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CHAPTER 30: TOWN GOVERNMENT; ORGANIZATION

Chapter

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TOWN WARDS

§ 30.01 TOWN WARDS.

There are five council wards within the town, the wards and boundaries there being designated by following the west, south, east, and north boundary, in that order, as follows:

(A) *Ward One.* South along the west corporate boundary, east along the south corporate boundary, north on the west side of Nichols Street to the north corporate boundary to the place of beginning.

(B) *Ward Two.* Beginning at the intersection of the north corporate boundary and Nichols Street, south on the east side of Nichols Street to the south corporate boundary, east along the south corporate boundary to Powell Ditch, north along the west side of Powell Ditch to Commercial Avenue, west along the south side of Commercial Avenue to Clark Street, north along the west side of Clark Street to its intersection with Morse Street to the corporate boundary, west along the north corporate boundary to the point of beginning.

(C) *Ward Three.* Beginning at the intersection of the north corporate boundary and Morse Street, south along the east side of Morse Street to its intersection with Clark Street, continuing south on the east side of Clark Street to Commercial Avenue, east on the north side of Commercial Avenue to the point where an extension of North Viant Street would intersect Commercial Avenue, north along the west side of this line to Viant Street, continuing north on the west side of Viant Street to 177th Avenue, east along the north side of 177th Avenue to Burr Street, north along the west side of Burr Street, and continuing to follow the corporate boundary to the north corporate boundary line, west along the north corporate boundary to the point of beginning.

(D) *Ward Four.* Beginning where the corporate boundary runs south from 173rd Avenue, following the corporate boundary to 177th Avenue, west on the south side of 177th Avenue to Viant Street, south on

the east side of Viant Street and extending that line to Commercial Avenue, east along the north side of Commercial Avenue to Joe Martin Road, south along the east side of Joe Martin Road to the north property lines of the north side of Northwood Drive, then east along the north side of this line to the corporate boundary, following the corporate boundary east and north to the north corporate boundary, west along the north corporate boundary to the point of beginning.

(E) *Ward Five*. Beginning at the intersection of Commercial Avenue and Joe Martin Road, west along the south side of Commercial Avenue to Powell Ditch, south along the east side of Powell Ditch to the corporate boundary, east along the south corporate boundary to the east corporate boundary, north along the west side of the corporate boundary to the north lot lines of Northwood Drive, west on the south side of the north lot lines of Northwood Drive to Joe Martin Road, then north on the west side of Joe Martin Road to the place of beginning.

('80 Code, § 1.08.010) (Am. Ord. 1992-22, passed 11-23-92; Am. Ord. 1993-2, passed 1-11-93; Am. Ord. 2002-17, passed 10-28-02)

Statutory reference:

Authority of town to divide into not less than three nor more than seven wards, see IC 36-5-1-10.1 and 36-5-2-4.1

§ 30.02 REDISTRICTING OF TOWN WARDS.

The boundaries designated for the five wards for the town shall be reviewed and revised as necessary so as to provide for approximately equal populations in each of the five wards. The review and necessary revisions shall be made, at a minimum, once every ten years.

('80 Code, § 1.08.040) (Ord. 1982-28, passed 12-28-82)

TOWN COUNCIL

§ 30.15 ELECTION; RESIDENCY REQUIREMENTS.

Each Town Councilmember shall be elected by a vote of all registered voters in the town, but shall represent the ward from which he or she runs.

(A) To be eligible to run for the office of Councilmember, a person must be a resident of the ward he or she seeks to represent, be a citizen of the United States, be of legal voting age, and be a registered voter.

(B) A councilmember who is elected by the voters of the entire town, but is elected as a candidate from a particular ward, forfeits office if the member ceases to be a resident of that ward.

(C) A Councilmember who moves his or her place of residence outside of the corporate limits of the town forfeits his or her seat on the Town Council, and shall be replaced according to the applicable Indiana statute.

('80 Code, § 1.08.020) (Ord. 33-1978, passed - -78)

Statutory reference:

Residency requirements, see IC 36-5-2-6

§ 30.16 TERM OF OFFICE.

All Town Councilmembers shall serve for terms of four years.

('80 Code, § 1.08.030 H.) (Ord. 33-1978, passed - -78; Am. Ord. 14-1981, passed 5-26-81)

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**§ 30.17 OFFICERS OF THE COUNCIL;
POWERS AND DUTIES.**

addition the Clerk-Treasurer shall perform the following:

The following shall be officers of the Council and their duties:

(A) *President.* The Presiding Officer of the Town Council shall be the President who shall be elected annually in January of each year, by the members from their membership. He shall assume the chair of the Presiding Officer immediately after his election. The President shall:

(1) Preserve order and decorum;

(2) Decide all questions of order, subject to appeal by the Council;

(3) Announce the result of all votes by the Council upon all motions, resolutions, ordinances and other matters;

(4) Appoint all members of standing and “special” committees, subject to approval of the Council.

(B) *Town Attorney.* The Town Attorney shall be appointed by the Town Council at the first meeting in January of each year, to serve at the pleasure of the Council. The duties of the Town Attorney shall be as follows:

(1) To attend Town Council meetings, regular and special, and to confer and advise the Town Council;

(2) To prepare ordinances, resolutions, motions, legal notices and all other notices that may be necessary to enable the Town Council to transact the business of the town.

(3) To prosecute all violations of this code or any other ordinance of the town.

(C) *Clerk-Treasurer.* The duties of the Clerk-Treasurer shall be those as provided by the laws of the state pertaining to the Clerk-Treasurer. In

(1) It shall be the duty of the Clerk-Treasurer to cause the minutes of all regular and special Council meetings to be prepared in a format that includes all motions, votes and a synopsis of all official business conducted by the Council. A proposed draft of the minutes of each meeting shall be prepared by the Clerk-Treasurer and submitted to each Council member and the Town Attorney within seven days of each meeting. The Clerk-Treasurer shall also audio tape each regular and special meeting of the Council to assist in the accurate preparation of the minutes, and each such audio tape shall be preserved by the Clerk-Treasurer for a period of 90 days after the minutes of each respective meeting are approved and adopted by the Council. The written minutes that are approved and adopted by the Council shall be the official minutes of the Town Council subject to the Council's right to modify or amend same to accurately reflect the actions or business of the Council.

(B) The Town Council may approve expenditures from this category that support

(2) It shall be the duty of the Clerk-Treasurer to cause the minutes of all regular and special meetings of the Council to be written up at full length upon the minute book, which book shall be kept for that purpose and to furnish to the President and to each member of the Council a legible copy thereof, within one week after the meeting of the Council has been held.
(’80 Code, § 1.20.070)

(3) The Clerk-Treasurer shall also perform the duties set forth in §§ 31.01 through 31.04.
(Am. Ord. 1999-9, passed 5-10-99)

Cross-reference:

Town officials, see Ch. 31

Clerk-Treasurer, see §§ 31.01 et seq.

§ 30.18 AUTHORITY TO APPROPRIATE FUNDS FOR PROMOTIONAL ACTIVITIES.

(A) The town authorizes the budgeting and appropriation of funds for promotional activities for the town from the General Fund which shall be provided in the Council's budget under category “Community Relations and Promotions.”

promotional activities of both a civic and governmental nature and that they deem in the best interest of the town and its functions.

('80 Code, § 1.20.080) (Am. Ord. 1984-52, passed 11-26-84)

Cross-reference:

Finance and revenue, see Ch. 35

Funds, see Ch. 36

be served by delivering a copy thereof to the members of the Council, or by leaving a copy thereof at the residence of the Councilmembers or in the event of an emergency by telephone.

RULES OF PROCEDURE

§ 30.30 REGULAR MEETINGS.

The Town Council shall meet in regular session on the second and fourth Monday of each month hereafter, at 7:00 p.m. in the town hall or wherever the Council shall designate in the absence of a town hall. If any regular meeting shall fall on a legal holiday, then the Council shall meet in regular session the day following, at the time and place aforesaid.

('80 Code, § 1.20.010) (Ord. 1985-3, passed 1-28-85; Am. Ord. 1987-2, passed 1-12-87; Am. Ord. 1995-2, passed 1-9-95)

§ 30.31 SPECIAL MEETINGS.

(A) Special meetings of the Town Council may be called by the President or by any Councilmember upon written request, duly signed by the President or any Councilmember and presented to the Clerk-Treasurer, stating the purpose of the meeting. The Clerk-Treasurer shall cause the notices to be served upon the members of the Council at least 48 hours prior to the time when the meeting is to be held, except that in the event of an emergency involving actual or threatened injury to person or property or actual or threatened disruption of governmental activities then the time requirement of notice shall not apply, but the news media and general public shall be given notice of a special meeting in the same manner as notice is provided to the Councilmembers. The notices may

(B) At every special meeting, the purpose for the same shall be read and then filed by the Clerk-Treasurer, and duly incorporated in the minutes of such meeting. No business other than that stated in the notice shall be considered at such meeting.

(C) A written notice of a special meeting is not required if the time, date, and place of a special meeting is announced at a regular meeting of the Council at which all members of the Council are present.

('80 Code, § 1.20.020)

§ 30.32 QUORUM; VOTING.

A majority of all the Town Councilmembers elect shall constitute a quorum. All business transacted at a regular or properly called special meeting must be passed by a majority vote of the Councilmembers elect of this Council. No voting by proxy shall be permitted.

('80 Code, § 1.20.030)

§ 30.33 ORDER OF BUSINESS.

The following shall be the order of business at all regular meetings:

(A) At the hour appointed for the meeting, the President shall call the meeting to order. If the President be not present at the meeting, the Vice-President shall preside as Chairperson of the meeting. In the absence of the President and Vice-President, the Town Clerk-Treasurer shall call the meeting to order and the Councilmembers shall immediately proceed to elect a Councilmember to serve as Chairperson pro tem.

(B) The President of the Town Council shall lead the Town Council and the public in the recital of the Pledge of Allegiance.

(C) Before proceeding with the business of the Council, the Clerk-Treasurer shall call the roll of the members, and the names of those present shall be entered in the minutes.

(D) The minutes of the previous meeting or

minutes of the Council not previously read or adopted may be read at the discretion of the Council and the approval and/or amendment of the same.

(C) The Presiding Officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal by any member of the Council.

(E) Treasurer's report.

(F) Presentation, approval and signing of bills and claims.

(G) Presentation of petitions, communications and remonstrances.

(H) Correspondence.

(I) Report of town officials.

(J) Reports of standing committees.

(K) Reports of special committees.

(L) Submission of ordinances and resolutions.

(M) Unfinished or deferred business.

(N) New business.

(O) Announcements.

(P) Adjournment.

('80 Code, § 1.20.040) (Am. Ord. 83-2, passed 2-8-83)

§ 30.34 CONDUCT OF MEETINGS.

(A) All questions relating to the priority of business shall be decided by the Presiding Officer, without debate, subject to appeal by the Town Council.

(B) Subject to the limitations of § 30.31 on special meetings, matters of unusual importance or of an emergency nature may be added to the agenda at any time by the Presiding Officer or a Councilmember with the consent of a majority of all members elect of the Council.

(D) Any person not a member of the Town Council shall give his name and address in an audible tone of voice for the record and, unless further time is granted by the Council shall limit his address to three minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. Persons other than the Councilmembers and any person having the floor shall not be permitted to enter into a discussion, either directly or through a member of the Council without the permission of the Presiding Officer. Questions shall not be asked of a Councilmember except through the Presiding Officer.

(E) Any person who makes personal, impertinent or slanderous remarks or who becomes boisterous or delays or interrupts the proceedings or peace of the Council or refuses to obey the orders of the Council or its Presiding Officer shall be forthwith, by the Presiding Officer, barred from further participation in the proceedings, and may be expelled from the meeting at the direction of the Presiding Officer.

(F) Every Councilmember, previous to speaking or making a motion, shall address himself to the Presiding Officer, and say, "Mr. President," and the Councilmember shall not proceed with his remarks until he has been recognized by the Presiding Officer.

(G) When two or more Councilmembers are attempting to gain recognition from the Chairperson at the same time, the Chairperson shall recognize the Councilmember who addressed him first.

(H) In event of any disturbance or disorderly conduct, during any session of the Council, the Presiding Officer shall restore order and shall have the power to require the room to be cleared of disorderly spectators, if necessary.

(I) No Councilmember shall be allowed to leave the meeting room while the Council is in session unless excused by the Presiding Officer.

