

### **TITLE III: ADMINISTRATION**

#### Chapter

- 30. TOWN GOVERNMENT**
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**CHAPTER 30: TOWN GOVERNMENT**

Section

***General Provisions***

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***Town Employees***

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***Town Council***

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**GENERAL PROVISIONS**

**§ 30.01 LEGISLATIVE DISTRICTS.**

(A) *Establishment.* The boundaries of the town’s 3 legislative districts (District 1, District 2 and District 3) are hereby redefined according to the map attached to Ordinance 2011-09 as Exhibit A, and incorporated as if set forth in full herein.

(B) *Divisions.* The town is divided east from west by the northern extreme of Van Buren Street south to Mound Street then west to Jefferson Street then south to Main Street then east to Van Buren Street then south to the corporate limit. The town is divided north from south by Main Street.  
(Ord. 1982-10, passed 12-16-1982; Am. Ord. 1992-8, passed 12-17-1992; Am. Ord. 2002-08, passed 5-16-2002; Am. Ord. 2011-09, passed 9-15-2011; Am. Ord. 2012-06, passed 5-17-2012)

**§ 30.02 TOWN COURT.**

(A) There is hereby created the Town Court.

(B) The court shall be a Court of Record and shall have all of the powers and the authority as created by Chapter 76, Acts of 1961, Section 1, pages 144 *et seq.*

© The town shall provide the court a seal with the words “Town Court of Nashville, Indiana.”

(D) The town shall provide for the court all books, dockets, papers and printed blanks necessary for the discharge of the duties of the court.  
(Ord. 7-7-69, passed 8-4-1969)

**§ 30.03 PURCHASING AGENTS.**

(A) The Clerk-Treasurer and Town Manager shall act as the purchasing agents for the town.

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

© The Clerk-Treasurer or Town Manager shall act as the purchasing agents for every agency, board, office, branch, bureau, commission, council, department or other establishment of the town.

(D) The Clerk-Treasurer or Town Manager may designate in writing any employee of the town as a purchasing agent.  
(Ord. 1998-9, passed 6-18-1998)

***TOWN EMPLOYEES*****§ 30.15 CLERK-TREASURER.**

(A) The Town Council authorizes the Clerk-Treasurer to make payment of items that need to be made in a timely manner, and include them on the next claim docket at the Council meeting for approval. (Res. passed 1-19-1959; Res. 1990-1, passed 1-18-1990; Res. 1991-2, passed 1-17-1991; Res. 1992-1, passed 1-28-1992)

(B) The Clerk-Treasurer's salary shall be set by ordinance. (Ord. 1-3-66, passed 1-3-1966; Am. Ord. 1989-12, passed 12-28-1989; Am. Ord. 1993-6, passed 12-16-1993; Am. Ord. 1993-8, passed 12-30-1993)

***Cross-reference:***

*Clerk-Treasurer as Public Records Officer, see § 32.02*

**§ 30.16 TOWN MANAGER.**

The Town Council shall create the position of Town Manager with the following conditions.

(A) *Employment; compensation; tenure.*

(1) The Town Council shall employ a Town Manager to be the administrative head of the town government and shall fix his or her compensation in the current salary ordinance.

(2) The Town Manager shall serve at the pleasure of the Town Council and may be removed from office by the board for cause at any time after notice and a hearing.

(3) The Town Council may appoint a qualified person to perform the duties of the Manager whenever he or she is absent or unable to perform his or her duties.

(B) *Performance bond.* The Manager must, in the manner prescribed by I.C. 5-4-1, execute a bond for the faithful performance of his or her duties.

© *Duties.* The Manager, under the direction of the Town Council, is responsible for the administrative duties of the Town Council. Unless a written order or ordinance of the Town Council provides otherwise, the Manager:

(1) Shall attend the meeting of the Town Council and recommend actions he or she considers advisable;

(2) Shall hire town employees according to the pay schedules and standards fixed by the Town Council or by statute;

(3) Shall suspend, discharge, remove or transfer town employees, if necessary for the welfare of the town;

(4) May delegate any of his or her powers to an employee responsible to him or her;

(5) Shall administer and enforce all ordinances, orders and resolutions of the Town Council;

(6) Shall see that all statutes that are required to be administered by the Town Council or a town officer subject to the control of the Town Council are faithfully administered;

(7) Shall prepare budget estimates and submit them to the Town Council when required;

(8) Shall 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

(9) May receive service of summons on behalf of the town.

(D) *Public works.* The Town Manager shall also act as the superintendent of the town public utilities and street department, hereinafter referred to as public works. These duties shall include:

(1) Appointment, supervision and dismissal of all employees of the public works;

(2) Employ unskilled labor when needed, without competitive examination;

(3) Investigate all claims against the public works;

(4) Oversee the operation of the public works and any construction work, repairs or alterations to the public works system; and

(5) Advise the Town Council in all matters that will bring about an efficient and economical operations and maintenance of the public works.

(E) *Police disciplinary body membership barred.* The Manager may not serve as a member of any body that hears disciplinary charges against:

(1) The Town Marshal; or

(2) A member of the Police Department.  
(Ord. 1993-4, passed 7-15-1993)

**Editor's note:**

*Wherever the words "Town Manager" appear in any section contained herein, the words "Town Administrator" or "designee of the Town Council" may be substituted in the application and construction of said sections (see Ord. 2005-03, passed 4-21-2005).*

**TOWN COUNCIL**

**§ 30.30 NUMBER OF MEMBERS.**

(A) There shall be 5 Council members, composed of the following:

(1) *Existing Council seats.*

(a) District 1;

(b) District 2; and

© District 3.

(2) *New Council seats.*

(a) *At Large 1.* Any of the 3 districts;

and

(b) *At Large 2.* Any of the 3 districts.

(B) All Council members are to be elected by all the voters of the town.

© The district map titled Exhibit 1, Ordinance to Redistrict, is attached to Ordinance 2002-08 as a reference guide. However, should a dispute arise from either the boundary description and/or the district map, the census tract and block information attached to Ordinance 2002-08 shall be used in resolving any disputes.

(Ord. 1995-12, passed 11-16-1995; Am. Ord. 2002-08, passed 5-16-2002)

**§ 30.31 ELECTIONS; TERMS.**

(A) *Districts 1, 2 and 3.* The Council seats of District 1, District 2 and District 3 shall be filled by the individuals receiving the winning vote total from the November 7, 1995 ballot for each existing district seat.

(1) The individual receiving the winning vote total in the ballot for District 1 shall be elected to serve a 3-year term on the Town Council, beginning January 1, 1996.

(2) The individuals receiving the winning vote totals in the ballot for Districts 2 and 3 shall be elected to serve 4-year terms on the Town Council, beginning January 1, 1996.

(3) All successors to the Council members elected on November 7, 1995, shall be elected to serve for terms of 4 years.

(B) *At Large 1 and 2.*

(1) The new Council seats, At Large 1 and At Large 2, shall be filled by the members of the Council at a regular or special meeting.

(2) The individuals appointed to the Council seats of At Large 1 and At Large 2 shall serve 4-year terms on the Town Council, beginning January 1, 1996.

(Ord. 1994-6, passed 9-15-1994; Am. Ord. 1995-12, passed 11-16-1995)

## CHAPTER 31: TOWN POLICY

### Section

#### *General Provisions*

- 31.01 Disposal of personal property
- 31.02 Disposal of valuable items
- 31.03 Smoking in public buildings
- 31.04 Right of review
- 31.05 Identity Theft Prevention Program
- 31.06 Internal control standards
- 31.07 Materiality threshold

estimated value of each item shall be stated thereon along with the reason for disposal clearly indicated.

(B) Approval for the sale of the described property shall be obtained from the Town Council a minimum of 10 days prior to the date of disposal.  
(Res. 1994-2, passed 2-9-1994)

#### *Purchase Orders*

- 31.15 Protection of offers; status of documents as public records
- 31.16 Discussions with offerors responding to a request for proposals
- 31.17 Delay of opening of offers
- 31.18 Evidence of financial responsibility
- 31.19 Modification and termination of contracts
- 31.20 Purchase of services
- 31.21 Purchase of supplies manufactured in the United States
- 31.22 Fuel purchasing
- 31.99 Penalty

#### **§ 31.02 DISPOSAL OF VALUABLE ITEMS.**

All officials and employees of the town shall comply with the following procedure when disposing of any personal property, 1 item of which has an estimated value of \$1,000 or more, or more than 1 item is involved with an estimated total value of \$5,000 or more:

(A) An itemized list of the items for disposal shall be submitted to the Town Council. The estimated value of each item shall be stated thereon along with the reason for disposal clearly stated.

(B) Approval for the sale of the described property must be obtained from the Town Council in sufficient time to allow for newspaper advertising of the proposed disposal at least 10 days prior to the date of disposal.

#### **GENERAL PROVISIONS**

#### **§ 31.01 DISPOSAL OF PERSONAL PROPERTY.**

All officials and employees of the town shall comply with the following procedure when disposing of any personal property:

(A) An itemized list of the items for disposal shall be submitted to the Town Council. The

(C) Items of personal property of the value specified in this section may be sold at a public auction conducted by an auctioneer licensed under I.C. 25-6.1 after public advertisement. If an auctioneer is not engaged, the town shall sell the property at a public sale or by sealed bids delivered to the office of the disposing agent before the date of sale. The advertisement shall state whether it is to be a public sale or by sealed bid. All sales shall be made to the highest responsible bidder.  
(Res. 1994-2, passed 2-9-1994)

### § 31.03 SMOKING IN PUBLIC BUILDINGS.

It shall be unlawful for any person to light a match or other flame-producing device or to smoke, light or carry a lighted cigarette, cigar, or pipe or similar article, in any public library, public school or public school building including gymnasiums and auditoriums, public theater or auditorium and similar buildings, unless authorized signs are displayed expressly permitting the same; provided, however, that this section shall not be construed to prohibit smoking on the stage of any theater when used in connection with theatrical performances.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 31.99

### § 31.04 RIGHT OF REVIEW.

(A) *Purpose.* The welfare of the town and the people who live, work and do business in the town is tied to the Code of Ordinances and the legislative and executive decisions of the Town Council. In order to protect the rights of all to protest any action by the Town Council, the application of the Code of Ordinances, any decision of a board, commission or committee under the jurisdiction of the Town Council, it is necessary to establish a right of review process.

(B) *Procedure.*

(1) Any person, business or other entity who believes himself, herself or itself to be aggrieved by a particular decision of the Town Council, a particular application of the Code of Ordinances or the decision of any board, commission or committee under jurisdiction of the town may, upon proper written request, seek review of the decision. Requests made pursuant to this section must be filed with the Clerk-Treasurer within 10 working days following the date of final action by the Council, board, commission or committee. In the event that the individual person, business or other entity believes there is a particular grievance with regard to a specific ordinance, the request must be filed with the Clerk-Treasurer within 10 working days of the discovery of the particular grievance.

(2) After the filing of the written request for Council review of a decision of the Council's action, application of a particular ordinance or the decision of a board, commission or committee under the jurisdiction of the Town Council, the Town Council President or any 2 Council members, after considering whether sufficient time remains to notice the review for public hearing before a forthcoming Council meeting, shall set the date on which the Council will hold a hearing. Noticing shall be consistent with that specified under Indiana law. At the time of Council review of the matter, the Council may uphold the decision of the Council, the application of the ordinance, the decision of any board, commission or committee under the jurisdiction of the Town Council, amend the decision and/or conditions attached to the decision, overturn the decision, or remand the matter to the board, commission or committee for further consideration.

(Ord. 2000-4, passed 4-27-2000)

### § 31.05 IDENTITY THEFT PREVENTION PROGRAM.

The town hereby adopts the Identity Theft Prevention Program, as is set out in its entirety and as is more particularly set out in Exhibit A of Ordinance 2009-06, available in the Office of the Town Clerk-Treasurer.

(Ord. 2009-06, passed 4-16-2009)

### § 31.06 INTERNAL CONTROL STANDARDS.

(A) The town finds that its mission as related to an internal control system is as follows:

(1) Provision of a democratic governmental structure at the grassroots level;

(2) Provision of services as determined through the political process including but not limited to the streets, police, economic development, and other major services;

(3) Promotion of government efficiency, accountability, reliability and transparency; and



(4) Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors.

(B) The town finds that its interrelated and often overlapping objectives as related to an internal control system are as follows:

(1) Operations objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.

(2) Reporting objectives which involve the filing of financial and non- financial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

(3) Compliance objectives involve the adherence to law and regulations including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as IACT among others.

(C) The town adopts and directs the minimum level of internal control standards and internal control procedures for an internal control system that includes the following five standards to promote government accountability and transparency as described in the uniform internal control standards for Indiana Political Subdivisions guidance document from the State Board of Accounts dated September 2015 and as thereafter modified:

- (1) Control environment;
- (2) Risk assessment;

(3) Control activities;

(4) Information and communication; and

(5) Monitoring.

(D) The town adopts and directs the following principles in explanation of the pertinent standards above be followed at all levels of the town government:

(1) *Control environment.*

(a) The oversight body and management demonstrate a commitment to integrity and ethical values.

(b) The oversight body oversees the town's internal control system.

(c) Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the town's objectives.

(d) Management demonstrates a commitment to attract, develop and retain competent individuals.

(e) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

(2) *Risk assessment.*

(a) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

(b) Management identifies, analyzes and responds to risk related to achieving the defined objectives.

(c) Management considers the potential for fraud when identifying, analyzing and responding to risks.

(d) Management identifies, analyzes and responds to significant changes that could impact the internal control system.

(3) *Control activities.*

(a) Management designs control activities to achieve objectives and respond to risks.

(b) Management designs the town's information system and related control activities to achieve objectives and respond to risks.

(c) Management implements control activities through policies.

(4) *Information and communication.*

(a) Management uses quality information to achieve the town's objectives.

(b) Management internally communicates the necessary quality information to achieve the town's objectives.

(c) Management externally communicates the necessary quality information to achieve the town's objectives.

(5) *Monitoring.*

(a) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

(b) Management remediates identified internal control deficiencies on a timely basis.

(E) The town adopts the internal control standards above so as to establish an effective internal control system for the town through its design, implementation and operation.

(F) The town directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the town, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel (as defined below) for an effective and reasonable internal control system of the town.

(G) The town authorizes the Clerk-Treasurer, the Town Manager/Economic Development Director, The Town Council President, the Police Chief (Fiscal Committee) together with the advice of the Town Attorney to review the current internal control system of the town and adopt a policy for the future internal control system to be effective after June 30, 2016 and perform an annual review, or more if determined necessary for compliance with this section.

(H) The personnel, whether an official or employee, of the town whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the town now and as modified in the future.

(I) The personnel of the town, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards and procedures determined necessary by the town and shall cooperate with the town fiscal officer or designee so that the fiscal officer can timely certify to the State Board of Accounts that the training was received annually by the personnel as provided by law.

(J) The town authorizes the Fiscal Committee, subject to the approval of the Town Council, to determine the position and person who are the personnel referred to in divisions (H) and (I) above and notify such personnel.

(K) The Town Council delegates to the Fiscal Committee, subject to Town Council approval, the authority and/or duties including creating the internal control systems policy.

(L) All elected and appointed officials and employees of the town are hereby directed to abide by and to cooperate fully in the implementation of the internal control system of the town.

(M) An employee who fails to abide by or cooperate with the implementation, compliance and certifications connected with the internal control system commits a violation of and may result in the discipline, including termination, of the employee.

(N) An elected or appointed official of the town who fails to abide by or cooperate with the implementation and the mandated certifications of the internal control system may be subject to any action allowed by law.

(O) This section may be implemented by any and all of the following actions or such others as authorized by this Council: (a) posting a copy of this section in its entirety in at least one of the locations in the town where it posts employer posters or other notices to its employees; (b) providing a copy of this section to its employees and elected and appointed officials; (c) providing or posting a notice of the adoption of this section; or (d) any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials.

(Ord. 2016-07, passed 6-6-2016)

### § 31.07 MATERIALITY THRESHOLD.

(A) The town calls upon the Clerk-Treasurer, town officials, employees, and agents to enforce and comply with the policy on materiality and process for reporting material items.

(B) All erroneous or irregular variances, losses, shortages, or thefts shall be reported immediately to the Clerk-Treasurer. The town shall maintain records and documentation concerning erroneous or irregular variances, losses, shortages, or thefts in accordance with generally accepted accounting principles and the internal control standards provided by the Indiana State Board of Accounts.

(C) It will be the policy of the Clerk-Treasurer to report to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of cash in excess of \$500. In addition, all erroneous or irregular variances, losses, shortages, or thefts of cash which occur more than one time in a month and which the aggregate total is \$500 or more shall be reported immediately to the State Board of Accounts. Exceptions shall be made for inadvertent clerical errors that are identified timely and promptly corrected with no loss to the town.

(D) It will be the policy of the Clerk-Treasurer to report promptly to the State Board of Accounts any erroneous or irregular variances, losses, shortages, or thefts of non-cash items in excess of \$5,000, estimated market value, except for those resulting from inadvertent clerical errors or misplacements that are identified timely and promptly corrected with no loss to the town, and except for losses from genuine accidents.

