

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN GOVERNMENT; ORGANIZATION

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Town Council

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GENERAL PROVISIONS

§ 30.01 TOWN COUNCIL; TOWN EXECUTIVE.

The Town Council is the town legislative body. The President of the Town Council is the town executive.

(IC 36-5-2-2)

TOWN COUNCIL

§ 30.15 COUNCIL DISTRICTS ABOLISHED.

The Town Council Districts, as first established by the Board of Commissioners of the County of Henry when the town was incorporated, and subsequently established by the legislative body of the town, are abolished.

(Ord. 17-92, passed 12-15-92)

§ 30.16 NUMBER OF COUNCILMEMBERS INCREASED.

The number of members of the Town Council is hereby altered from three to five effective January 1, 1991.

(Ord. 3-90, passed 12-18-90)

§ 30.17 COUNCILMEMBERS ELECTED AT LARGE.

All Town Council members are to reside in the town and be nominated and elected at-large by the voters at the general election for terms of four years.

(Ord. 3-90, passed 12-18-90; Am. Ord. 17-92, passed 12-15-92)

Editor's note: *At-large Councilmembers are on staggered schedules and will be elected at the off-year general election instead of during the regular municipal election.*

CHAPTER 31: OFFICERS AND EMPLOYEES

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- 31.02 Mileage rate

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- 31.10 Code Enforcement Officer

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- 31.15 Appointment of IMPA Commissioner

GENERAL PROVISIONS

§ 31.01 NEPOTISM.

(A) It is necessary to adopt a policy of conduct with regard to nepotism in employment with the town and in contracting with the town in order to continue to provide local government services and to comply with new legislative enactments effective July 1, 2012.

(B) Effective July 1, 2012, the town shall have a nepotism policy that complies with the minimum requirements of IC 36-1-20.2-1 et seq. The town hereby adopts the minimum requirements set forth in IC 36-1-20.2-1 et seq., including all amendments and revisions thereto which may become effective from time to time, and incorporates this chapter as if set forth in full herein. A copy of IC 36-1-20.2-1 et seq. is attached to Resolution passed June 19, 2012 as Exhibit A and incorporated by reference as if set forth in full herein.

(C) Effective July 1, 2012, the town shall have a policy regarding contracting with relatives that complies with the minimum requirements of IC 36-1-21-1 et seq. The town hereby adopts the minimum requirements of IC 36-1-21-1 et seq., including all future amendments and revisions thereto which may become effective from time to time, and incorporates this chapter as if set forth in full herein. A copy of IC 36-1-21-1 et seq. is attached to Resolution passed June 19, 2012 as Exhibit B and incorporated by reference as if set forth in full herein.

(D) The town finds that a single member of its legislative body cannot act for the body to make work assignments, establish compensation, act on grievances, determine advancement or conduct performance evaluation without prior authority from a majority of the body and therefore without such authority by the majority a member of the legislative body will not be in the direct line of supervision. The town finds that a single member of a governing body with authority over employees in the town cannot act for the

governing body to make work assignments, establish compensation, act on grievances, determine advancement or conduct performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority, the single member will not be in the direct line of supervision.

(E) All elected and appointed officials of the town are directed to cooperate fully in the implementation of the policies created by this section and demonstrate compliance with these policies.

(F) Failure to abide by, or cooperate with, the implementation, compliance and certifications required by the nepotism policy may result in discipline of an employee or other curative action. An elected or appointed official of the town who fails to abide by, or cooperate with, the implementation, compliance or certification of the nepotism policy may be subject to action permitted by law.

(G) Failure to abide by, or cooperate with, the implementation, compliance and certifications required by the contracting policy may result in the discipline of an employee. An elected or appointed official of the town who fails to abide by, or cooperate with, the implementation, compliance or certifications required by the contracting policy may be subject to action permitted by law.

(H) The policies created by this section shall be implemented by any or all of the following actions:

(1) Posting a copy a of this section in its entirety in at least one location in the town where employee posters or other notices to employees are regularly posted;

(2) By providing a copy of this section to town employees and elected and appointed officials;

(3) By providing or posting a notice of the adoption of this section; or

(4) Any other such action or actions that communicate the policies established by this section to the town's employees, elected officials and appointed officials.

(I) All provisions of the town's personnel policy or other provisions of the Town Code which conflict with IC 36-1-20.2-1 et seq., or IC 36-1-21-1 et seq., if any, are hereby repealed and are of no further force and effect.

(J) A copy of this section shall remain on file in the office of the Clerk-Treasurer for public inspection.

(Res. passed 6-19-12)

§ 31.02 MILEAGE RATE.

The employees of the town will be compensated at the current federal mileage rate for any approved travel.

(Res. passed 10-20-09)

OFFICERS

§ 31.10 CODE ENFORCEMENT OFFICER.

The Common Council hereby creates the position of Code Enforcement Officer. The duties and responsibilities of said officer shall be fully set out in a job description which shall be prepared by the Town Council. However said officer shall generally assist in the enforcement of ordinances enacted by the Common Council and coordinate his/her activities with the Town Marshal, the Clerk-Treasurer, the Utilities Superintendent, the Town Attorney, and all other town employees. The Code Enforcement Officer may be a member of the Police Department and shall be an employee or agent who is engaged in his or her duties with or without pay as determined by the Common Council. The Code Enforcement Officer is authorized and directed to have on his/her person such official identification including but not limited to uniform, badge, identification card, which will clearly indicate his/ her employment by the town as Code Enforcement Officer.

(Ord. 5-15-07, passed 5-15-07; Am. Ord. 2019-2, passed 3-5-19)

INDIANA MUNICIPAL POWER AGENCY COMMISSIONER

§ 31.15 APPOINTMENT OF IMPA COMMISSIONER.

(A) A Commissioner to represent the town and the Indiana Municipal Power Agency (IMPA) is hereby appointed. The IMPA Commissioner shall take and subscribe his oath of office in the form and manner as set forth in the attachment to the ordinance upon which this section is based.

(B) The Clerk-Treasurer is hereby directed to file a certified copy of this resolution for presentation to the Indiana Municipal Power Agency.

('66 Code, § 2.40.010) (Res. passed 2-16-88)

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

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Department of Parks and Recreation

- 32.01 Purpose; Department created
- 32.02 Park and Recreation Board; members
- 32.03 General powers
- 32.04 (Reserved)
- 32.05 Board meetings
- 32.06 Meeting place
- 32.07 Compensation of members
- 32.08 Donations
- 32.09 Financing
- 32.10 Usage charges

Planning Commission

- 32.15 Purpose; town recognizes the County Planning Commission

Department of Redevelopment

- 32.20 Established
- 32.21 Taxing District
- 32.22 Membership

Purchasing Agency

- 32.30 Purchasing Agency

Town Election Board

- 32.40 Town Election Board

DEPARTMENT OF PARKS AND RECREATION

§ 32.01 PURPOSE; DEPARTMENT CREATED.

(A) In order to promote good citizenship and to stimulate public health, safety and welfare, this subchapter is enacted to provide greater opportunity for the establishment of park and recreation programs.

(B) There is hereby created as a part of the governmental organization of the town, a single Department of Parks and Recreation, a Superintendent, and such other personnel as the Town Council may determine.