(J) No motion shall be put or debated until it has had a second. After a motion has received a

second it shall be stated by the Presiding Officer before it shall be debated. After a motion has been stated by the Presiding Officer, the mover of the same shall be entitled to first have the floor and to talk

upon the same, and if he so desires to close the discussion thereof after unlimited debate by the Town Council.

(K) When a question has been put for the purpose of taking a vote on the final passage of an ordinance or resolution, then it shall be the duty of the Clerk-Treasurer to call the name of each member of the Council in order of the wards of the town. Each Councilmember, as his name is called by the Clerk-Treasurer, may thereupon vote upon the question by saying "aye" or "no" according to his desire in the matter, unless such member be excused from voting by a majority vote of the Town Council. Any member may change his vote before announcement of the vote by the Chairperson.

(L) If any member requires it, the "ayes" and "noes" upon any question shall be taken and entered where not otherwise required to be entered, unless called for, previous to taking vote on any question.

(M) When any question is under discussion or debate, the only motion in order shall be as follows in divisions (1) through (8) below, and divisions (2), (3), and (4) shall be decided without debate:

(1) To adjourn to a time certain;

(2) To adjourn;

(3) To lay on the table;

(4) The previous question;

(5) To refer;

(6) To amend;

(7) To substitute; and

(8) To postpone indefinitely or to postpone to a time certain.

(N) When a previous question has been

moved, it shall be the duty of the Presiding Officer to put in this form: "Are you ready for the question?" If the previous question carries, all further discussion must stop and the question must be put without delay.

First the amendments in their proper order and then the main question in its amended form.

power to report at any time, any change in the rules, or in the

(O) When a motion is postponed indefinitely it shall not be taken up again at the same meeting.

(P) The Chief of Police or other member of the Police Department, or in their absence, an individual appointed by the Council, shall preserve order, and perform all duties usually pertaining to the office of Sergeant-at-Arms.

(Q) No ordinance may be passed at the same meeting it is introduced, unless under suspension of the rules, and then only with the unanimous consent of all members present and a two-thirds vote of the entire Council. In all other cases it shall require a majority vote of all members of the Town Council to pass an ordinance.

('80 Code, § 1.20.050) (Ord. 1982-28, passed 12-28-82)

§ 30.35 COMMITTEES; CONSIDERATION OF ORDINANCES.

(A) All standing committees and all vacancies thereon shall be filled by the President subject to the approval of the Town Council.

(B) (1) No ordinance shall be presented for consideration or discussion to the Town Council unless each Councilmember shall first have had a draft copy of the ordinance 48 hours prior to the time it is presented for the discussion or consideration.

(2) In the event any ordinance is not reported out by the Committee to which it is assigned, any one Councilmember at the Council meeting may move that the ordinance be brought out of committee at the next regular meeting, and if the motion is carried as such, the ordinance shall be reported out either favorably or unfavorably at the next regular meeting.

(C) All proposed amendments to these rules shall be referred to the Committee on Rules without debate. The Committee shall have the

order of business, and any such report shall be disposed by the Council without delay. Any change in these rules or in the order of business shall be determined by a majority vote of all the Councilmembers elect and not otherwise.

(D) Unless otherwise provided in these rules, all committee meetings may be called at any time.

(E) Standing and special committees, to which reference of any matter is made, shall in all cases report at least once each month unless further time is granted by a majority vote of all the members of the Council, with their opinions and recommendations thereon. Minority reports of all committees may be received at the same time with the reports of the majority.

(F) All written reports of committees shall be addressed "To the President and Town Council of Lowell, Indiana." They shall be framed and summed up in the form of an ordinance, order, resolution, recommendation or such other distinct proposition and such reports may be presented to the Council by the Chairperson of the committee upon call of reports of committees.

(G) The rules of parliamentary practice comprised in *Robert's Rules of Order, Revised* shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Town Council.

(H) These rules may be temporarily suspended by the consent of all the Councilmembers elect and not otherwise.

(I) A majority of the committee must approve an ordinance before it is submitted to the Council. In any event, the above rules shall apply. The committee Chairperson or a member, in his or her absence, may deliver a copy of the ordinance to the Clerk-Treasurer.

('80 Code, § 1.20.060)

CHAPTER 31: TOWN OFFICIALS

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- 31.02 Reports to Town Council
- 31.03 Issuance of receipt for monies collected
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Wastewater Treatment Plant Superintendent

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- 31.75 Appointment; term of office
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Code Enforcement Officer

- 31.85 Authorization
- 31.86 Powers and duties
- 31.87 Qualifications

Cross-reference:

President as officer of Council, see § 30.17(A)

Town Attorney as officer of Council, see § 30.17(B)

CLERK-TREASURER

§ 31.01 DUTY TO KEEP RECORDS.

The Clerk-Treasurer of the Town shall maintain records and books necessary for keeping a full and complete record and account of all

transactions in connection with the Lowell Sewage Works and Waterworks, and as prescribed by the laws of the state.

('80 Code, § 2.04.010)

Cross-reference:

Clerk-Treasurer as officer of Council, see § 30.17

Clerk-Treasurer to be Violations Clerk, see § 33.15

Statutory reference:

Powers and duties of the Clerk-Treasurer, see IC

36-5-6-6, 36-5-6-5, and 36-5-2-8

PROVISIONS.

The Town Clerk-Treasurer shall grant no extension to patrons in the payment of utility bills,

§ 31.02 REPORTS TO TOWN COUNCIL.

(A) The Clerk-Treasurer shall make a financial report to the Town Council at the first regular meeting of each month to account for receipts and expenditures of the Lowell Waterworks and Sewage Works. Delinquent accounts and other information will be provided monthly.

(B) It shall be the duty of the Clerk-Treasurer to keep a true record of each meter in use, and annually make a return of the number of feet of water main in service and perform such other duties in connection therewith as the Town Council may direct.

('80 Code, § 2.04.020)

§ 31.03 ISSUANCE OF RECEIPT FOR MONIES COLLECTED.

The Town Clerk-Treasurer shall deposit daily all money derived from the collection of utility bills, meter deposits, and miscellaneous receipts and issue the Clerk-Treasurer's receipt therefore.

('80 Code, § 2.04.030)

§ 31.04 ENFORCEMENT OF WATERWORKS

but shall require a strict compliance with Chapter 52 of this code, and shall make available to the Town Council, complete and concise records detailing any violations of the provisions of Chapter 52, especially payment of bills, turning off of water, securing permits, and illegal use of water. ('80 Code, § 2.04.040)

Cross-reference:

Waterworks, see Ch. 52

TOWN COURT

§ 31.10 ESTABLISHED.

Pursuant to IC 33-10.1-1-3, the Town Court is hereby established for and in the town of Lowell. The office of Judge of the Town Court is hereby created and this shall be an elected office. The term of office for Town Court Judge shall be for four years beginning January 1, 2000 and candidates for said office shall be nominated in the primary election of 1999 and stand for election in the general election of 1999 and every four years thereafter as provided by state law. The Judge of the Town Court shall have the powers and jurisdiction in criminal and civil matters as may be granted by the state to town courts.
(Ord. 1998-21, passed 11-23-98)

§ 31.11 JUDGE; JURISDICTION.

The compensation for the office of Judge shall be fixed each year by the Town Council in the annual elected officials salary ordinance. The Town Judge shall take and subscribe to the same oath of office as judges of the circuit courts and shall post the bond required by state law before beginning the duties of office. The Town Court shall have jurisdiction over all violations of town ordinances, infractions and misdemeanors. The Town Court Judge shall hold sessions of the Town Court as the business of the Court may demand at the Town Hall or such other facilities as may be provided.
(Ord. 1998-21, passed 11-23-98)

§ 31.12 CLERK'S RECORD PERPETUAL FUND.

money into the Supplemental Adult Probation Services Fund of the 2004 S-11

(A) *Establishment of fund.* Pursuant to IC 33-19-6-1.5 there is hereby established a Clerk's Record Perpetual Fund into which the Clerk-Treasurer shall deposit all license reinstatement fees received by the Town Court for transmitting documents by facsimile machine to any person or agency.

(B) *License reinstatement fee.* The Clerk of the Town Court shall collect a fee of \$5 from each person requesting a driver's license reinstatement resulting from a driver's license suspension caused by any person's failure to timely appear in court or pay of any fee, fee or other cost levied by the court as reimbursement for the costs associated with facsimile or other transmissions by the court to the Indiana Bureau of Motor Vehicles.

(C) *Deposit of funds.* All revenues paid to or collected by the Clerk of the Town Court under this section shall be remitted to the Clerk-Treasurer on a monthly basis and deposited into the Clerk's Record Perpetual Fund.

(D) *Use of revenues.* Revenues deposited into the Clerk's Record Perpetual Fund shall only be expended for the expenses of court recordkeeping improvements and equipment after the approval of an appropriate purchase order by the Clerk-Treasurer and the approval of each claim by the Town Council.

(Ord. 2000-8, passed 4-10-00; Am. Ord. 2004-13, passed 5-10-04)

Cross-reference:

Fee schedule, see § 11.007

§ 31.13 SUPPLEMENTAL ADULT PROBATION SERVICES FUND.

(A) *Establishment of fund.* Pursuant to IC 35-38-2-1(f) a supplemental adult probation services fund is hereby established for the Lowell Town Court.

(B) *Deposit of funds.* All money collected by the probation department of the Town Court under this section shall be transferred to the Clerk-Treasurer and the Clerk-Treasurer shall deposit the

Town of Lowell. The Town Council shall appropriate money from the local Supplemental Adult Probation Services Fund to the Town Court for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body.

(C) *Use of funds.* The Supplemental Adult Probation Services Fund may be used only to supplement probation services and to increase salaries for probation officers and Supplemental Adult Probation Services Funds may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in Supplemental Adult Probation Services Fund.
(Ord. 2000-18, passed 9-11-00)

TOWN MANAGER

§ 31.15 AUTHORIZATION.

The Town Council may, in its discretion, employ a Town Manager to serve at the pleasure of the Town Council or for a definite term not to exceed the longest remaining term in office of a member of the Town Council, upon such terms and conditions as may be agreed and whose employment shall always be terminable for cause. In case of the absence or disability of the Town Manager, the Town Council may designate some qualified person to perform the duties of the office. ('80 Code, § 2.06.010) (Ord. 1984-4, passed --84)

Statutory reference:

Town Manager, see IC 36-5-5-1 et seq.

§ 31.16 BOND REQUIREMENTS.

The Town Manager shall execute a bond in favor of the town, for the faithful performance of his duties, in such sum as may be fixed by the Council. The cost of the bond shall be paid by the town.

('80 Code, § 2.06.020) (Ord. 1984-4, passed --84)

Statutory reference:

Bond to be provided by the Town Manager, see IC 36-5-5-5

§ 31.17 POWERS AND DUTIES.

(A) The Town Manager shall be responsible to the Town Council for the proper administration of all the affairs of the town which the Council has authority to control. The Town Manager shall be the administrative head of the town, except for the administration of those duties given the Clerk-Treasurer by state statute or ordinance of the Town Council. The Town Manager, in the performance of such administrative duties, and unless a written order or subsequent ordinance of the Town Council directs to the contrary, shall:

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(1) Attend the meetings of the town and recommend actions he or she considers advisable;

(2) Hire town employees according to the pay schedules and standards fixed by ordinance or statute, subject to the approval of the Town Council;

(3) Suspend, discharge, remove, or transfer town employees, if necessary for the welfare of the town, subject to approval of the Town Council;
(IC 36-5-5-8(1)-(3))

(4) Administer and enforce all ordinances, orders, and resolutions;

(5) See that all statutes that are required to be administered are faithfully administered;

(6) Prepare budget estimates and submit them to the legislative body when required;

(7) Execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of the appropriations, notice, and competitive bidding required by statute; and
(IC 36-5-5-8(5)-(8))

(8) Supervise and schedule maintenance of all public buildings and grounds other than parks, including snow removal. The Town Manager shall be responsible for the recommendation of future expansion and necessary improvements to maintain the quality of public services provided by the Town.

(B) The Town Council may enact such rules and regulations as it deems necessary to establish personnel policies of the town, including working conditions, employee conduct, benefits, employee evaluations, hiring and termination procedures, purchasing policies, grievance procedures, safety policies, and any other matter which might relate to the effective and efficient operation of the affairs of the town and the health, welfare and safety of the citizens of the town. The Town Manager shall have the duty of implementing and enforcing the rules and regulations as adopted by the Town Council and may suspend, discharge, remove or transfer any town employee pursuant to the procedure so established.