(E) The town shall investigate all erroneous or irregular variances, losses, shortages or thefts, regardless of whether they meet the materiality threshold established by this section. Upon conclusion of each such investigation, the town shall:

(1) Implement procedures designed to prevent the recurrence of such incidents; and

(2) Take appropriate disciplinary action against the employee responsible for the incident.  
(Ord. 2016-16, passed 12-15-2016)

### ***PURCHASE ORDERS***

### § 31.15 PROTECTION OF OFFERS; STATUS OF DOCUMENTS AS PUBLIC RECORDS.

(A) *Protection of offers prior to opening.* The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened, in order to prevent disclosure of the contents prior to the opening of the offers.

(B) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening.

(D) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued, which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. 1998-10, passed 6-18-1998)

#### **§ 31.16 DISCUSSIONS WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.**

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

(Ord. 1998-10, passed 6-18-1998)

#### **§ 31.17 DELAY OF OPENING OF OFFERS.**

When the Town Council makes a written determination that it is in the town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

(Ord. 1998-10, passed 6-18-1998)

#### **§ 31.18 EVIDENCE OF FINANCIAL RESPONSIBILITY.**

(A) *Purchases less than \$25,000.* The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

(B) *Purchases between \$25,000 and \$100,000.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(C) *Purchases over \$100,000.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed 10% of the estimated cost of the purchase.

(D) *Small business set-asides.* The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

(Ord. 1998-10, passed 6-18-1998)

#### **§ 31.19 MODIFICATION AND TERMINATION OF CONTRACTS.**

(A) *Price adjustments.* The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

(1) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

(2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

(3) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

(4) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon; or

(5) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under those clauses with adjustment of profit or fee all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

(B) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) *Unilateral rights of the Town Manager.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town Manager to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered. (Ord. 1998-10, passed 6-18-1998)

### § 31.20 PURCHASE OF SERVICES.

The purchasing agents shall have the right to establish policies regarding the purchase of services for the town.

(Ord. 1998-10, passed 6-18-1998)

### § 31.21 PURCHASE OF SUPPLIES MANUFACTURED IN THE UNITED STATES.

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

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

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

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

(D) The purchase of supplies manufactured in the United States is not in the public interest. (Ord. 1998-11, passed 6-18-1998)

### § 31.22 FUEL PURCHASING.

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

(B) Town employees and officials may use town's SuperFleet MasterCard for purchases related to fuel for town vehicles and machinery in the performance of town duties when such use is in the best interest of the town.

(C) The department head, or their designee, shall be responsible for safekeeping of the SuperFleet MasterCard.

(D) The SuperFleet MasterCard shall be used only with the approval of the department head, or

their designee. The department head shall maintain a log for each card identified by card account number, with entries certified by signature of the department head, or their designee. The log shall include the following information:

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

(2) Upon issuance: the date the card is issued to the individual; and

(3) Upon return: the date the card is returned.

(E) The SuperFleet MasterCard shall be used for fuel purchases relating to the performance of town business only. No personal use of a town SuperFleet MasterCard is allowed, even if an employee offers to reimburse the town for the employee's personal use of a town credit card or purchasing card.

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

(G) SuperFleet MasterCard charges that do not meet audit requirements, including charges that include the imposition of sales taxes for which the town is otherwise exempt, are the responsibility of the employee authorizing the charge. The town will take all necessary steps to obtain reimbursement for charges which do not meet audit requirements from the employee authorizing the charge, including, but not limited to, the garnishment of the charging employee's town wages.

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

(I) The department head is authorized to revoke a SuperFleet MasterCard that have been used in violation of town policy.

(Ord. 2017-13, passed 11-16-2017)

### **§ 31.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Whoever violates the provisions of § 31.03 shall upon conviction be fined in any sum not more than \$100.

(Ord. 4-6-70, passed 4-6-1970)

## CHAPTER 32: TOWN RECORDS

### Section

- 32.01 Access to records
- 32.02 Public records officer
- 32.03 Fees

(B) The fee for copying public records not listed above shall be as determined by the Public Records Officer.

(Ord. 1996-1, passed 1-4-1996; Am. Res. 1996-1, passed 1-4-1996)

### § 32.01 ACCESS TO RECORDS.

This town shall make available to any person for inspection or copying all public records, unless otherwise exempted by law.

(Ord. 1996-1, passed 1-4-1996; Am. Res. 1996-1, passed 1-4-1996)

### § 32.02 PUBLIC RECORDS OFFICER.

The Clerk-Treasurer shall be designated Public Records Officer of the town. The Public Records Officer shall be the responsible party for the development of policies and procedures regarding the maintenance and access of the public records of the town.

(Res. 1996-1, passed 1-4-1996)

### § 32.03 FEES.

(A) The fee for copying records shall be as follows:

(1) Pages less than or equal to an 11-inch by 17-inch page - \$0.10 per sheet.

(2) Pages greater than an 11-inch by 17-inch page - \$2.00 per sheet.

(3) Standard audio recording - \$1.60 per recording.





**CHAPTER 33: DEPARTMENTS, BOARDS AND COMMISSIONS**

Section

	<b><i>Police Department</i></b>		
33.01	Accident Report Fund	33.64	Nonvoting advisor
33.02	Police Reserves; Reserve Police Training Fund	33.65	Management of funds
33.03	Reserve Police Department Fund	33.66	Effective date
33.04	Tow service pool		
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***POLICE DEPARTMENT*****§ 33.01 ACCIDENT REPORT FUND.**

(A) The Police Department is authorized to charge a fee of \$10 for each vehicle accident report. The money may be expended for any purpose related to the production of accident reports, necessary record keeping or the prevention of accidents, as established by normal budget policy.

(B) The Clerk-Treasurer shall deposit the \$10 fee in a separate account to be known as the Law Enforcement Continuing Education Fund. (Ord. 1992-1, passed 2-20-1992; Am. Ord. 1994-11, passed 10-20-1994; Am. Ord. 2002-06, passed 3-21-2002)

**§ 33.02 POLICE RESERVES; RESERVE POLICE TRAINING FUND.**

(A) There is hereby established, pursuant to I.C. 36-8-3-20, the town police reserves, which shall be known as the Town Marshal's Reserve Unit.

(1) The maximum number of members of the reserve unit shall be 10.

(2) Reserve police officers are subject to all rules and regulations of the town Police Department and the state.

(3) Reserve police officers are not paid employees.

(4) Reserve police officers shall complete a certified reserve police academy program. Reserve officers shall not work alone or unassisted until satisfactorily completing and being certified by the reserve academy.

(5) Certified reserve police officers shall have the same police powers and authority as regular members of the Police Department, subject to the following:

(a) Reserve officers shall not make any arrests or conduct any search and seizure actions when out of the Police Department uniform.

(b) Reserve officers shall wear the Police Department uniform only when scheduled to work by the Town Marshal or, with the Town Marshal's approval, when working voluntarily with another police officer.

(6) Reserve officers shall work a minimum of 24 hours per month in order to keep their reserve status.

(7) Reserve police officers shall make themselves available for any training deemed necessary by the Town Council, the Town Marshal or mandated by the state. (Ord. 1982-9, passed 10-4-1982; Am. Ord. 1989-13, passed 12-28-1989)

(B) A Reserve Police Training Fund is established.

(1) The purpose of the fund is to provide the citizens of the town and other communities with well-trained, experienced and knowledgeable civilian reserve police officers and to meet all criteria set forth by the state.

(2) The Police Department is authorized to charge a fee to participating law enforcement agencies at \$50 per officer. The money may be expended at the discretion of the Town Marshal for operating expenses and for any purpose reasonably related to police officer training.

(Ord. 1992-2, passed 3-19-1992; Am. Ord. 2009-09, passed 10-15-2009; Am. Ord. 2009-12, passed 12-17-2009)

**§ 33.03 RESERVE POLICE DEPARTMENT FUND.**

(A) The Reserve Police Department Fund, under the direction of the Town Marshal and consistent with budget policies, may make expenditures for any purpose reasonable related to the keeping of peace and



safety of the general public as well as for the purpose of providing equipment to maintain the Reserve Police Department.

(B) The Reserve Police Department may solicit funds from the general public under the direction of the Town Marshal.

(C) The Clerk-Treasurer shall deposit monies collected under division (B) above in a separate account known as the Reserve Police Department Fund.  
(Ord. 1995-2, passed 3-16-1995)

**§ 33.04 TOW SERVICE POOL.**

(A) The Town Marshal shall develop written conditions governing the provision of tow services to be provided to the town.

(B) The written conditions of service shall be submitted and approved by the Town Council.

(C) The Town Marshal shall form a pool of tow service providers with the fees of this service being set by the submittal of the lowest responsive service offeror.

(D) The tow service shall be on a rotating basis, with each of the tow service providers being given equal on-call time on an annual basis.

(E) Service conditions should provide for the instance of a vehicle operation requesting a specific tow service provider. If a specific tow service provider be requested, the Town Marshal shall have a written request signed by both the vehicle operator and the attending police representative.  
(Res. 1994-3, passed 2-7-1994)

***PUBLIC FACILITY CORPORATION***

**§ 33.10 PARKING AND PUBLIC FACILITIES DEVELOPMENT CORPORATION ESTABLISHED.**

The Parking and Public Facilities Development Corporation is formed. It shall have all rights, powers, authority and responsibility conferred upon it by state law.

(Res. 1987-1, passed 11-18-1987; Res. 1988-2, passed 10-20-1988)

**§ 33.11 ORGANIZATION.**

The Board of Trustees of the town shall invite 5 people, who shall serve at the pleasure of the Board of Trustees, to organize the Parking and Public Facilities Development Corporation. The Board of Directors shall be selected in accordance with the terms and conditions in the corporation's code of bylaws, but serve at the pleasure of the Board of Trustees.

(Res. 1987-1, passed 11-18-1987; Res. 1988-2, passed 10-20-1988; Am. Res. 1996-4, passed 2-15-1996)

**§ 33.12 PURPOSE AND GOALS.**

The Parking and Public Facilities Development Corporation shall acquire land for the construction of parking and public facilities; design and construct parking and public facilities; investigate financial options in order to pay for the cost of acquisition, design, construction and any and all costs related to the acquisition, design and construction of the proposed parking and public facilities, for approval by the Board of Trustees; enter into a lease-purchase agreement with the town, providing the town shall tender annual lease-purchasing payments to the Parking and Public Facilities Development Corporation, and that the town shall operate and maintain the parking and public facilities; use the annual lease-purchase payment tendered by the town to retire any bonds or payments of debt; transfer

ownership and title of any proposed parking and public facility to the town upon expiration of the lease-purchase agreement; and take other action consistent with the Parking and Public Facilities Development Corporation's purpose, articles of incorporation, bylaws and state, federal and local law. (Res. 1987-1, passed 11-18-1987; Res. 1988-2, passed 10-20-1988)

### ***TOWN PLAN COMMISSION***

#### **§ 33.25 TOWN PLAN COMMISSION ESTABLISHED.**

There is established a Town Plan Commission under the authority provided in Chapter 174 of the Acts of 1947 of the State General Assembly as amended. (Ord. passed - -1957)

#### **§ 33.26 MEMBERSHIP.**

The membership shall be as provided by the statute and the amendments thereto, and the official members are designated as:

- (A) A member of the Board of Trustees, to be selected by the Board;
- (B) The Town Attorney;
- (C) The Street Commissioner; and
- (D) Four citizen members to be appointed by the President of the Board of Trustees, for initial terms of 2 years, and 2 members for 4 years, in accordance with the provisions of the statute.
- (E) Two members to be appointed by the Judge of the County Circuit Court in accordance with the statute, for initial terms of 1 member for 1 year and 1 member for 4 years, and the members shall reside in

the unincorporated area over which the Town Plan Commission has jurisdiction, and shall be of opposite political parties. (Ord. passed - -1957)

### ***TOWN TREE BOARD***

#### **§ 33.40 DEFINITION.**

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

***MASTER PLAN.*** The plan created to establish a tree canopy for the town limits. (Ord. 1988-13, passed - -1988)

#### **§ 33.41 CREATION AND ESTABLISHMENT.**

The Town Tree Board will be a subcommittee of the County Arbor Day Committee and will consist of 5 members to be appointed by the Arbor Day Committee and approved by the Town Board of Trustees. (Ord. 1988-13, passed - -1988)

#### **§ 33.42 TERM OF OFFICE.**

- (A) The term of the 5 persons to be appointed shall be 3 years, except that the term of 2 of the members appointed to the first board shall be for only 1 year and the term of 2 members of the first board shall be for 2 years.
- (B) In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Town Board of Trustees or its designee for the unexpired portion of the term. (Ord. 1988-13, passed - -1988)

**§ 33.43 COMPENSATION.**

Members of the Board shall serve without compensation.

(Ord. 1988-13, passed - -1988)

**§ 33.44 DUTIES AND RESPONSIBILITIES.**

It shall be the responsibility of the Board to implement the Master Plan for planting during Arbor Day and any other plantings that may occur during a given year. The Board will provide the Town Board each year with a list of accomplishments. The Board when requested shall consider, investigate, make findings, report and recommend upon any special matter of interest coming within the scope of its work.

(Ord. 1988-13, passed - -1988)

**§ 33.45 OPERATION.**

The Board shall choose its own officers and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

(Ord. 1988-13, passed - -1988)

**§ 33.46 IMPLEMENTATION.**

The Master Plan shall designate placement and species of trees and shrubs and will take into consideration distance from street corners, parking facilities, fireplugs and utilities. The Board will also consider new construction and changes that may occur upon the adoption of the Master Plan. No trees shall be planted upon private property without approval of the property owner. Nor shall trees be planted within the state right-of-way without the approval of adjacent property owners.

(Ord. 1988-13, passed - -1988)

**§ 33.47 MAINTENANCE.**

The Board will advise on the care of newly planted tree stock, and will chart the progress of trees planted to see that they are in proper care. The Tree Board will advise if pruning or other needs exist for the betterment of the trees. The Tree Board will offer assistance and make recommendations on the care of existing trees if requested by the Town Board or by landowners. The Tree Board will make notification of known diseases that could endanger the tree canopy.

(Ord. 1988-13, passed - -1988)

**§ 33.48 REVIEW BY TOWN BOARD.**

All decisions and recommendations made by the Tree Board are subject to approval of the Town Board of Trustees.

(Ord. 1988-13, passed - -1988)

***DEPARTMENT OF REDEVELOPMENT***

**§ 33.60 ESTABLISHMENT.**

There is hereby created the Department of Redevelopment of the Town of Nashville, Indiana, which shall be entitled to exercise all the rights, powers, privileges and immunities accorded to such department by I.C. 36-7-14, as amended (the "Redevelopment Act").

(Ord. 2010-8A, passed 10-21-2010)

**§ 33.61 GOVERNANCE.**

The Department of Redevelopment shall be under the control of a board of 5 voting members to be known as the Nashville Redevelopment Commission.

(Ord. 2010-8A, passed 10-21-2010)

**§ 33.62 COMMISSION MEMBERS.**

(A) There is hereby created a board to be known as the Nashville Redevelopment Commission (the "Commission"). Three of the members of the Commission shall be appointed by the President of the Town Council (the "Council President"), and 2 shall be appointed by the Town Council. Each Redevelopment Commissioner shall serve for 1 year from the January 1 after his or her appointment, and until his or her successor is appointed and has qualified, except that the original Commissioners shall serve from the date of their appointment until January 1 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.

(B) Before the beginning of his or her duties, each Redevelopment Commissioner shall take and subscribe an oath of office, in the form prescribed by law, to be indorsed on the certificate of his or her appointment, which shall be promptly filed with the Town Clerk-Treasurer.

(C) Before taking his or her duties, each Redevelopment Commissioner shall execute a bond payable to the State of Indiana, with surety to be approved by the Council President. The bond must be in a penal sum of \$15,000, and must be conditioned on the faithful performance that may come into his or her hands or under his or her control.

(Ord. 2010-8A, passed 10-21-2010; Am. Ord. 2011-03A, passed 6-16-2011)

**§ 33.63 QUALIFICATIONS.**

The Redevelopment Commissioners shall have the qualifications prescribed by the laws of the state, as from time to time amended, and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by Redevelopment Act, including but not limited to, the following qualifications:

(A) A Redevelopment Commissioner must be at least 18 years of age and must be a resident of the town. If a Redevelopment Commissioner ceases to be qualified under this section, he or she forfeits his or her office.

(B) No Redevelopment Commissioner shall receive a salary; but Redevelopment Commissioners are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(C) A Redevelopment Commissioner may not have a pecuniary interest in any contract, employment, purchase or sale made under such provisions of this subchapter and the underlying statutes. However, any property required for redevelopment purposes in which a Redevelopment Commissioner has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this section is void.

(Ord. 2010-8A, passed 10-21-2010)

**§ 33.64 NON-VOTING ADVISOR.**

The Redevelopment Commission shall also have 1 non-voting advisor (the "Advisor") who is appointed by the Council President. The Advisor must also be a member of the school board of a school corporation that includes all or part of the territory served by the Redevelopment Commission. The Advisor is not considered a member of the Redevelopment Commission, but is entitled to attend and participate in the proceedings of all meetings of the Redevelopment Commission. The Advisor is not entitled to a salary, per diem, or reimbursement of expenses. The Advisor shall serve for 2 years from January 1 after his or her appointment, and until his or her successor is appointed and has qualified, except that the original Advisor shall serve from the date of his or her appointment until the January 1 in the second year after his or her appointment.

