

CHAPTER 1
ADMINISTRATIVE AND PERSONNEL
BUDGET AND APPROPRIATION OF FUNDS FOR MEMBERSHIP

Section:

1.1.1 Budget and Appropriation of Funds for Membership

Section 1.1.1 Budget and Appropriation of Funds for Membership

WHEREAS, the Indiana General Assembly has adopted a policy to grant local units of government all the powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, participation in certain membership organizations provides information and service that are necessary for the efficient operation and betterment of local government;

The Town Board is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the Town and the elected and appointed officials and members of the municipality's boards, council, departments or agencies in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations; and

The Town Board is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations which the municipality belongs. (Ord 1982-07; July 12, 1982)

**CHAPTER 1.2
ADMINISTRATIVE AND PERSONNEL
TRANSFER OF FUNDS**

Section:
1.2.1 Transfer of Funds

Section 1.2.1 Transfer of Funds

General Fund

Transfer from Clerk-Treasurer #400 to
Clerk Treasurer #300

\$200.00

(Ord 1982-02; no date)

General Fund

Transfer from Police Department #300
To Police Department #200

\$400.00

General Fund

Transfer from Clerk Treasurer #400
To Clerk Treasurer #200

\$200.00

(Ord 1982-09; no date)

General Fund

Transfer from Clerk Treasurer #100 (131)
To Clerk Treasurer #400 (441)

\$300.00

Transfer from Police Department #300 (351)

To Police Department #200 (241)

\$200.00

Transfer from Police Department #300 (351)

To Police Department #300 (361)

\$200.00

Motor Vehicle Fund

Transfer from Motor Vehicle Highway #400 (431)

To Motor Vehicle Highway #300 (351)

\$2000.00

Transfer from Motor Vehicle Highway #400 (431)

To Motor Vehicle Highway #100 (112)

\$1200.00

Transfer from Motor Vehicle Highway #400 (431)

To Motor Vehicle Highway #100 (122)

\$400.00

(Ord 1982-12; no date)

CHAPTER 1.3
ADMINISTRATIVE AND PERSONNEL
BUDGET TO PROMOTE TOWN

Section:

1.3.1 Budget to Promote Town

Section 1.3.1 Budget to Promote Town

Section 1. Pursuant to IC 36-7-2-7, the Town Council is authorized to budget and appropriate funds from the general fund for the Town to pay the expenses of or to reimburse Town officials for expenses incurred in promoting the best interest of the Town and for employee appreciation. Such expenses may include, but not necessarily be limited to rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, 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 and for employee appreciation. (Ord 1999-05; July 12, 1999; Amended Ord 2004-07; November 8, 2004)

CHAPTER 1.4
ADMINISTRATIVE AND PERSONNEL
ESTABLISHMENT OF RAINY DAY FUND

Section:

1.4.1 Establishment of Rainy Day Fund

Section 1.4.1 Establishment of Rainy Day Fund

WHEREAS, IC. 36-1-8-5.1 authorizes political subdivisions to establish a rainy day fund to receive transfers of certain unused and unencumbered funds; and

WHEREAS, it is determined that a rainy day fund should be established for the Town of Owensville to enable it to receive its distribution of excess income tax monies from the county and for any other monies lawfully placed in a rainy day fund by proper resolution of the Town Council;

Section 1. A Rainy Day Fund is established as follows:

A. To receive unused and unencumbered funds under IC 36-1-8-5, under IC 6-3.5-1 .1 - 21.1, under IC 6-3.5-6-17.3, and IC 6-3.5-7-17.3 and any other funding source not otherwise prohibited by law including any other funds lawfully placed in the Rainy Day Fund by proper resolution of the Town Council.

B. Monies deposited in the Rainy Day Fund shall be used as approved and appropriated by the Town Council, who, before making an appropriation, shall make a finding that the proposed use of the monies to be appropriated is consistent with the intent of the fund.

Section 2. This Ordinance amends and replaces Ordinance No. 2004-3.
(Ord 2004-03; February 9, 2004; Amended Ord 2005-01; February 14, 2005)

CHAPTER 1.5
ADMINISTRATIVE AND PERSONNEL
ESTABLISHING PURCHASING PROCEDURES

Section:

1.5.1 Establishing Purchasing Procedures

Section 1.5.1 Establishing Purchasing Procedures

Section 1. The Town Council is hereby designated as the Purchasing Agency for the Town of Owensville, with all of the powers and duties authorized under I.C. 5-22. The Purchasing Agency shall designate in writing the Purchasing Agent. The Purchasing Agency may also designate in writing additional purchasing agents as necessary.

Section 2. The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000.00 on the open market without inviting or receiving quotes or bids.

Section 3. It is hereby determined that the Purchasing Agency may purchase services in whatever manner the Purchasing Agency determines to be reasonable.

Section 4. Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the town determines that:

- (A) The supplies are not manufactured in the United States in reasonable available quantities;
- (B) The price 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 the supplies manufactured elsewhere; or
- (D) The purchase of supplies manufactured in the United States is not in the public interest.

Section 5. This Ordinance shall be in force and effect beginning July 1, 1998.
(Ord. 1998-07; July 1, 1998)

CHAPTER 1.6
ADMINISTRATIVE AND PERSONNEL
ESTABLISHING FIXED ASSET CAPITALIZATION POLICY

Sections:

- 1.6.1 Definitions and Provisions**
- 1.6.2 Land**
- 1.6.3 Machinery and Equipment**
- 1.6.4 Buildings**
- 1.6.5 Improvements Other Than Buildings**
- 1.6.6 Historical Costs**
- 1.6.7 Enterprise Funds**
- 1.6.8 Recording and Accounting**
- 1.6.9 Safeguarding of Assets**

Section 1.6.1 Definitions and Provisions

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

“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.

“Fixed Asset”. 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 or 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).

“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 have an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government’s general fixed assets.

Section 1.6.2 Land

This 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.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers [salary and benefits]), such as demolishing buildings, excavating, clean up, and/or inspection.

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

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

Section 1.6.3 Machinery and Equipment

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 or building.

This Town will capitalize and tag items with an individual value equal to or greater than \$750. Machinery

combined with other machinery to form one unit with a total value greater than the above mentioned limits will be one unit.

Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, (including contractors and/or Town works [salary and benefits]), which makes such equipment operable for its intended purpose will be capitalized.

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

- 1) Total cost exceeds \$750,
- 2) the useful life is extended two or more years, and
- 3) the total costs will be greater than the current book value and less than the fair market value.

Examples include:

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

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

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

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

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

Section 1.6.4 Buildings

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.

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

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

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

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

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

A department will record donated buildings at fair market value on the date of transfer with any associated costs. Purchases made using Federal or State funding will follow the source funding policies and above procedures.

Section 1.6.5 Improvements Other Than Buildings

The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years. Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.

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 provides 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.

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

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

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

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

A department's donated improvements other than buildings will be recorded at fair market value on the date of transfer with any associated costs. Purchases made using Federal or State funding will follow the source funding policies and above procedures.

Section 1.6.6 Historical Costs

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

Section 1.6.7 Enterprise Funds

Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise — where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes. The enterprise funds of the Town of Owensville, Indiana, shall include the municipally owned water and sewage utilities. Operation of these utilities shall require enterprise fund accounting and reporting.

Section 1.6.8 Recording and Accounting

The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Accounting manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

The Town's municipally owned utilities shall record acquisition of Fixed Assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

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

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. In addition an asset register (prescribed form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit.

Section 1.6.9 Safeguarding of Assets

Be it ordained that accounting controls be designed and implemented to provide reasonable assurances that:

1. Capital expenditures made by the Town, its various Departments and Utilities be in accordance with management's authorization as documented in the minutes.
2. Transactions of the utilities are recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.
3. Adequate detail records are maintained to assure accountability for Town and Utility owned assets.
4. Access to assets be permitted in accordance with management's authorization.
5. The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.

The provisions of all ordinances inconsistent with this ordinance be and hereby are repealed. This Ordinance shall be in full force and effect beginning May 13, 1996. (Ord. 1996-05; June 10, 1996)

CHAPTER 1.7
ADMINISTRATIVE AND PERSONNEL

ESTABLISHMENT OF PARK AND RECREATION DEPARTMENT

Sections:

- 1.7.1 Establishment of Park and Recreation Dept.**
- 1.7.2 Membership**
- 1.7.3 Term of Office**
- 1.7.4 Election of Officers**
- 1.7.5 Acquisition and Development**
- 1.7.6 Other Duties and Responsibilities**
- 1.7.7 Extension of Park and Recreation Area**

Section 1.7.1 Establishment of Park and Recreation Dept.

Under the provisions of the Acts 1965, Chapter 404, Section 3, (a) (IC 1971, 19-7-4-6), there is hereby established a Department of Parks and Recreation composed of the Board of Parks and Recreation, a superintendent, and such other personnel as the Board may determine.

Section 1.7.2 Membership

The Board shall be composed of four members, and a member of the Board of School Trustees, and the Library Board ex officio. The President of the Town Board shall select the regular members on the basis of their interest in and knowledge of parks and recreation, but no more than two members shall be of the same political party. The ex officio members shall be selected by their respective Boards, and said Boards shall also fill any vacancy that may occur in the ex officio members.

Section 1.7.3 Term of Office

Upon the establishment of a Board, the terms of the members initially appointed shall be one, two, three, and four years. The President of the Town Board shall make his initial appointments within ninety days of the adoption of this ordinance. Thereafter as a term expires, each new appointment shall be made by the President of the Town Board for a four year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until his successor is appointed. All reappointments to the Board shall be made by the President of the Town Board by the first Monday in April of each year or the incumbent shall continue to serve another four year term. If a vacancy on the Board occurs the President of the Town Board shall appoint a member for the unexpired term.

Section 1.7.4 Election of Officers

At its first regular meeting each year, the Board shall elect a president and a vice-president. The vice-president shall have authority to act as the president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership.

Section 1.7.5 Acquisition and Development

The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition to all other powers necessary to achieve the general objectives of the Board, the Board shall have, for park and recreation purposes, all the powers and duties listed in Section 1 of Acts 1974, P. L. 86 (IC 1971, 19-7-4-21), and Section 2 of Acts 1974, P. L. 86 (IC 1971, 19-7-4-70).

Section 1.7.6 Other Duties and Responsibilities

The Board may create an advisory council and special committees composed of citizens interested in the problem of parks and recreation in accordance with Article IV of the Parks and Recreation Law, (IC 1971, 19-7-4-35-19-7-4-38). The Board shall prepare and submit an annual budget in the same manner as other departments of the Town government as prescribed by the State Board of Accounts; the Board may accept gifts, donations, and subsidies for park and recreation purposes.
(Ord 1978-5; August 7, 1978)

Section 1.7.7 Extension of Park and Recreation Area

Section 1. Pursuant to petition duly approved and presented by the Park and Recreation Board of Owensville, Indiana, the Town Board of the Town of Owensville, Indiana does hereby extend the service of the Park and Recreation Board, of Owensville, Indiana, to the unincorporated area of Montgomery Township, Gibson County, Indiana, as fully and to all intents and purposes as if said unincorporated area were lying within the Town limits of the Town of Owensville.