('80 Code, § 2.06.030) (Ord. 1984-4, passed - -84)

§ 31.18 AUTHORITY TO RECEIVE SERVICE OF SUMMONS ON BEHALF OF TOWN.

The Town Manager is authorized to receive service of summons on behalf of the town in all actions brought against the town.

('80 Code, § 2.06.040) (Ord. 1984-4, passed - -84)

DIRECTOR OF ADMINISTRATION

§31.20 AUTHORIZATION.

The Town Council may, in its discretion, employ a Director of Administration who shall serve at the pleasure of the Town Council, or for a definite term not to exceed the longest remaining term in office of a member of the Town Council, upon such terms and conditions as may be agreed subject, however, to removal at the pleasure of the Council.

(Ord. 1997-27, passed 12-29-97)

§ 31.21 BOND REQUIREMENTS.

The Director of Administration shall execute and keep in force a bond in favor of the town for the faithful performance of his/her duties, in a sum to be determined by the Council, and the cost of the bond shall be paid by the town.

(Ord. 1997-27, passed 12-29-97)

§ 31.22 POWERS AND DUTIES.

(A) The Director of Administration shall be responsible to the Council for the proper administration of all affairs of the town not otherwise assigned by the Council to another department head or employee. In the absence of a Town Manager, the Director of Administration shall be the administrative head of the town except for the administration of those duties given to the Clerk-Treasurer by any statute, ordinance, resolution or law.

(B) The Director of Administration shall:

(1) Respond in a timely manner to all inquiries by the public regarding town business and other public concerns;

(2) Attend meetings of the Council and other town boards, commissions, committees or governing bodies;

(3) Hire administrative, clerical and other town hall employees according to the pay schedules and standards fixed by ordinance or statute, subject to the approval of the Council;

(4) Suspend, discharge, remove, discipline or transfer building administration or town hall clerical employees as may be necessary for the welfare of the town, subject to approval of the Council;

(5) Faithfully and fairly administer and enforce all ordinances, resolutions, orders, statutes and other laws;

(6) Assist in the preparation of town budget estimates and submit them to the Clerk-Treasurer and Council as required;

(7) Execute contracts on behalf of the town as directed by the Council for materials, supplies, services, or improvements, after the completion of all appropriations, notice, and competitive bidding required by law;

(8) Manage the daily administrative business of the town;

(9) Be responsible for timely executing, filing and supplying data or other information requested or required by any governmental agency;

(10) Prepare, execute and timely apply for all governmental or other grants or subsidies;

(11) Prepare and deliver informational packets to each council member and the town attorney prior to every Council meeting; and

(12) Carry out any other function or duty as may be assigned by the executive or the Council from time to time.

(1) The operation, supervision and management of the Water Utility, Wastewater Utility

(C) The Director of Administration is authorized to receive service of summons on behalf of the town in all legal actions.

(D) The Town Council may enact such rules and regulations as it deems necessary to establish personnel policies of the town, including working conditions, employee conduct, benefits, employee evaluations, hiring and termination procedures, purchasing policies, grievance procedures, safety policies, and any other matter which might relate to the effective and efficient operation of the affairs of the town and the health, welfare and safety of its citizens. The Director of Administration shall have the duty to implement and enforce the rules and regulations adopted by the Town Council and may suspend, discharge, remove or transfer any town employee under his or her supervision pursuant to the procedures so established.

(Ord. 1997-27, passed 12-29-97)

DIRECTOR OF PUBLIC WORKS

§ 31.25 AUTHORIZATION.

(A) The Town Council may, in its discretion, employ a Director of Public Works to serve at the pleasure of the Town Council, or for a definite term not to exceed the longest remaining term in office of a member of the Town Council, upon such terms and conditions as may be agreed and whose employment shall always be terminable for cause.

(Ord. 1997-28, passed 12-29-97)

§ 31.26 POWERS AND DUTIES.

(A) The Director of Public Works shall be responsible for the following duties and functions:

and Street Department and all their respective supervisors, foreman and employees;

(2) The preparation of all reports, documents, records or other information required by any regulatory agency or the Council;

(3) The hiring of all Water Utility, Wastewater Utility, and Street Department personnel according to the pay schedules and standards fixed by ordinance or other laws, subject to the approval of the Council;

(4) The evaluation, discipline, suspension, discharge, removal, or transfer of all Water Utility, Wastewater Utility, and Street Department supervisors, foreman, employees or other personnel necessary for the welfare of the town, subject to approval of the Council;

(5) Administer, enforce and faithfully discharge the duties and responsibilities required by any ordinance, statute, regulation or law;

(6) Prepare and oversee the budget, expenditures and claims of the Water Utility, Wastewater Utility, and Street Department and any budgetary estimates or requests submitted to or requested by the Council, the Clerk-Treasurer or required by law;

(7) The preparation of specifications for all bids or quotes and the execution of those contracts approved by the Council for materials, supplies, services, or other improvements for the departments under his/her control, subject to all appropriations, notice, and competitive bidding requirements;

(8) Assist the Director of Community Development and staff in all subdivision or other projects or reviews.

(9) Supervise and maintain all public buildings, improvements and lands, other than parks, and all streets, roads or public ways and any other projects that may be assigned by the town executive.

(10) The planning and recommendation of all future expansion or improvements to maintain and increase the quality of services provided to the public. his or her successor

(11) In times of emergency or inclement weather, the Director of Public Works shall have the authority to temporarily transfer any employee under his jurisdiction to any other department if he deems it necessary to maintain the health, safety or welfare of the public. Any town employee who refuses such temporary transfer, or fails to efficiently or effectively carry out any assigned duty or order, shall be subject to immediate discipline or discharge from employment by the Director of Public Works.

(B) The Town Council may enact such rules and regulations as it deems necessary to establish personnel policies of the town, including working conditions, employee conduct, benefits, employee evaluations, hiring and termination procedures, purchasing policies, grievance procedures, safety policies, and any other matter which might relate to the effective and efficient operation of the affairs of the town and the health, welfare and safety of the citizens of the town. The Director of Public Works shall have the duty to implement and enforce these rules and regulations and may suspend, discharge, remove or transfer any town employee under his or her supervision pursuant to the procedure so established.

(Ord. 1997-28, passed 12-29-97)

***DIRECTOR OF COMMUNITY
DEVELOPMENT***

§ 31.30 APPOINTMENT; TERM OF OFFICE.

The Town Council, at its first regular meeting in January of each and every year, shall appoint a Director of Community Development who shall hold office for the period of one year next succeeding the day of this appointment, and until

has been appointed and qualified, subject, however, to removal at the pleasure of the Town Council.

('80 Code, § 2.14.010) (Ord. 22-1978, passed - -78; Am. Ord. 2006-11, passed 5-22-06)

Cross-reference:

Building and construction regulations, see Ch. 150

requests for the following budgetary year,

§ 31.31 POWERS AND DUTIES.

(A) The Director of Community Development shall have extensive knowledge and experience in the area of urban planning and shall be responsible for the enforcement of all building, zoning and subdivision codes and regulations. The Director shall serve as the executive director of the Planning Commission and Board of Zoning Appeals and shall be a source of information for any person concerning compliance with the town's building, subdivision and zoning codes. The Director shall be responsible for the issuance of all building, sign, improvement location and other permits allowed or required by the building code and any zoning and subdivision ordinance.

(B) The Director shall implement and enforce all aspects of the town's comprehensive plan, all zoning and subdivision ordinances and regulations and all state and federal planning, building, housing and redevelopment laws, rules and regulations. Additionally, the Director is responsible for accomplishing the town's community development goals and objectives; recommending changes to the existing building, zoning and subdivision ordinances; and ensuring that the town's planning and development goals and objectives are provided to the community in an effective and cost efficient manner.

(C) The Town Council may, from time to time, authorize the employment of qualified inspectors and support staff to assist the Director of Community Development in implementing and enforcing all building, zoning and subdivision regulations. All inspectors shall be properly certified and supervised by the Director of Community Development. The Director shall file an annual report with the Town Council in May of each year containing staffing and budgetary

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including the anticipated sources of revenue to fund each request made and any recommendation for revision of the Building Department’s schedule of fees.

('80 Code, § 2.14.010) (Ord. 22-1978, passed - -78; Am. Ord. 2006-11, passed 5-22-06)

§ 31.32 SALARY, BENEFITS, OTHER DUTIES PROVIDED BY ORDINANCE.

(A) The Town Council, shall at the time of making the appointment, fix the salary of the Director of Community Development and Inspectors of the Building Department for the ensuing year and determine all other job benefits, including vacations, by ordinance. The Town Council may further define the duties, responsibilities and requirements of the Director and each Inspector of the Building Department through the adoption of policy resolutions. ('80 Code, § 2.14.010)

(B) The position of Director of Community Development shall be a salaried, FLSA exempt position, and no person holding said position shall participate in the Indiana Public Employees Retirement Fund (PERF) or receive employee health insurance benefits unless and until the Town Council grants such benefits to the person holding said position by proper resolution.

(C) All references in the Lowell Municipal Code and all other ordinances or resolutions that reference the title or position of “Building Administrator” are hereby amended to replace such references with the new job title of “Director of Community Development”. (Ord. 22-1978, passed - -78; Am. Ord. 2006-11, passed 5-22-06)

SUPERINTENDENT OF STREETS

§ 31.45 APPOINTMENT; TERM OF OFFICE.

The Town Council, at its first regular meeting in January of each and every year, shall appoint a Superintendent of Streets, who shall hold his or her office for the period of one year next succeeding the date of his or her appointment, and until his or her successor has been appointed and qualified, subject, however, to removal at the pleasure of the Town Council.

('80 Code, § 2.12.010) (Ord. 21-1978, passed - -78)

Cross-reference:

Streets and sidewalks, see Ch. 97

§ 31.46 POWERS AND DUTIES.

(A) The Superintendent of Streets shall be responsible for the regular and routine operation of the Street Department, including daily supervision of the employees of the Department. The Street Department shall be responsible for the maintenance of the stormwater drainage system, wastewater collector system, water distribution system, street system and park system within the town and the installation of improvements to those systems upon direction by the Town Council. The Superintendent of Streets shall report regularly to the Town Manager as requested by the Manager or the Town Council. The Superintendent of Streets is responsible for all equipment utilized by his Department in performance of its responsibilities. ('80 Code, § 2.12.010) (Ord. 21-1978, passed - -78)

§ 31.47 SALARY, BENEFITS, OTHER DUTIES PROVIDED BY ORDINANCE.

The Town Council shall, at the time of making the appointment, fix the salary of the Superintendent of Streets for the ensuing year and

determine all other job benefits, including vacations by ordinance. The Town Council may further define the duties, responsibilities and requirements of the Superintendent of Streets through the adoption of policy resolutions.

('80 Code, § 2.12.010) (Ord. 21-1978, passed - -78)

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**WASTEWATER TREATMENT PLANT
SUPERINTENDENT**

year and determine all other job benefits, including vacations, by ordinance. The Council may further define the duties, responsibilities and requirements of

§ 31.60 APPOINTMENT; TERM OF OFFICE.

The Town Council, at its first regular meeting, in January of each and every year, shall appoint a Wastewater Treatment Plant Superintendent who shall hold his office for the period of one year next succeeding the date of his or her appointment, and until his or her successor has been appointed and qualified, subject, however, to removal at the pleasure of the Town Council.

('80 Code, § 2.10.010) (Ord. 21-1978, passed - -78)

Cross-reference:

Sewers, see Ch. 51

§ 31.61 POWERS AND DUTIES.

The Wastewater Treatment Plant Superintendent shall be responsible for the regular and routine operations of the wastewater treatment plant, including the daily supervision of the employees of the plant. He or she shall make reports to the Town Manager requested by the Town Manager or Town Council. He or she shall be responsible for all equipment, owned or utilized by the wastewater treatment plant. He or she shall be responsible for the operation of the wastewater treatment plant, and wastewater lift and/or metering stations in conformance with all applicable state and federal laws, rules and regulations.

('80 Code, § 2.10.010) (Ord. 21-1978, passed - -78)

§ 31.62 SALARY, BENEFITS, OTHER DUTIES PROVIDED BY ORDINANCE.

