use of the attached Occupational Safety and Health Act entitled “Trenching and Excavations OSHA Construction Standard Final Rule” shall be used in preventing cave-ins as applicable for digging activities.

(B) Employees involved in activities where this standard is applicable shall read the standard, become acquainted with the standard, and apply the standard as applicable when digging activities are required.

(Prior Code, § 33.56) (Ord. 10-21-97, passed 10-21-1997)

§ 33.077 SAFETY CONTROL DEVICES.

Be sure the employee has traffic control devices out before starting any project and uses all safety devices needed to do the job (such as safety lift devices, air quality devices, and the like).
(Prior Code, § 33.57) (Ord. 10-21-97, passed 10-21-1997)

§ 33.078 INTOXICANTS AND NARCOTICS.

(A) Alcohol beverages or illegal narcotics will not be brought onto the grounds owned or operated by the town. Such substances will not be transported in any vehicle owned by the town.

(B) Supervisors will not allow an employee to commence work operations if the employee reports to work in an apparent intoxicated condition, or in a condition which, in the supervisor's opinion, might jeopardize the safety of any employee, or the public.

(C) Persons under the influence of any intoxicant or narcotic will not attempt to drive or operate a piece of equipment or vehicle owned by the town. Some prescribed drugs and over the counter drugs may pose a hazard to the safe operation of equipment.
(Prior Code, § 33.58) (Ord. 10-21-97, passed 10-21-1997)

§ 33.079 DISCIPLINARY PROCEDURES.

Any employee violating the preceding safety policies shall be disciplined as follows:

- (A) First offense: verbal warning;
- (B) Second and third offense: written warnings;
- (C) Fourth offense: one day off (no pay);
- (D) Fifth offense: three days off (no pay); and

(E) Sixth offense: termination of employment.
(Prior Code, § 33.59) (Ord. 10-21-97, passed 10-21-1997)

§ 33.080 EMPLOYEE ACKNOWLEDGMENT.

Each employee, both at the time this policy is approved by the Town Council and henceforth as new persons become employees of the town, shall be given a copy of this policy and shall sign an employee

acknowledgment form, a copy of which is attached to Ordinance 10-21-97. This signed form shall be maintained in the files of the town for a period of five years after the person has left the employment of the town.

(Prior Code, § 33.60) (Ord. 10-21-97, passed 10-21-1997)

EMPLOYEE CONDUCT

§ 33.095 BEHAVIOR OF EMPLOYEES.

In regulating the behavior of its employees, the town has classified offenses as first, second, and third level offenses based upon the seriousness of the offense. These classifications are provided only to illustrate procedures which generally will be followed in respect to misconduct. This classification system does not limit the town's discretion in exercising discipline it finds appropriate, based on the severity of misconduct or the totality of circumstances.

(Prior Code, § 33.70) (Res. passed 1-21-1997)

§ 33.096 DEALING WITH INFRACTIONS.

The following conduct is prohibited and will subject an employee to disciplinary action up to and including termination. This list is not intended to be all-inclusive or to in any way limit rules, guidelines, or restrictions set forth by the Town Council.

(A) *Group 1 offenses.*

- (1) Failure to report to work within a reasonable time after calling in late;
- (2) Habitual tardiness;
- (3) Discourteous treatment of colleagues or the public;
- (4) Neglect, failure, or carelessness in signing or ringing in or out for work;
- (5) Failure to cooperate with other employees, as required by job duties;
- (6) Malicious mischief or other undesirable conduct, including the use of profane or abusive language;

- (7) Failure to report accidents, injury, or equipment damage;
- (8) Unsatisfactory work or failure to maintain a required standard of work performance;
- (9) Misuse of breaks, wasting time, or loitering;
- (10) Failure to follow smoking guidelines;
- (11) Failure to observe town parking regulations; and
- (12) Failure to attend mandatory meetings/training without prior permission.

(B) *Group 1 disciplines.*

- (1) First offense: verbal warning;
- (2) Second offense: written reprimand;
- (3) Third offense: three day suspension without pay;
- (4) Fourth offense: ten day suspension without pay; and
- (5) Fifth offense: termination.

(C) *Group 2 offenses.*

- (1) Leaving the job/work area during regular working hours without authorization;
- (2) Threatening, intimidating, coercing, or interfering with subordinates or other employees;
- (3) Obligating the town for expense, service, or performance without prior authorization;

(4) Conduct violating morality/common decency, for example, **SEXUAL MISCONDUCT/HARASSMENT** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. **PROHIBITED CONDUCT OF THE PHYSICAL OR VERBAL NATURE** is defined as any conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;

- (5) Unauthorized use of town property or equipment;

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- (6) Performing private work on town time;
- (7) Willful failure to ring in and out as required;
- (8) Making or publishing false, vicious, or malicious statements concerning other employees, supervisors, the town, or its operation;
- (9) Failure to report for overtime work, without good reason, after being scheduled to work.
- (10) Willful failure to make required reports;
- (11) Giving false information or testimony during a complaint or grievance investigation, or during any type of public hearing;
- (12) Unauthorized posting, removal, or alteration of notices or signs from town/court bulletin boards;
- (13) Distributing or posting written or printed matter of any description without authorization;
- (14) Willful disregard of rules, procedures, or policies; and
- (15) Disobeying a reasonable directive of a supervisor.