(Ord. 2010-8A, passed 10-21-2010)



**§ 33.65 MANAGEMENT OF FUNDS.**

The Town Clerk-Treasurer, charged by law for the performance of duties in respect to the funds and accounts of the town, shall perform the same duties with respect to the funds and accounts of the Department of Redevelopment, except as otherwise provided for in the Redevelopment Act. (Ord. 2010-8A, passed 10-21-2010)

- (6) Brown County Community Foundation (BCCF);
- (7) Nashville Arts and Entertainment Commission (NAEC); and
- (8) Nashville Main Street Committee.
- (9) These entities shall designate their representatives to the Town Council.

**§ 33.66 EFFECTIVE DATE.**

This subchapter shall be in full force and effect upon adoption and compliance with I.C. 36-5-2-10. (Ord. 2010-8A, passed 10-21-2010)

(B) Members representing the following organizations or interests shall be designated by the Town Council:

- (1) Nashville Banking Community;
- (2) Nashville Real Estate Community;
- (3) Nashville Town Council; and
- (4) Brown County State Park.

***ECONOMIC DEVELOPMENT COMMITTEE***

**§ 33.75 CREATION.**

There is hereby created an ad hoc committee for the purpose of actively executing, promoting and fostering economic development for the town as outlined in the plan, and otherwise. (Res. 2013-03, passed 3-21-2013)

(C) In addition the town appointee to the Brown County Economic Development Commission shall be a member.

(D) Members shall serve as volunteers without compensation. Even numbered representative members shall have 2 year terms, odd numbered members, shall have 3 year terms. In the event any of the organizations or entities named herein fail to designate a representative member, the Town Council may appoint a representative for the entity until the time as an appointment is made by the entity. (Res. 2013-03, passed 3-21-2013)

**§ 33.76 MEMBERSHIP.**

(A) The Committee shall consist of 13 members, representing the following entities:

- (1) Brown County Career Resource Center;
- (2) Nashville Development Review Commission (DRC);
- (3) Nashville Redevelopment Commission (NRC);
- (4) Brown County Chamber of Commerce;
- (5) Brown County Convention and Visitors Bureau (BCCVB);

***ARTS AND ENTERTAINMENT COMMISSION***

**§ 33.80 DEFINITIONS.**

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

**ARTS.** Works produced by human creative skill and imagination, including but not limited to painting, sculpture, music, theater, dance, film, and photography.

**COMMISSION.** An advisory body created and empowered pursuant to § 33.81 of this chapter.

**COMMUNITY.** The Town of Nashville and its environs and including residents of the town and the surrounding areas of Brown County, Indiana.

**ENTERTAINMENT.** Events, performances, or activities designed to provide amusement or enjoyment to humans.

(Ord. 2012-08, passed 5-17-2012)

### § 33.81 STRUCTURE OF COMMISSION.

(A) *Appointments.* The Commission is an advisory body with no less than 7 and no more than 9 members of the Commission. Members of the Commission shall be appointed by the Town Council. No appointee can be a member of the Town Council. All should be conversant with the arts and/or experienced with community issues.

(B) *Terms.* Appointees will serve staggered 3-year terms. The Commission may make monthly reports to the Town Council. Members of the Commission shall serve without salary or compensation. The Commission will elect officers, which will include a chairperson, vice chairperson, and secretary.

(C) *Meeting and records.* Commission meetings are subject to the Indiana Open Door Act. The Commission shall hold regular public meetings. The Commission shall keep minutes of those meetings, and records of all official actions shall be made available to the public upon approval of the minutes by the Commission.

(D) *Funding.* The Commission will have the authority to solicit and accept donations as well as grants from state and federal agencies. The

Clerk-Treasurer of the town shall maintain all funds. The Town Council may establish a line item for this Commission.

(E) *Procedures.* The Commission shall establish its own procedures and rules for the transaction of its business.

(Ord. 2012-08, passed 5-17-2012; Am. Ord. 2016-14, passed 11-17-2016)

**Cross-reference:**

*Arts and Entertainment Fund, see § 34.105*

### § 33.82 RESPONSIBILITIES OF THE COMMISSION.

The Commission's responsibilities include but are not limited to: develop and maintain strong relationships within the art community of the town and its region; encourage, assist, advise, and coordinate an arts, cultural, and entertainment district within the town; study and recommend guidelines and procedures to develop and encourage:

(A) Education;

(B) Events;

(C) Innovation and community participation in visual literacy and performing arts; and

(D) Public art.

(Ord. 2012-08, passed 5-17-2012)

**Cross-reference:**

*Public Art, see Ch. 96*

### **POLICE MERIT COMMISSION**

#### § 33.90 ESTABLISHMENT.

There is established for the Nashville Indiana Police Department a Police Merit System as authorized by I.C. 36-8-3.5.

(A) The Police Merit System will be implemented through appointed and elected merit commissioners as authorized by I.C. 36-8-3.5.

(B) The Merit Commission will be known as the Nashville Police Merit Commission ("Commission"). (Ord. 2015-15, passed 11-19-2015)

**§ 33.91 ADOPTION PROCEDURES.**

(A) Before the merit system takes effect, it must be approved by a majority of the active members of the Police Department in a referendum as set forth in I.C. 36- 8-3.5-3(a).

(B) Within 60 days after adoption of this ordinance establishing a merit system, the Metropolitan Police Commission must give at least 3 weeks notice to all active members of Police Department that a meeting will be held to approve or reject the merit system.

(C) The notice shall be posted in prominent places in all stations of the department. The notice must state the time, place, and purpose of the meeting.

(D) A copy of this section shall be given to each active member of the department at least 1 week before the date of the meeting. Only active members of the department may attend the meeting. The active members shall select a chair at the meeting. All voting must be by secret written ballot.

(E) The Commission may determine other procedures for the meeting and post such other procedures along with the notice of the meeting in prominent places in all stations of the department in accordance with I.C. 36-8-3.5-4(b) and (c).

(F) If a majority of active members of the Police Department approve the merit system, it shall take effect on January 1 following the vote. (Ord. 2015-15, passed 11-19-2015)

**§ 33.92 COMMISSIONERS.**

(A) Initial appointments to the Commission shall be made by March 1 following the January 1 Police Department approval.

(B) The Commission shall consist of:

(1) Three persons, who must be of different political parties, appointed by the Town Council;

(2) Two persons, who must be of different political parties, elected by the active members of the department.

(C) Each year, the commissioners shall select a president, vice president and secretary.

(D) Each commissioner must take an oath to conscientiously discharge his or her duties. A signed copy of the oath must be filed with the Commission.

(E) Each commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time as set forth in I.C. 36-8-3.5-7. (Ord. 2015-15, passed 11-19-2015)

**§ 33.93 BUDGET AND RECORDS.**

(A) The Commission shall submit a proposed annual budget to the Town Council as other budgets of the town are submitted.

(B) The Commission shall keep a permanent record of its proceedings. (Ord. 2015-15, passed 11-19-2015)

**§ 33.94 POWERS AND DUTIES.**

(A) The Nashville Police Merit Commission will have all of the powers and duties as set out in I.C. 36-8-3.5, including but not limited to the power of selection, appointment, promotion, demotion, discipline and dismissal of members of the Police Department.

(B) I.C. 36-8-3.5-11, which provides that the Commission may appoint and remove members of the department except for a member in an upper level policymaking position, is specifically adopted as a power of the Commission in accordance with the provisions of that section.

(C) I.C. 36-8-3.5-14, which provides that the Commission may employ instructors, purchase materials and make other expenditures to provide information for applicants for promotion examinations, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(D) I.C. 36-8-3.5-17, which provides that the Commission may take the following disciplinary actions against a regular member of the department:

- (1) Suspension with or without pay;
- (2) Demotion; or

(3) Dismissal is specifically adopted as a power of the Commission in accordance with the provisions of that section.

(E) I.C. 36-8-3.5-17, which provides that a member of the Police Department may be disciplined by the Commission if the member is convicted of a crime or the Commission finds the member guilty of a breach of discipline as defined in I.C. 36-8-3.5-17, is specifically adopted as a power of the Commission in accordance with the provisions of that section.  
(Ord. 2015-15, passed 11-19-2015)

### § 33.95 RULES.

(A) Within 30 days after the Commission is selected, it shall adopt governing rules, subject to applicable laws, statutes, and ordinances, for its own operation, including time and place of regular monthly meetings and special meetings that are necessary to transact the business of the Commission. A majority of the commissioners constitutes a quorum, and a majority vote of all the commissioners is necessary to transact the Commission's business.

(B) Within 90 days after the Commission is selected, the Commission shall adopt rules, subject to applicable laws, statutes, and ordinances, governing the Police Department, including but not limited to:

- (1) Selection and appointment of persons to be employed as members of the Police Department;
- (2) Promotions and demotions of members of the Police Department; and
- (3) Disciplinary action or dismissal of members of the Police Department.

(C) Before the required rules are adopted by the Commission, the Commission shall hold a public hearing. At least 10 days before the hearing, the Commission shall:

- (1) Publish notice of the hearing in accordance with I.C. 5-3-1;
- (2) Place one copy of the proposed rules on file in the Town Clerk's office for inspection by the residents of the Nashville, Indiana; and
- (3) Forward 3 copies of the proposed rules to the Chief of Police to be retained on file in the Chief's office for inspection at all times by Police Department members.

(D) The Commission shall adopt rules for determining a performance rating for department members and appeal by department members aggrieved by the rating in accordance with I.C. 36-8-3.5-15.

(E) The Commission shall adopt rules governing promotions of department members in accordance with I.C. 36-8-3.5-13 and 36-8-3.5-16.  
(Ord. 2015-15, passed 11-19-2015)

**BOARD OF METROPOLITAN  
POLICE COMMISSIONERS**

**§ 33.100 COMMISSIONERS.**

(A) The Office of Nashville Town Marshal is hereby abolished.

(B) The Nashville Indiana Board of Metropolitan Police Commissioners is hereby created. Said Board of Metropolitan Police Commissioners shall consist of the following:

- (1) Five Town Council members;
- (2) Each Board member must be a resident of the town; and
- (3) The Town Council shall appoint each Board member.

(Ord. 2015-10, passed 9-17-2015)

**§ 33.101 TERMS.**

(A) Except as provided in division (B) below, the term of each Board member expires January 1 of the third year after the member's appointment.

(B) The term of 1 Board member must expire each year.

(Ord. 2015-10, passed 9-17-2015)

**§ 33.102 APPOINTMENTS; REMOVAL.**

(A) The Town Council may remove a Board member for any cause that the Town Council considers sufficient.

(B) The Town Council may not appoint a police officer employed by the town to serve on the Board.

(C) A member of the Town Council may serve as an ex officio member of the Board. If so, the following apply:

(1) The maximum number of Board members that may also be members of the Town Council is 5.

(2) A Board member vacates the member's position on the Board when the member is no longer a member of the Town Council.

(3) A Board member who is also a member of the Town Council may not also receive compensation as a Board member.

(4) A Board member who is also a member of the Town Council is not required to post the bond. (Ord. 2015-10, passed 9-17-2015)

**§ 33.103 OATHS.**

(A) This division does not apply to a Board member who is a member of the Town Council. Before performing any function of a Board member, an individual shall take and subscribe an oath or affirmation of office before the Brown County Circuit Court Clerk.

(B) This division applies to all Board members. Before performing any function of a Board member, an individual shall take and subscribe an oath or affirmation before the Circuit Court Clerk, that in each appointment or removal made by the Board to or from the Police Department under this chapter, the Board member will not appoint or remove a member of the 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.

(C) The Circuit Court Clerk shall file oaths and affirmations required by this section among the circuit Court Clerk's records.

(Ord. 2015-10, passed 9-17-2015)

**§ 33.104 BONDS.**

This division does not apply to a Board member who is a member of the town legislative body. A Board member shall give bond in the penal sum of

\$5,000, payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the Town Council. (Ord. 2015-10, passed 9-17-2015)

**§ 33.105 SALARIES.**

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. (Ord. 2015-10, passed 9-17-2015)

**§ 33.106 BOARD MEMBERS.**

If the Board has 3 members, the Town Council may amend this ordinance at any time to increase the number of Board members to 5. The amended ordinance and the appointment of Board members must satisfy all the requirements of this subchapter. (Ord. 2015-10, passed 9-17-2015)

**§ 33.107 METROPOLITAN POLICE DEPARTMENT.**

The Nashville Metropolitan Police Department is hereby created and with the current staff and structure, salaries and benefits in accordance with the town's salary ordinance. (Ord. 2015-10, passed 9-17-2015)

**TOWN PARK COMMISSION**

**§ 33.115 POLICY.**

The Nashville Town Council finds that the designated parks of the Town of Nashville are among its most important assets and require ongoing management and maintenance to preserve them. Therefore, the purpose of this subchapter is to endorse

and clarify the responsibilities of the Town of Nashville Park Commission, hereafter referred to as the Park Commission. The chief goal of the Park Commission will be to implement the Town of Nashville's Park Plan, in the context of the town's comprehensive plan and its historic preservation goals, to benefit all town residents. (Ord. 2018-14, passed 10-18-2018)

**§ 33.116 ESTABLISHMENT OF PARK COMMISSION.**

There is hereby established a Town of Nashville Park Commission to preserve, manage, maintain, utilize, and protect the public parks of Nashville, Indiana. (Ord. 2018-14, passed 10-18-2018)

**§ 33.117 PARK PROPERTIES.**

(A) Two park properties have been designated within Nashville, Indiana and are identified as Washington/Johnson Street Park and the Village Green.

(B) Each park is described below:

<i>Washington/Johnson Street Park</i>	
ID# 001-22400-003	
ID# 001-05100-00	
ID# 001-10400-00	
<i>Village Green</i>	
ID# 001-31400-06	Restroom/Play Area
ID# 001-31400-07	Tilton Corner
ID# 001-31400-08	Pavilion
ID# 001-31400-09	Church Corner

(C) The Town Council may from time designate by resolution or ordinance other properties as “park properties” to be administered by the Park Commission.

(Ord. 2018-14, passed 10-18-2018)

**§ 33.118 COMMISSION MEMBERS.**

The Commission shall be comprised of 5 members, including one Town Council member. Each member shall be a Brown County resident and will be appointed by the Nashville Town Council.

(Ord. 2018-14, passed 10-18-2018)

**§ 33.119 APPOINTMENTS; TERM OF OFFICE.**

(A) Any Brown County resident may apply in writing to the Nashville Town Council for appointment to the Commission.

(B) The Nashville Town Council shall appoint Commission members to serve 3-year terms. If a vacancy occurs, the Town Council shall appoint a successor to serve the remainder of the term. Members will serve without compensation and shall continue to hold office until their successors have been appointed. A Commission member may serve 2 consecutive terms and must wait 3 years to again become a member of the Commission.

(Ord. 2018-14, passed 10-18-2018)

**§ 33.120 POWERS AND DUTIES.**

(A) (1) To recommend to the Town Council that public lands be designated or described as a public parks in the Town of Nashville.

(2) In considering the designation of Public Park Properties, the Commission shall follow the following procedure:

(a) *Review.* When considering a historic property or property subject to the jurisdiction

of the Development Review Commission for park designation, the Park Commission shall submit to the appropriate Commission the proposed designation of a public park property including boundaries and a program for the preservation, restoration, maintenance, modification, and use of the property for review. The recommendations of the reviewing commission then shall become part of the official record and shall be submitted by the Park Commission to the Town Council. The Town Council may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations.

(b) *Special exceptions.* If the proposed public park is located in a district for which the use “public park” requires a special exception from the Board of Zoning Appeals, the Park Commission shall make application for, and obtain a special exception as required by the zoning code before submitting the proposed park to the Town Council.

(c) *Findings and recommendations.* The Park Commission shall determine if the proposed public park property is eligible as determined by the criteria specified in this section. The Commission shall transmit to the Town Council its recommendations and proposed program for the public park property.

(d) *Hearings.* When the Park Commission recommends designation of a park property to the Town Council, the Town Council shall hold a public hearing. Notice of the hearing shall be published in the local newspaper at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property abutting the boundary of the area to be designated a public park property.

(e) *Acquisition.* Upon the recommendation of the Park Commission according to the procedure set out herein, certain property eligible for designation as a public park property be acquired by gift, by negotiation, or other legal means as provided for in Indiana State Statutes. Title to said

property shall be in the name of the Town of Nashville, Indiana.

(B) To assist in the preparation of application for grant funds to be made by the Town Council for the purpose of park improvement and park acquisition.

(C) To draft and maintain an overall park management plan that will address the town's vision and goals for each individual park. The park management plan will include guidelines for: hours of use, allowed activities, alcohol policies, obsolete or dangerous equipment removal, invasive species and vegetation management process, process for making reservations to use the parks, process for working with the DRC or Historic Preservation Commission in reserving historic district parks, general vision for encouraging town's use of the parks.