The Town Council shall, at the time of making the appointment, fix the salary of the Wastewater Treatment Plant Superintendent for the ensuing

the Wastewater Treatment Plant Superintendent through the adoption of policy resolutions. ('80 Code, § 2.10.010) (Ord. 21-1978, passed - -78)

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WATERWORKS SUPERINTENDENT

§ 31.75 APPOINTMENT; TERM OF OFFICE.

The Town Council, at its first regular meeting, in January of each and every year, shall appoint a Waterworks Superintendent who shall hold his or her office for the period of one year next succeeding the date of his or her appointment, subject to removal at the pleasure of the Town Council.

('80 Code, § 2.08.010) (Ord. 20-1978, passed - -78)

Cross-reference:

Waterworks, see Chapter 52

§ 31.76 POWERS AND DUTIES.

(A) The Waterworks Superintendent shall be responsible for the regular and routine operation of the waterworks, including the daily supervision of employees of the waterworks. It shall be his or her duty, in conjunction with the Town Clerk-Treasurer, to see that the bylaws, rules, regulations, code provisions and any other ordinance of the town in relation to the waterworks system are complied with and enforced, that all contracts by, with or concerning the waterworks system are faithfully and strictly complied with, and that the assessments of water rates, rents, and rentals are duly made, collected and paid. The Superintendent shall approve all orders for the town on account of the waterworks system, and submit to the Town Council such explanations as will enable them to act advisedly thereon, and to be informed as to the conditions of the waterworks, and keep a record of the location, size and length of all the pipes, mains, hydrants and valves in use for the waterworks, and annually, the Waterworks Superintendent shall submit to the Council, a full and detailed report of the condition and operations of the waterworks for

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year ending on December 31, with an estimate of the amount of outlay for the coming year, and he or she shall have such other duties as the Council may from time to time prescribe. (Ord. 20-1978, passed - -78) shall:

(B) The Waterworks Superintendent shall have charge of the inspection of premises entered by service pipes, and the right to make such inspections, in conformity with §§ 33.01 through 33.03 of this code. ('80 Code, § 2.08.010)

§ 31.77 SALARY, BENEFITS, OTHER DUTIES PROVIDED BY ORDINANCE.

The Town Council shall, at the time of making the appointment, fix the salary of the Waterworks Superintendent for the ensuing year. The Council may further define the duties, responsibilities and requirements of the Waterworks Superintendent through the adoption of policy resolutions. ('80 Code, § 2.08.010) (Ord. 138, passed - -16)

CODE ENFORCEMENT OFFICER

§ 31.85 AUTHORIZATION.

The position of Code Enforcement Officer is hereby created under the control and supervision of the Director of Community Development. The Code Enforcement Officer shall be appointed by and serve at the pleasure of the executive. (Ord. 1998-1, passed 1-26-98)

§ 31.86 POWERS AND DUTIES.

The Code Enforcement Officer shall have the following qualifications and responsibilities:

(A) *Duties.* The Code Enforcement Officer

(1) Be responsible for the enforcement of all Municipal or Zoning Ordinances;

(2) Have the ability to effectively and professionally communicate with the public and fairly and impartially enforce all town ordinances; and

(3) Have the ability to appear and testify in court.

(B) *Violations.* The Code Enforcement Officer shall log and investigate all reported and observed violations of town ordinances. Examples of said violations are:

(1) Construction or building without a permit;

(2) Unsightly debris;

(3) Junk or abandoned motor vehicles;

(4) Lack of required fencing for swimming pools;

(5) Sign violations;

(6) Weed and vegetation control; and

(7) Any other duty assigned by the Director of Community Development.

If a violation is present, appropriate action shall be immediately taken to cite the violator and cure the violation. The Code Enforcement Officer shall have the authority to issue citations for any code violations.

(C) *Surveys.* The Code Enforcement Officer shall be responsible for performing public surveys or canvassing as may be ordered by the Town Council.

(D) *Parking.* The Code Enforcement Officer shall monitor and enforce all parking restrictions, especially in any business district or other area and shall have the ability to issue parking tickets for any violations.

(Ord. 1998-1, passed 1-26-98)

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§ 31.87 QUALIFICATIONS.

The minimum qualifications for the Code Enforcement Office shall include:

(A) A high school diploma;

(B) Current and unrestricted Indiana Driver's License;

(C) Ability to operate motor vehicles and to read and understand the English language; prepare detailed narrative reports of any zoning violations; compose and initiate letters to violators, knowledge of the city's municipal and zoning ordinances, operate a computer, typewriter and fax machine; and the ability to address all zoning questions from members of the public.

(Ord. 1998-1, passed 1-26-98)

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CHAPTER 32: TOWN POLICIES

Section

- 32.01 Bad check fee
- 32.02 Town vehicle policy
- 32.03 Expenses for the promotion of town business
- 32.04 Use of tobacco products prohibited

§ 32.01 BAD CHECK FEE.

(A) A bad check fee is established in the amount of \$25 to be assessed against any person, corporation, partnership or other entity for each check or instrument issued to the town or any of its departments, boards, commissions or utilities, which is returned to the town or for which payment is denied for any reason, including but not limited to insufficient funds or stop payment. All bad check fees assessed shall be paid to the Clerk-Treasurer and deposited into the general fund. ('80 Code, § 1.24.010)

(B) This fee shall be in addition to and not in lieu of any and all other remedies available at law or in equity. ('80 Code, § 1.24.020) (Ord. passed 11-26-84; Am. Ord. 1997-15, passed 7-28-97)

Cross-reference:

Finance and revenue, see Ch. 35

Fee schedule, see § 11.001

§ 32.02 TOWN VEHICLE POLICY.

(A) Scope of policy.

(1) This policy is inclusive of all departments, employees and vehicles under the direct administration or control of the Town Council. Police or applicable Fire Department vehicles are excluded

from this policy if the vehicles are not owned or leased by the town and fall under the exclusive jurisdiction of another governing body.

(B) Vehicle markings.

(1) All vehicles owned or leased by the town shall bear clearly marked and identifiable bilateral markings or decals, in a form approved by the Clerk-Treasurer, identifying the vehicle as owned by the town except for vehicles designated as unmarked police vehicles.

(C) Eligible employees.

(1) Individuals holding the following positions are considered "eligible employees" under this policy and may be granted the possession and use of a take home vehicle: Town Manager, Director of Administration, Director of Public Works, WWTP Superintendent, Water Superintendent, Street Superintendent, Director of Community Development, Director of Engineering and any other official of the town designated by the Town Council. However, no person shall qualify as an eligible employee under this section unless the employee is a resident of and domiciled in the town or within a fifteen mile radius of the town.

(2) Only eligible employees who have executed a "Take Home Vehicle Responsibility Form" may be assigned a take home vehicle. No person not a full time employee of the town may operate any town owned vehicle except for necessary test rides by representatives of an authorized vendor to effect any maintenance or repairs to the vehicle.

(D) Use of town vehicles.

(1) Each eligible employee assigned a take home vehicle shall use the vehicle to commute

to and from work and for all authorized town
business.

(2) Personal use of town vehicles by any person or employee is prohibited. However, eligible employees may use their assigned vehicle for personal errands during and along their commute to and from work or travel for town business.

(3) All employees shall execute a form, approved by the Clerk-Treasurer, that shows the accurate beginning and return mileage, date and beginning and ending time of each trip made outside the corporate limits of the town with a town vehicle. A copy of each such form shall be filed with the employees' immediate supervisor and the original form shall be filed with the Clerk-Treasurer by the next business day after returning to the town from the trip. This reporting requirement shall not apply to police vehicles used for official town business within the State of Indiana or any vehicle use that is specifically exempted by the Council President.

(4) An accident or collision occurring with a town vehicle may be cause to limit or eliminate use of a town vehicle by an employee. The occasion of any accident or collision attributable to the fault of an employee may be cause for disciplinary action including, but not limited to, a verbal or written reprimand or dismissal from employment.

(5) The transport, use or possession of any amount of alcohol or illegal drugs or substance by an employee or passenger in a town vehicle, or the operation of any town vehicle while under the influence of any alcohol, drug, narcotic or intoxicant is strictly forbidden and shall be cause for revocation of all town vehicle privileges or immediate dismissal from employment. No employee shall use or operate any town vehicle, or permit any other person to use or operate any town vehicle, for any purpose that may be deemed illegal under any state, federal or local law.

(6) Each employee involved in an accident attributable to his/her fault shall reimburse the town 50% of any applicable

insurance deductible amount due under the town's insurance policy and 100% of the deductible for any subsequent accidents thereafter.

(7) No employee shall operate any town vehicle without possessing a valid driver's license

of the category, classification and type required for the operation of the vehicle under Indiana law. Each employee shall immediately report to their supervisor and the Clerk-Treasurer any changes in their driving record or driving privileges, including, but not limited to, each traffic violation and any suspension, restriction or limitation of their driving privileges imposed by any law, rule or regulation.

(Ord. 1997-9, passed 4-28-97; Am. Ord. 1999-10, passed 6-14-99; Am. Ord. 2007-14, passed 6-25-07)

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§ 32.03 EXPENSES FOR THE PROMOTION OF TOWN BUSINESS.

(A) The Town Council is hereby authorized to budget and appropriate from the town general fund to pay the expenses of or reimburse town officials, as the case may be, for expenses incurred in promoting the best interests of the town.

(B) Such expenses may include, but are not necessarily limited to, rental of meeting places, donations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial and residential development, expenses incurred in developing relationships with other units of government, and any other expenses of a civic or governmental nature deemed by the Town Council to be in the interests of the town.

(C) This section shall apply retroactive to the year 1983 and each subsequent year in which there is a sum budgeted and appropriated by the town for such purposes, and the amount therefor shall be the amount so budgeted and appropriated and as added to, if required, by a compliance with the applicable laws as to additional appropriations.

(Ord. 1997-20, passed 9-29-97)

§ 32.04 USE OF TOBACCO PRODUCTS PROHIBITED.

(A) The smoking of any tobacco product is hereby prohibited within any building, structure or vehicle owned, leased or operated by the Town of

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

SMOKING. Includes, but is not limited to, inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, pipe or other product containing tobacco.

(C) The Director of Public Works shall post appropriate signs in each municipal building and structure providing notice of the prohibition and penalties provided under this section.

(D) Any person who violates this section shall be subject to the penalties provided under § 10.99.

(E) Any violation of this section by a town employee shall be sufficient cause for immediate disciplinary action by the appropriate disciplinary authority in addition to any penalty that may be imposed under § 10.99.

(Ord. 2005-14, passed 4-11-05) Penalty, see § 10.99

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Lowell - Administration

CHAPTER 33: CODE ENFORCEMENT PROCEDURES

Section occupant, if they can be located after

Inspection and Compliance Procedures

- 33.01 Right of entry for inspection
- 33.02 Authorized officials
- 33.03 Compliance with municipal codes;
notice; lien
- 33.04 Computer use policy

Ordinance Violation Bureau

- 33.15 Establishment; Violations Clerk
- 33.16 Schedule of fines
- 33.17 Multiple offenses
- 33.18 Other remedies

INSPECTION AND COMPLIANCE PROCEDURES

§ 33.01 RIGHT OF ENTRY FOR INSPECTION.

(A) Whenever necessary to make an inspection to enforce any provision of this code or any other ordinance or resolution of the town, or whenever there is reasonable cause to believe there exists a code, ordinance or resolution violation in any building or upon any premises within the jurisdiction of the town, any authorized official of the town may enter such building or premises, upon presentation of proper credentials, at all reasonable times to inspect the same or to perform any duty imposed upon him by this code or any other ordinance of the town, provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or

reasonable effort, 24 hours written notice of the authorized official's intention to inspect.

(B) The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry, and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
(‘80 Code, § 1.12.010) (Ord. 4-1975, passed --75)

§ 33.02 AUTHORIZED OFFICIALS.

Town officials authorized to inspect buildings and premises are the Town Manager and the Director of Community Development, or their designates.
(‘80 Code, § 1.12.020)

§ 33.03 COMPLIANCE WITH MUNICIPAL CODES; NOTICE; LIEN.

If a violation of any of the codes or ordinances of the town is determined to exist on real property, all persons holding a substantial interest in the property must be given a reasonable opportunity to bring the property into compliance. If the appropriate actions are not taken by the owners or occupants of the property within a reasonable period of time, authorized officials of the town may enter the property and take appropriate action to bring the property into compliance. Any expenses incurred by the town may be recorded as a lien against the property. For the purposes of this section a reasonable period of time shall be determined by the nature of the violation.