(D) *Group 2 disciplines.*

- (1) First offense: three days without pay;
- (2) Second offense: ten days without pay; and
- (3) Third offense: reduction in pay and/or position termination.

(E) *Group 3 offenses.*

- (1) Being in possession of or drinking alcoholic beverages during the work shift;
- (2) Illegal possession/use of controlled substances or sale of such;
- (3) Carrying/possession of firearms on town property without proper authorization;
- (4) Wanton or willful neglect in the performance of assigned duties or in the care, use, and custody of any town property or equipment;

- (5) Abuse or deliberate destruction in any manner of town property, tools, equipment, and the like, or the property of other employees;
- (6) Unauthorized use of audio, visual, metering, monitoring, or recording devices;
- (7) Altering of one's own time card/time sheet;
- (8) Giving false information/withholding pertinent information called for in making application for employment;
- (9) Making false claims or misrepresentations in an attempt to obtain town benefits;
- (10) Stealing, destroying, damaging, or concealing property of the town, employees, or residents;
- (11) Fighting or attempt to injure other employees, supervisors, or members of the public;
- (12) Knowingly concealing a communicable disease which could endanger other employees, except those protected by federal law;
- (13) Misuse or removal of town records without prior authorization;
- (14) Refusal to return to work or to work a scheduled shift, for example, if the employee is already scheduled and the employee refuses to work that shift, it is a violation. If it is unscheduled, the supervisor should call the employee and ask if the employee can work the shift. Supervisors will try to give 24 hours' notice if possible; and
- (15) Concerted curtailment, restriction, or interference with work in or about the town and/or its work sites.

(F) *Group 3 disciplines.*

- (1) Any appropriate discipline, including termination, as covered in division (C) above;
- (2) At the request of the employee, verbal warnings may be removed from the employee's file after one year of the warning being rectified after supervisory review;
- (3) At the request of the employee, written warnings may be removed from the employee's file after two years with supervisory review;

(4) In every organization, there can be honest differences of opinion about working conditions, discipline, rules, and other job-related matters. Problems should be discussed as they occur to resolve the situation;

(5) If an employee has a work problem or complaint, the employee should discuss it with the supervisor in a frank and open manner;

(6) If the supervisor and the employee are unable to reach a satisfactory solution, the employee may request a meeting with the department commissioner. The department commissioner will meet with the employee and the supervisor to review the matter in question and render a decision;

(7) In situations where major differences still exist after the meeting with the department commissioner, the employee may request a meeting with the Town Council and supervisor to review the situation and render a decision;

(8) In case of a job-related problem, the employee should see his or her immediate supervisor, who in turn will go through the chain of command; and

(9) The chain of command is as follows: employee, supervisor, department commissioner, Town Council.

(Prior Code, § 33.71) (Res. passed 1-21-1997)

NEPOTISM

§ 33.110 TOWN NEPOTISM POLICY.

(A) *Purpose.* Decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the town in a position in which a relative, as defined in division (B) below, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the town for goods, services, and public works projects.

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

BREAK IN EMPLOYMENT. Termination, retirement, or resignation of an employee from the town. A ***BREAK IN EMPLOYMENT*** does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: Vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the town without loss of payroll time.

DIRECT LINE OF SUPERVISION. An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect shall include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Town Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.

ELECTED OFFICIAL. The Town Council and Town Clerk-Treasurer.

EMPLOYEE. An individual who works for or is appointed to any department or board of the town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

MEMBER OF THE FIRE DEPARTMENT. The Fire Chief and any firefighter appointed to the Town Fire Department.

MEMBER OF THE POLICE DEPARTMENT. The Town Marshal and any police officer appointed to the Town Police Department.

RELATIVE. For the purposes of this section, the term includes any of the following:

- (a) Spouse;
- (b) Parent or step-parent;
- (c) Child or step-child (includes an adopted child);
- (d) Niece or nephew;
- (e) Aunt or uncle;
- (f) Daughter-in-law or son-in-law; and
- (g) Sister-in-law or brother-in-law.

TOWN. The Town of Edgewood and its boards and departments.

(C) *Employment policy.*

(1) Individuals who are relatives, as defined in division (B) above, of existing employees shall not be employed by the town in a position that results in one relative being in the direct line of supervision of the other relative.

(2) An individual who is employed by the town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined in division (B) above, with the town.

(3) If an individual is employed by the town, and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the town and retain his or her position or rank, even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

(4) When an individual is employed by the town, and the individual's relative begins serving a term of elected office, the individual may continue his or her employment with the town, but that individual shall not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

(D) *Contracting policy.* The town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(1) The elected official files with the town a full disclosure which must be:

(a) In writing;

(b) Describe the contract or purchase to be made by the town; and

(c) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services, or public works projects.