Section 2. The Town Board of the Town of Owensville, Indiana, is hereby authorized to fix a levy of taxation for the Park and Recreation Board of Owensville, Indiana, to apply to the unincorporated area of Montgomery Township.

Section 3. This ordinance shall be in full force and effect after a favorable vote at a special election which shall be held in the unincorporated area of Montgomery Township on November 7, 1978, provided that the Park and Recreation Board of Owensville, Indiana shall have no obligation to extend its services to the unincorporated area of Montgomery Township prior to the time that revenues from said unincorporated area of Montgomery Township are available.

Section 4. The Town Board of the Town of Owensville shall give public notice of the special election provided for in this ordinance by publication at least thirty days prior to the date of the election in at least one newspaper of general circulation in the unincorporated area of Montgomery Township. Said notice shall state the time, place and purpose of the election. (Ord 1979-03; September 11, 1978)

CHAPTER 1.8
ADMINISTRATIVE AND PERSONNEL
FAIR HOUSING ORDINANCE

Sections:

- 1.8.1 Policy Statement**
- 1.8.2 Definitions**
- 1.8.3 Unlawful Practice**
- 1.8.4 Discrimination in the Sale or Renting of Housing**
- 1.8.5 Discrimination in Residential Real Estate Related Transaction**
- 1.8.6 Discrimination in the Provision of Brokerage Services**
- 1.8.7 Interference, Coercion, or Intimidation**
- 1.8.8 Prevention of Intimidation in Fair Housing Cases**
- 1.8.9 Exemptions**
- 1.8.10 Administrative Enforcement of Ordinance**
- 1.8.11 Severability of Provisions**

Section 1.8.1 Policy Statement

It shall be the policy of the Town of Owensville, Indiana to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

Section 1.8.2 Definitions

(a) **Dwelling** – means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building that is occupied as, or designed, or intended for occupancy as a residence by one (1) or more families (IC 22-9.5-2-8).

(b) **Family** - includes a single individual (IC 22-9.5-2-9), with the status of such family being further defined in subsection (8) of this section.

(c) **Person** – (IC 22-9.5-2-11) includes one (1) or more individuals, corporation, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, and non-incorporated organizations, and trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(d) **To rent** – (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

(e) **Discriminatory Housing Practice** – means an act that is unlawful under Sections 4,5,6,7 or 8 of the Ordinance or IC 22-9.5-5.

(f) **Handicap** – means, with respect to a person:

1. A physical or mental impairment which substantially limits one or more such person's major life activities,
2. A record having such an impairment,
3. Being regarded as having such an impairment,
4. Any impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. Any other impairment defined under IC 22-9.5-2-10.

The term "handicap shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [IC 22-9.5-2-10 (b)]; nor does the term "handicap" include an individual solely because that individual is transvestite.

(g) **Aggrieved person** – includes any person who (IC 22-9.5-2-2):

1. Claims to have been injured by a discriminatory housing practice; or
2. Believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) **Familial status** – means one or more individuals (who have not attained that age of 18 years) being domiciled with:

1. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the familial status shall apply to any person who is pregnant or is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

(i) **Commission (IC 22-9.5-2-3)** – means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et. seq.

(j) **Complainant (IC 22-9.5-2-4)** means a person, including the Commission, who files a complaint under IC 22-9.5-63.

Section 1.8.3 Unlawful Practice

Subject to the provisions of subsection (b) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- (a) All dwellings except as exempted by subsection (b) and Title 22-9.5-3 of Indiana Code
- (b) Other than the provisions of subsection (c) of this Section, nothing in Section 4 shall apply to:

1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family houses at any one time; provided house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on this behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time, or the sale or rental of any such single-family houses at any one time. The sale or rental of any such single-family house shall be exempted from application of this Section only if such house is sold or rented:

(A) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person, and

(B) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4 (c) of this ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. Rooms or units in dwellings containing living quarters occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

- (c) For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or he has, within the preceding twelve months, participated as agent, other than in the sale of his own;

(2) Personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

Section 1.8.4 Discrimination in the Sale or Renting of Housing

As made applicable by Section 3 and except as exempted by Sections 3 (b) and 9, it shall be unlawful:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin;
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (c) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (f) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - (A) That buyer or renter
 - (B) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (C) Any person associated with that person
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - (A) That person; or renter
 - (B) A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
 - (C) Any person associated with that person
- (3) For purposes of this subsection, discrimination includes:
 - (A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to

afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so

- (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
- (C) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1968, a failure to design and construct those dwellings in such a manner that:
 - (i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

(4) Compliance with the appropriate requirements of the Americans with Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C) (iii).

(5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

Section 1.8.5 Discrimination in Residential Real Estate-Related Transactions

- (a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- (b) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - (1) The making or purchasing of loans or providing other financial assistance:
 - (A) For purchasing, construction, improving, repairing, or maintaining a dwelling; or
 - (B) Secured by residential real estate
 - (2) The selling, brokering, or appraising of residential real property.

- (c) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 1.8.6 Discrimination in the Provision of Brokerage Services

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 1.8.7 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, and right granted or protected by sections 3, 4, 5 or 6 of this ordinance.

Section 1.8.8 Prevention of Intimidation in Fair Housing Cases

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (a) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (b) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - (1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in herein; or
 - (2) Affording another person or class of persons opportunity or protection so to participate; or
- (c) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other person to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10, or more than ten years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

Section 1.8.9 Exemptions

- (a) Exemptions defined or set forth under Title 22.-9.5-3 et, seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this section.
- (b) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provided lodgings which it

owns or operates for other than commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- (c) (1) Nothing in this ordinance regarding familial status shall apply with respect to housing of older persons.
- (2) As used in this section, "housing for older persons" means housing:
 - (A) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (B) Intended for, and solely occupied by, persons 62 years of age or older; or
 - (C) Intended and operated for occupancy by at least one person 55 years of age or older per unit.

Section 1.8.10 Administrative Enforcement of Ordinance

- (a) The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the commission as set forth in subsection (b) hereof shall be vested in the Chief Elected Official of the Town of Owensville, Indiana.

(Ord 1979-07; October 1, 1979; Amended; Ord 1993-02; October 11, 1993; Amended Ord 1998-3; April 13, 1998)

CHAPTER 1.9
ADMINISTRATIVE AND PERSONNEL
DESIGNATING DEPOSITORY

Section:

1.9.1 Designating Depository

Section 1.9.1 Designating Depository

IC 5-13-6-1 requires a town to designate the depositories for funds.

Section 1. That Fifth Third Bank in Owensville, Indiana, is designated as the depository for all funds of the Town of Owensville, Indiana.

Section 2. That this Ordinance shall be effective January 1, 2004. (Ord 1999-02; Amended Ord 2004-05; September 13, 2004)

CHAPTER 1.10
ADMINISTRATIVE AND PERSONNEL
FEES

Sections:

1.10.1 Fee for Police Report

1.10.2 Copying Fee

Section 1.10.1 Fee for Police Report

Section 1: The Police Department shall charge and receive a fee of \$3.00 for each police report (including all incident reports) furnished to a person. The fee shall be paid by the person requesting said report. Said fee to be paid into the Law Enforcement and Continuous Education Fund. (1982-03; Amended; October 11, 1993; Amended Ord 1996-08; July 8, 1996)

Section 1.10.2 Copying Fee

Section 1. The Clerk-treasurer shall charge a copying fee of ten cents per page for providing copies of documents. (Ord 2000-04; February 14, 2000)

CHAPTER 1.11
ADMINISTRATIVE AND PERSONNEL
AUTHORIZATION TO PAY BILLS

Section:

1.11.1 Authorization to Pay Monthly Bills

Section 1.11.1 Authorization to Pay Monthly Bills

The Owensville Town Council has determined that it is appropriate for the Owensville Clerk-Treasurer to pay the regular monthly bills of the Town without prior approval of the Council.

Property or services purchased from the U.S. Government, such as stamps or postage; license or permit fees, insurance premiums, utility payments or connection charges, general grant programs where advance refunding is not prohibited and the contracting party posts sufficient security to cover the amount advanced, grants of state funds, maintenance or service agreements, leases or rental agreements, bonds or coupon payments, bi-weekly or monthly payrolls, state, federal or county taxes, IACT roundtable meetings dinner fees, and also expenses that must be paid because of emergency circumstances.

The Town Council shall review the paid regular monthly bills at its regular meetings. (Ord 1992-01; March 10, 1992; Amended Ord 1992-01; July 3, 1992; Amended Ord 1995-06; August 14, 1995)

CHAPTER 1.12
ADMINISTRATIVE AND PERSONNEL
TOWN MARSHALL

Section:

- 1.12.1 Building Commissioner Appointment**
- 1.12.2 Limiting the Number of Deputy Marshals**

Section 1.12.1 Appointing Town Marshal as Building Commissioner

The Town Marshall shall be, by virtue of his office, the Building Commissioner of the Town of Owensville, and that the duties of the Building Commissioner shall include all administrative and other actions necessary to the enforcement of Chapter 196 of the Acts of the General Assembly of the State of Indiana of 1935 as amended, and such other duties as may be from time to time designated by the Town Board by ordinance or otherwise. The foregoing ordinance was duly adopted by the Town Board of the Town of Owensville, Indiana. (Ord 1970- October 29, 1970)

Section 1.12.2 Limiting the Number of Deputy Marshals

The number of deputy marshals for the Town of Owensville, Indiana, is limited to one full-time paid deputy and two volunteer reserve deputies. (Ord 2000-05; February 14, 2000)

CHAPTER 1.13

ADMINISTRATIVE AND PERSONNEL

ESTABLISHING DISTRICTS FOR TOWN COUNCIL

Section:

1.13.1 Establishing Districts for Town Council

Section 1.13.1 Establishing Districts for Town Council

Section 1: The Town of Owensville is hereby divided into districts for the purpose of conducting elections of members of the Town Council, as follows:

District #1 shall be bounded on the north by Brummitt Street, on the west by Mill Street and on all other sides by the Town boundaries.

District #2 shall be bounded on the west by Main Street, on the south by Brummitt Street, and on all other sides by the Town boundaries.

District #3 shall be bounded on the east by a line described as follows: from the north town boundary, run south along Main Street to Brummitt Street, thence west along Brummitt Street to Mill Street, thence south along Mill Street to a south Town boundary, and on all other sides by Town boundaries.

Section 2: The candidates from each district shall be residents of the district but shall be elected at large by the voters of the whole Town.

Section 3: This ordinance is enacted under the authority of Indiana Code 36-5-2-4.1.