The notice period need not exceed 30 days for any violation.

('80 Code, § 1.12.030) (Ord. 1982-28, passed 12-28-82)

Statutory reference:

Violations on private property, see IC 36-1-6-2

§ 33.04 COMPUTER USE POLICY.

(A) Town employees and officials shall not use any computer, e-mail account, internet service provider connection, printer, facsimile machine, copy machine, paper or other town equipment or supplies for any reason not directly related to the performance of official town business. Use of such machinery, equipment or supplies for any private or personal use shall be considered unauthorized use of equipment or supplies.

(B) Town employees or officials shall not utilize any computer or internet, intranet or e-mail connection or account for any personal business or personal communications. No employee or official is permitted to use a town computer, internet connection or e-mail account to log onto or view any lewd, indecent, obscene, pornographic or sexually oriented photo, image, graphic or material.

(C) Town employees or officials shall not make unauthorized copies of any software owned by or licensed to the town by any software manufacturer or take any action that would be a breach of any license or copyright. All computer data files created by an employee shall remain the sole and separate property of the town, and such data files may not be downloaded, copied or distributed for any use not directly related to official town business.

(D) Each employee shall keep a written list of their current computer, internet, intranet and software passwords, and a copy of the list shall be kept on file with the employee's supervisor and with the office of the Clerk-Treasurer. All supervisors, department heads and officials utilizing a town computer shall file a written list of each of their respective computer, internet, intranet and software passwords with the Clerk-Treasurer. All password lists filed with the

Clerk-Treasurer are not public information and shall be kept confidential to protect the security of the town's computer and software systems.

(E) All supervisors and town officials have the right to log onto any town computer assigned to an employee under their supervision to determine if the computer, or its software, has been used by any person in violation of the town's computer use policy.

(Ord. 1999-17, passed 8-30-99)

ORDINANCE VIOLATION BUREAU

§ 33.15 ESTABLISHMENT; VIOLATIONS CLERK.

There is established an Ordinance Violation Bureau and the Clerk-Treasurer shall be designated as the Violations Clerk. The Violations Clerk may accept written appearances, waivers of trial, admissions of violations and the payment of civil penalties which amounts are determined by the Town Council and shall be subject to amendment by Council from time to time. The current penalty amount is available for public inspection at the town offices during normal business hours.

('80 Code, § 1.16.020) (Ord. 1988-12, passed 4-25-88; Am. Ord. 1989-22, passed - -89)

§ 33.16 SCHEDULE OF FINES.

(A) The Violations Clerk shall be authorized to accept an admission of violation and the payment of an amount determined by the Town Council, and subject to amendment by Council from time to time (the current penalty amount is available for public inspection at the town offices during normal business hours), for the violation of each ordinance and code provision enacted by the Town Council except that the Violations Clerk shall be authorized to accept an admission of violation and the payment of an amount determined by the Town Council, and subject to amendment by Council from time to time (the current penalty amount is available for public inspection at the town offices during normal business hours), for

parking violations and provided further that any citation for the violation of any section under Title VII of the town code or any other applicable ordinance of the town other than parking violations shall be excluded. Any citation for which the Violations Clerk has not received an appearance, answer, admission of violation, and/or payment of a fine as imposed under this section within seven days of the initial citation shall be turned over for prosecution before the appropriate court.

(B) The minimum fine to be imposed on the entry of a code and/or ordinance violation judgment once the citation has been referred to the appropriate court shall be an amount determined by the Town Council, and subject to amendment by Council from time to time. The current penalty amount is available for public inspection at the town offices during normal business hours.

('80 Code, § 1.16.030) (Ord. 1988-12, passed 4-25-88; Am. Ord. 1988-24, passed 9-26-88; Am. Ord. 1989-22, passed - -89)

§ 33.17 MULTIPLE OFFENSES.

In the event that a person is found guilty of three or more code and/or ordinance violations other than violations under Title VII during a six-month period, then the citation shall be referred directly for prosecution in the appropriate court.

('80 Code, § 1.16.040) (Ord. 1988-12, passed 4-25-88; Am. Ord. 1988-24, passed 9-26-88)

§ 33.18 OTHER REMEDIES.

The establishment of an Ordinance Violation Bureau shall not in any way preclude the town from seeking injunctive relief, fines and/or such other remedies which may be available at law or inequity.

('80 Code, § 1.16.050) (Ord. 1988-12, passed 4-25-88)

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CHAPTER 34: DEPARTMENTS AND BOARDS

Section

Department of Redevelopment

Board of Metropolitan Police Commissioners

- 34.01 Establishment
- 34.02 Members; terms
- 34.03 Qualifications; removal
- 34.04 Compensation
- 34.05 Powers and duties
- 34.06 Quorum; meetings; officers
- 34.07 Probationary employees
- 34.08 Accidents, injury and reimbursement

- 34.50 Creation of Department and Commission
- 34.51 Appointment and term of office
- 34.52 Qualifications, per diem and staff
- 34.53 Meetings and officers

Cross-reference:

Historic Preservation Commission, see Ch. 157

Department of Development

- 34.15 Establishment

BOARD OF METROPOLITAN POLICE COMMISSIONERS

Department of Parks and Recreation

- 34.25 Establishment; composition
- 34.26 Establishment, operation and maintenance of public parks and programs
- 34.27 Powers and duties concerning public parks and programs
- 34.28 Creation of committees
- 34.29 Establishment of rules and regulations
- 34.30 Qualifications of Superintendent
- 34.31 Powers and duties of Superintendent

§ 34.01 ESTABLISHMENT.

A Board of Metropolitan Police Commissioners is established by the town and shall consist of five members appointed by the Town Council. All lawful actions taken by the Police Commission under Ordinance 9-1971, prior to the amendments adopted in Ordinance 2004-07, are ratified as official business of the Police Commission.

('80 Code, § 2.20.010) (Ord. 9-1971, passed - -71; Am. Ord. 2004-07, passed 2-9-04)

Statutory reference:

Establishment of Board of Metropolitan Police Commissioners, see IC 36-8-9-1 et seq.

Traffic Commission

- 34.35 Establishment; appointment of members; terms
- 34.36 Powers and duties

§ 34.02 MEMBERS; TERMS.

Department of Storm Water Management

- 34.45 Establishment; appointment of members; terms
- 34.46 Powers and duties

(A) *Members.* The Board shall consist of five members appointed by the Town Council but not more than three Board members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the Board.

(B) *Term.* The term of each Board member shall be for three years and expire on January 1 of the third year after the member's appointment. However, the terms of the members shall be staggered with the terms of not more than two Board members expiring each year.
(80 Code, § 2.20.020) (Ord. 9-1971, passed --71; Am. Ord. 2004-07, passed 2-9-04)

Board, subject to the following:

(1) No more than two council members may be appointed or serve on the Board;

§ 34.03 QUALIFICATIONS; REMOVAL.

(A) *Residency.* Each Board member must be a resident of the town for one year prior to their appointment.

(B) *Resume.* Each applicant, before consideration for appointment, shall complete an application, submit a resume containing their employment and educational history and execute an authorization and waiver for a criminal background check.

(C) *Oath.* Before performing any function of a Board member, each individual shall take and subscribe an oath or affirmation of office before the Lake County Circuit Court Clerk and that, in each appointment or removal made by the Board to or from the town Police Department under this chapter, the Board member will not appoint or remove a member of the town Police Department because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person.

(D) *Bond.* Each Board member shall give bond, approved by the Town Council, in the penal sum of \$5,000, payable to the state and conditioned upon the faithful and honest discharge of the member's duties.

(E) *Police Officers.* The Town Council may not appoint a police officer employed by the town to serve on the Board as required by IC 36-8-9-3.1(a)(7).

(F) *Town Council.* Members of the Town Council may be appointed as members of the

(2) A council member vacates their position on the Board when the member is no longer a member of the Town Council; and

Department shall be of good moral character and serve

(3) A council member appointed to the Board is not required to give the bond required by Police Commission members but shall take and file the oath required by law with circuit court clerk.

(G) *Removal.* The Town Council may remove a Board member for any cause it considers sufficient pursuant to IC 36-8-9-3.1(a)(6). An appointed member who misses three consecutive regular meetings of the Police Commission shall be deemed to have resigned their appointment unless the Town Council reaffirms the member's appointment for the remainder of their original term.

('80 Code, § 2.20.030) (Ord. 9-1971, passed --71; Am. Ord. 2004-07, passed 2-9-04)

§ 34.04 COMPENSATION.

(A) *Board.* The Town Council shall fix the salary of Board members who are not members of the town legislative body. A Board member's salary is payable monthly out of the town treasury.

(B) *Employees.* The Board may recommend and the Town Council shall determine the amount of compensation and benefits to be paid to members of the Police Department in amounts that are just and reasonable.

(Ord. 2004-07, passed 2-9-04)

§ 34.05 POWERS AND DUTIES.

(A) The Board may appoint, subject to the qualifications for employment determined by the Board and approved by the Town Council, as many persons as necessary to serve in the Police Department of the town. One person shall be appointed to serve as the Police Chief. The Board may also appoint other employees that are necessary to carry on the work of the Police Department.

(B) All persons appointed to the Police

Departments and Boards

only during good behavior. The Board constitutes the “safety board” of the town for purposes of the suspension, demotion, or dismissal of any member of the Police Department. Proceedings for the suspension, demotion, or dismissal of any member of the Police Department shall be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary provisions of IC 36-8-3-4.1 shall apply to the safety board and the Police Chief.

orders of the Police Department and shall maintain copies of same on file with the Clerk-Treasurer as official records of the Department.
(Ord. 2004-07, passed 2-9-04)

(C) The Board may make general and special rules for the government and discipline of the Police Department and may make special and general orders to the Department, through the Police Chief, who is the executive head of the Department.

(D) Members of the Police Department must:

- (1) Reside within Lake County;
- (2) Reside within 15 miles of the corporate boundaries of the town;
- (3) Have adequate means of transportation into the town; and
- (4) Maintain in their residence telephone service with the town.

(E) The operation, management, and control of the Police Department shall be governed by the state statutes applicable to the management and control of other municipal police departments that are not inconsistent with IC 36-8-9.

(F) Members of the Lowell Police Department may exercise all powers granted to members of police departments by state statutes. The members of the Police Department are entitled to all the rights, powers, and privileges granted by statute to members of police departments.

(G) The Police Commission shall review and keep current the rules, regulations and general

§ 34.06 QUORUM; MEETINGS; OFFICERS.

(A) *Quorum.* No business shall be transacted by the Board without a quorum being present. A quorum is defined as a majority of the entire membership of the Board who are qualified to vote. Official action of the Board requires authorization by a majority of the entire appointed membership at any regular or special meeting.

(B) *Regular Meetings.* At the first meeting in January of each year the Board shall establish the time, place and date of their regular monthly meetings and forward notice of the meeting schedule to the media pursuant to IC 5-3-1.

(C) *Special Meetings.* Special meeting may be called by the President, or any two members of the Board, upon written request filed with the clerk. The Police Chief shall send all members a written notice fixing the time and place of the meeting at least 48 hours before any special meeting.

(D) *Executive Sessions.* The Board may schedule and conduct executive sessions upon proper notice and as provided by Indiana law.

(E) *Officers.* The Board shall elect from its membership a President, Vice-President and Secretary at its first meeting in January of each year. The President shall chair all meetings and decide all issues of order and decorum. The Vice-President shall chair all meetings in the absence of the President. The Secretary shall attest to all official records of the Board. The secretary of the Police Chief shall serve as Recording Secretary of the Board and prepare a memorandum of minutes for all regular and special meetings for approval by the Board. Copies of all meeting notices, agendas and minutes of the Board shall be filed with the Clerk-Treasurer by the Recording Secretary.

(Ord. 2004-07, passed 2-9-04)

§ 34.07 PROBATIONARY EMPLOYEES.

(A) The Board may provide that all appointments to the Police Department are probationary for a period not to exceed one year.

(B) If the Board finds, upon the recommendation of the Chief of the Department during the probationary period, that the conduct or capacity of a member is not satisfactory, the Board shall notify the member in writing that the member is being suspended or that the member will not receive a permanent appointment.