(2) The appropriate town board or department:

(a) Issues a written statement, to be filed with the town, that the contract amount or purchase price was the lowest amount or price bid offered; or

(b) Issues a written statement, to be filed with the town, detailing the reasons why the particular vendor or contractor was selected.

(3) The town satisfies all other requirements of the state's public purchasing (I.C. 5-22) or public works projects (I.C. 36-1-12) statutes; and

(4) The elected official complies with disclosure provisions.

(E) *Submission of compliance statements.* In addition to any other disclosures or certifications required by this section, the following actions must be taken.

(1) The annual report filed by the town with the State Board of Accounts under I.C. 5-11-13-1 must include a statement that the town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(2) Prior to December 31 of each year, each elected officer shall submit to the President of the Town Council a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the town's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(Prior Code, § 33.80) (Ord. 06-11-12, passed 6-11-2012)

SUBSTANCE ABUSE POLICY

§ 33.125 ADOPTION BY REFERENCE.

(A) The health and safety of the employees of the town is of great concern to the town, and drug or alcohol use may pose a serious threat to the employees of the town. Therefore, it is the policy of the town to prevent substance use or abuse from having an adverse effect on their employees.

(B) The substance abuse policy is adopted and incorporated as part of this code of ordinances as fully as if set forth herein.

(Prior Code, § 33.90) (Ord. passed 6-4-2014)

FLEXIBLE BENEFIT PLAN

§ 33.140 ADOPTION OF FLEXIBLE BENEFIT PLAN.

The town adopts the Town Flexible Benefit Plan, as amended and restated, effective January 1, 2019.

(Prior Code, § 33.100) (Adopted January 2019)

CHAPTER 34: TOWN FINANCES; FUNDS

Section

General Provisions

- 34.001 Dishonored checks
- 34.002 Lien and assessment certificates
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Funds

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Purchasing

- 34.045 Purchasing Agency
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- 34.060 Definitions and provisions
- 34.061 Recording and accounting
- 34.062 Safeguarding of assets

Internal Control Standards

- 34.075 Internal Control Standards

GENERAL PROVISIONS**§ 34.001 DISHONORED CHECKS.**

(A) The town will accept only checks drawn on the account of the individual issuing the check. The check shall be accepted by the town only upon proper identification of the individual issuing the same. Furthermore, the town, through its agents, may, for any reason in the sole discretion of the agent to whom the check is presented, refuse to accept the check.

(B) In the event that a check issued by an individual or an entity indebted to the town be returned to the town unpaid, the individual and/or entity issuing the check shall be charged a \$27.50 fee, which shall be collected by the Clerk-Treasurer.

(Prior Code, § 34.01) (Ord. 6-19-01A, passed 6-19-2001; Ord. 2-17-15, passed 2-17-2015)

§ 34.002 LIEN AND ASSESSMENT CERTIFICATES.

(A) The Clerk-Treasurer is authorized to collect a fee from each applicant for a certificate listing liens and assessments, if any, upon real estate in the town.

(B) The fee charged shall be \$10.

(C) The fees collected shall be deposited in the proper town account, and a proper record shall be kept by the Clerk-Treasurer of all collections so made, and from whom, so that a proper account can be made at all times to the Town Council, to the State Board of Accounts, and to any other persons concerned.

(Prior Code, § 34.02)

§ 34.003 PROMOTIONAL ACCOUNT.

(A) The Town Council is authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the town.

(B) Expenditures from this fund shall include, but are not necessarily limited to, the following:

(1) Membership dues in local, regional, state, and national associations of a civic, educational, or governmental nature, which have as their purpose the betterment and improvement of town operations;

(2) Direct expenses for travel, meals, and lodging in conjunction with town business or meetings, or organizations to which the town belongs;

(3) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals, and travel;

(4) Commemorative plaques, certificates, or objects such as commemorative keys; and

(5) Other purposes which are deemed by the Council to directly relate to the promotion or betterment of the town.

(C) (1) No expenses shall be allowed from the fund without prior authorization and approval of the Council.

(2) Claims for expenses under this section will be allowed as prescribed by law.
(Prior Code, § 34.03)

§ 34.004 DEFERRED COMPENSATION PLAN.

(A) The Town Council adopts the U.S. Conference of Mayors Deferred Compensation Program and its attendant investment options, and establishes a Deferred Compensation Plan for the voluntary participation of all eligible city employees, elected officials, and independent contractors.

(B) (1) The Clerk-Treasurer is authorized to execute for the town individual participation agreements with each said employee requesting same, and to act as the administrator of the plan representing the town, and to execute such agreements and contracts as are necessary to implement the program.

(2) It is implicitly understood that, other than the incidental expenses of collecting and disbursing the employee's deferrals and other minor administrative matters, that there is to be no cost to the town for the program.