Section 4: This ordinance shall be in effect from and after the date of passage.
(Ord 1982-1 February 1, 1982 Amended Ord 2002-4 November 5, 2002)

CHAPTER 1.14

ADMINISTRATIVE AND PERSONNEL

CUMULATIVE CAPITAL IMPROVEMENT FUND

Section:

1.14.1 Creation Cumulative Capital Improvement Fund

1.14.2 Cumulative Capital Development Fund

Section 1.14.1 Cumulative Capital Improvement Fund

Section 1. In accordance with IC 6-7-1-31.1 a cumulative capital improvement fund for the Town of Owensville, Indiana, be and hereby is established.

The term "capital improvement" as used herein shall mean the construction or improvement of any city owned property, including but not limited to streets, thoroughfares and sewers, but shall not include salaries of any public officials or employees, except that directly chargeable to such improvement. Said funds may also be used to retire any general obligation bonds of said city or town issued for the purpose of construction of improvements which would qualify for use of such funds.

Section 2. The Town may only use money in its cumulative capital improvement fund to:

- (1) Purchase land, easements, or rights-of-way;
- (2) Purchase buildings;
- (3) Construct or improve city owned property; or
- (4) Retire general obligation bonds issued by the Town for one of the purposes stated in subsections (1), (2), or (3).

(Ord no date, Amended 1998-4 May 11, 1998)

Section 1.14.2 Cumulative Capital Development Fund

WHEREAS, P.L. 44-1984 allows municipalities to establish a municipal cumulative capital development fund; and

Section 1: In accordance with IC 6-7-1-31.1 a cumulative capital improvement fund for the Town of Owensville, Indiana, be and hereby is established.

Section 2: That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Owensville Cumulative Capital Development Fund.

Section 3: That the maximum rate of levy under Section 2 will not exceed:

- a. .12 per \$100 assessed valuation for 1996
- b. .12 per \$100 assessed valuation for 1997
- c. .12 per \$100 assessed valuation for 1998

Section 4: The Town may only use money in its cumulative capital improvement fund to:

- (1) Purchase land, easements, or rights-of-way;
- (2) Purchase buildings;
- (3) Construct or improve city owned property; or
- (4) Retire general obligation bonds issued by the Town for one of the purposes stated in subsections (1), (2) or (3).

Section 5: Notwithstanding Section 4, funds accumulated in the Owensville Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in

Section 5: If the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money maybe spent under the authority of this Section only after the Town Board President issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

Section 6: This fund takes effect upon approval of the State Board of Tax Commissioners.

(Ord 1984-02; July 2, 1984; Amended Ord 1985-02; April 1, 1985; Amended 1989-0; Amended Ord 1989-01; July 10, 1089; Amended Ord 1992-03; April 13, 1992; Amended Ord 1995-02; April 10, 1995; Amended 1995-08; August 14, 1995)

CHAPTER 1.15
ADMINISTRATIVE AND PERSONNEL
ADDITIONAL APPROPRIATIONS

Section:
1.15.1 Additional Appropriation

Section 1.15.1 Additional Appropriation

Section. 1. Be it ordained (resolved) by the Town of Owensville Town Council (Governing Body) of Town of Owensville, Gibson County (Taxing Unit), that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

FUND NAME:	AMOUNT REQUESTED:	AMOUNT APPROPRIATED:
Water Tower 451	\$40,000.00	
Sewer Project 452	40,000.00	\$40,000.00
TOTAL for EDIT Fund	-0-	\$40,000.00

(Ord 1998-09; November 9, 1998)

CHAPTER 1.16

ADMINIATRATIVE AND PERSONNEL

OWENSVILLE-MONTGOMERY FIRE PROTECTION DISTRICT

Section:

1.16.1 Fire Protection District

Section 1.16.1 Owensville-Montgomery Fire Protection District

1. The Board of Trustees of the Town of Owensville deems it expedient and appropriate and in the best interest of the citizens of said Town that a fire protection district, to be know as *Owensville-Montgomery Fire Protection District*, encompassing the geographic area of Montgomery Township, Gibson County, Indiana, to include the Town of Owensville, be established pursuant to Indiana Code 19-1-45-1-23.

2. This Board of Trustees hereby consents to the inclusion of the Town of Owensville within such fire protection district, providing that the same be established within one year from the date of this Ordinance. (Ord 1979-02; June 4, 1979)

CHAPTER 1.17
ADMINISTRATIVE AND PERSONNEL

LOANS

Section:

1.17.1 Town of Owensville Loans

Section 1.17.1 Town of Owensville Loans

1. The Town of Owensville obtain temporary loans in an aggregate amount of not to exceed \$5,000.00, and issue as evidence thereof and security therefore time warrants not to exceed five (5) in number, each of a par value of \$1,000.00, pursuant to: c 18-1-4-3, upon the terms, for the purposes, and repayable in the manner set forth in this ordinance.
2. Said time warrants shall be negotiable without registration and shall bear interest at 6% per annum, payable at maturity.
3. The purpose of said loans is to procure money to be used in the legitimate exercise of the corporate powers of the Town and the payment of corporate debts, to-wit: wages, salaries, Social Security contributions, general operating expenses and debts let services, supplies and materials furnished pursuant to due authorization by the Town Board.
4. Said loans shall be in anticipation of current revenues. Levied and in the course of collection for the fiscal year 1975, and the time warrants evidencing the same shall designate the consideration as \$1,000.00 cash for each such warrant. Each warrant issued shall be payable sixty (60) days from the date issue at the First National Bank of Owensville, Owensville, Indiana, and shall state therein that the same is issued in anticipation of general property tax revenues collected by Gibson County in May, 1975 and shall be payable there from.
5. Said time warrants shall be payable upon presentation at the aforesaid bank on or after maturity and each shall be in the face amount of \$1,008.33, including interest to maturity.
6. Said warrants shall be sold at private sale without notice and at such times as the Town Clerk shall deem necessary to provide funds for the aforesaid Town purposes. Each warrant shall be signed by the President of the Town Board and attested by and delivered by the Town Clerk.
7. There is hereby appropriated and pledged sufficient of the aforesaid current revenues to make payment in full of the principal and interest of each time warrant issued pursuant to this ordinance.
8. No time warrant shall be issued under the authority of this ordinance after June 15, 1975.
(Ord 1975-1 April 21, 1975)

TITLE 2
ANIMALS

CHAPTER 2

ANIMALS

CARE AND DISPOSITION

Sections:

- 2.1.1 Definitions
- 2.1.2. Animal Care
- 2.1.3 Permits
- 2.1.4 Permit Fees
- 2.1.5 Animal Bites
- 2.1.6 Impoundment
- 2.1.7 Redemption
- 2.1.8 Penalty
- 2.1.9 Effective Date

Section 2.1.1. Definitions

- A. **Animal** - Any living vertebrate, domestic or wild, except a human being.
- B. **Gibson County Humane Society** - The facility established for the purpose of animal control, care and disposition - supervised by and under the control of the Gibson County Humane Society.
- C. **Grooming Shop** - A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.
- D. **Owner** - Any person having the right of property in, or custody of, any animal.
- E. **Pet Shop** - Any person, firm, partnership, or corporation that buys, sells, or offers for sale, or boards any species of animal.
- F. **Veterinary Hospital** - The term "veterinary hospital" when used in this Ordinance shall mean any establishment maintained and operated by a licensed veterinarian for the diagnosis or treatment of diseases and injuries of animals or boards animals.
- G. **Fowls** - The term "fowls" when used in this Ordinance shall mean any chicken, turkey, duck, pigeon, or other winged creature not belonging to the insect world, but not including small caged birds such as canaries, parakeets, parrots and the like, normally kept as pets.
- H. **Restraint** - The term "restraint" when used in this Ordinance shall mean to be under restraint on the premises of the owner, or accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance.

Section 2.1.2 Animal Care

- A. **Shelter** - No owner shall confine or allow an animal to remain outside, during weather conditions which would constitute a health hazard to the animal, without providing appropriate shelter including shelter from sun and rain during summer and shelter from inclement weather and temperatures below 40 degrees during the winter. Winter shelter shall be well-lined with straw or other similar substance.
- B. **Shelter Sanitation** - All animals shall be kept in a sanitary manner. The owner shall maintain all animal areas or areas of animal contact so as to prevent odor or sanitation problems.

- C. **Food and Water** - All animals shall have fresh, potable drinking water and be provided with food that is nutritional for the age of the species in adequate amounts to maintain good health.
- D. **Vaccination Tags** - Cats and dogs over the age of six months must be vaccinated as required by State law, by a licensed veterinarian against rabies and must wear a tag at all times attached to a properly fitted collar or harness, as required by State law.
- E. **Medical Care** - All animals shall be provided with necessary health care in addition to any required rabies vaccination.
- F. **Removal of Excrement** - The owner of any animal shall immediately remove the animal's excrement from public lands or the property of another and from the owner's own property if a nuisance is created, except any blind person with a guide dog is exempt from this section's application to public property.
- G. **Hitching or Tying** - No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that are tied, hitched or fastened shall wear a properly fitted collar or harness other than the choker type; provided that this section does not prohibit the proper use of a choker collar in the training of animals. Any tying device shall be attached to the animal's collar or harness and shall be at least 12 feet in length.
- H. **Restraint** - Animals must be confined to the owner's real property and not permitted to run loose. While on the owner's real property, the animal must be secured without means of escape by leash or confined to a pen, fenced enclosure, corral, cage, house or other secure enclosure. When the animal is taken off the owner's real property, the animal must be secured by a leash lead or other appropriate device.
- I. **Cruelty** - No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals or to protect human life.
- J. **Abandonment** - No person shall abandon or cause to be abandoned any animal anywhere within the Town limits.
- K. **Animals in Vehicles** - No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- L. **Noisy Dogs** - No person shall allow the continuous barking, yelping, whining or howling of a dog.
- M. **Motor Vehicle – Caused Injuries** - Any person operating a motor vehicle who causes injury or death to an animal shall stop at once, assess the extent of the injury, and immediately notify the owner or the Owensville Town Marshall of the location of the animal.
- N. **Poisonous Bait** - No person shall set out any kind of poisonous substance or bait, with the intent to do any harm to any domestic animal, within the Town limits.
- O. **Animals in Heat** - Every animal in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.
- P. **Destruction of Animals** - No person may destroy any domestic animal within the Town limits, provided, however, this provision shall not apply to the following:
- a. A licensed veterinarian.
 - b. Those persons acting in immediate self-protection, or the protection of others.
 - c. Police officers or firemen acting to prevent undue suffering.

Q. **Nuisance** - It shall be a violation of this Ordinance for any animal owner to fail to restrain an animal to prevent it from becoming a public nuisance. A nuisance may include, but is not limited to: molesting or those upon the owner's premises by invitation, express or implied; chasing vehicles; habitually attacking other domestic animals; trespassing upon public or private property; or, the accumulation of animal excrement on the owner's property to the extent the excrement annoys neighbors.

R. **Certain Animals Prohibited** - It shall be a violation to keep live goats, swine cattle or horses in the Town. Chickens or fowl must be kept 150 feet from any residence other than residence of the owner of the chicken or fowl. This sub-section does not apply to those persons having possession prior to the passage of this Ordinance.