(C) If a probationary member is notified that they will not receive a permanent appointment, the member's employment immediately ceases. Otherwise, at the expiration of the probationary period, the member is considered regularly employed.

(D) The Board shall authorize any conditional offers of employment by the Police Chief to prospective employees pursuant to the terms and conditions authorized by the Board and by law.
(Ord. 2004-07, passed 2-9-04)

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

§ 34.08 ACCIDENTS, INJURY AND REIMBURSEMENT.

(A) *Injury - Illness.* The town shall pay, from its general fund, for medical care of a full-time, paid police officer who:

(1) Suffers an injury; or

(2) Contracts an illness during the performance of the officer's duty.

(B) *Expenses Payable.* The town shall pay for the following expenses incurred by a police officer described in division (A):

(1) Medical and surgical care;

(2) Medicines and laboratory, curative, and palliative agents and means;

(3) X-ray, diagnostic, and therapeutic service, including during the recovery period;

(C) *Reimbursement.* IC 36-8-9-8. All expenses paid by the town for the care of a police officer under division (A) shall entitle the town to reimbursement of the amount paid under division (A) against any third party against whom the police officer has a cause of action for an injury sustained because of, or an illness caused by, any third party and the town's cause of action under this division is in addition to, and not in lieu of, the cause of action of the police officer against the third party.

(1) The Police Chief, or his or her designee, shall report all injuries and illnesses by police officers, when the town makes any payment for medical services, to the Clerk-Treasurer and Town Attorney for review and reimbursement.

(2) The Town Attorney shall investigate and prosecute all such claims reported by the Police Chief against any third parties, and any sums so recovered shall revert to the town's general fund.

(Ord. 2004-07, passed 2-9-04)

DEPARTMENT OF DEVELOPMENT

§ 34.15 ESTABLISHMENT.

A Department of Development which shall be under the control of a commission to be known as the "Lowell Development Commission" is established, under and pursuant to Chapter 402 of the Acts of the Indiana General Assembly for the year 1965, and all acts amendatory thereof and supplemental thereto, to investigate, promote and finance economic development facilities and pollution control facilities for use by others.

('80 Code, § 2.32.010) (Ord. 11-1974, passed - -74)

***DEPARTMENT OF PARKS AND
RECREATION***

§ 34.25 ESTABLISHMENT; COMPOSITION.

The Department of Parks and Recreation is reestablished composed of the Lowell Town Council, the Superintendent and such other personnel as the Council shall determine.

(Ord. 2009-01, passed 2-9-09)

Cross-reference:

*Parks and Recreation Fund, see §§ 36.115
through 36.119*

**§ 34.26 ESTABLISHMENT, OPERATION
AND MAINTENANCE OF PUBLIC PARKS
AND PROGRAMS.**

The Lowell Town Council shall have full authority and responsibility to establish, aid, maintain and operate public parks, playgrounds and recreational facilities and programs.

(Ord. 2009-01, passed 2-9-09)

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Lowell - Administration

§ 34.27 POWERS AND DUTIES CONCERNING PUBLIC PARKS AND PROGRAMS.

The Town Council shall have and exercise all powers necessary to establish, aid, maintain and operate public parks, playgrounds, and recreational facilities and programs, including but not limited to the powers previously vested in the Board of Parks and Recreations, including the authority to hire and fix the compensation of the Superintendent and such other personnel as the Council shall determine.
(Ord. 2009-01, passed 2-9-09)

§ 34.28 CREATION OF COMMITTEES.

The Council may create an advisory council and/or special committees composed of citizens interested in the issue of parks and recreation.
(Ord. 2009-01, passed 2-9-09)

§ 34.29 ESTABLISHMENT OF RULES AND REGULATIONS.

The Council may establish comprehensive rules and regulations for the governance of park land, property, activities and employees.
(Ord. 2009-01, passed 2-9-09)

§ 34.30 QUALIFICATIONS OF SUPERINTENDENT.

The Superintendent must:

- (A) Be qualified by training or experience in the field of parks and recreation; or
- (B) Have a certification or advanced degree in the field of parks and recreation.
(Ord. 2009-01, passed 2-9-09)

§ 34.31 POWERS AND DUTIES OF SUPERINTENDENT.

The Superintendent shall:

- (A) Propose annually a plan for the operation of the Department;
- (B) Administer the plan as approved by the Council;
- (C) Supervise the general administration of the Department;
- (D) Keep the records of the Department and preserve all papers and documents of the Department;
- (E) Recommend persons for appointment as assistants if the Council determines there is a need;
- (F) Appoint employees of the Department subject to the approval of the Council according to the standards and qualification set by the Council without regard to political affiliation;
- (G) Prepare and present to the Council an annual report;
- (H) Report to and work under the supervision of the Director of Public Works; and
- (I) Perform other duties that the Council or the Director of Public Works directs.
(Ord. 2009-01, passed 2-9-09)

TRAFFIC COMMISSION

§ 34.35 ESTABLISHMENT; APPOINTMENT OF MEMBERS; TERMS.

There is established a Town Traffic Commission that shall serve without compensation as an advisory board to the Town Council and other town officials, boards and commissions charged or concerned with traffic regulation. The Chief of Police or any sworn

police officer he or she may designate, the Town Attorney, the Director of Public Works and the Street Superintendent shall each serve as ex officio members of the Traffic Commission. The executive shall appoint three additional citizen-members to serve on the Traffic Commission for terms of one year. The executive shall appoint one of the active members of the Traffic Commission as its Chairman. The Chairman and each citizen-member of the Traffic Commission shall serve and hold such office at the pleasure of the executive.
(Ord. 1998-10, passed 4-13-98)

provided for

§ 34.36 POWERS AND DUTIES.

The Traffic Commission shall meet at those times and dates established by the Commission, and it shall be the duty of the Traffic Commission, subject to funds appropriated by the Town Council, to:

(A) Receive complaints and make recommendations concerning traffic matters that affect public safety;

(B) Review and recommend to the Town Council, and the other various town officials concerned with traffic matters, the means for improving traffic conditions and the administration and enforcement of traffic regulations; and

(C) To coordinate traffic activities and supervise the preparation of traffic studies and reports concerning traffic matters and traffic regulation.
(Ord. 1998-10, passed 4-13-98)

DEPARTMENT OF STORM WATER MANAGEMENT

§ 34.45 ESTABLISHMENT; APPOINTMENT OF MEMBERS; TERMS.

Pursuant to IC 8-1.5-5-4(b), the town now adopts the provisions of IC 8-1.5-5 and establishes a Department of Storm Water Management which shall be controlled by a Board of Directors as

herein. The Department of Storm Water Management shall be under the direct supervision and control of the Storm Water Management Board, which board shall consist of three directors appointed by the executive. However, not more than two directors may be of the same political party. The term of each director shall be for a period of two years subject to the power of the executive to reappoint any director for additional two year terms. The executive may remove a director at any time when, in the judgment of the executive, it is in the best interests of the Department of Storm Water Management. (Ord. 1997-19, passed 9-29-97)

§ 34.46 POWERS AND DUTIES.

(A) The Storm Water Management Board shall have exclusive jurisdiction over the collection and disposal of storm water within the district all powers prescribed by IC 8-1.5-5, IC 8-1.5-3-4(a) and IC 8-1.5-3-4, as may be amended or recodified from time to time and, in addition, the Board may:

- (1) Hold hearings following public notice;
- (2) Make findings and determinations;
- (3) Install, maintain, and operate a storm water collection and disposal system;
- (4) Make all necessary or desirable improvements of the grounds and premises under control; and
- (5) Issue and sell bonds of the district in the name of the city 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.

(B) The Department of Storm Water Management shall include all territory within the corporate boundaries of the town, and all the territory within the district shall constitute a special taxing district for the purpose of providing for the collection and disposal of storm water of the district in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes

of storm water collection and disposal. All area in the district and all area added to the district is considered and deemed to have received a special benefit from the storm water collection and disposal facilities of the district equal to or greater than the special taxes imposed on the area by this chapter in order to pay all or part of the costs of such facilities.

(Ord. 1997-19, passed 9-29-97)

Cross-reference:

Storm water management regulations, see Ch. 53

DEPARTMENT OF REDEVELOPMENT

§ 34.50 CREATION OF DEPARTMENT AND COMMISSION.

(A) A Department of Redevelopment and a board of five members, to be known and designated as the "Town of Lowell Redevelopment Commission", are hereby created and established with full power and authority to act as provided by IC 36-7-14, and as may be amended by the state in the future (hereinafter the "Act") and the provisions of the Act shall supersede and control any current or future conflicts with this enabling subchapter.

(B) The Redevelopment Commission shall have the powers and duties authorized for such boards and shall conduct its business according to all applicable provisions of the Act.

(Ord. 2001-14, passed 10-8-01)

§ 34.51 APPOINTMENT AND TERM OF OFFICE.

(A) Three of the Commissioners shall be appointed by the Town Executive and two of the Commissioners shall be appointed by the Town Council in the manner set forth in the Act.

(B) Each Commissioner shall serve for one year from the first day of January after their appointment and until their successor is appointed and has

qualified, except that the original Commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner as the original Commissioner, and the successor shall serve for the remainder of the vacated term.

(C) Each Commissioner, before beginning their duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of their appointment, which shall be promptly filed with the office of the Clerk-Treasurer.

(D) Each Commissioner, before beginning their duties, shall execute a bond payable to the state, with surety to be approved by the Town Council President. The bond must be in the penal sum of \$15,000 and must be conditioned on the faithful performance of the duties of their office and the accounting for all monies and property that may come into their hands or under their control. The cost of the bond shall be paid by the special taxing district.

(Ord. 2001-14, passed 10-8-01)

§ 34.52 QUALIFICATIONS, PER DIEM AND STAFF.

(A) A Commissioner must be at least 18 years of age, and must be a resident of the town.

(B) If a Commissioner ceases to be qualified under this section, they immediately forfeit their office.

(C) Except as provided in division (D) below, Redevelopment Commissioners are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(D) A Commissioner who does not otherwise hold a lucrative office for the purpose of Article 2, Section 9 of the Indiana Constitution may receive:

- (1) A salary; or

(2) A per diem;

and is entitled to reimbursement for expenses necessarily incurred in the performance of their duties. (Ord. 2001-14, passed 10-8-01)

§ 34.53 MEETINGS AND OFFICERS.

(A) The Redevelopment Commissioners shall hold a meeting for the purpose of organization not later than 30 days after they are appointed and, after that, each year on the first day in January that is not a Saturday, a Sunday, or a legal holiday. They shall choose one of their members as president; another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified.

(B) The Redevelopment Commission may appoint a treasurer who need not be a member of the Commission. The Commission may provide for the payment of compensation to a Treasurer who is not a member of the Commission. Notwithstanding any other provision of this section, the Treasurer has charge over and is responsible for the administration, investment, and disbursement of all funds and accounts of the Redevelopment Commission in accordance Indiana law. However, the Treasurer may not perform any duties of the Clerk-Treasurer or any other officer of the unit that are prescribed under the law or by any provisions of this chapter that pertain to the issuance and sale of bonds, notes, or warrants of the special taxing district.

(C) The Commissioners may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the carrying out of their duties, and the safeguarding of the money and property placed in their custody. In addition to the annual meeting, the Commissioners may, by resolution or in accordance with their rules and bylaws, prescribe the date and manner of notice of other regular or special meetings.

(D) Three of the Redevelopment Commissioners constitute a quorum, and the concurrence of three Commissioners is necessary to authorize any action.

(E) The Building Director shall serve as Executive Director of the Commission and assist the Commission in the performance of their duties, the Clerk-Treasurer, or his or her designee, shall serve as the recording secretary for the Redevelopment Commission and the Town Attorney shall serve as legal representative of the Commission. (Ord. 2001-14, passed 10-8-01)

CHAPTER 35: FINANCE AND REVENUE

Section

General Provisions

35.01 Organizational memberships

Claims; Approval and Advance Payment

35.15 Procedure for claim approval
35.16 Pre-approved claim disbursement
35.17 Claim documentation
35.18 Allowance of claims

Fixed Asset Capitalization Policy

35.25 Definitions and provisions
35.26 Recording and accounting
35.27 Safeguarding of assets

Cross-reference:

Authority of Council to appropriate funds for promotional activities, see § 30.18
Bad check fee, see § 32.01
Funds, see Ch. 36

GENERAL PROVISIONS

§ 35.01 ORGANIZATIONAL MEMBERSHIPS.