(Prior Code, § 34.04) (Res. passed 10-18-1994)

§ 34.005 FIRE DEPARTMENT AND AMBULANCE USER FEE.

(A) The town imposes a Fire Department and ambulance user fee. The purpose of said fee is to help defray the costs and expenses that will be incurred by the Town Fire Department in providing fire suppression services and ambulance services to town residents.

(B) The Fire Department and ambulance user fee shall be deposited in the town's non-reverting Fire Department and Ambulance Fund, and shall be disbursed in compliance with the requirements of the ordinance that established said fund.

(C) The Fire Department and ambulance user fee is set at the rate of \$5 per month, and shall be paid by the owner, tenant, or occupant of each parcel of improved real estate located within the town, on a monthly basis, in addition to the water and/or sewer fee that is assessed against each such parcel by the town.

(D) Said Fire Department and ambulance user fee shall be advertised pursuant to state law, and shall begin on April 1, 2013, or as soon thereafter as permitted by state law.
(Prior Code, § 34.05) (Ord. 01-14-13, passed 2-11-2013)

FUNDS

§ 34.020 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) The Town Council creates the Cumulative Capital Improvement Fund.

(B) All distributions received from the Cumulative Capital Improvement Fund of the State Cigarette Tax Fund shall be deposited in the Cumulative Capital Improvement Fund.

(C) (1) Disbursements from the fund shall be made only for the construction or improvement of any town-owned property, including, but not limited to, streets, thoroughfares, and sewers.

(2) Disbursements shall also be made to retire any general obligation bonds of the town issued for the construction of improvements which would qualify for use of such funds.

(D) No disbursements shall be made from the fund for the salaries of any employees or public officials except for expenses directly chargeable to the improvements listed in division (C) above. (Prior Code, § 34.15)

§ 34.021 PUBLIC EMPLOYEES' RETIREMENT FUND.

(A) The town elects to become a participant in the Public Employees' Retirement Fund, as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto, as currently set forth in I.C. 5-10.3-2-1 et seq.

(B) The town agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act."

(C) The following positions are declared to be covered by the fund:

- (1) Clerk-Treasurer;
- (2) Deputy Clerk-Treasurer;
- (3) Water Superintendent;
- (4) Assistant Water Superintendent;
- (5) General Utility;
- (6) Town Marshal;
- (7) Chief Deputy Marshal; and
- (8) Police officers.

(D) It is declared that none of the classifications or positions specified in division (C) above are compensated on a fee basis or of an emergency nature, or in a part-time category.

(E) The active participating membership of the town shall begin on January 1, 1994.

(F) This section shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in division (E) above.

(G) The Clerk-Treasurer and Deputy Clerk-Treasurer are fully authorized and empowered to act on behalf of and in the name of the town, as its agent, to accept pension liability, pursuant to I.C. 5-10.2-3-1, and further to execute and deliver documents related to the Public Employees' Retirement Fund of Indiana. This section will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund (PERF).

(Prior Code, § 34.16) (Res. passed 10-19-1993)

§ 34.022 RESTRICTED DONATION FUNDS.

(A) The Town Council creates the following restricted donation funds. Private donations can be accepted for the following purposes and must be handled in the following method.

(1) *Donations for law enforcement and police equipment.* Monies received and designated for law enforcement can be used for the promotion of law enforcement and/or to purchase, repair, or improve police equipment for the Police Department.

(2) *Donations for the Fire Department.* Monies received and designated for the Fire Department can be used for firefighting equipment, fire prevention education, reimbursement to fire personnel for department-related expenditures, flowers for ill or deceased firefighters, food and drinks for meetings and fires, supplies and materials necessary for firefighters' sustenance, and for expenditures for the fire station, meeting facilities, and general miscellaneous upkeep.

(3) *Donations for town administration.* Monies received and designated for town administration can be used for the promotion of town administration and/or to purchase, repair, or improve town administrative equipment for the town.

(B) Donations received can be expended only for the purposes herein above specified, without appropriation, but upon the submission of a claim approved by the Town Marshal in the instance of items for the Police Department, by the Fire Chief for items for the Fire Department, and by the Clerk-Treasurer in the instance of items for the town administration and filed in the regular legal manner before distribution can be made from the fund.

(C) No funds shall revert to the town's General Fund, and no disbursements shall be made from the restricted donation funds for the salaries of any officials or employees of the town except for expenses directly chargeable to the improvements listed in division (A) above.

(D) (1) Donations to be paid to the fund are to be paid in the form of cash, check, or money order payable to the Edgewood Restricted Donation Fund and should designate “police,” “fire,” “court,” or “town” donation.

(2) The Clerk-Treasurer is the custodian of funds for the town.
(Prior code, § 34.17) (Ord. 6-18-1996C, passed 6-18-1996; Ord. 8-20-02A, passed 8-20-2002)

§ 34.023 ENHANCEMENT FUND.

(A) There is created a fund within the town, which shall be designated the Enhancement Fund, and which shall be empowered to receive, retain, and disburse funds to support and improve the town’s beautification efforts, park system, landscaping, and capital assets.