Section 2.1.3 Permits

A. No person, firm or corporation shall, without first obtaining a permit from the Clerk-Treasurer, own, keep or have custody of any animal over three months of age, provided, that this sub-section shall not apply to small caged birds or fish.

B. All permits issued shall be valid from their date of issue to the first Tuesday of February in the next year after issue.

C. Upon forms provided by the Clerk-Treasurer, each applicant for a permit shall provide the following information:

1. Breed of the animal, if applicable.
2. Species of the animal.
3. Sex, if known.
4. Whether the animal has been sterilized.
5. Name, address and telephone number of the owner of the animal.
6. Proof of vaccination against rabies if the animal is of the species and age requiring such vaccination. A durable tag stamped with the registration number and year of issue shall be provided for each registered animal and shall be worn by all dogs and cats on their collars.

Section 2.1.4 Permit Fees

Annual permit fees are as follows:

A.	Sterilized dog or cat	\$ 5.00
B.	Unsterilized dog or cat	\$15.00
C.	All other animals	\$ 5.00

Those blind persons owning dogs used for the purpose of mobility of such person are exempt from this fee, but shall comply with the registration requirement.

Section 2.1.5 Animal Bites

A. The owner of any animal which has bitten a person or other animal shall immediately report the same to the Owensville Marshall's office or the Gibson County Humane Society.

B. The Owensville Marshall shall follow State law or County Ordinances in handling such cases.

C. In the event an animal is suspected to be rabid, no person other than an authorized County or State official, or the Owensville Police, shall kill or cause to be killed such animal except for immediate self—protection or the protection of others. In the event of such killing by a person other than those enumerated, such person shall preserve the body of the animal and immediately notify the Owensville Marshal.

Section 2.1.6 Impoundment

A. Animals found in cruel, abusive or neglectful situations, as defined in this Ordinance, or animals that have been abandoned or have no identification may be promptly impounded if no immediate contact with a responsible person can be made. The Owensville Marshall shall leave a

written notice indicating the location of the animal and the reason for impoundment. The Owensville Marshall shall attempt to locate the owner of an impounded stray animal if some means of identification is on the animal.

B. Animals will be impounded and held at the Gibson County Humane Society until such time the owner is found and is in compliance with the provisions of this Ordinance; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Gibson County Humane Society.

Section 2.1.7 Redemption

A person may reclaim an animal in custody by the Gibson County Humane Society by providing proof of ownership and payment of any fees required by the County Animal Control Officer and all fees for registration in the Town if the animal is unregistered.

Section 2.1.8. Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be subject to a civil penalty in a sum of not more than Five Hundred Dollars (\$500.00) and a separate offense shall be deemed committed on each day during or on which violation occurs or continues.

Section 2.1.9 Effective Date

This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Board of Trustees of the Town of Owensville, Indiana, and advertised in accord with the requirements of the Statutes of the State of Indiana. All prior ordinances on this subject are hereby repealed to the extent they are inconsistent. (Ord 1979-04; July 2, 1979; Amended Ord 1988; No date.)

TITLE 3

RESERVED

CHAPTER 4

BUSINESS REGULATIONS AND FRANCHISES

Sections:

- 4.1.1 Natural Gas Franchise Agreement
- 4.1.2 Transient Merchants, Itinerant Merchants, and Itinerant Vendors
- 4.1.3 Regulation of Basic Service Rates and Charges of any Cable Television System
- 4.1.4 Renew and Extension of Cable Television Franchise

Section 4.1.1 Natural Gas Franchise Agreement

Section 1. That the said Natural Gas Franchise Agreement duly entered into by and between the TOWN OF OWENSVILLE, INDIANA, acting through its Board of Trustees and Stanley C. Chapman, an individual, the same being dated the 21st of November, 1961, and being in the following words and figures.

NATURAL GAS FRANCHISE AGREEMENT BETWEEN TOWN OF OWENSVILLE, INDIANA AND STANLEY C, CHAPMAN, AN INDIVIDUAL

This agreement, made this 21st day of November between the TOWN OF OWENSVILLE, INDIANA acting by and through its BOARD OF TRUSTEES (hereinafter called the Municipality”), Party of the First Part, and STANLEY C. CHAPMAN, AN INDIVIDUAL (hereinafter sometimes called the “Grantee”), Party of the Second Part, WITNESSTH, That: WHEREAS, it is in the best interest of the Municipality and the inhabitants thereof that natural gas be distributed to customers in the Municipality and the Municipality has requested the Grantee to attempt to purchase and obtain a supply of natural gas for such purpose and to attempt to arrange the necessary financing to defray the cost of the plant, property, equipment, facilities and system required for such distribution and natural gas service; and WHEREAS, the Grantee has expressed a willingness to undertake such action pursuant to such request, but cannot effectively negotiate for the purchase of such natural gas supply or for such financing unless it has franchise to distribute natural gas in the Municipality: NOW, THEREFORE, in consideration of the premises, the mutual covenants herein contained, and each act done and to be done by the Parties hereunder, the Parties agree as follows:

Section 1. The Municipality hereby grants unto the Grantee, its successors and assigns, and an indeterminate permit, franchise, right and privilege to lay, install , alter, move, remove, replace, renew, repair, maintain, extend and operate, in, along and under any and all of the streets, alleys, commons, bridges and other public places within the Municipality, within its present and future corporate limits, one or more gas mains, pipes, manholes, conduits, and all necessary feeder, service pipes and other facilities, appliances, apparatus and structures for the purpose of supplying and furnishing natural gas to the Municipality and the inhabitants thereof and the public in general and all customers of the Grantee residing within or without the corporate limits of the Municipality, for lighting, fuel and all other purposes, including the right to transmit,, distribute, purchase, furnish, supply and sell natural gee within the Municipality and to transmit and carry the same through such mains and pipes to territory beyond the Municipality, all without charge of license fee therefore end subject to all reasonable police regulations now or hereafter lawfully adopted by the Municipality, pertaining to the use of the streets and the location of the mains, pipes or conduits.

Section 2. Inlaying, installing, altering, moving, removing, replacing, renewing, repairing, maintaining, extending and operation said gas mains, pipes, manholes, conduits, feeders, service pipes, and other facilities, appliances, apparatus and structures constructed and installed by the Grantee hereunder, the Grantee shall obstruct the streets, alleys and public places to such extent only as shall be reasonably necessary.

Section 3. The Grantee may make all necessary excavation and openings In the streets,

alleys and other public places of the Municipality for the purposes aforesaid, and when making such excavations and openings shall, by signals, guards, barricades or otherwise, protect the public from injury to persons and property; and the Grantee shall save and hold the Municipality harmless from all damages, costs and expenses which the Municipality may be compelled to pay on account of such gas system hereby authorized, and any default, carelessness, or neglect of the Grantee in the construction, maintenance and operation thereof, provided the Municipality shall promptly notify the Grantee of any claim or suit and to effectuate this agreement, the grantee agrees to keep and maintain in effect at all times a policy of insurance covering bodily injury and property damage having limits of \$500,000 on account of personal injury and \$300,000 on account of property damage and said grantee further agrees that in the event suit shall be filed naming the town as a defendant, to appear and defend said action on behalf of such town. The Grantee shall restore all streets, alleys and public places opened by it for the purposes aforesaid, to as nearly as practicable the same order and condition as the same were in before such opening, and shall file a surety bond payable to the TOWN OF OWENSVILLE, INDIANA, IN THE PENAL SUM OF \$5,000.00 conditioned upon performance of such covenant, provided that such bond may be required by the Board of Trustees of the Town to be increased, if it shall be found by them that said original penal sum is insufficient to guarantee full performance of such covenant, but not to exceed \$20,000.

Section 4. The Grantee will use all reasonable diligence and precaution to initiate service of, and thereafter to furnish and maintain, a regular, adequate, dependable supply of natural gas for lighting, fuel, and all other purposes to the Municipality and the inhabitants thereof. The Grantee's rights under this Agreement shall not be prejudiced by, and the Grantee shall not be liable for any damage occurring to the Municipality or to any customer in consequence of, any failure to furnish or supply natural gas of any particular character at any time or times of such failure is not accompanied by a default or neglect of the Grantee or is due to strikes, storms, accidents, riots, acts of the public enemy, delays of any common carrier, default of any connecting or of the Grantee's suppliers, judicial process, acts of God, state or municipal interference, any governmental restrictions or regulations, breakdowns of or injuries to machinery, transmission or distribution system, or necessary repairs, or to other causes beyond the control of the Grantee, its successors or assigns.

Section 5. This Franchise Agreement shall constitute an indeterminate permit under and pursuant to the terms and provisions of the Public Service Commission Act of the State of Indiana, as amended, and in the event of the repeal of said provision, this Franchise Agreement shall extend for and during the term of Thirty Years from and after the date that the repeal thereof becomes effective. If however, within twenty-four months from the date of this Franchise Agreement the Grantee has failed to obtain an agreement for the purchase of a supply of natural gas for distribution to customers in the Municipality, or if, within twelve months after the obtaining of any such agreement the Grantee has failed to commence construction of the plant, property, equipment, facilities and system required for the distribution of natural gas and the rendering of natural gas service to customers in the Municipality, then the Municipality, by and through its BOARD OF TRUSTEES, may, at its option, terminate this Franchise Agreement and declare the same void and of no legal effect. In the event a survey by the grantee herein shall indicate to it that there will be insufficient consumer demand for gas to justify the construction of a distribution facility and system, then the grantee agrees to relinquish and surrender this franchise unto the grantor by an instrument of writing.

Section 6. The natural gas to be furnished to the Municipality and the residents and inhabitants thereof shall be of such nature, character and quality, shall be furnished at such pressure and shall be sold at such rate or rates as may from time to time be lawful and be shown on the schedule of applicable rates on file with and approved by the Public Service Commission of Indiana and in accordance with the laws of the State of Indiana. In case of any lawful change in the schedule of rates or the character of the gas to be furnished by the Grantee within the Municipality, the rate legally applicable shall thereafter be charged.

Section 7. This Agreement and all of its terms and provisions shall inure to the benefit of and be obligatory upon the parties hereto and the successors and assigns of the parties, and

shall be in full force and effect from and after the date of its being approved by an ordinance duly adopted by the Municipality. (Ord 5/61; November 21, 1961)

Section 4.1.2 Transient Merchants, Itinerant Merchants, and Itinerant Vendors

Section 1. License Required. It shall be unlawful for a transient merchant, itinerant merchant or itinerant vendor as defined in Section 2 of this ordinance to engage in such business within the Town of Owensville without first obtaining a license therefore in compliance with the provisions of this ordinance.