(C) The Department of Parks and Recreation shall be governed by a Board to be named the Middletown/Fall Creek Township Park and Recreation Board, said Board to be appointed as hereinafter stated.

('66 Code, § 9.08.010) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

Cross-reference:

For provisions pertaining to parks, see Ch. 93

§ 32.02 PARK AND RECREATION BOARD; MEMBERS.

The Park and Recreation Board shall consist of seven members, appointed as follows:

(A) Four members shall be appointed by the President of the Town Council. No more than two of those appointees shall be from the same political party. Three members shall be appointed by the Fall Creek Township Advisory Board. No more than two of those appointees shall be from the same political party.

(B) The term of each member of the Park Board shall be four years and such terms shall be staggered as follows:

(1) President of the Town Council will have one member whose term expire the end of 2009, two that expire the end of 2010, and one that expires the end of 2011. All future terms will expire four years from these dates.

(2) The Fall Creek Township Advisory Board will have one member whose term expires the end of 2009, one that expires the end of 2011 and one that expires the end of 2012. All future terms will expire four years from these dates.

(C) Park Board members must reside within Fall Creek Township and be of legal voting age.

(D) Members of the Town Council and members of the Fall Creek Township Advisory Board may not serve as a member of the Park Board.

(E) Members of the Park Board shall be appointed on the basis of their interest of parks and recreation. The Clerk Treasurer's office shall insure that a public notice is placed into each January issue of the local paper and a notice displayed at the Town Hall and Fall Creek Township Trustees office to alert the public that a Park Board appointment shall be made that year to begin serving the following year. Individuals should express interest in the position by completing the Park Board interest form and returning it to the appointing body or the Clerk Treasurer's office by October 1 for consideration.

(F) All terms of Park Board members shall expire the third Tuesday in January, but a member shall continue in office until his/her successor is appointed. If an appointment for a new term is not made by the third Tuesday in January, the incumbent member shall serve an additional one-year term. If this member is reappointed at any time, the member's term will expire four years from their last terms expiration date, in accordance with the dates listed in division (B) above.

(G) If a vacancy on the Park Board occurs the appointing authority for the position vacated shall appoint a person to serve for the remainder of the unexpired term.

(H) The President of the Town Council and the Fall Creek Township Advisory Board shall each inform the other, in writing, one month in advance of any members being appointed, or reappointed, to said Park Board. Notification shall also be sent to the Park Board. These appointments will be recorded in the Town Council and Park Board's next meeting minutes and is recommended to be recorded in the Fall Creek Township Advisory Board's next scheduled meeting minutes.

('66 Code, § 9.08.020) (Ord. 3-55, passed 12-13-55; Am. Ord. 5-83, passed 10-18-83; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. passed 3-2-99; Am. Ord. 08-18-2009, passed 9-15-09)

§ 32.03 GENERAL POWERS.

The Board of Parks and Recreation shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition to all other powers necessary to achieve the general objectives of the Park Board, the Park Board shall have the powers enumerated in IC 36-10-3-1 et seq. and all acts supplemental thereto and amendatory thereof.

('66 Code, § 9.08.070) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-16-09)

§ 32.04 (RESERVED).

§ 32.05 BOARD MEETINGS.

(A) Regular meetings of the Park Board shall be public. The Park Board shall fix the time and place of its regular meetings, but it shall meet at least quarterly and meetings shall not be scheduled to conflict with regular Town Council Meetings or Fall Creek Township Advisory Board Meetings. Special meetings of the Park Board shall be public and may be called by written request to the Secretary, either by the President or by any two park board members. The Secretary shall notify all members at least two days in advance of a special meeting. A written notice fixing the time, place and purpose of the meeting shall be posted at the meeting place at least 48 business hours prior to the meeting, in accordance with IC 5-14-1.5-5.

(B) Four Board members shall constitute a quorum. An action of the Board is not official unless authorized by at least four members present and acting. At its first regular meeting in each year, the Board shall elect a President, Vice-President and Secretary. The Vice-President shall have authority to act as the President of the Board during the absence or disability of the President.

('66 Code, § 9.08.040) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

§ 32.06 MEETING PLACE.

The Town Council of the Town of Middletown shall provide suitable quarters for the holding of the meetings and conducting the work of the Middletown/Fall Creek Board of Parks and Recreation.

('66 Code, § 9.08.060) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

§ 32.07 COMPENSATION OF MEMBERS.

Members of the Board of Parks and Recreation shall receive no salary. When the Park Board determines that it is desirable for members or employees to attend a state, regional or national conference dealing with park and recreation problems, it may authorize the payment of the actual expenses involved in attending such meetings if the amount has been approved by the Park Board.
(‘66 Code, § 9.08.050) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

§ 32.08 DONATIONS.

The Board of Parks and Recreation may accept gifts, donations and subsidies for park and recreation purposes.
(‘66 Code, § 9.08.080) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

§ 32.09 FINANCING.

The Park Board is authorized to prepare and appropriate tax levies and to expend, under regular town procedures, all sums appropriated to it for purposes and activities authorized by law. The Board of Parks and Recreation is required to prepare and submit their approved budget to the Town Council for the upcoming year 15 days prior to start of the town budgeting process.
(‘66 Code, § 9.08.090) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-2009, passed 9-15-09)

Statutory reference:

Special taxing district for purposes of levying special benefit taxes, see IC-36-10-3-19(b)

§ 32.10 USAGE CHARGES.

In so far as possible, park and recreation facilities and programs shall be available to the public free of charge; but where necessary in order to provide a particular activity, the Park Board may charge or approve a reasonable fee.
(‘66 Code, § 9.08.100) (Ord. 3-55, passed 12-13-55; Am. Ord. 7-2-96, passed 7-2-96; Am. Ord. 08-18-09, passed 9-15-09)

PLANNING COMMISSION**§ 32.15 PURPOSE; TOWN RECOGNIZES THE COUNTY PLANNING COMMISSION.**

Whereas the town is desirous of improving the health, safety, convenience, and welfare of its citizens and to plan for the future development of their community to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in the future

growth of the town; the town hereby becomes a part of the Henry County Planning Commission, and the town hereby grants and confers to the Commission all of the power and authority commensurate with the above objectives.

('66 Code, § 2.08.010) (Res. passed 4-25-56)

Cross-reference:

Town Council to approve permits for Trailer homes and the like, see § 152.01

DEPARTMENT OF REDEVELOPMENT

§ 32.20 ESTABLISHED.

(A) The Town Council now deems it to be in the best interest of the town and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise and the town by establishing a Department of Redevelopment.

(B) The Town Council establishes the Department of Redevelopment of the town.
(Ord. 7-93, passed - -93)

§ 32.21 TAXING DISTRICT.

Pursuant to the Act all of the territory within the corporate boundaries of the town will be a taxing district to be known as the Town Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act.

(Ord. 7-93, passed - -93)

§ 32.22 MEMBERSHIP.

(A) The Department will be controlled by a board of five members known as the Town Redevelopment Commission.

(B) The President of the Town Council shall appoint three of the five members of the Town Redevelopment Commission.