(B) The Enhancement Fund shall be established, operated, and all of its records shall be maintained in compliance with all relevant state statutes and the State Board of Accounts requirements.
(Prior Code, § 34.18) (Ord. 8-19-03, passed 8-19-2003)

§ 34.024 RIVER BOAT FUND.

(A) There is created a fund within the town, which shall be designated the River Boat Fund, and which shall be the repository of monies generated by river boat revenues that are allocated to the town.

(B) Commencing in 2004, such fund shall be designated in the town’s budget, and monies shall be appropriated therefrom as part of the town’s annual budget process.

(C) Such River Boat Fund shall be established, operated, and all of its records maintained in compliance with all relevant state statutes and the State Board of Accounts requirements.
(Prior Code, § 34.19) (Res. 8-19-03B, passed 8-19-2003)

§ 34.025 RAINY DAY FUND.

(A) The town, pursuant to I.C. 36-1-8-5.1, establishes a Rainy Day Fund.

(B) The purpose of said fund is to establish a reserve of monies that can be expended for any legitimate emergency purpose, as determined by the Town Council, pursuant to the same appropriation process as other town funds that receive tax money.

(C) The source of revenue for said fund shall be the County Economic Development Income Tax, unused and unencumbered funds, the transfer of which is authorized by the Town Council, or any other funding source authorized by law.

(Prior Code, § 34.20) (Ord. 01-22-08A, passed 1-22-2008)

§ 34.026 CUMULATIVE EQUIPMENT FUND.

(A) Pursuant to I.C. 36-8-14-1 et seq., the Town Council established a Cumulative Firefighting Equipment Fund for the purpose of purchasing firefighting equipment for use by the town's Volunteer Firefighting Department.

(B) Said cumulative fund shall also be used, on behalf of the Volunteer Fire Department, for such other purposes as authorized by I.C. 36-8-14-2, including the renovation, addition, or remodeling of any buildings used to house the Volunteer Fire Department.

(C) The Town Council shall levy tax on all property within the taxing district in compliance with I.C. 6-1.1-41, but any such levy shall not exceed the allowable rate permitted by I.C. 36-8-14-4.

(Prior Code, § 34.21) (Ord. 01-22-08B, passed 2-19-2008)

§ 34.027 USER FEE FUND.

(A) The town, pursuant to I.C. 33-37-8-3, establishes a User Fee Fund in conjunction with the town's deferral program.

(B) The purpose of the User Fee Fund is to provide a means by which the town can receive and disburse user fees that are lawfully collected by the Clerk-Treasurer as part of the town's deferral program. The User Fee Fund shall be administered by the Fiscal Officer of the town, who shall maintain appropriately detailed records of all deposits and all disbursements from the User Fee Fund. Monies shall be disbursed from the User Fee Fund for the cost and expense of running the town's deferral program, the Town Police Department, and the Town Legal Department, or any other purpose authorized by state law.

(Prior Code, § 34.22) (Ord. 04-21-09, passed 4-21-2009)

§ 34.028 CASINO FUND.

(A) The town, pursuant to I.C. 36-1-8-9.2, establishes a Casino Fund, which shall be separate from the town's General Fund, and into which shall be deposited any revenues received under I.C. 4-35-8.5.

(B) The funds so received shall be used for any legal purpose of the town, and the fund shall be administered by the Clerk-Treasurer. Any expenses incident to the administration of the fund shall be paid from monies within the fund.

(C) Any monies in the fund at the end of the town's fiscal year shall not revert to the town's General Fund.

(Prior Code, § 34.23) (Ord. 07-21-09, passed 8-18-2009)

§ 34.029 FIRE DEPARTMENT AND AMBULANCE FUND.

(A) The town establishes a Fire Department and Ambulance Fund, which shall be separate from the town's General Fund, and into which shall be deposited any fees generated or received as the result of ambulance services provided by the town's Volunteer Fire Department.

(B) The funds so received shall be used exclusively for costs and expenses that relate to the town's Fire Department and ambulance service, which shall include, but which shall not be limited to, training of personnel, the purchase or lease of equipment, the maintenance of equipment and/or vehicles, the purchase of supplies, the purchase of uniforms, and the payment of sub-contractors who assist with or provide any of the above-described items.

(C) The Fire Department and Ambulance Fund shall be operated pursuant to state law, and in accordance with all applicable standards adopted by the State Board of Accounts, and shall be administered by the Clerk-Treasurer of the town subject to approval of expenditures by the Town Council. The Clerk-Treasurer shall maintain appropriately detailed records of all deposits and disbursements from said Fire Department and Ambulance Fund. Monies shall also be disbursed from said fund on an emergency basis, subject to approval of the Clerk-Treasurer of the town, but any such emergency expenditures shall be approved by the Town Council at its next regular meeting. Any expenses incident to the administration of the fund shall be paid from monies within the fund.