Section 2. Definitions. For the purpose of this ordinance a transient merchant, itinerant merchant or itinerant vendor is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within said town, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, or other place within the town; for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this ordinance merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Section 3. Application. Applicants for license under this ordinance, whether a person, firm or corporation, shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, with the Town Clerk, showing:

- (a) The name or names of the person or persons having the management or supervision of applicant's business during the time that it is proposed that it will be carried on in the Town of Owensville; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the capacity in which such person or persons will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;
- (b) The fingerprints of the person or persons having the management or supervision of applicant's business or in lieu thereof, at least three letters of recommendation from reliable property owners in the County of Gibson, State of Indiana, certifying as to the applicant's good character and business responsibility; or other evidence which establishes to the satisfaction of the Board of Trustees the good character and business responsibility of such person or persons;
- (c) The place or places in the Town of Owensville where it is proposed to carry on applicant's business, and the length of time during which it is proposed that said business shall be conducted.
- (d) The place or places, other than the permanent place of business of the applicant where applicant within the six months next preceding the date of said application conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;
- (e) A statement of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by applicant in the Town of Owensville, the invoice value and quality of such goods, wares and merchandise, whether the same are proposed to be sold from stock in possession or from stock in possession and by sample; at auction, by direct sale or by direct sale and by taking orders for future delivery; where the goods or property proposed to be sold are manufactured or produced and where such goods or products are located at the time said application is filed.
- (f) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, and, if required by the Town Clerk, copies of all said advertising

whether by handbills, circular, newspaper advertising, or otherwise, shall be attached to said application as exhibits thereto;

(g) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance, the nature of such offense and the punishment assessed therefore;

(h) Credentials from the person, firm or corporation for which the applicant proposed to do business, authorizing the applicant to act as such representative; and

(i) Such other reasonable information as to the identity or character of the person or persons having the management or supervision of applicant's business or the method or plan of doing such business as the Town Clerk may deem proper to fulfill the purpose of this ordinance in the protection of the public good.

Section 4. Investigation and Issuance. Upon receipt of such application, the Town Clerk shall cause such investigation of such person's or persons' business responsibility or moral character to be made as he deems necessary to the protection of the public good. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation appears to be satisfactory, the Town Clerk shall so certify in writing, and a license shall be issued by the Town Clerk. The Town Clerk shall keep a full record in his or her office of all licenses issued. Such license shall contain the number of the license, the date the same is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of said license, the place where said business may be carried on under said license, and the name or names of the person or persons authorized to carry on the same.

Section 5. Bond. Before any license, as provided by this ordinance, shall be issued for engaging in a transient or itinerant business as defined in Section 2 of this ordinance in the Town of Owensville, such applicant shall file with the Town Clerk a bond running to the Town of Owensville in the sum of \$1,000.00 executed by the applicant, as principal, and two sureties upon which service of process may be made in the State of Indiana; said bond to be approved by the Town Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the Town of Owensville and the statutes of the State of Indiana, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought in the name of the town to the use of the aggrieved person. Such bond must be approved by the Town Attorney, both as to form, and as to the responsibility of the sureties thereon.

Section 6. Service of Process. Before any license as herein provided shall be issued for engaging in business as an itinerant merchant, as herein defined, in the Town of Owensville such applicant shall file with the Town Clerk an instrument nominating and appointing the Town Clerk, or the person performing the duties of such position, his true and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by Section 5 of this ordinance, or for the performance of the conditions of said bond or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for the said license under this ordinance, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Town Clerk, as herein provided, the Town Clerk shall send to the licensee at his last known address, by registered mail, a copy of said process.

Section 7. Exhibition of License. The license issued under this ordinance shall be posted conspicuously in the place of business named therein. In the event that such person or persons applying for said license shall desire to do business in more than one place within the Town, separate licenses may be issued for each place of business, and shall be posted conspicuously in each place of business.

Section 8. Fees.

(a) Licensees under this ordinance shall pay a fee based upon the gross amount of sales by such persons and shall be at the rate of _____ .

(b) Every person conducting a business licensed under this ordinance shall, on the first business day of each week, and upon discontinuance of business in the Town of Owensville, present to the Clerk of said Town, at his or her office, a verified statement showing the total sales made during the preceding week and shall pay to the Clerk the amount of license fee hereinbefore provided, for sales made during the previous week. The Clerk and any other officer designated by him or her shall have power and authority to enter any store, building, or any other place in which such temporary business may be conducted at any time during business hours for ascertaining the amount of sales made and shall at all times have access to the books of such business.

Section 9. Transfer. No license shall be transferred without written consent from the Mayor as evidenced by an endorsement on the face of the license by the Town Clerk showing to whom the license is transferred and the date of the transfer.

Section 10. Loud Noises and Speaking Devices. No license under this ordinance, nor anyone in his behalf shall shout, make any outcry, blow a horn, ring a bell or use any other sound device including any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the said Town or upon any private premises in the said Town where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such license proposes to sell.

Section 11. Duty of Police to Enforce. It shall be the duty of the police officers of the Town of Owensville to examine all places of business and persons in their respective territories subject to the provisions of this ordinance, to determine if this ordinance has been complied with and to enforce the provisions of this ordinance against any person found to be violating the same.

Section 12. Records. The Town Clerk shall deposit the record of fingerprints of licensee, together with a license number, with the Chief of Police; the Chief of Police shall report to the Clerk any complaints against any person licensed under the provisions of this ordinance and any conviction for violation of this ordinance; the Town Clerk shall keep a record of all such licenses and of such complaints and violations.

Section 13. Revocation of License.

(a) The permits and licenses issued pursuant to this ordinance may be revoked by the Board of Trustees of the Town of Owensville, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;
- (3) Any violation of this ordinance;
- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) conducting the business licensed under this ordinance in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

Section 14. Appeal. Any person aggrieved by the decision of the Town Clerk in regard to the denial of application for license as provided for in Section 4 of this ordinance or in connection with the revocation of a license as provided for in Section 13 of this ordinance, shall have the right to appeal to the Board of Trustees of the Town of Owensville. Such appeal shall be taken by filing with the Board of Trustees within fourteen days after notice of the decision by the Town Clerk has been mailed to such person's last known address, a written statement setting forth the grounds for the appeal. The Board of Trustees shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in Section 13 of this ordinance for notice of hearing on revocation. The order of the Board of Trustees on such appeal shall be final.

Section 15. Expiration of License. All licenses issued under the provisions of this ordinance shall expire ninety days after the date of issuance thereof unless a prior date is fixed therein

Section 16. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed sixty days or both such fine and imprisonment.

Section 17. Severance Clause. If any section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance, or the ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of such section, sentence, clause or phrase.

Section 18. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 19. Effective Clause. The ordinance shall take effect from and after its passage and publication as provided by law. (Ord 1988; No Date)

Section 4.1.3 Regulation of Basic Service Rates and Charges of any Cable Television System

WHEREAS, on October 5, 1992, Congress enacted the Cable Television Consumer Protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, "Basic Service Rates and Charges") shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal Communications Commission (hereinafter the "FCC"); and

WHEREAS, on April 1, 1993, the FCC prescribed such regulations in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter the "FCC Rate Regulations"); and

WHEREAS, the Town of Owensville (hereinafter, the "Town") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the town, including, without limitation, the system currently being operated by TCI of Indiana (hereinafter "the Company") pursuant to the (hereinafter the "Franchise"); and

WHEREAS, the Town desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town and shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise;

1. The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town, notwithstanding any different or inconsistent provisions in the Franchise; and
2. In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties; and
3. The Town Council is authorized to execute on behalf of the Town and file with the FCC such

certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges; and

4. This Ordinance shall be effective immediately.
(Ord 1993-06; March 8, 1993)

Section 4.1.4 Renew and Extension of Cable Television Franchise

WHEREAS, the Town of Owensville ("Town") granted a franchise for a cable television system to TCI of Indiana, Inc., pursuant to a Franchise Agreement effective as of June 2, 1995, ("Franchise"), to construct and operate a cable television system within the Town; and

WHEREAS, Insight Communications Midwest, LLC ("Insight") is the current franchise holder; and

WHEREAS, the Franchise will expire on June 2, 2005; and

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, as codified at 47 U.S.C. §521, et seq. (the "Act"), contains the procedures to be followed for the renewal of cable franchises throughout the United States; and

WHEREAS, Insight and/or its predecessor(s) had, prior to June 2, 2005, and in accordance with 47 U.S.C. §546, submitted a request to the Town for an extension of the Franchise based on the capital commitments Insight and/or its predecessors have made in the Town; and

WHEREAS, Insight met all of its responsibilities pursuant to 47 U.S.C. §546 related to the renewal of the Franchise and is in full compliance with the terms of the Act; and

WHEREAS, this Ordinance memorializes the Town's compliance with its obligations under 47 U.S.C. §546; and

WHEREAS, the Town finds that the continued development of broadband communications has the potential of having great benefit and impact upon the citizens of the Town; and further finds that the public convenience, safety, and general welfare can best be served by exercising the regulatory powers vested in the Town by applicable federal and state law.

1. The term of the Franchise is hereby renewed, amended, and thereby extended by fifteen (15) years to expire on January 2, 2020 ("Expiration Date").
2. Section 8. Insurance. The last sentence in this section shall be deleted and replaced with the following: "Certificates evidencing insurance coverage as set forth herein shall be provided to the Town."
3. All other terms, conditions, provisions, and requirements of the Franchise shall remain in full force and effect until the Expiration Date. (Ord 2005-2; May 26, 2005)

CHAPTER 5

BUILDING AND CONSTRUCTION

Section:

5.1.1 Building Standards

Section 5.1.1 Building Standards

The Town of Owensville, Indiana, hereby adopts all the terms and provisions of Indiana Code, Sections 36-7-9-1 through 36-7-9-28, both inclusive, pertaining to the enforcement of building standards.

The Town Council shall be the Executive Department of the Town responsible for the administration of this Ordinance for the enforcement standards.

For the purposes of this Ordinance the definition of "substantial property interest" shall be defined as provided in Indiana Code, Sections 36-7-9-2, which said definition verbatim as follows:

"Substantial property interest": means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. In a consolidated city, the interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

1. Recorded in the office of the County Recorder; or
2. The subject of written information that is received by the division of code enforcement and includes the name and address of the holder of the interest described.

(Ord 2002-03; No date)

TITLE 6
RESERVED

CHAPTER 7

ECONOMIC DEVELOPMENT

Sections:

- 7.1.1 Economic Development Commission**
- 7.1.2 Economic Development Income Tax Capital Improvement Plan**

Section 7.1.1 Economic Development Commission

WHEREAS, the Town of Owensville, Indiana finds a need exists to increase the employment opportunities and diversification of industry in the Town, and in Gibson County through economic development financing, in order to improve the prosperity, economic stability and general welfare of the community; and

WHEREAS, the General Assembly of the State of Indiana in 1973 enacted Public Law 182 authorizing municipal departments and commissions for development; and

WHEREAS, a commission is needed to investigate, study and survey job opportunities, industrial diversification and economic stability, development and welfare in and near the Town of Owensville, Indiana and to carry out the duties and powers as set fourth in said Public Law 182;

Section 1. Pursuant to authority granted by said Public Law 182, there is hereby created the Owensville Department of Development, which shall be in addition to existing executive departments of the Town.