(C) The term of office of the members of the Town Redevelopment Commission shall commence from the date of their appointment and expire on January 1, 1995.

(Ord. 7-93, passed - -93)

PURCHASING AGENCY.

§ 32.30 PURCHASING AGENCY.

(A) The Board of Trustees is designated as the established Purchasing Agency for the town.

(B) The Purchasing Agency shall have all the powers and duties authorized under IC-5-22 and as may 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 may designate in writing any employee of the town as a purchasing agent.

(Ord. 7-7-98, passed 7-7-98)

Cross Reference:

See Purchasing rules, § 35.60

TOWN ELECTION BOARD

§ 32.40 TOWN ELECTION BOARD.

The Town Council hereby establishes a Town Election Board.
(Res. 5-1-07, passed 5-1-07)

CHAPTER 33: POLICE AND FIRE DEPARTMENTS

Section

Police Department

[Reserved pending future legislation]

Reserve Deputy Program

- 33.20 Authority
- 33.21 Revised policy
- 33.22 Purposes
- 33.23 Number of Reserve Deputies; appointment
- 33.24 Training; probation
- 33.25 Power of Reserve Deputies
- 33.26 Residence
- 33.27 Uniforms
- 33.28 Duties of Reserve Deputies
- 33.29 Benefits of Reserve Deputies
- 33.30 Application of Policies and Procedures Manual

Volunteer Fire Department

[Reserved for future legislation]

POLICE DEPARTMENT

[Reserved pending future legislation]

RESERVE DEPUTY PROGRAM

§ 33.20 AUTHORITY.

Reserve Deputies shall be appointed by the same authority and in the same manner as regular deputies are now appointed. Reserve Deputies, as they shall be designated, are "police reserves" as contemplated in Indiana Code 36-8-3-20.

('66 Code, § 2.32.010) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.21 REVISED POLICY.

The policy and rules regulating the appointment, service, and discharge of Reserve Deputies shall be that policy set forth in the "Revised Policies and Procedures Manual for Deputy Reserves," which is adopted by reference and incorporated as a part hereof.
('66 Code, § 2.32.020) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.22 PURPOSES.

The purposes of the Reserve Deputy Program are as follows:

(A) To provide supplemental law enforcement to the regular Police Department.

(B) To assist the Police Department and community during emergencies.

(C) To assist the Police Department and community during community functions and affairs.
('66 Code, § 2.32.030) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.23 NUMBER OF RESERVE DEPUTIES; APPOINTMENT.

(A) The number of Reserve Deputies shall be provided by ordinance of the Town Council.

(B) Reserve Deputies shall be appointed by the same authority that appoints regular Police Department members; and none may be appointed until he or she has completed the training as set forth herein.
('66 Code, § 2.32.040) (Ord. 3-87, passed 6-16-87)

§ 33.24 TRAINING; PROBATION.

(A) Reserve Deputies shall be required to complete a minimum of 40 hours of intense police training in order to qualify for uniform duties.

(B) Reserve Deputies shall be required to complete minimum training in the following areas:

(1) Self defense.

(2) Firearms instruction.

(3) Criminal law.

(4) Patrol procedures.

(5) Traffic enforcement.

(6) Community relations.

(7) Departmental policies and procedures.

(C) Training, as available shall be provided on station, with another department, at the Indiana Law Enforcement Academy, and by correspondence.

(D) Reserve Deputies shall be subject to the probationary terms set forth in the "Procedures Manual for Police Department Personnel."

('66 Code, § 2.32.050) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.25 POWER OF RESERVE DEPUTIES.

Reserve Deputies may not be members of the regular Police Department but have all of the same police powers as regular Department members consistent with Indiana law.

('66 Code, § 2.32.060) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.26 RESIDENCE.

Reserve Deputies shall reside within Fall Creek Township at the time of appointment.

('66 Code, § 2.32.070) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.27 UNIFORMS.

(A) All Reserve Deputies shall be required to provide the following items to qualify for uniform duties:

- (1) Pants (one pair).
- (2) Short sleeve shirt (one).
- (3) Long sleeve shirt (one).
- (4) One set duty leather (belt, holster, keepers, cuff case, speed loader, holders, and the like).
- (5) Black, plain-toed shoes (one pair).
- (6) Approved silver buttons (fourteen).
- (7) Approved silver name tag (one).

(8) .38 special/.357 magnum, 9 mm, 45 acp., which must be inspected and approved by the Town Marshal or training officer.

(B) Reserve Deputies may be required to provide the following items, as weather requires:

- (1) Light-weight jacket.
- (2) Heavy-weight jacket.
- (3) Raincoat (yellow recommended).

(C) The Police Department shall provide the following items:

- (1) Silver badge (two).
- (2) Silver M.P.D. collar brass (two).
- (3) Cloth M.P.D. shoulder patches (four).
- (4) Blue baseball-type cap (one).

(D) All items issued by the Police Department shall remain the exclusive property of the Department and shall be returned to the Department upon termination of employment.
('66 Code, § 2.32.080) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.28 DUTIES OF RESERVE DEPUTIES.

(A) Reserve Deputies shall complete at least 24 training hours on the base station radio during their first 90 days of uniform duties.

(B) Reserve Deputies shall perform uniform duties a minimum of 12 hours per month, four of which may be performed as on-station radio operators.

(C) Reserve Deputies shall attempt to limit their duty hours to the following:

- (1) Fridays, 7:00 p.m. - 11:00 p.m.; 11:00 p.m.-3:00 a.m.
- (2) Saturdays, 7:00 p.m. - 11:00 p.m.; 11:00 p.m.- 3:00 a.m.
- (3) Sundays, 7:00 a.m. - 11:00 a.m.; 11:00 a.m. - 3:00 p.m.

(D) Reserve Deputies shall make themselves available for duty during all community events, e.g., parades, fairs, festivals.

(E) Reserve Deputies shall make themselves available for specialized training, e.g., I.L.E.A. as opportunities are presented.

(F) Reserve Deputies shall complete the reserve schedule as soon as possible after the first of each month and shall complete daily logs, including hours as on-station dispatcher.

(G) Reserve Deputies shall only ride with regular deputies and not alone or in pairs unless under direct order of the Town Marshal.
('66 Code, § 2.32.090) (Ord. 3-87, passed 6-16-87; Am. Ord. passed 10-17-89)

§ 33.29 BENEFITS OF RESERVE DEPUTIES.

(A) Reserve Deputies shall not be entitled to the procedural rights incidental to suspension or termination of employment enjoyed by regular Department members.

(B) Reserve Deputies may be eligible, to the extent provided by the "Policies and Procedures Manual for Police Department Personnel," subject to limitations set forth in this subchapter, or provided by the Town Council to:

- (1) Receive a uniform allowance.
 - (2) Receive compensation for time lost from other employment because of court appearances;
- and
- (3) Be insured for life, accident and sickness coverage.

(C) Reserve Deputies are ineligible to participate in any pension program provided to regular Department members.
('66 Code, § 2.32.100) (Ord. 3-87, passed 6-16-87)

§ 33.30 APPLICATION OF POLICIES AND PROCEDURES MANUAL.