(D) Any monies in the Fire Department and Ambulance Fund at the end of the town's fiscal year shall not revert to the town's General Fund.

(Prior Code, § 34.24) (Ord. 11-20-12A, passed 11-20-2012)

§ 34.030 LOIT SPECIAL DISTRIBUTION FUND.

(A) The sources of funding for the newly established fund are a special distribution of Local Option Income Tax, pursuant to Senate Enrolled Act 67, and any other funding source not specifically prohibited by law.

(B) Expenditures from said fund are restricted to allowable purposes, all as set out in I.C. 6-3.6-9-17(h)(1)(A), as follows:

(1) Engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

(2) The payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;

(3) Any local costs required to undertake a recreational or reservoir road project under I.C. 8-23-5;

(4) The purchase, rental, or repair of highway equipment;

(5) Providing a match for a grant from the local Road and Bridge Matching Grant Fund under I.C. 8-23-30; and

(6) Capital projects for aviation-related property or facilities, including capital projects of a Board of Aviation Commissioners established under I.C. 8-22-2 or an airport authority established under I.C. 8-22-3-1.

(C) Said fund shall be subject to the same appropriation process as other municipal funds. (Prior Code, § 34.25) (Ord. 071816, passed 7-18-2016)

§ 34.031 SEWER CASH RESERVE FUND.

(A) The town establishes a Sewer Cash Reserve Fund.

(B) Said Sewer Cash Reserve Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts.

(Prior Code, § 34.26) (Ord. 11-12-18-B, passed 11-12-2018)

§ 34.032 WATER CASH RESERVE FUND.

(A) The town establishes a Water Cash Reserve Fund.

(B) Said Water Cash Reserve Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts.

(Prior Code, § 34.27) (Ord. 11-12-18C, passed 11-12-2018)

§ 34.033 DRAINAGE UTILITY FUND.

(A) The town establishes a Drainage Utility Fund.

(B) Said Drainage Utility Fund shall, in all respects, be operated in compliance with applicable state laws, regulations, and pursuant to any requirements set out by the State Board of Accounts.
(Prior Code, § 34.28) (Ord. 11-2-18A, passed 11-12-2018)

§ 34.034 ARPA CORONAVIRUS LOCAL FISCAL RECOVERY FUND.

(A) The town establishes a local ARPA Coronavirus Local Fiscal Recovery Fund.

(B) The town shall use any monies it receives from the American Rescue Plan Act for any and all purposes set out in § 603(c)(1) of the Social Security Act, as amended by § 9901 of the American Rescue Plan Act of 2021, which purposes are adopted herein by reference.

(C) For accounting and distributing purposes, the town shall deposit any monies it receives for the American Rescue Plan Act in a Lost Revenue Fund from which appropriations shall be made, pursuant to its usual procedures, the normal claims process, and in accordance with State Board of Accounts guidelines.
(Ord. 06-20-22, passed 6-20-2022)

PURCHASING

§ 34.045 PURCHASING AGENCY.

(A) The Town Council is established as the Purchasing Agency for the town.

(B) The Purchasing Agency shall have all the powers and duties authorized under I.C. 5-22, as shall be supplemented from time to time by ordinances adopted by the Council and policies adopted by the Purchasing Agency.

(C) The Purchasing Agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council, department, or other establishment of the town.

(D) The Purchasing Agency shall designate in writing any employee of the town as a Purchasing Agent.
(Prior Code, § 34.30) (Ord. 7-21-1998A, passed 7-21-1998)

§ 34.046 PURCHASING AGENT.

(A) The Town Council establishes the Clerk-Treasurer as the Purchasing Agent for the town.

(B) The Purchasing Agent shall have all the powers and duties authorized under I.C. 5-22, as shall be supplemented from time to time by ordinances adopted by the Council and policies adopted by the Purchasing Agency.

(C) The Purchasing Agent shall act as the purchasing agent for every agency, board, office, branch, bureau, commission, council, department, or other establishment of the town.

(D) The Purchasing Agent shall designate in writing any employee of the town as a purchasing agent.

(Prior Code, § 34.31) (Ord. 7-21-1998B, passed 7-21-1998)

§ 34.047 PURCHASE OF SUPPLIES UNDER \$25,000.

The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(Prior Code, § 34.32) (Ord. 7-21-1998C, passed 7-21-1998)

§ 34.048 PURCHASE OF SERVICES.

It is determined that each agency and/or department shall purchase services in whatever manner the purchaser determines to be reasonable.

(Prior Code, § 34.33) (Ord. 7-21-1998D, passed 7-21-1998)

§ 34.049 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the town determines:

(A) The supplies are not manufactured in the United States in reasonably available quantities;

(B) The price of supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;

(C) The quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or

(D) The purchase of supplies manufactured in the United States is not in the public interest. (Prior Code, § 34.34) (Ord. 7-21-1998E, passed 7-21-1998)

FIXED ASSET CAPITALIZATION POLICY

§ 34.060 DEFINITIONS AND PROVISIONS.