Section 2. Said Department of Development shall be under the control of a Board of three (3) members, to be known as "Owensville Economic Development Commission". The members of said commission shall be appointed and shall perform the duties and exercise the powers, all as set fourth in said Public Law 182.

Section 3. This Ordinance shall be in full force and effect from and after its passage in accordance with law. (Ord 1981-2; March 12, 1981)

Section 7.1.2 Economic Development Income Tax Capital Improvement Plans

Introduction

This document is the Capital Improvement Plan (the "Plan") for the Town of Owensville, Indiana (the "Town"). It is intended for adoption by the President of the Town Council (the "Executive") in conformance with IC 6-3.5-7.

Term

The term of the Plan is two years [at least 2 years but should be as long as financing] from the date of its adoption.

Plan Objectives

IC 6-3.5-7 requires the adoption of the Plan by the Executive 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.

Description of Capital and Economic Development Projects (Projects)

Project 1

General Description—any lawful purpose as determined by the Town Council
Estimated Total Cost--\$ 130,000.00

Sources of Funding--Edit: \$130,000.00
Planning, Development and Construction Schedule-2005, 2006

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75%) of the certified distribution the Town expects to receive during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project I:	<u>\$130,000.00</u>
Total:	\$130,000.00

Total Town certified Distribution for the term of the Plan: \$130,000.00.

Percentage of certified Distribution allocated to Projects for the term of the Plan: 100%
(July 11, 2005)

Description of Capital and Economic Development Projects (Projects)

Project 1

General Description--sewer system including both waste-water and storm sewers
Estimated Total Cost--\$100,000.00
Sources of Funding--Edit: \$100,000.00
Planning, Development and Construction Schedule-2004, 2005

Project 2

General Description--water lines
Estimated Total Cost--\$20,000.00
Sources of Funding--Edit: \$20,000.00
Planning, Development and Construction Schedule-2004, 2005

Project 3

General Description--Other capital projects authorized by IC 6-3.5-7-13.1 (2)(A) that will be determined and supplemented on a continual basis and economic development projects to be determined and supplemented on a continual basis for the development of economic opportunities within the Town of Owensville.

Estimated Total Cost--\$10,000.00
Sources of Funding--Edit: \$10,000.00
Planning, Development and Construction Schedule--2004, 2005

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75%) of the certified distribution the Town expects to receive during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project 1:	\$100,000.00
Project 2:	\$ 20,000.00
Project 3:	<u>\$ 10,000.00</u>
Total:	\$130,000.00

Total Town certified Distribution for the term of the Plan: \$130,000.00

Percentage of certified Distribution allocated to Projects for the term of the Plan: 100%
(October 11, 2004)

Description of Capital and Economic Development Projects (Projects)

Project 1

General Description--sewer system
Estimated Total Cost--\$286,000.00
Sources of Funding--Edit: \$286,000.00
Planning, Development and Construction Schedule--2002, 2003

Project 2

Other capital projects authorized by IC 6-3.5-7-13.1 (2) (A) that will be determined and supplemented on a continual basis.

Project 3

Economic development projects to be determined and supplemented on a continual basis

for the development of economic opportunities within the Town of Owensville.

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75) of the certified distribution the Town expects to receive during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project 1:	\$286,000.00
Projects 2 and 3:	undetermined.
Total	\$286,000.00

Total Town Certified Distribution for the term of the Plan:

\$286,000.00

Percentage of Certified Distribution allocated to Projects for the term of the Plan: 100%.
(June 10, 2002)

Description of Capital and Economic Development Projects ("Projects)

Project 1

General Description - Water line upgrade
Estimated Total Cost - \$75,000.00
Sources of Funding - EDIT: \$75,000.00
Planning, Development and Construction Schedule - 2000, 2001, 2002

Project 2

General Description - Sewer line upgrade
Estimated Total Cost- \$110,000.00
Sources of Funding - EDIT: \$110,000.00
Planning, Development and Construction Schedule - 2000, 2001, 2002

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75%) of the certified distribution the Town expects to receive during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project 1	\$ 75,000.00
Project 2	<u>\$110,000.00</u>
Total	\$185,000.00

Town certified Distribution for the term of the Plan:

2000	\$ 85,000.00
2001	\$100,000.00

Total Town Certified Distribution for the term of the Plan:

\$185,000.00

Percentage of Certified Distribution allocated to Projects for the term of the Plan: 100%.
(April 10, 2000)

Description of Capital and Economic Development Projects ("Projects)

Project 1

General Description Sewer construction on Thompson Street
Estimated Total Cost - \$50,000.00
Sources of Funding- EDIT: \$35,000.00/CCD: \$15,000.00
Planning, Development and Construction Schedule - Summer/Fall 1998

Project 2

General Description - Sewer upgrade to line/sludge disposal/infiltration
Estimated Total Cost- \$90,000.00
Sources of Funding - EDIT: \$90,000.00
Planning, Development and Construction Schedule - Within next two years 1998—1999

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75%) of the certified distribution the Town expects to receive

during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project 1	\$ 35,000.00
Project 2	<u>\$ 90,000.00</u>
Total	\$125,000.00

Town certified Distribution for the term of the Plan:

1998	\$ 77,000.00
1999	\$ 52,000.00

Total Town Certified Distribution for the term of the Plan:

\$129,000.00

Percentage of certified Distribution allocated to Projects for the term of the Plan: 97%.
(May 11, 1998)

Description of Capital and Economic Development Projects ("Projects")

Project 1

General Description — Construction of water tower and lines if town is awarded Department of Commerce grant money

Estimated Total Cost - \$551,500

Sources of Funding - Grant \$460,000/water operating \$41,500/EDIT \$50,000 and depreciation.

Planning, Development and Construction Schedule - within 18 months of grant award

Project 2

General Description — Construction of sidewalks on Brummitt Street (Jackson's building, Allen Ross buildings, Town Hall)

Estimated Total Cost- \$12,000

Sources of Funding - EDIT MONEY \$12,000

Planning, Development and Construction Schedule - Spring 1997

Project 3

General Description — Sewer study of infiltration, repairs and maintenance

Estimated Total Cost - \$ 32,000.00

Sources of Funding - EDIT money \$ 32,000.00

Planning, Development and Construction Schedule - 1997, 1998

Purposes of Projects:

Construction of capital project for which the Town may issue general obligation bonds or establish a cumulative fund.

Seventy-five Percent (75%) Test

In accordance with IC 6-3.5-7-15, the Plan incorporates projects, the cost of which is at least seventy-five percent (75%) of the certified distribution the Town expects to receive during the term of the Plan as follows:

Expenditures for the term of the Plan:

Project 1	\$50,000.00
Project 2	\$12,000.00
Project 3	<u>\$32,000.00</u>
Total	\$94,000.00

Town Certified Distribution for the term of the Plan:

1997	\$47,159.00
1998	\$47,159.00

Total Town Certified Distribution for the term of the Plan:

\$94,138. 00

(August 1, 1996)

CHAPTER 8

VEHICLES AND TRAFFIC

Sections:

8.1.1 Abandoned Vehicles

Section 8.1.1. Abandoned Vehicles

Section 1: The Town Board finds that inoperative, junk, or abandoned vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety, morals, health, and welfare of the general public and detrimental to the economic welfare of the Town of Owensville by producing a scenic blight which is adverse to the maintenance and continuing development of the Town of Owensville, and such vehicles are hereby declared a nuisance.

Section 2: For the purpose of this ordinance, the following terms shall have the following meanings:

(a) **Vehicle** - any machine which is designed to transport persons or property, automobile, motorcycle, truck, trailer, semi-trailer, truck-tractor, bus, school bus, house car, motor bicycle, farm tractor, or wheeled implement or the chassis, frame, body, power components or any easily visible portions of any such machines.

(b) **Abandoned Vehicle** -

(1) A vehicle located on public property illegally.

(2) A vehicle left on public property without being moved for three (3) days.

(3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

(4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.

(5) A vehicle from which the engine/transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

(6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.

(7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

(c) **Public Premises** - any public right-of-way, sidewalk, street, highway, alley, park or other state, county or municipally owned property.

(d) **Private Premises** - all property which is not classified within the definition of Public Premises.

(e) **Person** - all natural persons, firms, partnerships and corporations.

(f) **Owner** - the last known record title holder to a vehicle according to the records of the Bureau of Motor Vehicles of the State of Indiana or, in the case of an untitled vehicle, the person having custody or the right of possession thereof. (Ord 1970-01; September 24, 1970; Amended 2004-02; January 12, 2004)

Section 3: No person shall store, park or allow to remain in the open upon public or private premises any abandoned vehicle within the limits of the Town of Owensville.

Section 4: If in the opinion of the officer the market value of an abandoned vehicle or parts determined under IC 9-22-1-12 is less than five hundred dollars the officer shall immediately dispose of the vehicle to an automobile scrap yard. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. The public agency disposing of the vehicle shall retain the original records and photographs for at least two years. (Ord 1970-01; September 24, 1970; Amended 2004-01, January 12, 2004)

Section 5: This ordinance shall not apply to vehicles kept or stored in connection with an automotive repair business operating under a store license issued by the State of Indiana or to auto salvage yards or junk yards licensed by the State of Indiana.

Section 6: Any person found guilty of violating any of the provisions of this ordinance or who interferes in any way whatsoever with the due process of enforcement of any of the provisions of this ordinance, or who does not obey within the time fixed any order issued pursuant to this ordinance, shall be subject to a fine in the amount of \$50.00. Each abandoned vehicle involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Section 7: This ordinance shall be in full force and effect from and after its passage and publication as provided by law. (Ord 1970-01; September 24, 1970; Amended Ord 2004-01 and Ord 2004-02; January 12, 2004)

CHAPTER 8.2
VEHICLES AND TRAFFIC
PARKING

Sections:

- 8.2.1 Brummitt Street Parking Corridor**
- 8.2.2 Notice of Official Action of Indiana State Highway Commission**
- 8.2.3 Notice of Official Action of Indiana State Highway Commission**
- 8.2.4 Preferential Streets, On Street Parking Restrictions, Vehicle Weight Limits and Providing for an Accident Report**
- 8.2.5 No Parking Zones**
- 8.2.6 Parking of Vehicles and Penalties**
- 8.2.7 Semi-Tractor and Trailer Parking**
- 8.2.8 Parking on South Side of Brummitt Street and Penalties**

Section 8.2.1 Brummitt Street Parking Corridor

Section 1: The Town of Owensville does hereby designate the paved parcel of land existing between the south line of State Road 65 also known as Brummitt Street, in the Town of Owensville, and the north curb of the public library lot, as the Brummitt Street Parking Corridor.

Section 2: Vehicle traffic shall enter the Brummitt Street Parking Corridor only from the west and shall proceed in an easterly direction and shall enter such corridor solely for parking. Traffic exiting the corridor shall exit to the right on Main Street. No left turn shall be permitted from the corridor exit, and no vehicular traffic shall use the corridor as a thoroughfare.