Except as otherwise provided herein or by the Town Council, all Reserve Deputies shall be subject to the provisions of the "Policies and Procedures Manual for Police Department Personnel." Each Reserve Deputy shall be provided a copy of the supplemental provisions to this manual set forth in this subchapter and the "Policies and Procedures Manual" and shall be chargeable with the knowledge of their provisions. ('66 Code, § 2.32.110) (Ord. 3-87, passed 6-16-87)

CHAPTER 34: PERSONNEL REGULATIONS

Section

34.01 Adopted by reference

§ 34.01 ADOPTED BY REFERENCE.

(A) The Town Council does hereby adopt by reference a personnel policy for town employees.

(B) Each department head of the town shall deliver a complete copy of said personnel policy to each town employee and receive from each employee a written acknowledgment that they have read said policy and are familiar with same. Each department head shall in the future thoroughly explain said policy to each employee and receive written acknowledgment that they understand said policy.
(Ord. 11-15-11-1, passed 12-6-11; Am. Res. 2015-05-19-02, passed 5-19-15)

[Chapter 35 begins on Page 27]

CHAPTER 35: MUNICIPAL FUNDS; FINANCES; PURCHASES

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Cross-reference:

For provisions concerning the Stormwater Utility Cumulative Fund, see § 54.05

CASH RESERVE FUND

§ 35.01 CASH RESERVE FUND ESTABLISHED.

There is hereby established for each town utility (electric, water, sewer, and storm water) a Cash Reserve Fund, as provided in IC 8-1.5-3-11, that shall be carried on the records of the town, providing for either monthly contributions, or other transfers of surplus earnings of each utility, as may be identified by the Town Council. The cash reserve funds are intended to hold, at a minimum, two months average expenses for each utility. The cash reserve funds may be drawn from during emergencies as identified by the Town Council.

(66 Code, § 3.04.010) (Ord. 4-65, passed - -65; Am. Ord. 9-2012, passed 11-13-12)

CAPITAL REPLACEMENT FUND

§ 35.05 CAPITAL REPLACEMENT FUND ESTABLISHED.

There is hereby established for each town utility (electric, water, sewer, and storm water) a Capital Replacement Fund, as provided in IC 8-1.5-3-11, that shall be carried on the records of the town, providing for either monthly contributions, or other transfers from each utility's earnings as directed by the Town Council. The capital replacement funds are intended to help provide down payments on large capital expenditures, such as plant replacements and other large infrastructure projects.

(Ord. 9-2012, passed 11-13-12)

LAW ENFORCEMENT CONTINUING EDUCATION FUND

§ 35.15 USER FEE FUND ESTABLISHED.

A town user fee fund is hereby established, to be administered by the Clerk-Treasurer, which shall consist of the fees collected by the Clerk-Treasurer for the Law Enforcement Continuing Education Program. Such account shall be entitled "The User Fee Fund — Law Enforcement Continuing Education Program Account."

(66 Code, § 3.20.010) (Ord. 3-88, passed 6-7-88)

§ 35.16 MONTHLY CLAIMS.

The Town Police Department may make monthly claims submitted on oath to the Clerk-Treasurer, along with a verified statement of cause numbers for fees collected that are attributable to the Police Department efforts.
(‘66 Code, § 3.20.020) (Ord. 3-88, passed 6-7-88)

§ 35.17 DEPOSIT OF MONIES.

The Police Department shall deposit all monies received through this program into its Law Enforcement Continuing Education Fund, from which it may make distributions without the need for obtaining an appropriation.
(‘66 Code, § 3.20.030) (Ord. 3-88, passed 6-7-88)

§ 35.18 REMAINING MONIES.

At the end of the fiscal year of the town, any money remaining in the Law Enforcement Continuing Education Fund shall revert to the Law Enforcement Training Fund.
(‘66 Code, § 3.20.040) (Ord. 3-88, passed 6-7-88)

UNSAFE BUILDING FUND**§ 35.20 UNSAFE BUILDING FUND.**

An Unsafe Building Fund is hereby established in the operating budget of the town in accordance with the provisions of IC 37-7-9-14.
(Ord. 3-20-2001-3, passed 4-3-01)

CUMULATIVE CAPITAL DEVELOPMENT FUND**§ 35.25 ESTABLISHMENT OF FUND.**

There is hereby established a Cumulative Capital Development Fund.
(‘66 Code, § 3.40.010) (Ord. 8-88, passed 8-2-88; Am. Ord. 5-8-96, passed 5-8-96)

§ 35.26 AD VALOREM PROPERTY TAX LEVY.

An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund.
(‘66 Code, § 3.40.020) (Ord. 8-88, passed 8-2-88; Am. Ord. 5-8-96, passed 5-8-96)

§ 35.27 MAXIMUM RATE OF LEVY.

The maximum rate of levy under § 35.26 will not exceed .15 per \$100 for 1996, 1997, and 1998.
(‘66 Code, § 3.40.030) (Ord. 8-88, passed 8-2-88; Am. Ord. 5-8-96, passed 5-8-96)

§ 35.28 USE OF FUND.

The funds accumulated in the Town Cumulative Capital Development Fund may be used for any of the following:

IC 8-16-3	Cumulative Bridge Fund
IC 8-22-3-25	Cumulative Building Fund - Airports
IC 13-2-31-26	Cumulative Building Fund - Levees
IC 13-3-3-89	Cumulative Maintenance Fund - Channel Improvements
IC 16-12.2-5-32	Cumulative Hospital Building Fund
IC 36-8-14	Cumulative Firefighting Building, Equipment, Police Radio Fund
IC 36-9-4-48	Cumulative Transportation Fund - Buses
IC 36-9-16-2	Cumulative Building Funds
IC 36-9-16-3	Cumulative Capital Improvement Fund
IC 36-9-16.5	Cumulative Street Fund
IC 36-9-17	General Improvement Fund
IC 36-9-26	Cumulative Building Fund - Sewers

IC 36-9-27-100	Cumulative Drainage Fund
IC 36-10-3-21	Cumulative Building Fund - Parks
IC 36-10-4-26	Cumulative Sinking and Building Fund - Parks

('66 Code, § 3.40.040) (Ord. 8-88, passed 8-2-88; Am. Ord. 5-8-96, passed 5-8-96)

§ 35.29 EXCEPTIONS.

Notwithstanding § 35.28 funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in § 35.28, if the purpose is to protect the public health, welfare or safety in an emergency which demands immediate action. Money may be spent under the authority of this section only after the Council President issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.
('66 Code, § 3.40.050) (Ord. 8-88, passed 8-2-88; Am. Ord. 5-8-96, passed 5-8-96)

FEES

§ 35.35 ACCIDENT REPORT FEES; AUTHORITY.

(A) The Marshal or Chief of Police through the Clerk Treasurer's Office shall charge the sum of \$5 for each and every copy of an accident report prepared and distributed by the Department. The fee so collected shall be deposited in the Local Law Enforcement Continuing Education Fund, said Fund being established by the Council pursuant to IC 5-2-8-2.
('66 Code, § 3.08.010)

(B) The authority to charge a fee for accident reports is subject to and governed by the specific provisions of IC 9-29-11-1.
('66 Code, § 3.08.020)
(Ord. 8-81, passed - 81; Am. Ord. 4-4-06, passed 4-4-06)

§ 35.36 LIMITED CRIMINAL HISTORIES.