(D) To draft and maintain a permit application procedure that allows Nashville town residents and visitors to request modifications to public park lands; such applications will be reviewed and voted on by the Park Commission and the resulting recommendations will be forwarded to the Town Council for final approval. Applications should include a reason for the modification, detailed description of the proposed changes, required professional and non-professional resources, estimated costs, proposed methods of payment, and recommended resources to carry out the modifications.

(E) To recommend to the Town Council the acquisition by purchase, gift, or bequest, of a fee or lesser interest, in public park properties and adjacent or associated lands.

(F) To recommend to the Town Council use variances within the Town of Nashville from the terms of the Brown County and town zoning ordinances.

(G) To recommend to the Town Council the removal of blighting influences, including invasive species, signs, unsightly structures, and debris incompatible with the physical well-being of public park properties.

(H) To review and make recommendations to the Town Council regarding issuance of all public park alteration or maintenance permits, conditional use permits or variances for public park properties and to hold public hearings thereon if the Commission deems it necessary.

(I) The Town Administration or Records Clerk shall send a copy of every public park variance application for public parks to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:

(1) In the case of a proposed modification to a public park, whether or not such alteration will materially impair the natural beauty, use, long term health, or historic value of the public park, considering the existing appearance, dimensions, effect on all neighboring properties, use by residents, and any other environmental effects;

(2) In the case of the proposed demolition or alteration of any asset on public park land, the natural and historic value of the asset, the effect on all properties, the effect of any new proposed construction on the surrounding properties, and the economic value or usefulness of the public land as it now exists, or in an altered or modified condition compatible with all the surrounding properties;

(3) In the case of a new asset on public land, whether or not such asset will materially impair the value of the adjacent properties within the Town of Nashville.

(4) In all cases, the proposed modifications must be in compliance with all applicable county, town, and historic district regulations. Any and all exceptions to these regulations must be reviewed by the Commission and approved by the Town Council and any other relevant jurisdiction. A written copy of such variance to regulations must be published and available in the commission design guidelines to be administered by the Commission and the Town Council.



(J) After review, the Commission shall report its findings of fact and its recommendations in writing to the Town Council without undue delay.  
(Ord. 2018-14, passed 10-18-2018)

and accounts of the town shall perform the same duties with respect to the funds and accounts of the Park Commission.  
(Ord. 2018-14, passed 10-18-2018)

**§ 33.121 PROCEDURES.**

The Commission shall observe the following procedures regarding special public meetings and hearings:

(A) Business shall be conducted by the Commission at regularly scheduled public meetings as prescribed in the Indiana Open Door Law. The Commission shall make every effort to preserve the public nature of its meetings.

(B) (1) When the Commission deems an issue to be of significant public concern, the Commission may call for a special public hearing. A notice of the time, place and purpose of the hearing shall be published in the local newspaper of the town/county at least 10 days before the date of the hearing, and be sent to property owners whose property abuts the property directly related to the issue of significant public concern.

(2) For the purpose of notifying property owners, the person responsible for the notification may use any appropriate records to determine the names and physical or email addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this section has been made.

(Ord. 2018-14, passed 10-18-2018)

**§ 33.122 MANAGEMENT OF FUNDS.**

The Clerk-Treasurer of the town charged by law for the performance of duties in respect to the funds

***ORDINANCE VIOLATIONS BUREAU***

**§ 33.130 CREATION; REGULATIONS.**

(A) An Ordinance Violations Bureau is hereby established to assist with the clerical work for ordinance violation cases issued by the town for violations of Chapter 72 of the Town of Nashville Code of Ordinances and such other ordinance violations as the Town Council may hereinafter designate.

(B) Said Bureau may be established within the office of the Town Clerk-Treasurer. The Clerk-Treasurer may at his/her discretion delegate certain administrative duties to the Town Police Department, however all payments shall be made to and accounted for by the Office of the Clerk-Treasurer.

(C) The Ordinance Violations Bureau shall receive all payments of civil penalties made pursuant to a violation of these titles and appropriately account for said payments.

(D) The Ordinance Violations Bureau shall accept designated civil penalties and issue receipts for payments of citations issued under these titles between the hours of 8:00 a.m. through 4:00 p.m., Monday through Friday at the Nashville Town Hall, 200 Commercial St., Nashville, Indiana, 47448.

(E) The Ordinance Violations Bureau shall keep records of all notices issued and citations issued for violations of ordinances in the town and of all fines collected by the Ordinance Violations Bureau and of the final disposition of each case. These records shall

also be maintained as to show all types of violations and the totals of each. These records shall be public records.

(F) The Ordinance Violations Bureau shall keep an easily accessible record of all violations for which any person has been convicted during the preceding 12 months whether guilt was determined by admission through the Bureau or in the appropriate court.

(G) Any law enforcement officer, who issues an ordinance citation for violation of any provision of Chapter 72 of the Town of Nashville Indiana Code of Ordinances or the violation of any other ordinance that the Town Council shall hereinafter designate, shall serve a copy of the citation upon the person alleged to have violated the ordinance and serve another copy of the citation on the Ordinance Violations Bureau.

(H) The law enforcement officer shall also serve upon the person alleged to have violated an ordinance under these titles a notice and waiver form setting forth the amount of the civil penalty, the deadline for payment of the civil penalty, the procedure for admitting the violation and paying the civil penalty, and the procedure for denying the violation.

(I) Any person served with an ordinance citation shall have the option of paying the civil penalty within the time specified in the notice and waiver form to the Ordinance Violations Bureau upon entering an admission to the violation and upon waiving appearance in court. If the person who is issued a citation wishes to admit the allegation and pay the appropriate civil penalty, said person shall either mail or personally deliver the notice and waiver form along with a money order or other suitable tender in the amount of the appropriate fine payable to the Nashville Ordinance Violations Bureau, 200 Commercial Street, P.O. Box 446, Nashville Indiana, 47448

(J) The payment of a civil penalty to the Bureau shall be deemed an acknowledgment and admission of the commission of the alleged violation, and the Bureau shall give a receipt for the civil penalty, acknowledging payment thereof.

(K) If the person who is issued an ordinance violation citation wishes to deny the violation, or fails to pay the violation within 30 days of the date of the violation, the citation shall be dismissed from the Ordinance Violations Bureau and shall be re-filed as the corresponding violation of the Indiana Traffic Code (I.C. Title 9) with the Brown County Prosecuting Attorney's Office or the Town Attorney for filing as a separate cause of action in the Brown Circuit Court.

(L) Civil penalties shall be as set out in the ordinance alleged to have been violated.

(M) A civil penalty is deemed paid on the date payment is received by the Ordinance Violations Bureau.

(Ord. 2018-08, passed 8-16-2018)

***Cross-reference:***

*See also Violations and Civil Penalties, Ch. 37*

### ***UTILITY SERVICE BOARD***

#### **§ 33.140 ESTABLISHMENT.**

(A) The Town Council hereby establishes a Utility Service Board for the town pursuant to I.C. 8-1.5-3; and hereby establishes the organization and administrative arrangements under which the town will exercise its authority and discharge its responsibility for utility service (water and wastewater services).

(B) For the management and administration of the town's publicly owned utilities known as Nashville Municipal Utilities (NMU), there shall be:

- (1) A Utility Service Board (Board);
- (2) A Superintendent or Manager; and
- (3) Nashville Clerk-Treasurer

(4) There may be, as may be provided for in utility budgets, such other employees as are necessary to operate and maintain the NMU. (Ord. 2020-05, passed 10-15-2020)

**§ 33.141 MEMBERS.**

(A) *Composition and appointments.* The Board shall consist of 5 members. All members must be residents of the area currently served by NMU, 3 of which shall be a rate payers of NMU and a resident of the town of Nashville, and 2 of which shall be a rate payers of NMU, living outside of the boundaries of Nashville. Three of the members shall be appointed by the Town Council President and 2 of the members shall be appointed by the Town Council pursuant to I.C. 8-1.5-3-3. Not more than 2/3 of the members may be of the same political party.

(B) *Terms of members.* The appointments by the Town Council President shall be 1 member for a term of 2 years, 1 member for a term of 3 years and 1 member for a term of 4 years; after the initial appointment, all subsequent terms shall be for 4 years. The terms of the members appointed by the Town Council shall be an initial appointment for 1 member for a term of 2 years, and 1 member for a term of 3 years; all subsequent terms shall be for 4 years pursuant to I.C. 8-1.5-3-3.

(C) *Removal of board members.* The Nashville Town Council may remove any member of the Board by a 2/3 majority vote of the Town Council after a public hearing and a finding that the removal of the Board member is in the best interest of NMU. The public hearing shall be posted twice not less than 7 days apart, the last posting being 10 days before the date set for the public hearing.

(D) *Vacancy.* Any vacancy occurring during a term of office of a member of the Board shall be filled by the appointing authority by a replacement member who shall serve out the term of the member whose office has become vacant.

(E) *Compensation.* Each member of the Board shall be compensated for his or her services as a member of such Board at a sum to be determined and fixed by the Town Council. (Ord. 2020-05, passed 10-15-2020)

**§ 33.142 OFFICERS; RULES OF PROCEDURE.**

(A) The Board shall, during the month of January of each year, elect a Chairperson, Vice-Chairperson and Secretary who shall serve in such offices until December 31 of the year in which they were elected. The Board shall establish its own rules and procedure for the conduct of its meetings.

(B) The Nashville Clerk-Treasurer shall be designated with being directly responsible for the billing and collection of NMU's rates and charges, the Clerk-Treasurer shall appoint those employees who are also responsible for that billing and collection. These employees serve at the Clerk-Treasurer's pleasure. (Ord.2020-05, passed 10-15-2020)

**§ 33.143 MEETINGS.**

The Board shall conduct public meetings at least once each month. The annual calendar of these meetings shall be submitted to the Nashville Town Council and Clerk-Treasurer no later than January 15 of any given calendar year. (Ord. 2020-05, passed 10-15-2020)

**§ 33.144 POWERS AND DUTIES.**

(A) The Board has general supervisory powers over the NMU with responsibility for the detailed supervision of the NMU to be vested in its Superintendent or Manager who is responsible to the Board for the business and technical operation of the NMU. The Board may:

- (1) Fix the number and compensation of employees.

(2) Adopt rules governing the appointment of employees including making proper classifications and rules to:

(a) Determine the eligibility of applicants.

(b) Establish eligible lists arranged according to the ratings secured.

(c) Provide for the appointment of those having the highest ratings; and

(d) Provide for the promotion of employees.

(3) Subject to I.C. 36-4-9-2, appoint a Superintendent or Manager of the utility under its control who is responsible to the Board for the business and technical operation of the NMU. The Board shall make the appointment on the basis of qualifications to manage the NMU, taking into account his or her executive ability and his or her knowledge of the utility industry.

(4) Subject to I.C. 36-4-9-12, hire attorneys when required for the operation of the NMU.

(5) Hire professional or expert personnel when required for the operation of the NMU.

(6) Submit a budget of its financial needs for the next year in the detail required by the municipal legislative body.

(7) Recommend to the legislative body reasonable and just rates and charges for services to the rate payers of the NMU.

(8) Appropriate, lease, rent, purchase and hold all real and personal property of the utility.

(9) Award contracts for:

(a) The purchase of capital equipment.

(b) The construction of capital improvements; or

(c) Other property or purposes that are necessary for the full and efficient construction, management and operation of the NMU.

(10) Adopt rules for the safe, economical and efficient management and protection of the NMU.

(11) Submit reports of the condition of the utility and meeting minutes on a monthly basis to the Town Council.

(B) The Board may purchase by contract commodities or services for the purpose of furnishing the commodity or service to the patrons of the municipally owned NMU or to the municipality itself.

(C) If the Board wants to purchase the commodity or service from a public utility and the parties cannot agree on a rate or charge to be paid for it, either party may apply to the commission or other appropriate state or federal regulatory agency to establish a fair and reasonable rate or charge to be paid for the commodity or service.

(D) All Board policies including those of purchasing and personnel shall be in compliance with Title 3 Administration of the Town of Nashville Code of Ordinances as well as relevant State and Federal law. Should modification of any articles of the Nashville Code of Ordinances be in the best interest of NMU, such modifications shall be recommended to the Town Council for incorporation into the Nashville Code of Ordinances.

(E) The Town Council authorizes the NMU Board to operate, manage and take actions on behalf of NMU under rules set forth by Title 5 Public Works of the Town of Nashville Code of Ordinances as well as any other portions of the Nashville Code of Ordinances. Should modification of any articles of the Nashville Code of Ordinances be in the best interest of NMU, such modifications shall be recommended to the Town Council for incorporation into the Nashville Code of Ordinances.

(Ord. 2020-05, passed 10-15-2020)

***BICYCLE AND PEDESTRIAN ADVISORY BOARD***

**§ 33.150 ESTABLISHMENT.**

There is hereby created an ad hoc Bicycle and Pedestrian Advisory Board for the purpose of administering the development of a Bicycle and Pedestrian Master Plan.

(Res. 2019-06, passed 12-30-2019; Am. Res. 2020-02, passed 1-29-2020)

**§ 33.151 MEMBERS.**

(A) *Membership.* The Board shall consist of 7 members. All members shall be appointed by a majority approval of the Town Council. Members serve as volunteers without compensation. Members shall serve at the pleasure of the Town Council and may be removed by a majority vote of the Town Council with or without cause. A vacancy automatically occurs if a member fails to attend 3 consecutive Board meetings or moves his or her residence outside of Brown County.

(B) *Term.* The Board and terms of all members shall expire upon completion of the tasks of the Board and dissolution of the Board by the Town Council.

(C) *Qualifications.* All Board members shall be Brown County residents. Nashville Town Council members shall not be voting members of the Board. Applicants seeking membership should demonstrate a desire to advocate for safe and accommodating bicycle and pedestrian infrastructure and encourage an alternative transportation culture in Nashville. Residents seeking appointment to the Board are encouraged to email or deliver a Board or Commission application to the Clerk-Treasurer's office. All members are expected to be active members of the Board.

(Res. 2019-06, passed 12-30-2019; Am. Res. 2020-02, passed 1-29-2020)

**§ 33.152 DUTIES.**

(A) Create a comprehensive Bicycle and Pedestrian Master Plan;

(B) Advise the Town Council on matters involving bicycle and pedestrian transportation;

(C) Recommend updates to town policies regarding sidewalks;

(D) Recommend metrics for project evaluation that considers bicycle and pedestrian issues;

(E) Review pedestrian and bicycle ordinances and regulations;

(F) Create and recommend to the Town Council a citizen driven process for bicycle and pedestrian infrastructure requests, including sidewalks, crossings and bicycle racks;

(G) Identify opportunities for the Town Council to provide bicycle and walking education programs for various ages and abilities;

(H) Advise the Town Council on priorities for capital funding of bicycle and pedestrian projects as part of the town's budget process;

(I) Review, consider, discuss, debate and advocate on such issues and matters affecting local government and the Nashville community that members determine to be important and appropriate, and which are for the betterment of Nashville and its bicycle pedestrian community; and

(J) The Board shall create and follow an annual work plan, report to the Town Council on its activities at least 3 times each year and submit an annual report to the Town Council. Pedestrian issues shall be a regular part of the Board's agenda and discussion.

(Res. 2019-06, passed 12-30-2019; Am. Res. 2020-02, passed 1-29-2020)



**CHAPTER 34: FINANCE; TOWN FUNDS**

Section

	<i>General Provisions</i>		<i>Police Department Drug Fund</i>
34.001	Donation fund	34.070	Establishment
34.002	Appropriation of funds for promotion of town	34.071	Fund expense policy
34.003	Disbursement of town funds		
34.004	Investment of town funds		<i>Riverboat Wagering Tax Revenue Sharing Fund</i>
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34.030	Definition	34.105	Establishment
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***Local Road and Bridge Matching Grant Fund***

34.125 Establishment

***Nashville Park Improvement Fund***

34.130 Establishment

***Water Capital Improvement Project Fund***

34.135 Use of funds

***Community Development Block Grant Fund***

34.140 Establishment

***Cross-references:****Accident Report Fund, see § 33.01**Law Enforcement Continuing Education Fund,  
see § 33.01**Reserve Police Department Fund, see § 33.03**Reserve Police Training Fund, see § 33.02****GENERAL PROVISIONS*****§ 34.001 DONATION FUND.**

(A) The Clerk-Treasurer is hereby authorized to accept restricted donations. The Clerk-Treasurer shall keep these donations in a separate fund with proper sub-accounts for each particular approved donation.

(B) The life of the fund shall continue until the Town Council decides otherwise.

(1) The fund balance shall be perpetual until terminated by the terms of the current ordinance or by enactment of a subsequent ordinance or amendment.

(2) The disposition of the fund balance on termination of the fund will be determined by the Town Council.

(Ord. 1991-5, passed 9-26-1991)

**§ 34.002 APPROPRIATION OF FUNDS FOR PROMOTION OF TOWN.**

The Town Council is authorized to budget and appropriate funds from the General Fund of the town, to pay for expenses of or to reimburse town officials for expenses incurred in promoting the best interest of the town. These expenses may include, but not necessarily be limited to rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in promoting industrial, commercial and residential development, expenses incurred in developing relations with other units of government, and any other expenses of a civic or governmental nature deemed by the Town Council to be in the best interest of the town.