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

CAPITAL OUTLAYS. Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures, or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

FIXED ASSETS. Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant, and equipment of fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (for example, land, buildings, improvements other than buildings, machinery and equipment, furniture, and fixtures).

HISTORICAL COSTS. The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the ***HISTORICAL COST*** attribute.

TANGIBLE ASSETS. Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.

(B) *Provisions.*

(1) *Land.*

(a) The town will capitalize all land purchases, regardless of cost.

(b) Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

(c) A department will record donated land at fair market value on the date of transfer plus any associated costs.

(d) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(2) *Machinery and equipment.*

(a) For the purpose of this division (B), the following definition shall apply unless the context clearly indicates or requires a different meaning.

MACHINERY. An apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure of building.

(b) The town will capitalize and tag items with an individual value equal to or greater than \$1,000. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

(c) Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

1. Total cost exceeds \$1,000;
2. The useful life is extended two or more years; and

3. The total costs will be greater than the current book value and less than the fair market value. Examples include: A work truck being equipped with screens, lights, or radios for use as a single unit throughout its life expectancy is considered one unit.

(d) If police cars are constantly changing light bars or radios to other vehicles, the town will capitalize each piece of equipment separately, if it meets the required dollar amount.

(e) A department's computer (CPU, monitor, keyboard, and printer) is considered one unit. A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs.

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(3) *Buildings.*

(a) A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

(b) A department's new building will be capitalized only if it meets the following conditions:

1. The total cost exceeds \$5,000; and
2. The useful life is greater than two years.

(c) A department improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

1. The total cost exceeds \$5,000;
2. The useful life is extended two or more years; and
3. The total cost will be greater than the current book value and less than the fair market value.

(d) Capital building costs shall include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

(e) A department will record donated buildings at fair market value on the date of transfer with any associated costs.

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.

(4) *Improvements other than buildings.*

(a) The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years. Examples are walks,

parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planters, underground sprinkler systems, and other similar items.

(b) Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon town-owned land that provide support to the town's facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon town-owned land for use by the public and for the support of the town's facility are capital assets.

(c) This town will capitalize new improvements other than buildings only if it meets the following conditions:

1. The total cost exceeds \$5,000; and
2. The useful life is greater than two years.

(d) A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

1. The total cost exceeds \$5,000;
2. The asset's useful life is greater than two years; and
3. The total cost will be greater than the current book value and less than the fair market value.

(e) A department's donated improvements other than buildings will be recorded at fair market value on the date of transfer with any associated costs.

(f) Purchases made using federal or state funding will follow the source funding policies and above procedures.
(Prior Code, § 34.50) (Ord. 4-17-01, passed 4-17-2001)

§ 34.061 RECORDING AND ACCOUNTING.

(A) (1) The town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the *Chart of Accounts of the Cities and Towns Accounting* manual.

(2) For purposes of recording fixed assets of the town and its departments, the valuation of assets shall be based on historical cost or, where the historical cost is indeterminable, by estimation for those assets in existence.

(B) The town's municipally-owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid. Assets may be acquired under a number of other arrangements, including:

- (1) Assets acquired for lump sum purchase price;
- (2) Purchase on deferred payment contract;
- (3) Acquisition under capital lease;
- (4) Acquisition by exchange of non-monetary assets;
- (5) Acquisition by issuance of securities;
- (6) Acquisition by self-construction; or
- (7) Acquisition by donation or discovery.

(C) (1) Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost.

(2) Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical cost.

(D) In addition, assets shall be recorded and maintained to provide a detailed record of the capital assets of the governmental unit.

(Prior Code, § 34.51) (Ord. 4-17-01, passed 4-17-2001)

§ 34.062 SAFEGUARDING OF ASSETS.

Accounting controls shall be designed and implemented to provide reasonable assurances that the recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.

(Prior Code, § 34.52) (Ord. 4-17-01, passed 4-17-2001)

*INTERNAL CONTROL STANDARDS***§ 34.075 INTERNAL CONTROL STANDARDS.**

(A) The town adopts as policy the Internal Control Standards as set forth by the *State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions* manual as expressly written and published by the State Board of Accounts in September, 2015, and as amended from time to time.

(B) In order to implement these standards, the Clerk-Treasurer shall certify in writing that personnel, as defined in statute, have received the required training. All officers, elected officials, and employees are required to comply with the policy.

(C) Employees who fail to comply with this policy are subject to discipline including, but not limited to, termination of their employment.

(Prior Code, § 34.65) (Ord. 11-14-2016, passed 11-14-2016)

CHAPTER 35: CREDIT CARDS

Section

- 35.01 Scope
- 35.02 Authorization of credit cards
- 35.03 Use of credit cards
- 35.04 Effective date

§ 35.01 SCOPE.

The provisions of this chapter shall apply to the authorization and use of credit cards by town employees and department heads for the purchase of items for the town.
(Prior Code, § 35.01) (Ord. 6-15-1999A, passed 6-15-1999)

§ 35.02 AUTHORIZATION OF CREDIT CARDS.