(A) The Police Department shall collect a \$3 fee to defray the cost of processing a request for inspection of limited criminal histories and collect a \$7 fee to defray the cost of processing a request for release. However, nothing herein shall give the Department authority to charge the fee for requests received from the Parent Locator Service of the Child Support Bureau of the Department of Child Services.

(B) It is the intent of the town to conform to the provisions of IC 10-13-3-30 as they currently exist and are amended. Thus to the extent the fee provisions set forth in said section increase or decrease, said increases or decreases shall automatically be reflected as amendments to this ordinance without further legislative action by this Council. Any provision of this section that is deemed in conflict with the aforementioned IC 10-13-3-30 shall be deemed null and void and all other provisions of this section not in conflict shall remain in full force and effect.
(Ord. 7-3-07, passed 7-3-07)

§ 35.37 BAD CHECK FEE.

All "bad checks" received by the town in it's Utility Office, or otherwise, shall carry a \$20 bad check fee, which shall be automatically charged by the town on each such check.
(Ord. 8-1, 2000-1, passed 9-5-00)

HANDGUN LICENSE FEE**§ 35.40 HANDGUN LICENSE FEE.**

The Town Marshal is authorized to receive and charge a monetary fee of \$10 with each application for a handgun license, \$5 of which shall be refunded if the license is not issued. The fees so collected shall be deposited in the Town Marshal's Firearms Training Fund or other appropriate training activities fund and shall be used at the discretion of the Town Marshal exclusively for the purpose of training the personnel of his Department in the proper use of firearms or other law enforcement duties.
(66 Code, § 3.12.010) (Ord. 4-83, passed 9-27-83)

PAYMENT OF CLAIMS**§ 35.50 PAYMENT OF CLAIMS IN ADVANCE.**

(A) Pursuant to IC 36-5-4-12 authorizing fiscal officers to pay certain types of claims in advance of the Council allowing the claim by ordinance, the Town Council hereby lists the following claims as being approved for advance payment:

- (1) Property or services purchased from the U.S. Government.
- (2) Licenses or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or connection charges.

(5) Grant programs if advanced funding is not prohibited, and the contracting party provides sufficient security for the amount advanced.

- (6) Maintenance of service agreements.
- (7) Lease or rental agreements.
- (8) Bond payments.
- (9) Payroll and taxes.

(B) Each payment of expenses paid pursuant to division (A) above shall be supported by a fully itemized claim. The claim shall be reviewed and allowed by the Town Council having jurisdiction over the allowance of the claim at its next regular meeting following the pre-approved payment of the expense. (Ord. 15-92, passed 9-15-92)

PURCHASES

§ 35.60 PURCHASING RULES.

(A) *Purchase of Supplies Manufactured in the United States.* Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines the following:

(1) The supplies are not manufactured in the United States in reasonably available quantities.

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

(3) The quality of the supplies manufactured in the United States is substantially less than the quality of the comparably priced available supplies manufactured elsewhere.

(4) The purchase of supplies manufactured in the United States is not in the public interest.

(Ord. 7-21-98, passed 7-21-98)

Cross Reference:

See Purchasing Agency, § 32.30

§ 35.61 CREDIT CARDS AND PURCHASING CARDS.

(A) This section is adopted in compliance with the State Board of Accounts Accounting and Uniform Compliance Guidelines Manual For Cities and Towns, Chapter 7, authorizing a town to use credit cards for purchases.

(B) Town employees and officials may use town credit cards and purchasing cards for purchases related to the performance of town duties when such use is in the best interest of the town.

(C) The Clerk-Treasurer is authorized to obtain credit cards and purchasing cards titled for town departments on the request of the department head.

(D) The department head, or their designee, shall be responsible for safekeeping of the credit cards and purchasing cards.

(E) Town credit cards and purchasing cards shall be used only with the approval of the department head, or their designee. The department head shall maintain a usage log for each card identified by card account number, with entries certified by signature of the department head, or their designee. The log shall include the following information:

(1) The name and position of the individual using the town's card;

(2) Upon issuance: the date the card is issued to the individual, the estimated amounts to be charged, the type of expenses (such as airline tickets or office supplies), and the appropriation account numbers to be expended; and

(3) Upon return: the date the card is returned and the amount charged to the card.

(F) Town credit cards and purchasing cards shall be used for purchases relating to the performance of town business only. No personal use of a town credit card or purchasing card is allowed, even if an employee offers to reimburse the town for the employee's personal use of a town credit card or purchasing card.

(G) Payment of credit card and purchasing card bills shall be subject to the audit requirements of accounts payable vouchers in conformity with IC 5-11-10 and IC 36-4-8 and the regulations of the State Board of Accounts. Itemized receipts are required for all credit card and purchasing card purchases, including restaurant charges. Payment will not be made on the basis of a credit card or purchasing card statement. Signed charge slips showing a total charge only, with no itemization of items purchased, are not acceptable. It is the responsibility of the employee authorizing the charge to obtain proper itemized receipts.

(H) Credit card and purchasing card charges that do not meet audit requirements are the responsibility of the employee authorizing the charge. The town will take all necessary steps to obtain reimbursement for charges which do not meet audit requirements from the employee authorizing the charge, including, but not limited to, the garnishment of the charging employee's town wages.

(I) Any interest or penalty incurred due to late filing with the Clerk-Treasurer of an accounts payable voucher for payment of a credit card or purchasing card bill, or incurred due to delay in furnishing of documentation required for audit by an officer or employee, shall be the responsibility of that officer or employee.

(J) The Clerk-Treasurer shall be notified immediately if a credit card or purchasing card is lost or stolen. If a credit card or purchasing card is lost due to negligence on the part of a town employee, the employee shall be responsible for any and all expenses incurred on the lost credit card or purchasing card.

(K) The Clerk-Treasurer is authorized to revoke credit cards or purchasing cards that have been used in violation of town policy.
(Res. 09-04-2012-1, passed 9-4-12)

CODE ENFORCEMENT FUND

§ 35.70 PURPOSE.

(A) There is hereby created a non-reverting cumulative capital fund entitled the Middletown Code Enforcement Fund.

(B) The fund shall receive monies annually budgeted to that specific fund by the Town Council, reimbursement from any grant funds associated with home rehabilitation, home improvement, or neighborhood rehabilitation and improvement and any other funds donated or designated for the purpose of code enforcement.

(C) The Town Council shall appropriate monies from said fund for the purpose of code enforcement which include but are not limited to the following:

- (1) Demolition of structures determined to be in violation of town and state codes and standards;
 - (2) Rehabilitation, repair, or securing structures that are deemed to be in violation of town and state codes and standards;
 - (3) Removing trash, debris, junk and abandoned vehicles and bringing real property up to acceptable town and state standards and into conformity with existing ordinances, laws and standards;
 - (4) The payment of expert fees, costs, legal fees and other costs associated with the enforcement of town ordinances and standards with regard to the condition of real property and the abatement of nuisances and code violations including all costs associated with litigation, planning and remediation; and
 - (5) Any effort to improve neighborhoods, lots, improved or unimproved real estate, and cause same to conform with town and state ordinances, laws, codes, and standards.
- (Ord. 05-17-05, passed 6-21-05)

RAINY DAY FUND

§ 35.80 PURPOSE.