Section 3: Within the corridor, parallel parking shall be permitted in marked spaces along both the north and south boundaries of the corridor. No parking shall be permitted in the following areas: (a) along the north side of the corridor for a distance of 59 feet west of the face of a curb line on the west side of Main Street; (b) on the south side of Brummitt Street for a distance of 55 feet easterly from the face of the curb line on the east side of Main Street.

Section 4: Entry into the Brummitt Street Parking Corridor shall be permitted by right turn by north-bound traffic on Mill Street. Entry to the corridor by U-turn and left turn is prohibited. East-bound traffic on Brummitt Street may enter the corridor only by proceeding easterly past the stop sign island on the east side of the Brummitt-Mill Intersection.

Section 5: Within the Brummitt Street Parking Corridor, parking shall be permitted only in marked spaces and traffic lanes shall be kept open at all times.

Section 6: Parking on the south side of Brummitt Street, north of the Brummitt Street Parking Corridor, is prohibited.

Section 7: Any person found guilty of violating any provision of this ordinance shall, upon conviction, be subject to a fine of not less than \$10.00 nor more than \$100.00.

Section 8: Any vehicle parked in violation of this ordinance may be impounded at the owner's expense.

SECTION 9: (Ord 1979-08; December 10, 1979)

Section 8.2.2 Notice of Official Action of Indiana State Highway Commission

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the

highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Parking shall be restricted on SR 65 in the Inc. Town of Owensville, Gibson County, as follows: "NO PARKING ANYTIME" on the south side of SR 65 (Brummitt St.) from east curb line of Main Street to a point 55 feet east of the east curb line of Main Street, a distance of approximately 55 feet. NOTE: This action amends and/or supersedes previous official action at the above named location(s). (April 9, 1980)

Section 8.2.3 Notice of Official Action of Indiana State Highway Commission

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Parking shall be restricted on SR 65 in the Inc. Town of Owensville, Gibson County, as follows: "NO PARKING ANYTIME" on the west side off SR 65 (Mill St.) from a point 245 feet south of the south curb line of SR 168 (Walnut St.) to the south curb line of SR 168 (Walnut St.), a distance of approximately 245 feet. NOTE: This action amends and/or supersedes previous official action at the above named location(s). (February 3, 1981)

Section 8.2.4 Preferential Streets, On Street Parking Restrictions, Vehicle Weight Limits and Providing for an Accident Report

Section 1: Streets running north and south shall be preferential streets in the Town of Owensville, with the following exceptions:

- (a) intersections controlled by the Indiana State Highway Commission;
- (b) entrance onto Elm Street from the south from Terrace Park Trailer Court;
- (c) entrance onto Elm Street from the north on Oak Street;
- (d) entrances onto North Street from Main, Third and Second Streets;
- (e) entrances onto Rock Road from Smith and Scott Streets;
- (f) Clark shall be preferential street at the intersection to Scott Street (Ord 1979-08; March 1, 1982; Amended 1982-03A; No date)

Section 2: On pavement parking is prohibited at the following locations, on the following streets and with noted exceptions:

Street Designation

- A. Certain Street
- B. Woodbree Street
- C. Main Street

- D. Warrick Street

- E. Brummitt Street

- F. Poplar Street
- C. Montgomery Street

- H. Clark Street
- I. North Street
- J. Short Street
- K. Ivy Lane
- L. Crestview Drive
- M. Maple Street
- N. Rock Road
- O. Elm Street
- P. Church Street

Location and Exceptions, if any

- North and South Sides
- North and South sides
- On west side from the L & N Railroad crossing, south to corporation line
- South side; also, north side opposite Fire Station Drive at corner of Warrick and First Streets
- South side, from First Street east to corporation line
- South side
- South side, except between Main and Mill Streets, where parking is permitted on both sides
- South side
- North and South sides
- South side
- West side
- South side
- South side
- North and South sides
- West side
- East side, except between Walnut and Warrick Streets, where parking is permitted on both sides

Q. Mill Street	East side, except between State Road 165 and Clark Street where parking is permitted on both sides
R. Oak Street	East side, except between Montgomery and Brummitt Streets where parking is permitted on both sides
S. Warehouse Road	North and South sides where applicable; East and West sides where applicable
T. Third Street	West side, except Clark Street south to corporation line where parking is permitted on both sides
U. First Street	East and West sides from Brummitt Street to Walnut Street
V. Second Street	West side
W. Scott Street	West side
K. Smith Street	East and west sides between Brummitt and Montgomery Streets; otherwise, west side only
Y. Thompson Avenue	West side

(Ord 1979-08; March 1, 1982; Amended 1982-03A; No date)

Section 3: No vehicles shall be operated on First Street in the Town of Owensville from its intersection with Walnut Street to its intersection with Brummitt Street which has a maximum gross weight of more than ten tons (20,000 lbs.). (Ord 1977-1, February 7, 1977 Amended Ord 1982-3, March 1, 1982)

Section 4: The restrictions on vehicle movement and parking and weight limit hereby fixed shall be posted with appropriately located street signs.

Section 5: Any person violating Section 1 of this Ordinance shall, upon conviction, be fined not more than \$3.00 and court costs.

Section 6: Any person violating Section 2 of this Ordinance shall, upon conviction, be fined not more than \$7.00, and may have his vehicle impounded or towed away, and, in such event, shall, as a condition of release of such vehicle, be required to reimburse the Town of Owensville for towing and/or impoundment charges.

Section 7: Any person violating Section 3 of this Ordinance shall, upon conviction thereof, be fined not more than \$100.00.

Section 8: For the service of furnishing copies of accident reports to interested persons, the Town Clerk is hereby authorized and directed to collect a fee of: \$3.00 for each such report furnished, said fee to be paid into the Town General Fund.
(Ord 1982-03; March 1, 1982; Amended 1982-03A; No date)

Section 8.2.5 No Parking Zone South Side of Montgomery

WHEREAS, the Board of Trustees of the Town of Owensville, Indiana, has concluded that an unsafe condition exists in the parking of vehicles along the south side of Montgomery Street between Main Street and Third Street in the Town of Owensville, and that such condition should be corrected by making said portion of Montgomery Street a no-parking zone; and

Section 1: That henceforth, the parking of vehicles along the south side of Montgomery Street between Main and Third Streets in the Town of Owensville shall no longer be permitted.

Section 2: That the head of the street department of Owensville, Indiana, is hereby authorized to take those steps necessary to identify said portion of Montgomery Street as a no-parking zone in compliance with the laws of the State of Indiana.

Section 3: That a penalty is herewith established for the violation of this ordinance as follows: That for the first offense the fine shall be \$10.00 and subsequent violations shall constitute a fine of \$25.00 for each occurrence.

Section 4: That the Town Marshall of Owensville and the Deputy Marshals of Owensville are specifically empowered to enforce this Ordinance and to take all measures in compliance with this Ordinance and the law of the State of Indiana to insure its enforcement. (Ord 1985-01; February 4, 1985)

Section 8.2.6 Parking of Vehicles and Penalties

Section 1: No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or to avoid conflict with law or the directions of a police officer or traffic control device, in any of the following places:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within fifteen feet [15'] of a fire hydrant;
- (e) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (f) At any place where official signs prohibit stopping.

Section 2: No person shall park a vehicle at any place where official signs prohibit parking.

Section 3: Every person who violates this Ordinance shall be fined Twenty Dollars. (Ord 1994-03; July 11, 1994)

Section 8.2.7 Semi-Tractor and Trailer Parking

Section 1: No person shall stop, stand or park any semi- tractor and trailer or trailer for a semi-tractor upon any street. This section shall not apply to any semi-tractor and trailer parked for a period of twenty four hours or less parallel to and next to the curb on the north side of the Public Library. In addition, this section shall not apply to any semi-tractor and trailer parked upon any street for the purpose of loading, unloading, delivering or picking up items. In addition, this section does not apply to a semi-tractor without the trailer.

Section 2: Any person who violates this ordinance shall be fined Fifty Dollars (\$50.00). (Ord 1998-02; March 9, 1998)

Section 8.2.8 Parking on South Side of Brummitt Street and Penalties

WHEREAS, the Council of the Town of Owensville, Indiana, desires to regulate the parking on the south side of Brummitt Street within 120 feet of the southwest corner of Brummitt and Main Streets.

Section 1: Parking is prohibited on the south side of Brummitt Street along the curb (being the north side of the library square) for a distance of 120 feet running west from the southwest corner of Brummitt and Main Streets.

Section 2: The south side of Brummitt Street along the curb for a distance of 120 feet running west from the southwest corner of Brummitt and Main Streets shall be posted with signs designating no parking as provided in this ordinance.

Section 3: Any person who violates this ordinance shall be fined Twenty Dollars.

Section 4: Ordinance No. 2000-12 be and hereby is repealed. (Ord 2000-13; December 27, 2000)

CHAPTER 8.3
VEHICLES AND TRAFFIC
OBSTRUCTION OF STREETS AND SIDEWALKS

Section:

8.3.1 Obstruction of Streets and Sidewalks

Section 8.3.1 Obstruction of Streets and Sidewalks

Section 1: It is a violation of this Ordinance for any person at any time to obstruct any vehicular traffic on any street or to obstruct any pedestrian traffic on any sidewalk within the Town of Owensville, Indiana.

Section 2: Violation of this Ordinance shall result in a fine in the amount of Twenty Five Dollars per occurrence, which shall be imposed upon a parent or guardian of any juvenile who shall have been found to have violated this Ordinance. (Ord 1994-04; July 11, 1994)

CHAPTER 8.4
VEHICLES AND TRAFFIC
U TURNS

Section:

8.4.1 U Turns

Section 8.4.1 Prohibiting U Turns for Southbound Traffic on Main Street

Section 1: U-Turns are prohibited for south bound traffic on Main Street between Brummitt and Montgomery Streets within the Town of Owensville, Indiana. Drivers of vehicles proceeding south on Main Street between Brummitt and Montgomery Streets are prohibited from making U-Turns. The street shall be posted with No U-Turn signs.

Section 2: Any person violating this Ordinance shall be deemed guilty of an offense and shall be punished by a fine of \$25.00. (1994-02; June 13, 1994)

CHAPTER 8.5

VEHICLES AND TRAFFIC

ESTABLISHMENT OF SPEED LIMIT

Sections:

8.5.1 Establishment of Speed Limit Bank Street

8.5.2 Establishment of Speed Limit Thompson Street

Section 8.5.1 Establishment of Speed Limit

Section 1: That henceforth, the speed limit for all vehicular traffic on Bank Street shall be 10 miles per hour.

Section 2: That the Owensville street department is hereby authorized to place speed limit signs on Bank Street.

Section 3: That a penalty is herewith established for the violation of this ordinance. That the fine of the violation of this ordinance shall be \$25.00 for each violation.