(Ord. 1992-9, passed 12-17-1992)

**§ 34.003 DISBURSEMENT OF TOWN FUNDS.**

(A) The Clerk-Treasurer may make claim payment for the following kinds of expenses:

(1) Property or services purchased or leased from the United States government, its agencies or its political subdivisions;

(2) License or permit fees;

(3) Insurance premiums;

(4) Utility payments or utility connection charges;

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;

(6) Grants of state funds authorized by statute;

(7) Maintenance or service agreements;



(8) Leases or rental agreements;

(9) Bond and coupon payments;

(10) Payroll;

(11) State, federal or county taxes;

(12) A product or service for which the Town Council accepted a bid;

(13) Expenses described in town ordinances;

(14) Professional dues, subscriptions and expenses for the education and development of public officials and employees of the town; and

(15) Expenses that must be paid because of emergency circumstances. Any emergency expense must be accompanied by a written emergency statement from the Town Manager prior to incurring the expense. If the Town Manager is not available, the department head responsible for that service shall execute the necessary emergency statement.

(B) Each payment of expense must be supported by a fully itemized invoice or bill and certification by the Clerk-Treasurer.

(C) The Town Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. (Ord. 1995-13, passed 12-21-1995)

**§ 34.004 INVESTMENT OF TOWN FUNDS.**

The Clerk-Treasurer is authorized to invest any and all town funds subject to the provisions of I.C. 5-13-9.

(Res. 1997-2, passed 3-20-1997)

**§ 34.005 FIXED ASSET CAPITALIZATION POLICY.**

(A) (1) *Definitions and provisions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

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

(2) *Provisions.*

(a) *Land.*

1. The town will capitalize all land purchases, regardless of cost. Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharfs, and storm water collection.

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

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

(b) *Machinery and equipment.*

1. The definition of **MACHINERY AND EQUIPMENT** is: an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure of building.

2. The town will capitalize and tag 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. 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 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. Examples include:

a. A work truck being equipped with screens, lights or radios for use as a single unit throughout its life expectancy is considered one unit.

b. If police cars are constantly changing light bars or radios to other

vehicles, the town will capitalize each piece of equipment separately, if it meets the required dollar amount.

c. A department's computer (CPU, monitor, keyboard, and printer) is considered one unit.

5. A department will record donated machinery and equipment 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 and above procedures.

(c) *Buildings.*

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

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

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

b. The useful life is greater than two 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 cost will be greater than the current book value and less than the fair market value.

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

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 and above procedures.

(d) *Improvements other than buildings.*

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

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

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

4. This town will capitalize new improvements other than buildings only if it meets the following conditions:

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

b. The useful life is greater than two years.

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

a. The total cost exceeds \$5,000;

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

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

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

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

(B) *Recording and accounting.*

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

(2) The town's municipally owned utilities shall record acquisition of fixed assets in accordance with generally accepted accounting principles. When

an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid. Assets may be acquired under a number of other arrangements including:

- (a) Assets acquired for lump-sum purchase price;
- (b) Purchase on deferred payment contract;
- (c) Acquisition under capital lease;
- (d) Acquisition by exchange of nonmonetary assets;
- (e) Acquisition by issuance of securities;
- (f) Acquisition by self-construction; and
- (g) Acquisition by donation or discovery.

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

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

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

***HISTORICAL COST.*** 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.

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

(Ord. 1996-7, passed 12-19-1996; Am. Ord. 2016-15, passed 12-15-2016)

### ***CAPITAL IMPROVEMENT PLAN***

#### **§ 34.015 ADOPTION.**

The Capital Improvement Plan is adopted by the Town Council.

(Ord. 1991-1, passed 3-21-1991; Am. Ord. 2011-07, passed 8-15-2007)

#### **§ 34.016 TERM.**

The term of the Plan is 5 years from the date of its adoption. The Town Council will review the objectives of this plan at the end of this term and modify those objectives as needs dictate.

(Ord. 1991-1, passed 3-21-1991; Am. Ord. 2011-07, passed 8-15-2011)

#### **§ 34.017 PLAN OBJECTIVES.**

The plan must be adopted by the Town Council before the town may receive its certified distribution of revenues from the Economic Development Income Tax (EDIT). The plan must specify the uses for which the town proposes to use EDIT revenues.

(Ord. 1991-1, passed 3-21-1991; Am. Ord. 2011-07, passed 8-15-2011)

**§ 34.018 USE OF EDIT REVENUES.**

EDIT revenues may be used for the following:

(A) Construction of capital projects for which the town is empowered to issue general obligation notes or establish a fund under any statute listed in I.C. 6-1.1-18.5-9.8;

(B) Economic development projects;

(C) Payment of lease rentals under any statute for a capital project;

(D) Retirement of notes issued under any provisions of state law for a capital project;

(E) Contract payments to a not-for-profit corporation whose primary corporate purpose is to assist government on planning and implementing economic development projects;

(F) Operating expenses of a governmental entity that plans or implements economic development projects;

(G) Retirement of notes for economic development projects;

(H) Leases; or

(I) Leases or notes entered into or issued prior to the date the EDIT was imposed, if the purpose of the lease or the notes would have qualified as a purpose when the lease was entered into or notes were issued.

(Ord. 1991-1, passed 3-21-1991; Am. Ord. 2011-07, passed 8-15-2011)

2011-07, passed August 15, 2011, is adopted by reference and made a part of this section as if set forth in full herein.

(B) The complete description of the capital improvement projects can be examined in the office of the Clerk-Treasurer.

(Ord. 1991-1, passed 3-21-1991; Am. Ord. 2011-07, passed 8-15-2011)

[Text continues on pg. 25]

**§ 34.019 DESCRIPTION OF CAPITAL IMPROVEMENTS PROJECTS.**

(A) The description of specific capital improvement projects as set forth in Ordinance



**CUMULATIVE CAPITAL IMPROVEMENT  
FUND**

**§ 34.030 DEFINITION.**

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

**CAPITAL IMPROVEMENT.** The construction or improvement of any town-owned property including, but not limited to streets, thoroughfares and sewers, and shall not include salaries of any public officials or employees except that directly chargeable to the improvements.

(Ord. 8265, passed 8-2-1965)

**§ 34.031 ESTABLISHMENT.**

There is hereby established a Cumulative Capital Improvement Fund as provided by Chapter 225, Acts of 1965, to be used solely for capital improvements of the town.

(Ord. 8265, passed 8-2-1965)

**§ 34.032 DISTRIBUTIONS.**

The semi-annual distributions from the Cigarette Tax Fund shall be deposited to the Cumulative Capital Improvement Fund.

(Ord. 8265, passed 8-2-1965)

**§ 34.033 AD VALOREM PROPERTY TAX REVENUES.**

An ad valorem property tax shall be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund. The rate of the levy shall be as established by Council from time to time.

(Ord. 1994-7, passed 7-25-1994)

**§ 34.034 USE OF FUNDS.**

The Cumulative Capital Development Fund shall be used for the following purposes:

(A) Cumulative Firefighting Building and Equipment (I.C. 36-8-14) (50%);

(B) Cumulative Drainage Fund (I.C. 36-9-27-100) (25%); and

(C) Cumulative Street Fund (I.C. 36-9-16.5) (25%).

(Ord. 1994-7, passed 7-25-1994)

**FOOD AND BEVERAGE TAX**

**§ 34.040 TAX ESTABLISHED.**

(A) Pursuant to the authority granted to the Town Board of Trustees by the General Assembly of the State, I.C. 6-9-24-3, there is hereby adopted a Town Food and Beverage Tax to be imposed upon any transaction in which food or beverage is furnished, prepared or served:

(1) For consumption at a location or on equipment provided by a retail merchant;

(2) Within the town; or

(3) By a retail merchant for consideration.

(B) The transactions described in division (A) above include, but are not limited to transactions in which food and beverage are:

(1) Served by a retail merchant off the merchant's premises;

(2) Sold by a retail merchant who ordinarily bags, wraps, or packages the food or beverage for immediate consumption on or near the retail merchant's premises, including food or beverage on a "take out" or "to go" basis; or

(3) Sold by a street vendor.

© The Town Food and Beverage Tax imposed on a food or beverage transaction described in division (A) of this section equals 1% of the gross retail income received by the merchant from this transaction. For purposes of this section, the gross retail income received by the retail merchant from such a transaction does not include the amount of tax imposed on the transaction under I.C. 6-2.5 *et seq.* (Ord. 1987-4, passed 5-7-1987)

#### § 34.041 EXEMPTIONS.

The Town Food and Beverage Tax does not apply to the finishing, preparing or serving of any food or beverage in a transaction that is exempt, or to the extent exempt, for the state gross retail tax imposed by I.C. 6-2.5 *et seq.* (Ord. 1987-4, passed 5-7-1987)

#### § 34.042 PROCEDURE OF TAXATION.

(A) The tax imposed under this chapter shall be imposed, paid and collected in the same manner that the state gross retail tax is imposed, paid and collected under I.C. 6-2.5 *et seq.* However, the return to be filed for the payment of the taxes may be made on separate returns or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the State Department of State Revenue.

(B) The amounts received from the taxes imposed under the ordinance shall be paid monthly by the Treasurer of the State to the Clerk-Treasurer upon warrants by the State Auditor. (Ord. 1987-4, passed 5-7-1987)

#### § 34.043 FOOD AND BEVERAGE FUND.

(A) The Clerk-Treasurer shall establish a Food and Beverage Receipt Fund.

(B) The Clerk-Treasurer shall deposit in this fund all amounts received under this tax.

© Any money earned from the investment of money in the fund shall become a part of the fund.

(D) (1) The Clerk-Treasurer shall apply the money as directed by the Board of Trustees in the fund as follows: Solely to finance, construct, improve, equip, operate and maintain public parking and public restroom facilities, or to renovate, equip, operate and maintain any structure that may be used as a public parking or public restroom facility.

(2) The municipality may enter into lease or contractual arrangements, or both, with governmental, not-for-profit or other private entities to operate and maintain these facilities. (Ord. 1987-4, passed 5-7-1987)

#### § 34.044 EXPIRATION OF TAX.

This subchapter expires July 1, 2007. (Ord. 1987-4, passed 5-7-1987)

### ***PARKING VIOLATION FUND***

#### § 34.060 ESTABLISHMENT

(A) Monies collected from a parking violation fine shall be deposited by the Clerk-Treasurer in a separate fund to be known as the Parking Violation Fund.

(B) The monies collected in the Parking Violation Fund may be expended at the discretion of the Town Marshal for any purpose related to the operation of the Police Department. (Ord. 155, passed - -1948; Am. Ord. 1975-1, passed 8-4-1975; Am. Ord. 1992-11, passed 12-30-1992; Am. Ord. 1994-10, passed 10-20-1994)

#### ***Cross-reference:***

*Parking regulations, see Chapter 71*



***POLICE DEPARTMENT DRUG FUND*****§ 34.070 ESTABLISHMENT.**

(A) There is hereby created a Police Department Drug Fund. The fund shall consist of deposits in the form of proceeds recovered by the Police Department, in part or as a whole, in forfeiture actions filed pursuant to I.C. 34-24-30.1, forfeiture actions which are adopted by federal agencies, liquidations of personal or real property obtained from criminal defendants in those actions, and voluntary surrenders of funds and assets from criminal defendants.

(B) The Police Department Drug Fund shall be appropriated for funding law enforcement activities conducted by the Police Department and reimbursement of expenses incurred in pursuing forfeiture and RICO actions.

(C) All monies collected under this subchapter shall be transferred to the Clerk-Treasurer, who shall deposit the funds and disburse as the Town Marshal directs, subject to the appropriation requirements of this subchapter. Monies remaining in the fund at the end of the year shall not revert to any other fund but shall continue in the Police Department Drug Fund.

(D) Monies from this fund shall be subject to appropriation by the Town Council in accordance with I.C. 36-5-4-2.

(Ord. 2001-01, passed 3-15-2001)

**§ 34.071 FUND EXPENSE POLICY.**

(A) The Town Council has previously enacted a Police Department Drug Fund as outlined in § 34.70.

(B) These funds, after appropriation by the Town Council, may be used to fund law enforcement activities in enforcement of drug-related crimes conducted by the Police Department, in whole or part.

(C) The funds, after appropriation, may need to be used by the Police Department in order to purchase

drugs, controlled substances, stolen property, the lease and purchase of equipment, training and to pay confidential informants.

(D) In order to facilitate the expenditure of the appropriated funds by the Police Department, the Clerk-Treasurer should establish a checking account, which may bear interest, to hold funds for usage by the Police Department after the funds have been appropriated by the Town Council.

(E) In establishing the checking account, all interest earned on this account shall be kept and retained in this checking account and used for the purposes set forth for the principal sums.

(F) The Town Marshal is hereby authorized to maintain cash in the amount of \$1,000. This cash shall be referred to as "evidence acquisition cash." The Town Marshal shall account to the Clerk-Treasurer for any expenditure of this cash prior to the Clerk-Treasurer issuing additional evidence acquisition cash.

(G) Additionally the Town Marshal shall reconcile expenses and cash on hand on a quarterly basis and shall submit this to the Clerk-Treasurer in the report form within 15 days of the last day of each quarter.

(H) The Town Marshal shall be bonded in an amount not to be less than \$2,500.

(Ord. 2001-01, passed 3-15-2001)

***RIVERBOAT WAGERING  
TAX REVENUE SHARING FUND*****§ 34.080 ESTABLISHMENT.**

(A) A fund is established for the receipt of monies collected from the town's share of the Riverboat Wagering Tax Revenue Sharing Fund and for the expenditure of monies in accordance with I.C. 4-33-13-5(f).

(B) Riverboat Wagering Tax Revenue Sharing funds shall be used for the following purposes:

(1) To reduce the property tax levy of the town;

(2) To fund additional property tax replacement credits in property tax increment allocation areas;

(3) To fund sewer and water projects, including stormwater management projects;

(4) For police and fire pensions; and

(5) To carry out any governmental purpose for which the fiscal body of the town appropriates the Riverboat Wagering Tax Revenue Sharing Fund. (Ord. 2003-07, passed 11-20-2003)

#### ***POLICE GAS DONATION FUND***

##### **§ 34.090 ESTABLISHMENT.**

A Police Gas Donation Fund is established for restricted donations for the specific use of the purchase of gasoline for the Police Department. This fund shall be operated in accordance with § 34.001. (Res. 2008-03, passed 5-15-2008)

#### ***RAINY DAY FUND***

##### **§ 34.100 ESTABLISHMENT.**

(A) There is hereby created a Rainy Day Fund. The fund shall consist of deposits in the form of unused and unencumbered funds under I.C. 36-5, or any other funding sources not otherwise prohibited by law.

(B) The Rainy Day Fund is subject to the same appropriation process as other funds that receive tax money.

(C) In any fiscal year, a political subdivision may transfer under I.C. 36-5, not more than 10% of the political subdivision's total annual budget for that fiscal year, adopted under I.C. 6-1.1-17, to the Rainy Day Fund.

(D) The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of a political subdivision.

(E) The fund may be used for all purposes permitted by law.

(Ord. 2009-04, passed 4-16-2009)

#### ***ARTS AND ENTERTAINMENT FUND***

##### **§ 34.105 ESTABLISHMENT.**

(A) Nashville Arts and Entertainment Commission Fund is established.

(B) The Nashville Arts and Entertainment Commission was given the authority to solicit and accept donations as well as grants from state and federal agencies as described in § 33.81.

(C) All monies received must be deposited by the Clerk-Treasurer. These funds, after appropriation by the Town Council, may be used to fund the responsibilities of the Arts and Entertainment Commission as designated by § 33.82.

(D) Monies remaining in the fund at the end of the year shall not revert to any other fund but shall continue in the Nashville Arts and Entertainment Commission (NAEC) Fund.

(E) The Nashville Arts and Entertainment Fund is established for restricted donations for the specific purpose of supporting and maintaining the Nashville Arts and Entertainment Commission for the town.

(Ord. 2013-02, passed 2-28-2013; Am. Ord. 2016-03, passed 5-19-2016)

***Cross-reference:***

*Arts and Entertainment Commission, see § 33.80 et seq.*

**§ 34.106 COMMUNITY ENGAGEMENT GRANT FUND.**

A new non-reverting fund to be known as the Community Engagement Grant Fund and given the number 264 is now established. The Fund shall receive monies from the Indiana Arts Commission. Said Fund shall be kept separate from funds heretofore designated as the Arts and Entertainment Fund.

(Ord. 2018-04, passed 3-15-2018)

**§ 34.107 BROWN COUNTY COMMUNITY FOUNDATION GRANT FUND.**

A new non-reverting fund to be known as the Brown County Community Foundation Grant Fund and given the number 268 is now established. The Fund shall be in the amount of \$2,669.84 and shall be used solely for the purchase and improvement of a sound system for the Pavilion Music Series. The Fund shall receive monies from the Brown County Community Foundation. Said Fund shall be kept separate from funds heretofore designated as the Arts and Entertainment Fund.

(Ord. 2018-06, passed 6-21-2018)

***CUMULATIVE CAPITAL DEVELOPMENT FUND***

**§ 34.110 ESTABLISHMENT.**

The town hereby re-establishes the Cumulative Capital Development Fund.