The Town Council authorizes the appropriation of funds within the subscription and dues portion of the budget, to be used to purchase the following memberships and subscriptions:

(A) Indiana Association of Cities and Towns;

(B) Council of Northwest Indiana Cities and Towns;

(C) International League of Municipal Clerks;

(D) Indiana Parks and Recreation;

(E) Confederation of Parks and Recreation;

(F) National Recreation and Park Association;

(G) American Waterworks Association;

(H) International City Managers Association;

(I) Indiana Association of Building Officials;

(J) Indiana League of Municipal Clerks and Treasurers;

(K) Lake County Law Enforcement Council;

(L) Lake/Suburban Public Safety Training Council (Police);

(M) Indiana Municipal Management Association;

(N) *American City and County*;

(O) *Construction Bargainer*;

(P) *Water and Sewage Works*;

(Q) American Planning Association;

(R) Indiana Planning Association;

(S) Indiana Rural Water Association;

(T) Indiana GFOA, Inc.;

(U) Lowell Chamber of Commerce;

(V) Lowell Main Street Association;

(W) International Code Council;

(X) Indiana Association of Chiefs;

(Y) Northwest Indiana Law Enforcement Training Center;

(Z) American Society of Law Enforcement Trainers;

(AA) Water Environment Federation; and

(BB) Association State Flood Plain Administrators.

('80 Code, § 2.38.010) (Am. Ord. 1982-3, passed - -82; Am. Ord. 2001-09, passed 9-10-01; Am. Ord. 2005-23, passed 7-25-05)

CLAIMS; APPROVAL AND ADVANCE PAYMENT

§ 35.15 PROCEDURE FOR CLAIM APPROVAL.

The following procedure will be followed in lieu of individual Councilmembers signing claims for payment of accounts. A list of claims to be approved for payment will be submitted at each regular meeting by the Clerk-Treasurer outlining the total amount of claims to be paid. The list will be approved by Council action and become a part of the minutes of the meeting. The list will be signed by Councilmembers and one member of the Council will be required to initial each individual claim.

(Res. 14-1977, passed - -77)

§ 35.16 PRE-APPROVED CLAIM DISBURSEMENT.

The Clerk-Treasurer is authorized to make claim payments in advance of Town Council approval for the following expenses:

(A) Property or services purchased or leased from:

(1) The United States government; or

(2) An agency or a political subdivision of the United States government.

(B) License fees or permit fees.

(C) Insurance premiums.

(D) Utility payments or utility connection charges.

(E) Federal grant programs if:

(1) Advance funding is not prohibited; and

(2) The contracting party provides sufficient security for the amount advanced.

(F) Grants of state funds authorized by statute.

(G) Maintenance agreements or service agreements.

(H) Lease agreements or rental agreements.

(I) Principal and interest payments on bonds.

(J) Payroll.

(K) State, federal, or county taxes. (Ord. 1992-13, passed - -92)

§ 35.17 CLAIM DOCUMENTATION.

The Clerk-Treasurer shall pay only those expenses under § 35.16 that are supported by a fully itemized claim.

(Ord. 1992-13, passed - -92)

§ 35.18 ALLOWANCE OF CLAIMS.

The Town Council shall review and allow the claims paid under § 35.16 at the Council's next regular or special meeting following the pre-approved payment of the expense.
(Ord. 1992-13, passed - -92)

FIXED CAPITAL ASSET CAPITALIZATION POLICY

§ 35.25 DEFINITIONS AND PROVISIONS.

(A) *Definitions.* For the purposes 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 and shall include the costs of acquiring land or structures, construction or improvement of buildings, structures nor other fixed assets, and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures that result 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 town's departments and utilities that are relatively permanent and are needed for the delivery of town and/or utility services that are not held for sale in the ordinary course of business. These fixed assets shall be defined into classes according to the physical characteristics (e.g. land, buildings, machinery and equipment, furniture and fixtures, improvements other than buildings).

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

(B) *Land.* The town will capitalize all land purchases regardless of cost.

(1) Exceptions to land capitalization are land purchased outright as easements or rights of way for infrastructure needs (i.e., roads and streets, street lighting, bridges sidewalks, trails, curbs, street signs and storm water collection). Easements required for water or sewer infrastructure may be capitalized.

(2) Original cost of land will include the full value given to the seller, in addition to those costs associated with securing and preparing the land for final use. These fees may include legal, appraisal, negotiation, title work and opinion, surveying, and costs required to prepare the land for its intended use.

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

(4) Purchases made using federal or state funding will follow the source funding policies in addition to the above procedures.

(C) *Machinery and equipment.*

(1) The definition of machinery and equipment is an apparatus, tool, conglomeration of pieces to form a tool or purchased equipment. These items will stand alone and not become a part of a basic structure or building.

(2) The town will capitalize items with an individual value equal to or greater than \$5,000. Machinery combined with other machinery to form one unit with a total value greater than the above-mentioned limit will be one unit.

(3) Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, will be capitalized.

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

(a) Total costs exceed \$1,000;

(b) The useful life is extended two or more years; and

(c) The total costs will be greater than the current book value and less than the fair market value.

(5) A department will record donated machinery and equipment at fair market value on the date of transfer with any associated costs included.

(6) Purchases made using federal or state funding will follow the source funding policies in addition to the above procedures.

(D) *Buildings.*

(1) A department will capitalize buildings at full cost with no requirement for subcategories for tracking the cost of separate building systems like HVAC, sprinklers, plumbing, lighting, etc. If subcategories are beneficial for enterprise accounting this may be done. The department will include the cost of items designed or purchased exclusively for the building.

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

(a) The total cost exceeds \$5,000; and

(b) The useful life is greater than five years.

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

(a) The total cost exceeds \$5,000;

(b) The useful life is extended two or more years; and

(c) The total costs will be greater than the current book value and less than the fair market value.

(4) Capital building costs will 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 other costs directly attributable to the construction of a building.

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

(6) Purchases made using federal or state funding will follow the source funding policies in addition to the above procedures.

(E) *Improvements other than buildings.*

(1) The definition of this category of fixed assets is improvements to land that results in better enjoyment of that land and also has a life expectancy greater than two years. The fixed asset in this class is also attached or not easily removed from the existing land. Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planters, underground sprinkler systems, and other similar items.

(2) The town will capitalize new improvements other than buildings only if it meets the following two conditions:

(a) The total cost exceeds \$5,000;

(b) The useful life is greater than two years.

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

(a) The total cost exceeds \$2,500;

(b) The asset's useful life is extended two or more years; and

(c) The total costs will be greater than the current book value and less than the fair market value.

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

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

(F) *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.

(G) *Enterprise funds.* Enterprise funds are those used to account for operations that are:

(1) Financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or

(2) Where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

(3) The enterprise funds of the Town of Lowell, Indiana, shall include the municipally owned water and wastewater utilities and the operation of these utilities shall require enterprise fund accounting and reporting.

(Ord. 2001-01, passed 1-22-01; Am. Ord. 2008-09, passed 5-12-08)

§ 35.26 RECORDING AND ACCOUNTING.

(A) 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. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. 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, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

- (1) Assets acquired for a lump-sum purchase price.
- (2) Purchase on deferred payment contract.
- (3) Acquisition under capital lease.
- (4) Acquisition by exchange of nonmonetary assets.
- (5) Acquisition by issuance of securities.
- (6) Acquisition by self-construction.
- (7) Acquisition by donation or discovery.
- (8) Acquisition by grant funds.
- (9) Acquisition by contribution.

(C) 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. For purposes of recording fixed assets of the utilities, the valuation of assets shall be based on historical costs.

(D) In addition, an asset register (prescribed state form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit.
(Ord. 2001-01, passed 1-22-01)

§ 35.27 SAFEGUARDING OF ASSETS.

(A) The accounting controls shall be designed and implemented to provide reasonable assurances that:

(1) Capital expenditures made by the town, its various departments and utilities be in accordance with management's authorization as documented in the minutes.

(2) Transactions of the utilities are recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.

(3) Adequate detail records be maintained to assure accountability for town-owned and utility-owned assets.

(4) Access to assets be permitted in accordance with management's authorization.

(5) 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.

(Ord. 2001-01, passed 1-22-01)

CHAPTER 36: FUNDS

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Cross-reference:

Authority of Council to appropriate funds for promotional activities, see § 30.18

Finance and revenue, see Ch. 35

Town officials, Clerk's Record Perpetual Fund,

see § 31.12; Supplemental Adult Probation Services Fund, see § 31.13

Unsafe Building Fund, see § 153.17

CUMULATIVE BUILDING AND EQUIPMENT FUND

§ 36.001 ESTABLISHMENT; PURPOSE.

There is established a Cumulative Building and Equipment Fund for the erection of fire stations and the erection of additions to and the remodeling of present buildings used to house firefighting equipment, and for the purchase of firefighting equipment and police radio equipment for the town.

('80 Code, § 3.04.010) (Ord. 7-1973, passed --73)

Statutory reference:

Authority of Town Council to create a Cumulative Building and Equipment Fund, see IC 36-8-14-1 through 36-8-14-4

§ 36.002 TAX LEVY; RATE.

To provide for the Cumulative Building and Equipment fund, the Town Council shall levy annually, for five consecutive years, after the approval of such fund, a tax on all taxable property in the town at a rate as determined by the Town Council on the assessed valuation of property in the taxing district of the town.

('80 Code, § 3.04.020) (Ord. 11-1978, passed --78)

§ 36.003 DISPOSITION OF REVENUE FROM TAX LEVY.

The revenue derived from such taxation shall be held in a special fund to be known as the Building and Remodeling, Firefighting and Police Radio Equipment Fund.

('80 Code, § 3.04.030) (Ord. 7-1973, passed --73)

CUMULATIVE CAPITAL DEVELOPMENT FUND

§ 36.015 ESTABLISHMENT.

There is established a Lowell Cumulative Capital Development Fund.

(Ord. 1991-7, passed 4-22-91)

§ 36.016 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 Lowell Cumulative Capital Development Fund.

(Ord. 1991-7, passed 4-22-91)

§ 36.017 MAXIMUM RATE OF LEVY.

The maximum rate of levy under § 36.016, will be an amount determined by the Town Council, and subject to amendment by Council from time to time.

The current amounts are available for public inspection at the town offices during normal business hours.

(Ord. 1991-7, passed 4-22-91)

§ 36.018 USE OF FUNDS.

The funds accumulated in the Lowell Cumulative Development Fund will be used for those purposes established and allowable under IC 36-9-16-2 for Cumulative Building Fund, 36-9-16-3 for Cumulative Capital Improvement Fund, 36-9-26 for Cumulative Building Fund — Sewers.

(Ord. 1991-7, passed 4-22-91)

§ 36.019 EXCEPTIONS.

Notwithstanding the provisions of § 36.018, funds accumulated in the Lowell Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in § 36.018, if the purpose is to protect the public health, welfare, or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town 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.

(Ord. 1991-7, passed 4-22-91)

CUMULATIVE CAPITAL IMPROVEMENT FUND

CUMULATIVE NON-REVERTING ECONOMIC DEVELOPMENT FUND

§ 36.030 ESTABLISHMENT.

In accordance with the requirements of IC 6-7-1-12, 6-7-1-15, 6-7-1-28.1, 6-7-1-30.1 and 6-7-1-31.1, there is created a special fund to be known as the Cumulative Capital Improvement Fund into which the cigarette taxes allotted to the town by reason of IC 6-7-1-30.1 shall be deposited. The fund shall be a cumulative fund and all of the monies deposited into the fund shall be appropriated and used solely for capital improvements as defined in § 36.031, and none of the monies will revert to the general fund or be used for any purposes other than capital improvements. The town may at any time transfer to its general fund any monies derived under this chapter, which have been deposited in the Cumulative Capital Improvement Fund. ('80 Code, § 3.08.010) (Ord. 7-1965, passed - -65; Am. Ord. passed - -79)

Statutory reference:

Authority to create Cumulative Capital Improvement fund to receive proceeds from cigarette tax, see IC 6-7-1-31.1

§ 36.031 PURPOSE OF FUND.

The Cumulative Capital Improvement Fund may only be used for the following purposes:

- (A) To purchase land, easements, or rights-of-way;
- (B) To purchase buildings;
- (C) To construct or improve municipally-owned property;
- (D) To retire general obligation bonds issued for one of the purposes stated in divisions (A), (B), or (C) of this section. ('80 Code, § 3.08.020)

§ 36.045 CREATION; PURPOSE.