(A) The Clerk-Treasurer is authorized to make application and obtain credit cards for the use by town employees and department heads for purchases of town equipment and property.

(B) Said credit card will have no annual fee or other fees attached to said card and, if possible, said card will allow for a rebate or refund of a percentage of the purchase price of items purchased by the credit card.

(C) The credit card statements are to be paid in full each month during the grace period in a manner that does not allow interest or late fees to be charged on purchases.
(Prior Code, § 35.02) (Ord. 6-15-1999A, passed 6-15-1999)

§ 35.03 USE OF CREDIT CARDS.

(A) Before any purchases are made by said credit cards, a purchase order must be obtained by the individual prior to making the purchase, and the purchase order must be approved by the Clerk-Treasurer.

(B) In addition, all purchases must be made in accordance with the town and State Board of Accounts procedures.

(C) It shall be a violation of this chapter for a person to make any purchase for personal items or items not to be used and owned by the town.

(Prior Code, § 35.03) (Ord. 6-15-1999A, passed 6-15-1999) Penalty, see § 10.99

§ 35.04 EFFECTIVE DATE.

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

(Prior Code, § 35.04) (Ord. 6-15-1999A, passed 6-15-1999)

CHAPTER 36: ORDINANCE VIOLATION DEFERRAL PROGRAM

Section

36.01 Establishment; eligibility; administration

§ 36.01 ESTABLISHMENT; ELIGIBILITY; ADMINISTRATION.

(A) The Town Ordinance Violation Deferral Program is established. Eligible individuals who have violated a qualifying town ordinance may voluntarily enter the deferral program by written agreement with the Town Attorney. The deferral program shall provide for the following:

(1) The defendant shall voluntarily agree to the terms and conditions of the deferral agreement offered by the Town Attorney;

(2) The terms and conditions of the deferral agreement shall be in writing and signed by the Town Attorney;

(3) The defendant shall agree to pay to the Clerk the deferral fees established by the town;

(4) The defendant shall agree to pay all other applicable court fees and costs to the Clerk;

(5) The executed deferral agreement shall be filed with the Town Council;

(6) Upon the defendant's successful compliance with the terms and conditions of the deferral agreement, the Town Attorney shall file a motion with the Town Council to dismiss the pending deferral action; and

(7) The Town Council shall dismiss the pending deferred action against the defendant, with prejudice, upon receipt of a motion to dismiss from the Town Attorney.

(B) The Town Attorney is given full authority to administer the deferral program, and to draft, prepare, and execute all documents and forms necessary and desirable for the implementation of the deferral program. The Town Attorney is also authorized and directed to establish the amount of the initial deferral program user's fee and monthly user's fee, at a level not to exceed the amounts authorized

by law. The Town Attorney shall also establish all eligibility and participation criteria for the deferral program, and take any and all other lawful actions necessary to implement this chapter and administer the deferral program.

(C) All deferral fees from the deferral program shall be deposited by the Clerk into the town's User Fee Fund on a monthly basis. The User Fee Fund shall be administered by the Fiscal Officer of the town, who shall maintain appropriately detailed records of all deferral fees deposited into and transferred out of the User Fee Fund.

(D) Notwithstanding any other provision of this chapter, in the event the deferral program is discontinued by the town, and after all deferral program costs and expenses have been paid in full, the deferral fees collected and on deposit in the User Fee Fund shall revert to the town's General Fund. (Prior Code, § 36.01) (Ord. 3-17-09, passed 3-3-2009)

CHAPTER 37: NATIONAL INCIDENT MANAGEMENT SYSTEM

Section

37.01 Establishment

§ 37.01 ESTABLISHMENT.

(A) Homeland Security Presidential Directive (hereinafter HSPD) calls for the establishment of a single, comprehensive National Incident Management System.

(B) As a result, the Department of Homeland Security released the NIMS.

(C) NIMS provides a systematic, proactive approach, guiding departments and agencies at all levels of government, the private sector, and non-governmental organizations to work seamlessly to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity in order to reduce the loss of life, property, and harm to the environment.

(D) This will enable the Town Police, Fire, and Utility Departments to utilize a standard protocol for each post within the applicable department.

(E) By adopting the NIMS protocols, the town will be enabled to apply for and receive federal funding and/or grants for projects within the town.

(F) The National Incident Management System, as described in the ten-page attachment to Resolution 9-18-12 as Exhibit A, is approved and adopted by the Town Council.
(Prior Code, § 37.01) (Res. 08-18-09, passed 8-18-2009; Res. 9-18-12, passed 9-18-2012)

TITLE V: PUBLIC WORKS

Chapter

- 50. WATER**
- 51. SEWERS**
- 52. NON-STORM WATER DISCHARGES INTO THE
STORM DRAINAGE SYSTEM**
- 53. STORM WATER RUNOFF ASSOCIATED WITH
CONSTRUCTION ACTIVITIES**
- 54. STORM WATER REGULATIONS**