(Ord. 2013-06, passed 7-18-2013)

**§ 34.111 AD VALOREM PROPERTY TAX REVENUES.**

(A) The ad valorem property tax levy will continue with the revenues from the levy being retained in the Cumulative Capital Development Fund.

(B) The maximum rate of levy under division (A) will not exceed \$.05 per \$100 of assessed valuation each year.

(Ord. 2013-06, passed 7-18-2013)

**§ 34.112 USE OF FUNDS.**

(A) The funds accumulated in the Cumulative Capital Development Fund will be used for:

(1) Cumulative fire fighting building and equipment, see I.C. 36-8-14 (50%);

(2) Cumulative Drainage Fund, see I.C. 36-9-27-100;

(3) Cumulative Street Fund, see I.C. 36-9-16.5; and

(4) Cumulative Building Fund, see I.C. 36-9-16-2.

(B) Funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (A), 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. 2013-06, passed 7-18-2013)

***NON-REVERTING LOCAL PRETRIAL  
DIVERSION AND DEFERRAL FUND***

**§ 34.120 USE OF FUNDS.**

(A) The town hereby creates a non-reverting fund for the purposes of appropriating and disbursing funds consisting of the following fees collected by a Clerk under said article:

- (1) The pretrial diversion program fee;
- (2) The alcohol and drug services fee;
- (3) The law enforcement continuing education program fee;
- (4) The deferral program fee; and
- (5) The problem solving court fee.

(B) Any funds so collected may be used for: personnel expenses related to the operation of the program; special training for a law enforcement officer; victim assistance; electronic legal research; office equipment, including computers, computer software, communication devices, office machinery, furnishings, and office supplies; expenses of a criminal investigation and prosecution.

(C) Expenditures from this fund would be used by the Nashville Clerk-Treasurer for such purposes.

(D) The town wishes to have a new, non-reverting fund established for receipt, capture,

and eventual distribution and appropriation of these funds for the purposes permitted by I.C. 33-37-8-3 and 4; and

(E) The Town Clerk-Treasurer requests that a new non reverting account, be dedicated and created for the receipt of proceeds from the Infraction Deferral Program monitored by the Nashville Town Attorney or his duly designated agent, to exist until its dissolution, wherein any remaining balances will be transferred to the Nashville General Fund.

(F) The creation of this fund is not an additional appropriation, and a public hearing is not required.  
(Ord. 2016-09, passed 7-21-2016)

***LOCAL ROAD AND BRIDGE  
MATCHING GRANT FUND***

**§ 34.125 ESTABLISHMENT.**

A new non-reverting fund to be known as the Local Road and Bridge Matching Grant Fund ("Fund"), and which is to be given number 258, is now established. The fund shall receive monies from the Local Road and Bridge Matching Grant Fund through INDOT as well as local match funds transferred from the State of Indiana's LOIT Special Distribution Fund earmarked for local road improvements.

(Ord. 2016-19, passed 12-29-2016)

***NASHVILLE PARK IMPROVEMENT FUND***

**§ 34.130 ESTABLISHMENT.**

The Council of the Town of Nashville that a Nashville Park Improvement Fund be established for the specific purpose of supporting and maintaining Town Parks.

(A) The Town Council of the Town of Nashville, Indiana, establishes the Nashville Park Improvement Fund to be governed by the applicable statutory provisions;

(B) Funds were left over from the original Place Based Investment Fund grant dollars and the town is permitted to use these dollars on future park improvement endeavors;

(C) The life of the fund shall continue until the Town Council of the Town of Nashville decides otherwise;

(D) The fund balance shall be perpetual until terminated by the terms of the current resolution or by enactment of a subsequent resolution or amendment; and

(E) The disposition of the fund balance on termination of the fund will be determined by the Town Council of the Town of Nashville.  
(Res. 2018-04, passed 11-15-2018)

**WATER CAPITAL IMPROVEMENT  
PROJECT FUND**

**§ 34.135 USE OF FUNDS.**

(A) The town applied for a Wastewater/Drinking Water (WDW) CDBG grant to improve the quality of water and wastewater by receiving assistance in financing appropriate water and sewer infrastructure for communities and counties that have planned and set priorities for long-term development.

(B) The town has been awarded a Wastewater/Drinking Water (WDW) CDBG grant in the amount of \$592,000 from the Indiana Office of Community and Rural Affairs for drinking water system improvements. The local match source of the project will be secured by loan funds from the USDA Rural Development loan funds; and

(C) All monies received for the Nashville Water CIP must be deposited by the Clerk-Treasurer of the town into the Nashville Water CIP fund. The disbursement of these funds will follow the accepted payment process established by the Indiana State Legislature.

(D) The Water Capital Improvements Project Fund (Nashville Water CIP fund) is established.  
(Ord. 2017-01, passed 2-16-2017)

**COMMUNITY DEVELOPMENT BLOCK GRANT  
FUND**

**§ 34.140 ESTABLISHMENT.**

(A) The Council of the Town of Nashville hereby establishes the CDBG Economic Development Fund (CDBG Economic Dev Fund).

(B) The Town of Nashville, Indiana received \$250,000 in Community Development Block Grant (CDBG) COVID-19 Phase 2 funds for the provision of grants to businesses for retaining low-to-moderate income employees' jobs. The grant up to \$10,000 will be for small businesses who have a revenue equal to or less than \$1,000,000, employ 100 employees or less and who have been affected by the COVID-19 pandemic. The local match source of \$6,250 will be paid from local EDIT funds.

(C) All monies received for the CDBG Economic Dev Fund must be deposited by the Clerk-Treasurer of the town into the CDBG Economic Dev Fund. The disbursement of these funds will follow the accepted payment process established by the Indiana State Legislature.  
(Ord. 2020-09, passed 9-17-2020)



## CHAPTER 35: CIVIL EMERGENCIES

### Section

- 35.01 Definitions
- 35.02 Proclamation by Town Board
- 35.03 Imposition of curfew
- 35.04 Additional regulations
- 35.05 Emergency powers
  
- 35.99 Penalty

of the town during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to the civil emergency.  
(Ord. 5-4-70, passed 5-4-1970)

### § 35.01 DEFINITIONS.

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

#### ***CIVIL EMERGENCY.***

(1) A riot or unlawful assembly characterized by the use of actual force if accompanied by immediate power to execute such force by 3 or more persons acting together without authority of law; or

(2) Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the town, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

***CURFEW.*** Prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits

### § 35.02 PROCLAMATION BY TOWN BOARD.

When in the judgment of the Town Board a civil emergency as defined herein is deemed to exist, they shall proclaim in writing the existence of same. In case of the absence of any member of the Town Board, the remaining members shall act.  
(Ord. 5-4-70, passed 5-4-1970)

### § 35.03 IMPOSITION OF CURFEW.

After proclamation of a civil emergency by the Town Board, they may order a general curfew applicable to those geographical areas of the town, or to the town as a whole, as they deem advisable and applicable during those hours of the day or night as they deem necessary in the interest of the public safety and welfare.  
(Ord. 5-4-70, passed 5-4-1970)

### § 35.04 ADDITIONAL REGULATIONS.

After proclamation of a civil emergency, the Town Board may also in the interest of public safety and welfare make any or all of the following orders:

- (A) Order the closing of all retail liquor stores;

(B) Order the closing of all taverns;

(C) Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;

(D) Order the discontinuance of the sale of beer;

(E) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(F) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;

(G) Order the discontinuance of selling, distributing, dispensing or giving away of firearms and/or ammunition; or

(H) Issue such other orders as are imminently necessary for the protection of life and property. (Ord. 5-4-70, passed 5-4-1970)

### § 35.05 EMERGENCY POWERS.

(A) During the period of a declared state of emergency, the Town Board shall have the power to invoke any or all of the following provisions:

(1) *Alcoholic beverages.* No person shall consume any alcoholic beverages in a public street or place which is publicly owned, or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

(2) *Weapons.* No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the persons or property of another.

(3) *Incendiary missiles.* No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline- or petroleum-base firebomb or other incendiary missile.

(4) *Restricted areas.* No person shall enter any area designated by the Town Board as a restricted area unless in the performance of official duties or with the written permission from the Town Board or its duly designated representative, or the person shall prove residence therein.

(B) As the Executive Officer of the Town of Nashville ("town") the President of the Town Council ("President") in emergency situations ("emergencies") shall be vested with the authority to take certain actions on their own to protect the public safety, health and welfare of the town, and its people the public, its properties and all other assets.

(1) For purposes of the authority granted by this division, emergencies shall be defined to include severe weather, fire, power failure, earthquakes, tornados, floods, epidemics, pandemics and other national, regional or local emergencies and other emergencies of similar nature.

(2) When the President declares an emergency in accordance with this section the President may take the following actions:

(a) Prohibit the use and/or occupancy of any or all facilities and/or public properties owned or operated by the town or a portion thereof;

(b) Restrict the use or occupancy of any or all public facilities and/or properties owned or operated by the town or a portion thereof; and

(c) Order any other reasonable rules regarding the town's employees, its assets and the public needed for the protection of such persons and assets.

(3) The actions taken by the President in accordance with this emergency authority shall remain in place until the earlier of the following:



(a) The action(s) are modified or cancelled by the President; or

(b) The next meeting of the Nashville Town Council, including both a special meeting or regular scheduled meeting.

(c) Allow the actions of the President to stand.

(Ord. 5-4-70, passed 5-4-1970; Am. Ord. 2020-04, passed 3-19-2020) Penalty, see § 35.99

**§ 35.99 PENALTY.**

Any person violating any provision of this chapter or any order made by the Town Board in accordance with the terms of this chapter shall be punished by a fine of not more than \$100.

(Ord. 5-4-70, passed 5-4-1970)



## CHAPTER 36: PERSONNEL POLICIES

### Section

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- 36.002 Flexible benefits plan adopted
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- 36.004 Benefits

#### *Conditions of Employment*

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- 36.076 Employees expected to seek treatment
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- 36.080 Results
- 36.081 Failure to test or testing positive; disciplinary measures
- 36.082 Substance abuse offenses; disciplinary measures
- 36.083 Use of medication and prescription drugs
- 36.084 Confidentiality
- 36.085 Certification of compliance with federal drug-free workplace requirements

**GENERAL PROVISIONS****§ 36.001 DEFINITIONS.**

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

**FULL-TIME EMPLOYEE.** An employee who is employed on a year-round basis and works the full regularly scheduled 40-hour workweek of the department in which the employee works.

**PART-TIME EMPLOYEE.** An employee who is employed on a year-round basis, but for less than the average 40-hour workweek of the department in which the employee works. These employees shall not receive vacation or sick leave days or holiday pay.

**TEMPORARY EMPLOYEE** or **SEASONAL EMPLOYEE.** An employee who is employed on less than a year-round basis or for a limited period of time. These employees shall not receive vacation or sick leave days or holiday pay.

(Ord. passed - -)

**§ 36.002 FLEXIBLE BENEFITS PLAN ADOPTED.**

(A) The Authority hereby adopts the Flexible Benefits Plan, consisting of the Flexible Benefits Plan Document, the Adoption Agreement, and component benefit plans and policies for the town, effective as of the date specified in the Adoption Agreement.

(B) The Clerk-Treasurer may, without further resolution, execute the Adoption Agreement and any related documents or amendments which may be necessary or appropriate to adopt the Plan or maintain its compliance with applicable federal, state and local law.

(Res. 2000-1, passed 2-21-2000)

**§ 36.003 PARTICIPATION IN A 457 PLAN.**

Employees of the town are authorized to voluntarily participate in the Lord Abbett 457 Plan through payroll deductions if so desired.

(Res. 2008-04, passed 5-15-2008)

**§ 36.004 BENEFITS.**

(A) All employees shall receive the general benefits as prescribed by the Nashville Employee Handbook.

(B) All full time employees shall belong to the Public Employees Retirement Fund (PERT). The town's cost of participation shall be the current composite PERF rate times the employee's gross annual wage.

(Res. 2016-01, passed 1-7-2016)

**CONDITIONS OF EMPLOYMENT****§ 36.010 RESERVED.****§ 36.011 RECRUITMENT OF PERSONNEL.**

(A) All departments shall utilize a job application form approved by the town for the filling of vacancies in existing and new positions. Applications will be taken on a continual basis.

(B) Job applications will be retained by the town records officer for a period of not less than 1 year. The applications will remain active for 6 months and then be placed into an inactive file for the remainder of the year.

(C) The town may utilize a variety of methods in the recruitment of new employees, including but not limited to:

- (1) Newspaper advertisement;
- (2) Job applicant file; and

(3) Employment Security Division.

(D) All applications will be reviewed and considered on the following applicable factors, which are not listed in any order of priority:

(1) Ability and fitness to perform the job applied for;

(2) Training, experience and education directly related to the job applied for; and



(3) Any state or federal requirements that may apply to the job applied for.  
(Ord. passed - -)

**§ 36.012 SELECTION OF PERSONNEL.**

(A) Each department head may establish a hiring/testing process that is designed for the selection of personnel for that department. The hiring/testing process may include any combination of, but is not limited to the following procedures:

- (1) Written testing;
- (2) Drug screen testing;
- (3) Physical fitness testing;
- (4) Psychological testing;
- (5) Background investigations;
- (6) Physical examinations; and
- (7) Oral interviews.

(B) These procedures may also be utilized in testing employees for promotions within their department.

(C) Department heads shall be responsible for selecting the most qualified applicants for the openings in their respective departments.

(Ord. passed - -)

**§ 36.013 PREEMPLOYMENT SUBSTANCE SCREENING.**

(A) All applicants for full-time or part-time employment with the town are required to submit to a medical examination. Prospective employees will be screened for a range of chemical substances, which shall include but not necessarily be limited to the following:

- (1) Amphetamine/methamphetamine (such as speed);
- (2) Benzodiazepines (such as Valium, Librium, Dalmane, Ativan);
- (3) Barbiturates (such as Amobarbital, Butabarbital, Pentobarbital, Phenobarbital);
- (4) Cocaine;
- (5) Methadone;
- (6) Methaqualone (such as Quaalude);
- (7) Opiates (such as codeine, heroin, morphine);
- (8) Phencyclidine (PCP);
- (9) THC (marijuana and other cannabinoids); and
- (10) Lysergic acid diethylamide (LSD).

(B) The substance groups listed in division (A) of this section were selected based upon known abuse in the general area of the town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under state and federal law.

(C) All applicants for full-time or part-time employment will be required to sign a consent form to permit the screening and allow the release of the report to the town, and shall provide appropriate bodily fluids for the screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for the screening or who attempt to tamper with screening samples will not be eligible for employment with the town.

(D) Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result, the individual will not

automatically be disqualified from town employment on account of the substance screen. If the second screen confirms the positive test result, the applicant may be disqualified from consideration for town employment. The applicant will be notified of the positive results from the second screen in writing by certified mail and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within 72 hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result, the prospective employee will be disqualified from employment with the town.

(E) All screens will be made on the same sample by a firm selected by the town. An applicant whose screen shows positive results will have 24 hours after receiving the notification of positive screen results to provide verification of a current valid prescription in the applicant's name.

(F) The required substance examination and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the town.

(G) To the extent possible, confidentiality will be maintained by the town for all records and reports of the testing of an applicant's bodily fluids.  
(Ord. passed - -)

***Cross-reference:***

*Drug-free workplace policy, see §§ 36.075 through 36.085*

**§ 36.014 PROBATIONARY PERIOD.**

(A) Probationary periods for the town departments are as follows:

(1) Office of the Clerk-Treasurer: 6 months;

(2) Office of the Town Administration: 6 months; and

(3) Office of the Chief of Police: 1 year and graduation from the Indiana Law Enforcement Academy.

(B) The Department Heads are hereby authorized to grant a 1-time increase in the amount of up to \$20.00 per week, at the Department Head's discretion, for newly hired and/or transferred employees who successfully complete the probationary period, provided such increase remains within the prescribed ranges.

(Res. 2016-01, passed 1-7-2016)

**§ 36.015 TRANSFERS.**

(A) Procedures used in the recruitment and selection of personnel process shall be utilized when an employee requests a transfer to a new position.

(B) Employees transferring into a new position will serve a transfer probationary period of 6 months. All vacation and sick leave days will transfer with the employee, not to exceed set limits listed within the town's personnel policies.

(Ord. passed - -)

**§ 36.016 EMPLOYEE EVALUATIONS.**

Each department head, with the exception of the Clerk-Treasurer, shall provide the Town Council with a semi-annual and annual employee evaluation of each worker within his or her department. These reports are to be submitted April 1 and November 1 for evaluation by the Town Council.

(Ord. passed - -)

**§ 36.017 WORK SCHEDULE; BREAKS.**

(A) The Town Hall will be open from 8:00 a.m. to 4:00 p.m. on weekdays. Each department head shall set the work schedules for his or her department as appropriate.