There is created a special non-reverting fund to be used for economic development projects, signage, historic development, festival promotion and/or tourism. (Ord. 1993-16, passed - -93)

§ 36.046 GRANTS AND GIFTS.

Grants or gifts received for the above stated purpose shall be deposited into the fund and used for the stated purpose. (Ord. 1993-16, passed - -93)

§ 36.047 EXPENDITURES.

An annual budget shall be prepared and funds appropriated before expenditures are made. (Ord. 1993-16, passed - -93)

CUMULATIVE NON-REVERTING FUND FOR GROUP HEALTH PLAN

§ 36.060 ESTABLISHMENT; PURPOSE.

A cumulative non-reverting fund is established for the purpose of implementing a group health plan to provide for the acquisition of major medical insurance coverage for the employees and qualified dependents and for the establishment of a medical reimbursement plan for the benefit of the employees and their qualified dependents as such insurance coverage and reimbursement plans may be in effect from time to time. (Ord. 1991-29, passed - -91)

§ 36.061 APPROPRIATION OF FUNDS.

The Town Council shall appropriate such funds as the Town Council deems appropriate to be held in the fund.

(Ord. 1991-29, passed - -91)

§ 36.062 USE OF MONIES.

The monies held in this fund may be used for the following purposes:

(A) To pay the premiums for any medical insurance policies purchased by the town for the benefit of the town's employees and their qualified dependents;

(B) To pay the Town's share of any medical reimbursement plan obligations; and

(C) To pay any administrative costs and expenses related to the administration of any group health plans as may be incurred from time to time. (Ord. 1991-29, passed - -91)

INVESTIGATIVE AID FUND**§ 36.075 ESTABLISHMENT; PURPOSE.**

The Investigative Aid Fund is established to further the investigative objectives of the Lowell Metropolitan Police Department and in particular to assist in undercover investigations and activities. ('80 Code, § 3.28.010) (Ord. 1986-22, passed 8-11-86)

§ 36.076 PROCEDURE FOR DISBURSEMENT OF FUNDS.

(A) The funds authorized for the Investigative Aid Fund will be maintained in an interest bearing account under the control of the Clerk-Treasurer.

(B) The Chief of Police must authorize all advances of funds to agents or officers for the

purchase of information, evidence, or other necessary expenditures. Such authorization must specify the information or item to be received, the amount of the expenditure, and the name of the agent or officer purchasing the information or item.

(C) The Chief of Police shall maintain a detailed record of each payment made from the Investigative Aid Fund. Such record shall specify the date and amount of each payment, the information received, and the use to which the information was put. The Chief of Police shall also provide a periodic and, in any event, not less than annual, report showing the status and reconciliation of the fund. This periodic report shall be submitted to the Clerk-Treasurer and made a part of the permanent files of the imprest fund and copies shall be submitted for review to the Town Council. ('80 Code, § 3.28.020) (Ord. 1986-22, passed 8-11-86; Am. Ord. 1993-28, passed 10-25-93; Am. Ord. 2004-14, passed 6-14-04)

§ 36.077 AUTHORIZED EXPENDITURES.

Expenditures from the Investigative Aid Fund may be used for the following purposes:

(A) Per diem expenses to confidential informants not to exceed \$25 per day for criminal intelligence and assistance.

(B) Token gambling.

(C) Purchase of items to be traded or bartered for payment of narcotics, dangerous drugs, evidence, and the like.

(D) Purchase of narcotics and/or dangerous drugs.

(E) Purchase of evidence in an amount not to exceed the amount of unencumbered revenue available in the Investigative Aid Fund.

(F) Any and all other expenditures reasonably necessary and/or related to the proper and/or efficient

investigation of illegal activities within the jurisdiction of the Metropolitan Police Department. ('80 Code, § 3.28.030) (Ord. 1986-22, passed 8-11-86; Am. Ord. 2004-14, passed 6-14-04)

Cross-reference:

Fee schedule, see § 11.003

§ 36.078 APPROPRIATION.

The Town Council hereby appropriates up to the sum of \$5,000 to establish and maintain the Investigative Aid Fund subject to authorization by the Clerk-Treasurer that said revenues are existing and available in the general fund. All transactions from and to said fund shall be considered confidential police investigative matters under the Indiana Open Door Law. ('80 Code, § 3.28.040) (Ord. 1986-22, passed 8-11-86; Am. Ord. 2004-14, passed 6-14-04)

***LAW ENFORCEMENT CONTINUING
EDUCATION FUND***

§ 36.090 ESTABLISHMENT.

There is established a Law Enforcement Continuing Education Fund to be funded by fees collected by the Metropolitan Police Department from claims filed under IC 33-19-8-4 and 33-19-8-6. The Law Enforcement Continuing Education Fund shall also be funded by fees collected from towing firms that tow vehicles at the request and direction of the Lowell Police Department. ('80 Code, § 3.24.010) (Ord. 1987-18, passed 10-28-87; Am. Ord. 2009-13, passed 8-10-09)

§ 36.091 PURPOSE.

The purpose of the Fund is to provide for the continuing education and training of law enforcement officers and such other purposes as are reasonably incidental to or related to such purpose. ('80 Code, § 3.24.020) (Ord. 1987-18, passed 10-28-87)

§ 36.092 ADMINISTRATION OF FUND.

The Law Enforcement Continuing Education Fund shall be administered by the Clerk-Treasurer. ('80 Code, § 3.24.010) (Ord. 1987-18, passed 10-28-87)

§ 36.093 FUND EXPENDITURES.

Funds can be expended from the Law Enforcement Continuing Education Fund upon submission of an appropriate claim approved by the Board of Metropolitan Police Commissioners without appropriation by the Town Council. ('80 Code, § 3.24.040) (Ord. 1987-18, passed 10-28-87)

**§ 36.094 DEPOSIT OF REMAINING MONEY
IN
LAW ENFORCEMENT TRAINING FUND.**

Any money remaining in the Law Enforcement Continuing Education Fund at the end of a fiscal year shall be deposited by the Clerk-Treasurer in the Law Enforcement Training Fund created by IC 5-2-1-13(b), which Fund shall be governed by the State Law Enforcement Training Board. ('80 Code, § 3.24.010) (Ord. 1987-18, passed 10-28-87)

METROPOLITAN POLICE PENSION FUND

§ 36.105 CREATION.

There is created a Metropolitan Police Pension Fund into which all monies required to be deposited in such fund shall be deposited. ('80 Code, § 3.12.010) (Ord. 1-1972, passed - -72)

Statutory reference:

Police Pension Fund, see IC 36-8-6

PARKS AND RECREATION FUND

§ 36.115 CREATION; PURPOSE.

There is created a special non-reverting capital fund for the use of the Department of Parks and Recreation for the purpose of acquiring land or making specific capital improvements.

('80 Code, § 3.16.010) (Ord. 9-1972, passed --72)

Cross-reference:

Department of Parks and Recreation, see §§ 34.25 through 34.31

§ 36.116 TAX LEVY; RATE.

To provide for the Non-reverting Capital Fund, the Town Council shall levy annually, after the approval of such fund, a tax on all taxable property in the town at a rate as determined by the Town Council on the assessed valuation of property in the taxing district of the town.

('80 Code, § 3.16.020) (Ord. 9-1972, passed --72)

§ 36.117 WITHDRAWAL OF MONIES.

Monies placed in the non-reverting capital fund shall not be withdrawn therefrom except for the purposes for which the fund is created, and in the preparation of future budgets of the Department of Parks and Recreation, the Town Council may designate an item therein and an appropriation to the fund.

('80 Code, § 3.16.030) (Am. Ord. 2009-04, passed 2-23-09)

§ 36.118 GRANTS AND GIFTS.

The Department of Parks and Recreation is authorized to place in the fund any grants received from other governmental units as well as any gifts received for the purpose of capital improvement of the parks of the town.

('80 Code, § 3.16.040) (Ord. 9-1972, passed --72)

§ 36.119 EXPENDING OF MONIES.

Any monies in the fund shall not be obligated or expended therefrom excepting as provided by law.

('80 Code, § 3.16.050) (Ord. 9-1972, passed --72)

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS FUND

§ 36.130 ESTABLISHMENT; PROCEDURES.

(A) A non-reverting fund known as the Racketeer Influenced and Corrupt Organizations (RICO) Fund is hereby established in the town.

(B) The fund is not subject to the appropriation procedures set forth in IC 36-5-3-1 et seq.

(C) Property forfeited to the Chief of Police pursuant to IC 34-24-1 et seq. shall be deposited in the town RICO Fund as determined by court order.

(D) The Chief of Police may make claims against this fund to defray costs and expenses incurred as an aggrieved person in the prosecution of the violation of IC 35-45-6-2 as determined by court order.

(E) The monies received into this fund shall be used to pay claims to offset actual expenses incurred in the prosecution of the RICO violations and other reasonably related law enforcement activities which fall within the scope of the court order.

(F) The RICO fund shall be a non-reverting fund and shall continue and remain in existence until terminated by subsequent ordinance enactment.

(G) Upon termination of this fund by subsequent ordinance the monies may be transferred to the town general fund and/or to such other appropriate fund, reverting or non-reverting, which may be in existence at the time of the

termination of this fund and which is specified in the subsequent ordinance enacted.

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(H) The monies received into the RICO fund shall be specifically limited to property and/or proceeds received as a result of the seizure of property and/or the recovery of damages under IC 34-24-1 et seq. and the monies held in this fund shall be segregated from all other funds and shall not be commingled with other monies received by the town.

(I) The RICO fund shall not receive monies from the Town General Fund.

(J) All claims for disbursements from the RICO fund shall be made by submitting an appropriate claim form to the Clerk-Treasurer of the town, which claim shall have sufficient documentation attached thereto to demonstrate that the disbursement is qualified under the provisions of this section and not in contradiction of or in violation of any court order.
(Ord. 1991-8, passed 6-12-91)

CUMULATIVE BUILDING FUND FOR MUNICIPAL SEWERS

§ 36.150 ESTABLISHMENT.

(A) A Cumulative Sewer Fund is now established for the town pursuant to IC 36-9-26-2.

(B) An ad valorem property tax will be imposed for the fund in the amount of \$1 of each \$100 assessed valuation, and the revenues from the levy shall be retained in the fund and not revert to the general fund.

(C) Pursuant to IC 36-9-26-4, a tax of \$1 on each \$100 of assessed valuation of all taxable personal and real property within the town shall be levied annually for the next ten years commencing in the year 1999, first payable in the year 2000.

(D) The funds accumulated in the fund may be used for any and all lawful purposes permitted under IC 36-9-26-2 or any other law.

(Ord. 1997-21, passed 12-8-97; Am. Ord. 2000-3, passed 3-12-00)

Cross-reference:

Fee schedule, see § 11.053

POLICE GRANT FUND

§ 36.160 ESTABLISHMENT.

(A) A Police Grant Fund is hereby established for the purpose of receiving grant monies from the county, state and federal government.

(B) All money collected from the Lowell Police Department through various grants that have been awarded to the Lowell Metropolitan Police Department and/or participate in from various agencies shall be transferred to the Clerk-Treasurer and the Clerk-Treasurer shall deposit the money into the Police Grant Fund.

(C) The Police Grant Fund shall be used to pay police officers working grant hours and to purchase equipment funded through grants received by the Lowell Police Department.
(Ord. 2004-04, passed 2-9-04)

UNCLAIMED PROPERTY FUND**§ 36.170 ESTABLISHMENT; PROCEDURES.**

(A) A non-reverting fund known as the Unclaimed Property Fund is hereby established.

(B) Unclaimed money left in the possession of any town department shall be deposited in the fund.

(C) Money deposited in the fund shall be held pending distribution to the Indiana Attorney General pursuant to the Unclaimed Property Act or other disposition pursuant to directions from the State Board of Accounts.

(Ord. 2009-10, passed 7-27-09)

PUBLIC SAFETY FUND**§ 36.180 ESTABLISHMENT; PROCEDURES.**

(A) A non-reverting fund known as the Public Safety Fund is hereby established.

(B) Excess welfare funds received from the Lake County Treasurer shall be deposited in the fund.

(C) Money deposited in the fund may be used for all purposes permitted under applicable law.

(Ord. 2009-19A, passed 9-14-09)