(A) The purpose of the Rainy Day Fund is to provide resources from which the town may draw revenues to operate, pay salaries, pay indebtedness, or replace equipment in the event that the town cannot raise sufficient revenues through its normal budgeting process to fulfill these obligations. The sources of funding the Rainy Day Fund include all those sources enumerated in IC 36-1-8-5.1(b)(2)(A) and (B) and any other funding source allowable by the State of Indiana.

(B) The town shall transfer an amount not to exceed 10% of its total annual budget for the fiscal year to the Rainy Day Fund. Any withdrawal of funds from the Rainy Day Fund cannot occur until a resolution approving the withdrawal has been adopted by the Town Council at a public meeting.

(Ord. 1-1-07, passed 1-16-07)

E-BIOFUELS NON-REVERTING FUND

§ 35.90 ESTABLISHMENT.

There is hereby created a special fund entitled the E-Biofuels Non-reverting Fund. All state and grant monies received for public infrastructure associated with the E-Biofuels Plant along with the town's matching funds shall be deposited in the account. Further, the funds from the account shall only be used in a manner consistent with the grant purposes and for public infrastructure associates with the aforementioned E-Biofuels Plant. The expenditure of monies from the Fund shall be subject to all applicable federal, state and local laws and ordinances.

(Ord. 4-3-07-2, passed 4-3-07)

FIRE HYDRANT MAINTENANCE FUND

§ 35.95 ESTABLISHMENT.

(A) A Fire Hydrant Maintenance Fund is hereby established within the Middletown Water Utility and any hydrant rental fees paid by the town of Middletown shall be deposited into this Fund.

(B) The monies deposited in this Fund shall be restricted to the following uses:

(1) Cost of maintenance, repairs or replacement of a fire hydrant;

(2) Cost of maintenance, repairs or replacement of any piping or valves between a fire hydrant and the water main.

(Ord. 01-18-2011-2, passed 3-15-11)

POLICE DONATIONS FUND

§ 35.100 ESTABLISHMENT.

There is hereby created a special fund entitled the Police Donations Fund. All unrestricted donations received and accepted by the Town Council on behalf of the Police Department will be deposited in said account. Further the funds from said account shall be used at the discretion of the Town Marshal without the need for obtaining appropriation.

(Ord. 8-2012, passed 8-7-12)

SIDEWALK FUND

§ 35.105 ESTABLISHMENT.

There is hereby created a fund for the town street utility entitled the Sidewalk Fund. This fund may receive, at the direction of the Town Council, loans from the town's utility cash reserve funds to be paid back at a maximum of five years with interest at a rate decided by the Town Council. This fund may be used to make repairs on property owner's sidewalks with the understanding that property owners will pay back the total expenses to this fund over a period of not more than five years.

(Ord. 7-2014, passed 11-5-14)

CAPITAL ASSET POLICY

§ 35.110 GENERAL INFORMATION.

(A) The fixed asset policy is being issued retroactive effective January 1, 2012. The new policy will be referred to as the capital asset policy.

(B) The town is hereby establishing a capital asset policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies and regulators.

(C) The purpose of establishing a capital asset policy is fivefold:

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

(D) This policy will serve only to classify capital assets, including fixed ones and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include data processing, programming requirements, or computer operation procedures.
(Ord. 10-2012, passed 11-20-12)

§ 35.111 DEFINITION OF CAPITAL ASSETS.

(A) **CAPITAL ASSETS** include: land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All land will be capitalized, but will not be depreciated.

(1) All items with a useful life of more than one year and having a unit cost of \$5,000 or more shall be capitalized (including donated items and acquisitions by lease-purchase agreements). A capital asset meeting the criteria set by this policy will be reported and depreciated in the government-wide financial statements.

(2) Assets that are not capitalized (i.e., items having a unit cost of less than \$5,000) shall be expensed in the year of acquisition.

(B) Special exceptions to this policy are:

(1) Items costing less than the above limits that are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit;

(2) Modular equipment added subsequent to the original construction of a larger building or equipment unit, which may be put together to form larger units costing more than the prescribed limits, will be charged to capital assets even though the cost of individual items is less than such units; and

(3) Cabinets, shelving, bookcases and similar items added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized.

(C) Purchases made using grant funds or donations must comply with any grant or donation requirements or with the above procedures, whichever are the most restrictive.
(Ord. 10-2012, passed 11-20-12)

§ 35.112 VALUATION OF CAPITAL ASSETS.

(A) Capital assets must be recorded at actual cost. Normally the cost recorded is the purchase price or construction cost of the asset, but also included are any other reasonable and necessary costs incurred to place the asset in its intended location and ready for its intended use. Such costs could include the following:

- (1) Legal expenses, title fees, closing costs;
- (2) Appraisal and negotiation fees, surveying fees;
- (3) Environmental site assessments;
- (4) Damage payments, condemnation payments;
- (5) Land preparation costs, demolition costs;
- (6) Architect, engineering, financial consultant, construction management, and accounting fees;
- (7) Insurance premiums during construction;
- (8) Transportation charges; and
- (9) Interest costs during construction.

(B) Donated or contributed assets should be recorded at their fair market value on the date donated. (Ord. 10-2012, passed 11-20-12)

§ 35.113 ASSET DEFINITIONS BY TYPE.

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

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

(B) *Infrastructure.* **INFRASTRUCTURE** assets are long-lived capital assets that normally can be preserved for a significantly greater number of years than most capital assets, and that are normally stationary in nature. Examples include roads, streetlights, traffic signals, drainage systems and wastewater systems. **INFRASTRUCTURE** assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property above. Additions and improvements to **INFRASTRUCTURE** that increase the capacity or efficiency of the asset shall be capitalized. Maintenance and repairs shall be considered as necessary to maintain the existing asset, and therefore shall not be capitalized. For example, patching, resurfacing and snow removal are considered maintenance activities and will be expensed. Also, normal department operating activities related to infrastructure, such as feasibility studies and preliminary engineering and design, shall be expensed and not capitalized as an element of the infrastructure asset.

(C) *Buildings.* **BUILDINGS** include all structures designed and erected to house equipment services or functions. This includes systems, services and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the **BUILDING**. Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, passenger and freight elevators, escalators, built-in casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included with the **BUILDING**.

(D) *Improvements other than buildings.* Examples of town assets in this category are sidewalks, parking areas and drives, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items.

(E) *Machinery and equipment.* **MACHINERY AND EQUIPMENT** include all other types of physical property within the scope of the fixed asset management system not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, Police, Fire, Street, Sanitation and Park Department equipment, laboratory equipment, vehicles, road equipment, aircraft, emergency equipment, earth-moving equipment, text equipment, civil defense equipment, and data-processing equipment. All supplies and consumables are excluded.

(F) *Construction in progress.* **CONSTRUCTION IN PROGRESS** includes assets that are under construction (such as buildings) at the time of physical inventory.
(Ord. 10-2012, passed 11-20-12)

§ 35.114 CAPITAL ASSET ACQUISITIONS.