(B) Employees shall be allowed a 60-minute lunch break and two 15-minute rest breaks. The department head or supervisor shall determine when the breaks are to be taken.  
(Ord. passed - -)

**§ 36.018 TARDINESS.**

Employees unable to report to work at their scheduled starting time shall notify their supervisor or department head, explaining the reason for the tardiness and anticipated arrival time. Department heads are to keep records of all employee tardiness.  
(Ord. passed - -)

**§ 36.019 ATTENDANCE RECORDS.**

Employee attendance records will be maintained for all employees. Department heads or supervisors will complete an employee attendance record for each employee at the end of each pay period and submit it to the Clerk-Treasurer prior to payroll distribution.  
(Ord. passed - -)

**§ 36.020 PAY PERIODS.**

Pay periods shall be set by the Clerk-Treasurer.  
(Ord. passed - -)

***EMPLOYMENT BENEFITS***

**§ 36.030 HOLIDAYS.**

(A) The following days shall be recognized holidays for the town:

- (1) New Year’s Day;
- (2) Martin Luther King, Jr.’s birthday;
- (3) President’s Day;
- (4) Good Friday;

- (5) Memorial Day;
- (6) Independence Day;
- (7) Labor Day;
- (8) Columbus Day;
- (9) Veterans’ Day;
- (8) Thanksgiving Day;
- (9) Friday after Thanksgiving;
- (10) Christmas Eve (Dec. 24);
- (11) Christmas Day (Dec. 25); and

(12) Primary/general/town election days when appropriate (1/2 day). The Town Hall will be closed on all election days. Other departmental employees will work until 12:00 noon.

(B) When any holiday occurs on a Sunday, the succeeding day not considered a recognized holiday shall be designated as the legal holiday. When any holiday occurs on a Saturday, then the preceding day not considered a recognized holiday shall be designated as the legal holiday.

(C) Any employee who is scheduled to work or called in to work a full standard shift on a holiday shall be paid at a rate of 1-1/2 times his or her hourly pay rate.  
(Ord. passed - -; Am. Res. 1998-5, passed 12-17-1998)

**§ 36.031 FUNERAL LEAVE.**

(A) Upon the death of a member of the immediate family, which includes spouse, parents, son, daughter, brother, sister, grandparents, grandchildren, step-children, step-parents, and in-laws, an employee will receive a maximum of 3 working days’ leave with pay to attend to family matters and funeral services.

(B) Employees shall receive 1 day off with pay upon the death of a niece, nephew, aunt or uncle to attend funeral services.

(C) Additional time off without pay may be granted at the discretion of the department head.  
(Ord. passed - -; Am. Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998)

**§ 36.032 JURY LEAVE.**

(A) Employees shall receive leave to serve on a jury in any federal, state or local court without loss of pay.  
(Ord. passed - -; Am. Res. 1998-1, passed 6-18-1998)

(B) However, employees may not receive compensation from both the court and the town; therefore the employee must select 1 of the following 3 procedures regarding compensation:

(1) The employee shall receive the full amount of the employee’s regular salary and not claim compensation for serving as a juror or a witness;

(2) The employee shall receive the compensation for serving as a juror or witness and the amount received, excluding mileage reimbursement, will be deducted from the employee’s regular salary; or

(3) The employee shall receive the full amount of the employee’s regular salary and turn over the warrant received for serving as a juror or witness to the Clerk-Treasurer. The Clerk-Treasurer shall receipt the warrant into the fund from which the regular salary was paid. This procedure is not possible if any mileage reimbursement is included in the warrant.

(C) The employee is to notify the Clerk-Treasurer in writing of his or her decision prior to receiving compensation from the town for the period served as a juror.  
(Res. 1998-3, passed 11-19-1998)

**§ 36.033 MILITARY LEAVE.**

(A) Any employee who is a member of a military reserve or guard unit in the State of Indiana shall be entitled to a leave of absence not to exceed 15 calendar days in order to attend reserve or guard training or functions.

(B) An employee who is drafted or called to active military service shall be considered on a leave of absence and all federal laws regarding active service shall apply.  
(Ord. passed - -; Am. Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998)

**§ 36.034 VACATION LEAVE.**

(A) All full-time employees shall be entitled to vacation leave each year based on the following formula:

<i>Length of Employment</i>	<i>Leave (Working Days)</i>
1 day but less than 1 year	0
1 year but less than 3 years’ service to the town	5
3 years but less than 5 years	10
5 years but less than 10 years	12
10 years but less than 20	15
20 years or more	20

(B) Employees must inform their department head at least 2 weeks in advance of intent to take vacation leave. Employees may not take vacation time that has not been earned nor receive advance vacation time. Vacation leave shall be taken at the discretion of the department head. Vacation days unused may not be traded for pay.

(C) The Department Heads are hereby authorized to grant 3 hours of compensation for holidays and 8 personal days 3 hours each at the Department Head's discretion, for part time custodian employees, provided such an approval remains within the prescribed ranges.

(D) The Department Heads are hereby authorized to approve time cards for the payment of office personnel and the custodian should a snow/weather emergency arise and the Town Hall is shut down due to the emergency.

(E) The Department Heads are hereby authorized to grant a paid administrative leave for an employee should the need arise for a period not to exceed 14 days.

(Ord. passed --; Am. Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998; Am. Res. 2016-01, passed 1-7-2016)

***Cross-reference:***

*Department heads; personal days, see § 36.039*

**§ 36.035 SICK LEAVE.**

(A) All full-time employees, upon hiring, will start accumulating sick leave at the rate of 1 day per month and may accumulate to a maximum of 45 days.

(B) If an employee is absent from work more than 3 days consecutively due to illness, a doctor's certification must be provided to the department head. A department head may request this certification at any time if sick leave abuse is suspected.

(C) Sick leave is to be used only for absence due to illness of employee, an illness in the immediate family or to avoid jeopardizing the health and welfare of other employees.

(D) An employee who is injured while on- or off-duty shall obtain a statement from a physician certifying the employee is capable to return to duty. (Ord. passed --; Am. Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998; Am. Res. 2015-12, passed 12-17-2015)

**§ 36.036 LEAVE OF ABSENCE.**

(A) An employee may, upon written application to the department head and with the approval of the Town Council, receive authorized leave of absence without pay prescribed in the Family and Medical Leave Act of 1993.

(B) This leave may be granted after all accumulated vacation and sick leave is exhausted. During the leave of absence the employee will not be eligible for any pay or fringe benefits, but leave will be considered as time worked for purposes of seniority and longevity. Health and life insurance benefits shall be continued during leave of absence as under terms of current employment.

(C) An employee on a leave of absence may request an additional 3-month extension to the leave of absence. The Town Council has discretion in granting a request for extension. In no case will the total leave of absence exceed 6 months.

(D) Failure of an employee to return to work at the end of the granted leave of absence will result in termination of employment.

(Ord. passed --; Am. Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998)

**§ 36.037 HEALTH INSURANCE.**

(A) The town does not guarantee the providing of health insurance coverage for each employee of the town. The town will undertake reasonable efforts to provide health insurance coverage for all of its employees. The town will pay the cost of any employee's health insurance coverage, less \$1.

(B) If a town employee is rejected coverage under the town's group policy, then the town will pay the total cost, less \$1, provided the cost of coverage from a town-approved carrier for any particular employee does not exceed 2 times the cost of the average group coverage cost for town employees.

(C) Any health insurance coverage provided and/or paid for by the town shall be for the employee only. The employee shall be responsible solely for the cost of health insurance coverage for his or her spouse and/or dependents.

(Ord. passed - -; Am. Res. 1996-2, passed 1-18-1996; Am. Res. 1998-4, passed 12-17-1998; Am. Res. 2000-5, passed 10-19-2000)

### **§ 36.038 OVERTIME PAY.**

(A) Overtime shall be paid at 1 1/2 times the hourly rate for time worked over 40 hours per 7-day pay period. Alternatively, hourly personnel may accrue up to 80 hours of compensatory time. Such time shall accrue at a rate of 1 1/2 hours for each overtime hour worked. Additionally, overtime shall be paid for holiday assignments as may be designated by the Town Administration. Furthermore, any employee working an authorized shift or overtime shall be compensated for a minimum of 1 hour each day.

(B) Overtime shall be paid at 1 1/2 times the equivalent hourly rate for hours worked over 171 hours per 28-day period. Alternatively, police personnel may accrue up to 120 hours of compensatory time. Such time shall accrue at a rate of 1 1/2 hours for each overtime hour worked.

(1) Additionally, overtime rate shall be paid for special assignments on details as may be designated by the Chief of Police.

(2) Additionally, full-time employees of the office of the Chief of Police shall receive an additional compensation of \$19.23 per week for becoming a graduate from the Indiana Law Enforcement Academy and maintaining the subsequent continuing education necessary to have arrest powers.

(3) However, no employee shall receive the probationary increase described in § 36.014 in the same year as the increase described in this division.

(C) Salaried personnel are required to work various hours and shifts. They are expected to complete their duties without regard for a 40-hour work week and therefore do not qualify for overtime pay.

(Ord. passed - -; Am. Res. 2016-01, passed 1-7-2016)

### **§ 36.039 PERSONAL DAYS FOR DEPARTMENT HEADS.**

(A) As department heads do not qualify for overtime pay/time off, they shall be allowed 3 personal days off per year at the discretion of the Town Council.

(B) This shall not affect any vacation days or sick days allowed within this chapter.

(Ord. passed - -)

### **§ 36.040 RETIREMENT.**

(A) All full-time employees are provided and shall follow PERF requirements regarding retirement. Employees must file paperwork with the Clerk-Treasurer's office upon employment.

(B) All full-time employees shall give 30 days' notice of intent of retirement.

(Ord. passed - -)

### **§ 36.041 TRANSFER OF SICK LEAVE.**

An employee may, upon written notice to the Clerk-Treasurer, transfer any portion of his or her sick leave to another employee.

(Res. 1998-1, passed 6-18-1998; Am. Res. 1998-3, passed 11-19-1998)

### **§ 36.042 DEATH DURING EMPLOYMENT.**

If any employee dies during his or her term of employment, the town shall pay to the designated beneficiary of the employee or, if the employee is not survived by the designated beneficiary, to the

employee's legal estate, compensation then due and for any accrued sick leave, vacation, holidays, compensatory time and other accrued benefits.

(Res. 1996-2, passed 1-18-1996; Am. Res. 1998-4, passed 12-17-1998; Am. Res. 2000-5, passed 10-19-2000)

**§ 36.043 PERSONNEL ADVANCEMENT INCENTIVE.**

(A) Incentive pay of \$1,000 per year shall be given in the following circumstances:

(1) *Police Department.* Graduate from the Indiana Law Enforcement Academy.

(2) *Water Department.* Operator certification necessary for operation of the water system (DS and/or CT certification).

(3) *Sewer Department.* Operator certification necessary for operation of sewer system (Class II certification).

(4) *Clerk-Treasurer.* Certified Municipal Clerk.

(B) Should an employee be eligible for incentive pay during any portion of the year, the incentive increase shall be prorated to reflect the portion of eligibility for the year.

(C) Employees with 1 or more years of service on or before December 1 of any given year shall receive a lump sum payment of \$50.00 for each year of service. This lump sum payment shall be made during the first pay period in the month of December. A service year for purpose of this section shall be defined as December 1 to December 1 of any 2 consecutive calendar years.

(Res. 1998-4, passed 12-17-1998; Am. Res. 2000-5, passed 10-19-2000; Am. Res. 2016-01, passed 1-7-2016)

**GENERAL EMPLOYMENT POLICIES**

**§ 36.050 BUSINESS PRACTICES.**

The town is to be considered a place of business. Employees should be mindful of their dress and language. No loitering is permitted by salespersons or town employees.

(Ord. passed - -; Am. Res. 1996-3, passed 1-18-1996)

**§ 36.051 USE OF TELEPHONE, EQUIPMENT.**

The telephones and other town equipment shall be used by town personnel as authorized by department heads.

(Ord. passed - -; Am. Res. 1996-3, passed 1-18-1996)

**§ 36.052 CLAIM AND INVOICE PROCEDURE.**

A purchase order and claim form shall be completed and submitted to the Clerk-Treasurer and Town Manager for approval before outside purchases are authorized. All claims are required to be turned in, in proper form, by the second Monday of each month.

(Ord. passed - -; Am. Res. 1996-3, passed 1-18-1996)

**§ 36.053 VEHICLE USE.**

(A) All town vehicles shall be used by town personnel as authorized by the department heads for business reasons only. Personal use of vehicles is expressly prohibited and will be subject to Group I disciplinary action.

(B) Additionally, persons not employed by the town, holding official office or a contracted agent of the town, are expressly prohibited from being transported in any town vehicle except in emergency conditions or as authorized in writing by the Town Council.



(C) All town employees who operate vehicles owned or leased by the town shall be subject to a review of their Indiana Bureau of Motor Vehicles driver's records by their department head and the Town Manager. Said reviews shall be conducted at the discretion of the department heads and/or Town Manager at intervals no less frequent than the annual. (Ord. passed - -; Am. Res. 1996-3, passed 1-18-1996; Am. Ord. 2014-04, passed 5-15-2014)

**§ 36.054 POLITICAL CAMPAIGNING.**

Employees shall not use their position with the town nor during work hours to assist in any political campaigning for a candidate running for office. (Ord. passed - -)

**§ 36.055 GIFTS AND GRATUITIES; CONFLICT OF INTEREST POLICY.**

(A) This policy applies to all public officials of the Town of Nashville, elected or appointed; and to all employees of the town.

(B) No member of the Town Council, elected or appointed officer or official, or employee of the town shall accept or solicit gratuities, favors, or anything of monetary value from consultants, lobbyists or potential consultants or lobbyists, or parties to sub-agreements, unless the gratuity or favor is in accordance with this policy. This prohibition does not include gratuities, favors, social gatherings, or anything of a monetary value of less than \$300. Any financial interest under \$300 shall be considered not substantial in accordance with applicable federal regulations.

(C) This policy conforms to the standards set forth in the Code of Federal Regulations (CFR) and by the Indiana Department of Transportation. A **CONSULTANT** is defined as an individual of firm providing engineering and design related services as

a party to a contract with a recipient or sub-recipient of federal assistance.

(Ord. passed - -; Am. Ord. 2018-03, passed 2-15-2018)

**§ 36.056 INJURY REPORTS.**

All work-related injuries are to be recorded with the Clerk-Treasurer within 8 working hours. All injuries are to be reported to the department head and to the Town Council. If physically able, the employee is to come to Town Hall and fill out the report in person.

(Ord. passed - -)

**§ 36.057 PRESCRIPTIONS.**

All prescriptions are to be paid by the employee. Workmen's compensation-related prescriptions should be turned into Bright & Williamson Insurance for reimbursement. Others should be turned into Farm Bureau Insurance (Healthsource) for possible reimbursement.

(Ord. passed - -)

**§ 36.058 PERSONNEL FILES.**

(A) Each employee shall have a personnel file located in the office of the Clerk-Treasurer. The file should reflect each employee's employment history with the town, including applications for employment, resume, record of all personnel actions, job title, starting salary, changes in position, performance evaluations and any other data relevant to the employee.

(B) Personnel files are confidential and shall be released only to department heads or the Town Council, or reviewed by employees in the presence of a department head or the Clerk-Treasurer or a town Council member.

(Ord. passed - -)

**§ 36.059 OUTSIDE EMPLOYMENT.**

All outside employment must be reported to the employee's department head. If outside employment is interfering with or adversely affecting the quality of the employee's work for the town, the employee may be required to give up the outside employment.  
(Ord. passed - -)

**§ 36.060 DISCIPLINARY PROCEDURES.**

(A) Each department shall follow any state statute that may apply to the respective department.

(B) Employee violation of the rules listed in divisions (D) through (F) of this section will result in disciplinary action. The rules and accompanying disciplinary action have been divided into 3 groups based upon the seriousness of the offense. Violation of any combination of the rules will warrant discipline. Disciplinary action shall be accurately documented at the time of occurrence with copies provided to the employee, department head and Town Council.

(C) If the employee has not committed any violation which warrants discipline within 3 years of the first disciplinary action, the record of the violation and subsequent disciplinary action shall be erased from the employee's file.

**(D) Group I.****(1) Disciplinary measures.**

(a) First violation: written reprimand.

(b) Second violation: 1 working day's suspension (without pay).

(c) Third violation: dismissal (the department head may request and the Town Council may approve a demotion for a third offense).

**(2) Offenses.**

(a) Neglect of duty.

(b) Failure to report any accident of employee or equipment.

(c) Violation of safety rules or O.S.H.A. standards.

(d) Gambling on town property or during work hours.

(e) Abuse of lunch or break times.

(f) Unauthorized use of town property, equipment or supplies.

(g) Absence or tardiness without authorization.

(h) Sleeping on duty.

(i) Charged with a preventable accident or O.S.H.A. standard.

**(E) Group II.****(1) Disciplinary measures.**

(a) First violation: 3 working days' suspension (without pay).

(b) Second violation: dismissal (the department head may request and the Town Council may approve a demotion for a second offense).

**(2) Offenses.**

(a) Conviction of any Class A misdemeanor.

(b) Consuming or being under the influence of alcohol during work hours.

(c) Intentional damage or destruction of town property or equipment less than \$50.

(d) Unbecoming conduct.

(e) Engaging in any sexual conduct during work hours or on town property.



(f) Absence for 3 consecutive working days without a doctor's statement and department head approval.

(F) *Group III.*

(1) *Disciplinary measures.* First violation: dismissal.