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

- (1) Regular purchase;
- (2) Lease purchase, see division (B) below;
- (3) Construction by town personnel;
- (4) Construction by an outside contractor;
- (5) Resolution, litigation, condemnation;
- (6) Donation, contribution;
- (7) Addition to an existing asset;
- (8) Transfer from another department;
- (9) Trade or barter; or
- (10) Annexation.

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

- (1) The lease transfers ownership of the property to the lessee by the end of the lease term;
 - (2) The lease contains a bargain purchase option;
 - (3) The lease term is equal to 75% of the estimated economic life of the leased property; or
 - (4) The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased property.
- (Ord. 10-2012, passed 11-20-12)

§ 35.115 ASSET TRANSFERS AND DISPOSITIONS.

Property should not be transferred, turned in for auction, or disposed of without prior approval of the department head and the Town Council.

(Ord. 10-2012, passed 11-20-12)

§ 35.116 PERIODIC INVENTORIES.

A physical inventory of all capital assets (any item over \$5,000) shall be conducted in each department on or about December 31 of every year. The Town Clerk-Treasurer's office shall conduct spot inventory checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year-end.

(Ord. 10-2012, passed 11-20-12)

§ 35.117 RESPONSIBILITIES OF CLERK-TREASURER'S OFFICE.

The Clerk-Treasurer's office will ensure that accounting for capital assets is being exercised by establishing a town capital asset inventory, both initially and periodically in subsequent years. The Clerk-Treasurer's office will further update the capital asset report annually to reflect additions, retirements and transfers, and to reflect the new, annual capital asset balance for financial reporting purposes.

(Ord. 10-2012, passed 11-20-12)

§ 35.118 RESPONSIBILITIES OF DEPARTMENT HEADS.

It is the responsibility of the department head to act as or designate a steward for each piece of property. The steward shall be the contact person for questions regarding the availability, condition and usage of the asset, as well as the contact during the annual physical inventory process. The steward shall record the receipt of an asset, examine the asset to make sure that no damage was incurred during shipment and delivery, and make sure that the asset was received by the department in working order. The steward shall also arrange for any necessary maintenance or repairs to keep the asset in working condition, and shall be available for questions that arise during a physical inventory, or if someone wants to borrow or remove the asset from the premises. The steward ensures that the asset is used for the purpose for which it was acquired, and that there is no personal or unauthorized use. In addition, the steward should report any damage to or theft of the asset.

(Ord. 10-2012, passed 11-20-12)

INVESTMENT POLICY**§ 35.130 ADOPTION OF INVESTMENT POLICY.**

(A) *Approval of Investment Policy.* The Statement of Investment Policy, Objectives and Guidelines attached to Ordinance 1-2014, passed March 4, 2014 as Exhibit A is hereby approved.

(B) *Investment Officer.* The Clerk-Treasurer is hereby designated as the Investment Officer.
(Ord. 1-2014, passed 3-4-14)

PUBLIC SAFETY FUNDS**§ 35.145 POLICE PUBLIC SAFETY LOIT FUND.**

In accordance with IC 6-35.1.1-25, the Middletown Town Council has hereby established a Police Public Safety LOIT fund. One-half of all Public Safety local option income tax (LOIT) revenues distributed to the town will be deposited in this fund. The fund will be used to pay expenses for police and law enforcement systems, or any other purpose authorized under IC 6-3.5-1.1-25(a).
(Ord. 2015-5, passed 12-1-15)

§ 35.146 FIRE PUBLIC SAFETY LOIT FUND.

In accordance with IC 6-35.1.1-25, the Middletown Town Council has hereby established a Fire Public Safety LOIT fund. One-half of all Public Safety local option income tax (LOIT) revenues distributed to the town will be deposited in this fund. The fund will be used to pay expenses for firefighting and fire prevention systems and emergency medical services, or any other purpose authorized under IC 6-3.5-1.1-25(a).
(Ord. 2015-5, passed 12-1-15)

MATERIALITY THRESHOLD POLICY**§ 35.160 MATERIALITY THRESHOLD.**

(A) It will be the policy of the Middletown Clerk-Treasurer to report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of \$20,000. In addition, all erroneous or irregular variances, losses, shortages, or thefts of cash which occur more than one time in a month and which the aggregate total is \$20,000 or more shall be reported immediately to the State Board of Accounts. Exceptions shall be made for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the town.

(B) It will be the policy of the Middletown Clerk-Treasurer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of \$20,000, estimated market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the town.
(Res. 2017-06-13-01, passed 6-13-17)

INTERNAL CONTROL STANDARDS**§ 35.170 INTERNAL CONTROL STANDARDS.**

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

(B) At the time the annual financial report is electronically filed, the Clerk-Treasurer as fiscal officer of the Town of Middletown shall certify in writing that the Uniform Internal Control Standards for Indiana Political Subdivisions have been adopted and shall certify that the personnel have been trained as required by law.

(Ord. 2016-05, passed 11-1-16)

LOCAL INCOME TAX REVENUES**§ 35.180 LOCAL INCOME TAX REVENUES ALLOCATED TO PUBLIC SAFETY PURPOSES.**

(A) The Town Council hereby establishes the following non-reverting funds:

(1) *Non-reverting Police Public Safety Local Income Tax Fund.* One-third of all public safety local income tax revenues distributed to the town will be deposited in the Non-reverting Police Public Safety Local Income Tax Fund. The fund will be used to pay expenses for police and law enforcement systems, or any other purpose authorized by law' and as defined by I.C. § 6-3.6-2-14.

(2) *Non-reverting Fire Department Public Safety Local Income Tax Fund.* One-third of all public safety local income tax revenues distributed to the town will be deposited in the Non-reverting Fire Department Public Safety Local Income Tax Fund. The fund will be used to pay expenses for firefighting and fire prevention systems, or any other purpose as permitted by law and as defined by I.C. § 6-3.6-2-14.

(3) *Non-reverting Emergency Medical Services Public Safety Local Income Tax Fund.* One-third of all public safety local income tax revenues distributed to the town will be deposited in the Non-reverting Emergency Medical Services Safety Local Income Tax Fund. The fund will be used to pay expenses for emergency medical services and support, or any other purpose as permitted by law and as defined by I.C. § 6-3.6-2-14.

(B) Deposits into the above funds shall commence with public safety local income tax revenues received after January 1, 2018.

(C) Any unencumbered funds remaining in the Police Public Safety LOIT Fund (§ 35.145) on December 31, 2017, shall be deposited in the Non-reverting Police Public Safety Local Income Tax Fund created by this subchapter. Upon expenditure or transfer of all funds held in the Non-reverting Police Public Safety LOIT Fund, § 35.145 shall be repealed and the fund created by such section shall cease to exist.

(D) All unencumbered funds in the Fire/EMS Public Safety LOIT Fund (Town Code § 35.146) on December 31, 2017, shall be transferred and divided equally between the Non-reverting Fire Department Public Safety Local Income Tax Fund and the Non-reverting Emergency Medical Services Public Safety Local Income Tax Fund. Upon expenditure or transfer of the funds held in the Fire/Ems Public Safety LOIT Fund, § 35.14 6 shall be repealed and the fund created by such section shall cease to exist.
(Ord. 2017-3, passed 9-19-17)

NON-REVERTING K-9 ACQUISITION FUND

§ 35.190 ESTABLISHMENT.

A fund is hereby established entitled the Non-reverting K-9 Acquisition Fund. All donations received for the purpose of acquiring a new K-9 unit, and all funds budgeted by the town for the purpose of acquiring a new K-9 unit shall be deposited in the Non-reverting K-9 Acquisition Fund. The fund will be used to pay expenses for the acquisition and training of a new K-9 unit for use by the Town's Police Department.
(Ord. 2017-4, passed 10-3-17)

NON-REVERTING CIVIC CENTER CAPITAL IMPROVEMENT FUND

§ 35.200 ESTABLISHMENT.

A new fund entitled "The Non-reverting Civic Center Capital Improvement Fund" is hereby established. All funds received from the Henry County Community Foundation, Inc. from the endowment to benefit the Middletown Civic Center, and other sums budgeted by the town for capital improvements or repairs to the Civic Center, shall be deposited in the Non-reverting Civic Center Capital Improvement Fund. The fund shall be utilized for the purpose of performing capital improvements and repairs to the Civic Center. If necessary, and if alternative funding is not reasonably available, the fund may be utilized to pay day to day operating expenses of the Civic Center.
(Ord. 2017-5, passed 10-3-17)

CHAPTER 36: ORDINANCE VIOLATIONS BUREAU

Section

- 36.01 Created
- 36.02 Penalties apply to specific ordinances and code sections
- 36.03 Violations Clerk; duties
- 36.04 Civil Penalty Schedule
- 36.05 Additional violations

§ 36.01 CREATED.

There shall be created an Ordinance Violations Bureau for the town and the Town Clerk-Treasurer shall serve as the Violations Clerk of the Bureau.
(Ord. 4-90, passed 12-18-90)

§ 36.02 PENALTIES APPLY TO SPECIFIC ORDINANCES AND CODE SECTIONS.

The penalties set forth in the Civil Penalty Schedule amend all specific or general penalty sections of the code and ordinances of the town only as they relate to the specific offenses set out in the Civil Penalty Schedule. Otherwise, this chapter does not amend any penalty section of the code or of other ordinances of the town.
(Ord. 4-90, passed 12-18-90)

§ 36.03 VIOLATIONS CLERK; DUTIES.

Pursuant to IC 33-6-3-1, the Violations Clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than \$100 in code and ordinance violation cases.
(Ord. 4-90, passed 12-18-90)

§ 36.04 CIVIL PENALTY SCHEDULE.

The code sections and ordinances of the town that are set forth in the following schedule shall be subject to admission of violation before the Violations Clerk:

Code Section	Violation	Civil Penalty
§ 50.20	Private collectors; permit; fee	\$25 for each offense
§ 50.21	Required equipment	\$25 for each offense
§ 50.24	Scattering of material	\$25 for each offense
§ 50.25	Prohibition of trash hauling vehicles from use of alleyways	\$25 for each offense
§ 50.26	Litter	\$25
§ 71.01	Stop and yield intersections	\$25
§ 71.02	One-way streets and alleys	\$25
§ 71.03	Turning movements	\$25
§ 71.04	Limitation on backing	\$25
§ 71.05	Parades or processions without permit	\$25
§ 71.06	Driving through parade or procession	\$25
§ 72.01	Angle parking	\$25 per offense
§ 72.10	Parking not to obstruct traffic	\$25 per offense
§ 72.11	Parking in alley	\$25 per offense
§ 72.12	No stopping, standing or parking near hazard or congested places	\$25 per offense
§ 72.13	Temporary parking	\$25 per offense
§ 72.14	Parking in fire lanes	\$25 per offense
§ 72.21	Parking prohibited at all times on certain streets	\$25 per offense
§ 72.22	Parking prohibited during certain hours on certain streets	\$25 per offense
§ 72.23	Parking limited on certain streets	\$25 per offense
§ 72.25	Parking restrictions in park	\$25 per offense
§ 72.31	Standing in loading zone	\$25 per offense
Ch. 75	Parking illegally	\$10 first offense, \$2 each subsequent offense

Code Section	Violation	Civil Penalty
§§ 90.01 - 90.04	Care of premises	\$10 first offense, \$25 each subsequent offense
§§ 90.15 - 90.18	Weeds	\$10 first offense, \$25 each subsequent offense
§§ 90.30 - 90.36	Vacant lots	\$10 first offense, \$25 each subsequent offense
§§ 90.50, 90.51	Nuisance dwellings, structures and excavations	\$10 first offense, \$25 each subsequent offense
§§ 90.60, 90.61	Ashes, trash and garbage	\$10 first offense, \$25 each subsequent offense
§ 90.85	Leaf and trash burning regulated	\$15
§ 90.86	Areas where burning is prohibited	\$15
§ 90.87	Open burning	\$15
§ 90.88	Non-combustible containers and the like required for burning	\$25 per offense
§ 90.91	Unlawful noises	\$25 first offense; subsequent offense within 90 days: \$50
§ 91.01	Farm animals	\$10 first offense, \$25 each subsequent offense
§ 91.16	Control of pets	\$25 per offense
§ 91.20	Animals in public	\$25 per offense
§ 91.21	Female animal in heat	\$25 per offense
§ 91.22	Barking dogs	\$25 per occurrence
§ 92.01	Obstructing sidewalks	\$10 first offense, \$25 each subsequent offense
§ 92.02	Horses and the like in streets	\$10 first offense, \$25 each subsequent offense
§ 93.01	Littering in parks	\$25 per offense
§ 111.02	Peddlers and solicitors	\$25 first offense, \$50 each subsequent offense
§ 130.01	Shooting within town limits	\$25 per offense
§ 130.02	Curfew	\$25 per offense
§ 130.03	Smoking prohibited in public buildings	\$25 per offense

(Ord. 4-90, passed 12-18-90; Am. Ord. 2015-3, passed 6-9-15; Am. Ord. 2015-4, passed 6-9-15)

§ 36.05 ADDITIONAL VIOLATIONS.

Any person, corporation or organization who commits more than one violation of any of the offenses specifically noted in the Civil Penalty Schedule within any 30-day period will be subject to an increased "subsequent" fine as set forth in the schedule for each and every violation. Every day, or part of a day, that a violation is committed or continues in existence is a separate violation for which civil penalties may be imposed.

(Ord. 4-90, passed 12-18-90)

CHAPTER 37: DRUG AND ALCOHOL POLICY

Section

37.01 Adopted by reference

§ 37.01 ADOPTED BY REFERENCE.

(A) The Town Council does hereby adopt by reference a drug and alcohol policy for the town employees.

(B) The Clerk-Treasurer shall be responsible for the distribution of a copy of this policy to each town employee. The employee shall sign a receipt acknowledging that he or she has received a copy of the policy. A copy of this policy shall be posted and shall be distributed to every supervisor. Copies of this policy shall be made available to members of the general public pursuant to the Indiana Public Records Law.

(Ord. 3-21-06-2, passed 4-18-06; Am. Ord. 5-2012, passed 5-1-12)