(2) *Offenses.*

(a) Conviction of any felony.

(b) Official misconduct.

© Possession or use of any controlled substance as described in I.C. 35-48-1-9.

(d) Theft.

(e) Falsifying official records.

(f) Unauthorized possession of explosives, firearms or other weapons on town property.

(g) Giving false information on an application for employment.

(h) Intentional damage or destruction of town property or equipment equal to or greater than \$50.

(Ord. passed - -)

**§ 36.061 GRIEVANCE PROCEDURE.**

(A) Employees have the right to appeal any disciplinary action taken by a department head against them by following the steps in division (B) of this section.

(B) (1) Give written notification to the Town Council:

(a) Stating facts involving the incident, any witnesses, or other pertinent information; and

(b) Requesting a hearing before the Town Council.

(2) The written notification to the Town Council must be sent within 10 days of the disciplinary action taken by the department head against the employee.

© The grievance procedure described above does not apply to the law enforcement employees of the town.

(Ord. passed - -)

**§ 36.062 DEMOTIONS.**

An employee may be demoted in position and pay for, but not limited to the following reasons:

(A) Disciplinary action;

(B) Job performance (based on work and evaluations);

© Elimination of job position.

(Ord. passed - -)

**§ 36.063 LAYOFFS.**

(A) Circumstances may arise which could cause a reduction in the work force. In these circumstances the town shall follow any applicable federal and/or state regulations regarding layoffs. Where layoffs are necessary, factors including, but not limited to the following will be considered:

(1) Length of service with the department;

(2) Length of service with the town in all jobs;

(3) Performance history; and

(4) Importance of job position to proper operation of the town.

(B) Reassignment or transfer to another position will be done where possible. Reemployment may be to original position or to another position that becomes available. Where practical, the department heads will give at least 2 weeks' advance notice of the layoff. Employees shall be entitled to all accrued vacation pay plus 1 week's pay.

© Employees dismissed due to disciplinary action are not considered as layoffs.  
(Ord. passed - -)

### **§ 36.064 CONFLICT OF INTEREST AND NEPOTISM.**

(A) The town finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the town and in contracting with the town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as I.C. 36-1-20.2 and I.C. 36-1-21, respectively.

(B) On July 1, 2012 the town shall have a nepotism and a contracting with a unit policy that complies with the minimum requirements of I.C. 36-1-20.2 (hereinafter nepotism policy) and I.C. 36-1-21 (hereinafter contracting with a unit by a relative policy) and implementation will begin.

© The town's nepotism policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein.

(D) The town contracting with a unit by a relative policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein.

(E) The town finds that both I.C. 36-1-20.2 and I.C. 36-1-21 specifically allow a unit to adopt requirements that are more stringent or detailed and that more detailed is necessary.

(F) The town further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he or she will not be in the direct line of supervision. See I.C. 36-4-6-11 and I.C. 36-5-2-9.4.

(G) The town finds that a single member of governing bodies (Safety Board, Redevelopment Commission, Parking and Public Facilities Commission, and the like) with authority over employees in the town cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.

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

(I) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the contracting with unit by a relative policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the town who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy or the contracting with unit by a relative policy may be subject to action allowed by law.

(J) The policies created by this section are hereby directed to be implemented by any of the following actions: (a) posting a copy of this section in its entirety in at least 1 of the locations in the town where it posts employer posters or other notices to its employees; (b) providing a copy of this section to its employees and elected and appointed officials; (c) providing or posting a notice of the adoption of this section; or (d) any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials. Upon taking any of these actions these policies are deemed implemented by the town.

(K) A copy of the provisions of I.C. 36-1-20.2 and I.C. 36-1-21 effective July 1, 2012 are annexed to Ordinance 2012-10, passed June 21, 2012.

(L) Two copies of I.C. 36-1-20.2 and I.C. 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the town for public inspection as maybe required by I.C. 36-1-5-4.  
(Ord. 2012-10, passed 6-21-2012)

### § 36.065 TRAVEL POLICIES.

(A) *Travel and conferences.* This section provides policies that shall be used in providing or reimbursing Town Council Members, Clerk-Treasurer, members of commissions and boards, appointed officials and employees for travel accommodations when such travel has been authorized and budgeted.

(B) *Registration fees.* The cost of registration or similar fees for conferences, seminars and other similar meetings or functions related to town affairs will be provided for or reimbursed when supported by original receipts. Whenever possible, arrangements for these affairs should be made by a designated person and directly billed to the individual.

#### (C) *Transportation.*

(1) Taxi fare and/or the cost of other local (public) conveyance will be provided for or reimbursed when supported by original receipts.

(2) Parking fees and tolls will be reimbursed when supported by original receipts.

(3) When a personal automobile is used in lieu of common carrier transportation, the first 700 miles (of a round trip) will be reimbursed at the rate allowed by the IRS, miles in excess of 700 will be reimbursed at one-half the maximum IRS rate.

(4) Travel by commercial airlines, rail service, bus, or similar common carrier mode will be provided for at the prevailing "coach" or "tourist" rate when authorized and supported by original receipts.

#### (D) *Lodging.*

(1) Lodging shall be provided for or reimbursed when supported by original receipts in the following manner:

(a) Single occupancy will be provided at the actual cost;

(b) Double occupancy will be provided at actual cost when both parties are eligible for reimbursement;

(c) Double occupancy will be provided at the single occupancy rate when only 1 party is eligible for reimbursement unless room is a 1-rate charge.

(2) Reimbursement for lodging costs shall include room costs, associated local taxes and up to an average of 4 telephone charges per day per eligible party. Any other charges made to the room are the responsibility of the employee.

(3) Room service will not be reimbursable.

(E) *Meals.*

(1) Meals will be reimbursed when supported by original receipts up to \$60 per day, including gratuities. Such gratuities should be reasonable and should not exceed 20%. Alcohol is specifically excluded from reimbursement.

(2) When separate checks are not available, an employee may claim reimbursement for other employees up to the maximum amount provided for in the preceding section multiplied by the number of employees provided that each employee is identified by name and that an original receipt is provided. Payment for meals for any individual will not be made to more than 1 individual.

(3) No reimbursement will be made for meals when already provided for in the registration (Ord. 2017-14, passed 12-21-2017)

***DRUG-FREE WORKPLACE POLICY*****§ 36.075 POLICY STATEMENT; GENERAL PROHIBITIONS.**

(A) The Town Council is committed to providing a drug-free workplace and expects the cooperation of all employees and a similar commitment from them. Pursuant to the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace is prohibited. Any employee who violates this subchapter may be subject to discipline, up to and including termination. As a condition of employment, all employees must abide by this policy. In addition, any employee who is convicted of a drug statute violation arising out of conduct occurring in the workplace must notify the Town Council of the conviction at least 5 days after the conviction.

(B) The town also expects its employees to refrain from being impaired from the use of alcohol, using alcohol, or the improper use of prescription or other medications which might affect their abilities or judgment while at work.  
(Ord. passed 5-3-1995)

**§ 36.076 EMPLOYEES EXPECTED TO SEEK TREATMENT.**

(A) Employees who have a substance abuse problem, which includes alcohol, are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area of Brown County and the area within 60 miles of the town.

(B) Given the importance of maintaining a work environment without the presence of alcohol and drugs, and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered through various treatment facilities throughout the area of Brown County and the area within 60 miles of the town, substance abuse which adversely effects job performance will not be tolerated. This applies to on-duty employees as well as employees who are on call. Employees whose on- or off-duty use of substances impacts job performance will be appropriately disciplined, including but not limited to the sanction of termination from employment with the town.  
(Ord. passed 5-3-1995)

**§ 36.077 PROHIBITED ACTS; RESPONSIBILITIES OF EMPLOYEES.**

(A) An employee must not report to work or be subject to duty while his or her ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on- or off-duty;

(B) An employee shall not possess or use illegal drugs or improperly use prescription or other medications during working hours, on breaks, during meal periods, while on town property in an official or unofficial capacity or while operating any town vehicle or machinery;

(C) An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on his or her breath during working hours, on breaks, during meal periods, while on town property in an official or unofficial capacity or while operating any town vehicle or machinery;

(D) An employee shall not directly or through a third party sell or provide illegal drugs or improperly used prescription or other medications or alcoholic beverages to any person or to any other employee



while either or both employees are on duty during working hours, on breaks, during meal periods, while on town property in an official or unofficial capacity, while operating any town vehicle or machinery, or on call;

(E) An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a department head;

(F) An employee shall provide the name of any prescription or nonprescription medication or drugs to his or her supervisor before beginning work, when taking any medication or drugs (prescription or nonprescription) which may interfere with the safe and effective performance of duties or operations of the town equipment;

(G) An employee shall provide, within 24 hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name; and

(H) An employee shall notify his or her supervisor or department head of any conviction of a federal or state criminal drug statute for a violation occurring in the employee's workplace, not later than 5 days after the conviction.  
(Ord. passed 5-3-1995)

**§ 36.078 BASIS FOR EMPLOYEE SUBSTANCE ABUSE SCREENING.**

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

**IMPAIRED.** Being, in the judgment of the employee's supervisor or department head, unable to perform duties safely and completely due to the use of alcohol, controlled substances or the improper use of prescription or nonprescription medications.

**REASONABLE SUSPICION.** A belief based on objective fact sufficient to lead a reasonably

prudent person to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so the employee's ability to perform his or her job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:

- (a) Odor of alcoholic beverage upon the employee's breath;
- (b) Erratic behavior;
- © Violent mood swings;
- (d) Excessive absenteeism;
- (e) Repeated tardiness;
- (f) Inability to walk a straight line;
- (g) Open and obvious possession of alcohol and/or illegal controlled substances;
- (h) Slurred speech;
- (i) An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances;
- (j) Possession of drug paraphernalia or alcoholic beverage containers; and
- (k) A report of a reliable witness indicating use or possession of drugs or alcohol.

(B) Town employees are subject to substance screening if there is a reasonable suspicion that, while on duty, they are impaired.  
(Ord. passed 5-3-1995)

**Cross-reference:**

*Preemployment screening, see § 36.013*

**§ 36.079 PROCEDURE FOR EMPLOYEE SCREENING.**

(A) *Impetus.* A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform the screening for the town.

(B) *Transportation; testing methods.* Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's department head. The employee to be tested shall sign a consent form to permit the screening and shall provide appropriate bodily fluids for the screening. The screening for substances will be made on a sample provided at the clinic. The procedures for the sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. The testing shall be based on medically acceptable testing procedures and shall include but not necessarily be limited primarily to tests utilizing enzyme amino acid techniques, followed up by more specific confirmation testing such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home.

© *Alcoholic beverage testing methods.* For alcoholic beverage testing, the facilities such as the Brown County Police Department or the Indiana State Police and the use of the Department's breath test instrument shall be a sufficient determination for blood alcohol content, provided statutorily approved procedures are followed.  
(Ord. passed 5-3-1995)

**§ 36.080 RESULTS.**

(A) At the testing as outlined in § 36.079, if the sample provides a negative result, the conclusion will be that the sample contains no alcohol and/or controlled substance.

(B) If the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result, then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances.

© An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employee's name.  
(Ord. passed 5-3-1995)

**§ 36.081 FAILURE TO TEST OR TESTING POSITIVE; DISCIPLINARY MEASURES.**

(A) The discipline for failing to sign a consent form to permit screening, for failure to provide appropriate bodily fluids for screening, or for being under the influence of alcohol and/or nonprescribed controlled substances will be the basis for appropriate employee sanctions, including the sanction of termination. This determination will be made on the basis of the employee's prior work-related history, previous disciplinary actions and any prior identification of substance abuse problems.

(B) An employee who receives a positive result in substance abuse screening will receive at a minimum a 5-day suspension without pay. An employee who refuses to sign a consent form to permit screening or who fails to provide appropriate bodily fluids for screening will receive at a minimum a 5-day suspension without pay.

© In addition to the disciplinary procedure as outlined above, if an employee substance abuse problem has been identified, the supervisor and/or



department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment. Any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of continued employment shall be paid by the employee.

(Ord. passed 5-3-1995)

**§ 36.082 SUBSTANCE ABUSE OFFENSES; DISCIPLINARY MEASURES.**

(A) If the town receives notification of any employee conviction of a drug offense which occurred in the employee’s workplace, or if the town receives notification of an employee violation of the terms of this subchapter, the town shall, within 30 days after receipt of the notice, either;

(1) Impose a sanction on the employee, which may include employee termination; or

(2) Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council.

(B) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by any employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the town’s work site or on town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees.

(Ord. passed 5-3-1995)

**§ 36.083 USE OF MEDICATION AND PRESCRIPTION DRUGS.**

All employees who are using a prescription or nonprescription drug which may in any way impact their job performance must notify their first line supervisor. The department head may require a doctor’s statement if the employee indicates that there is need to use the prescription drug for an extended period of time.

(Ord. passed 5-3-1995)

**§ 36.084 CONFIDENTIALITY.**

(A) The confidentiality of laboratory reports or test results shall appear in the employee’s confidential file. Reports or test results may be disclosed to town department heads on a strictly need-to-know basis, and to the tested employee upon request.

(B) Disclosures without employee consent may also occur in the following circumstances:

(1) When the information is compelled by law or by judicial or administrative process;

(2) The information has been placed at issue and there is a formal dispute between the employer and employee;

(3) The information is to be used in administering any employee benefit plan; or

(4) The information is needed by medical personnel for the diagnosis or treatment of the employee, who is unable to authorize the disclosure.  
(Ord. passed 5-3-1995)

**§ 36.085 CERTIFICATION OF COMPLIANCE WITH FEDERAL DRUG-FREE WORKPLACE REQUIREMENTS.**

(A) In order to continue receiving federal grants, the town certifies that it will provide a drug-free workplace by taking the measures set forth in this section.

(B) The town shall publish a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the town's workplace and specifying the actions that will be taken against employees for violation of the prohibition.

© The town shall establish an ongoing drug-free awareness program to inform employees about the following:

(1) The dangers of drug abuse in the workplace;

(2) The town's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(D) The town shall require that each employee engaged in the performance of a federal grant be given a copy of the statement published under division (B) of this section.

(E) The town shall notify the employee in the statement published under division (B) above that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 calendar days after the conviction.

(F) The town shall notify the federal granting agency in writing within 10 calendar days after receiving notice from an employee or otherwise

receiving actual notice of a criminal drug statute conviction for a violation occurring in the workplace.

(G) The town shall take 1 of the following actions within 30 calendar days of receiving notice under division (E)(2) above, with respect to any employee who is so convicted:

(1) Take appropriate personnel action against such an employee, up to and including termination; or

(2) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for those purposes by a federal, state or local health, law enforcement or other appropriate agency.

(Ord. passed - -)

***Statutory reference:***

*Similar federal law, see 41 U.S.C. §§ 701 et seq.*

**CHAPTER 37: VIOLATIONS AND CIVIL PENALTIES**

Section

37.01 Schedule of violations

<i>Code Section</i>	<i>Subject</i>
131.06	Discharge of firearms or springguns
131.20	Curfew

**§ 37.01 SCHEDULE OF VIOLATIONS.**

(A) The office of the Clerk-Treasurer is hereby designated the Violations Clerk and shall accept payment of civil penalties as set out herein from violators who elect to admit violations of the ordinances listed herein. Said Violations Clerk shall receipt and account for said payments according to procedures provided by the State Board of Accounts.

(B) The following ordinance violations may be admitted and paid to the Violations Clerk.

<i>Code Section</i>	<i>Subject</i>
90.01	Dog license
90.05	Confinement of animal
90.06	Animal causing disturbance
90.07	Animal nuisances
90.10	Baiting of animals
93.001	Obstructing or driving on sidewalk
93.002	Skateboards/rollerblades on streets and sidewalks
93.091	Litter in public places
93.094	Litter thrown from vehicles
93.095	Truckloads causing litter
93.096	Litter in private places

(C) The civil penalty for violation of the listed ordinance violations shall be \$143.

(D) (1) The following moving violations shall be filed in the Brown Circuit Court by the Town Attorney:

(1) Chapter 72, Schedule II, Exceeding designated speed limits;

(2) Chapter 72, Schedule III, Failure to stop at marked intersections.

(2) The civil penalty for said moving violations shall be \$175 plus costs as assessed by the Clerk of the Brown Circuit Court.

(E) *Right to trial.* If the person charged with the violation chooses to exercise the right to trial, said person shall appear before the Violations Clerk and deny the violation or enter a written denial by mailing same to the Violations Clerk. The Town Attorney may then proceed to file an ordinance violation action in the Brown County Circuit Court.

(F) Civil penalties collected pursuant to this section shall be paid to the town.

(G) *Pretrial diversion.* Any offender who is without a prior town violation within a 12-month period may apply for pretrial diversion. Offenders eligible for diversion shall pay a diversion fee of \$80 to the Violation Clerk within 30 days of the date of the

ticketed offense and enter into a pretrial agreement not to commit another violation of a town ordinance for a period of 6 months. If the offender complies with the agreement the ticket will be dismissed. If the offender fails to comply with the agreement, the ticket will be prosecuted pursuant to the terms of divisions (C), (D) and (E) above.

(Ord. 2017-08, passed 8-24-2017)