Section 4: That the Town Marshal of Owensville and the Deputy Marshals of Owensville are specifically empowered to enforce this ordinance and to take all measures in compliance with this ordinance and the law of the State of Indiana to insure its enforcement. (Ord 1992-02; April 13, 1992)

Section 8.5.2 Establishment of Speed Limit Thompson Street

WHEREAS, the Town Council of the Town of Owensville, Indiana determines that the maximum reasonable and safe speed for a vehicle traveling on Thompson Street in the Town of Owensville, Indiana, is twenty miles per hour.

Article I: A person may not drive a vehicle on Thompson Street in the Town of Owensville, Indiana, in excess of twenty miles per hour.

Article II: The speed limit shall be posted on Thompson Street as required by law.

Article III: A person who violates this ordinance commits a Class C infraction punishable with a fine as established by state law. (Ord 2000-07; April 10, 2000)

CHAPTER 8.6

VEHICLES AND TRAFFIC

VEHICLE IDENTIFICATION NUMBER INSPECTION

Section:

8.6.1 Vehicle Identification Number Inspection

Section 8.6.1 Vehicle Identification Number Inspection

The Owensville Police Department will provide the service of Vehicle Identification Numbers inspection. There will be a fee of \$3.00. This will be collected by Owensville Town Marshall, 108 W. Brummitt, Owensville, Indiana.

Section 1: The vehicles included will be automobiles, trucks, motorcycles, recreational vehicles, and boats and trailers. (Ord. 1993-04; October 11, 1993)

CHAPTER 8.7
VEHICLES AND TRAFFIC
STOP SIGNS

Sections:

- 8.7.1 Four-way Stop Elm Street and Warrick Street**
- 8.7.2 Two-way Stop at Walnut and Church Streets and Ball Park**

Section 8.8.1 Four-way Stop Elm and Warrick Streets

Section 1: The intersection of Warrick Street and Elm Street within the Town of Owensville, Indiana, is hereby designated as a four-way stop intersection for vehicles proceeding east and west on Warrick Street and north and south on Elm Street. Drivers of vehicles proceeding east and west on Warrick Street shall first come to a complete stop before entering said intersection, and drivers of vehicles proceeding north and south on Warrick Street shall first come to a complete stop before entering said intersection. The intersection shall be posted with stop signs in accordance with law.

Section 2: Violation of this Ordinance shall be a Class C Infraction as provided by Indiana law. (Ord 1996-06; July 8, 1996)

Section 8.8.2 Two-way Stop at Walnut and Church Streets and Ball Park

Section 1: The intersection of Walnut Street and Church Street and the Ball Park within the Town of Owensville, Indiana is hereby designated as a two-way stop intersection. Drivers of vehicles proceeding south on Church Street and east from the Bail Park before entering said intersection shall first come to a complete stop and shall not proceed into said intersection until they have first yielded the right-of-way to all drivers proceeding west on Walnut Street and to the driver of any other vehicle proceeding into said intersection.

Section 2: A person who violates this ordinance commits a Class C infraction as provided by Indiana Code 9-21-4-19.

Section 3: Ordinance No. 1997-5 be and hereby is repealed. (1997-04; August 11, 1997; Amended; Ord 1997-05; September 8, 1997 Repealed; Ord 2000-14; December 27, 2000)

TITLE 9

RESERVED

CHAPTER 10

HEALTH, PEACE, SAFETY AND SANITATION

Section:

- 10.1.1 Abandoned or Derelict Buildings**
- 10.1.2 Accumulation of Junk, Waste, Garbage or Refuse**
- 10.1.3 Cutting Weeds and Grass**
- 10.1.4 Burning of Leaves**
- 10.1.5. Depositing Grass and Grass Clippings**

Section 10.1.1 Abandoned or Derelict Buildings

Section 1: That any abandoned or derelict buildings which are located within the corporate limits of the Town of Owensville, Indiana, are hereby declared to be a nuisance.

Section 2: For the purpose of this ordinance, the following terms shall have the following meanings:

- a. **ABANDONED BUILDING.** Any building regardless of its prior use which is allowed to sit vacant and to be of no use and where such building is not maintained or cared for a period of six months or more.
- b. **DERELICT BUILDING.** Any building regardless of prior use which has suffered damage from fire, storm, or other disaster and which is allowed to remain in an unrepaired condition for more than six months.
- c. **PERSON.** All natural persons, firms, partnerships and corporations.
- d. **OWNER.** The last known record title holder of any real property located within the corporate limits of the Town of Owensville.

Section 3: No person shall be allowed to keep any abandoned or derelict buildings upon any real property of which they are the owners within the corporate limits of the Town of Owensville.

Section 4: Whenever the Town of Owensville shall have notice of any abandoned or derelict buildings within the Town of Owensville, Indiana, and the Town Clerk shall promptly issue a written notice of the violation of this ordinance to the owner of any real property on which the violation exists. Said notice shall state that the owner has ninety days from the date of the notice to bring their property into compliance with the requirements of this ordinance.

Section 5: That if after receiving notice of the violation of this ordinance the owner of the real property in violation of this ordinance has not brought their property into compliance with the ordinance within ninety days of the date of the notice, that a fine in the amount of \$10.00 per day shall be levied against the owner of said real property, until the property is in compliance with this ordinance; but in no event shall the fine exceed \$2,500.00.

Section 6: That if compliance with this ordinance is not forthcoming the Town Board of Trustees of Owensville, Indiana may proceed to take the necessary action to bring the real property in compliance with this ordinance by having the abandoned or derelict building torn down or removed from the premises to bring the real property into compliance with this ordinance. The expense incurred by the town in bringing any real property which has an abandoned or derelict building upon it into compliance with this ordinance shall constitute a lien against the real property until released by the Clerk of the Town. (Ord 1984-3, August 2, 1984)

Section 10.1.2 ACCUMULATION OF JUNK, WASTE, GARBAGE, OR REFUSE

Section 1. That the accumulation of junk, waste, garbage, and refuse upon real property located within the corporate limits of the Town of Owensville, Indiana, where such accumulations are visible from a public place or public right-of-way are declared to be a nuisance.

Section 2. For the purpose of this ordinance, the following terms shall have the following meaning:

- a. *Junk:* Any old iron or other metal, glass, paper, cordage, or other discarded material which may be treated or prepared so as to be used again in some form
- b. *Waste:* Any valueless or unproductive materials allowed to lie in random fashion on the real property.
- c. *Garbage:* Any material from a house, market or store consisting of offal, paper, tin cans, ashes, food scraps, and the like.
- d. *Refuse:* Any material consisting of the leavings, dregs, cinders, sediment, scum, dross, or the like, resulting from any construction, manufacturing or similar processes.
- e. *Public Place:* Any sidewalk, street, highway, alley, park, or other state, county or municipally owned property.
- f. *Private Property:* All property which is not classified within the definition of public place and is located within the corporate limits of the Town of Owensville
- g. *Person:* All natural persons, firms, partnerships and corporations.
- h. *Owner:* The last known record title holder of any real property located within the corporate limits of the Town of Owensville.

Section 3. No person shall allow the accumulation of any junk, waste, garbage or refuse upon any real property of which they are the owner and said property is located within the corporate limits of the Town of Owensville.

Section 4. Whenever the Town Marshal of the Town of Owensville has cause to believe that there exists an accumulation of junk, waste, garbage or refuse on any real property within the corporate limits of the Town of Owensville he shall promptly report such violation of this ordinance to the Town Clerk of Owensville. Upon receiving such report the Town Clerk shall promptly issue a written notice to the owner of the real property where the violation exists, giving the owner fifteen days from the date of the notice to bring said property into compliance with the requirements of this Ordinance

Section 5. That if after receiving notice of the violation of this ordinance the owner of the real property in violation of this ordinance has not brought their property into compliance with the ordinance within fifteen days of the date of the notice, that a fine in the amount of \$10.00 per day shall be levied against the owner of said real property, until the property is in compliance with this ordinance; but in no event shall the fine exceed \$2,500.00.

Section 6. That if compliance with this ordinance is not forthcoming the Town Clerk may direct that the Supervisor of the Street Department proceed to bring the real property into compliance with this ordinance by properly disposing of any junk, waste, garbage or refuse accumulated on the real property which is in violation of this ordinance. The expense incurred by the Town in bringing the real property into compliance with this ordinance shall constitute a lien against the real property until released by the Clerk of the Town. (Ord 1984-04; July 2, 1984)

Section 10.1.3 Cutting Weeds and Grass

Section 1. That the owners of any real property within the corporate limits of the Town of Owensville, Indiana, shall between the first day of May and the first day of November in each year cause to be cut the grasses and weeds growing on their real property located within the corporate limits of Owensville.

Section 2. That it is a violation of Section 1 of this ordinance if the height of any weeds and grasses growing on real property within the corporate limits of Owensville has reached a height in excess of ten inches.

Section 3. That it shall be the duty of the Supervisor of the Street Department to report all violations of this ordinance to the Clerk of the Town.

Section 4. That upon receipt of a report of violation of this ordinance the Clerk of the Town shall promptly send written notice of the violation to the owner of the real property on which the violation exists and which notice shall state that the owner has one week from the date of the notice to bring their property to compliance with the requirements of this ordinance.

Section 5. That if after receiving notice of the violation of this ordinance the owner of the real property in violation of this ordinance has not brought their property into compliance with the ordinance within one week of the date of the notice, that a fine in the amount of \$10.00 per day shall be levied against the owner of said real property, until the property is in compliance with this ordinance; but in no event shall the fine exceed \$2,500.00.

Section 6. That if compliance with this ordinance is not forthcoming the Town Clerk may direct that the Supervisor of the Street Department proceed to bring the real property into compliance with this ordinance by properly mowing the real property which is in violation of this ordinance. The expense incurred by the Town in bringing the real property into compliance with this ordinance shall constitute a lien against the real property until released by the Clerk of the Town.

Section 7. That upon adoption of this ordinance, the prior ordinance regulating the cutting of weeds shall be immediately repealed. (Ord 1984-05; July 2, 1984)

Section 10.1.4 Burning of Leaves

Section 1. That the burning of leaves upon the town streets of Owensville, Indiana is prohibited.

Section 2. That except between the hours of 8:00 a.m. and 5:00 p.m., local time, the burning of leaves at any location within the town limits is prohibited.

Section 3. That every citizen of the Town shall be entitled to one warning of the violation of this Ordinance before any penalty is imposed. Such a warning may be given by any employee of the Town of Owensville, Indiana, either orally or in writing.

Section 4. Any citizen of the Town of Owensville, Indiana who violates this Ordinance, after receiving one warning, shall have imposed upon them a fine of Twenty-Five Dollars for each violation of the Ordinance.

Section 5. The Clerk of the Town of Owensville, Indiana is hereby authorized to collect any fine imposed under this Ordinance, and to pay the same into the General Fund of the Town of Owensville, Indiana. (Ord 1989-03; December 11, 1989)

Section 10.1.5 Depositing Grass or Grass Clippings

Section 1: The depositing or causing to be deposited by mowing, raking or other means of grass or grass clippings in the streets or gutters of the Town of Owensville is hereby declared to be unlawful.

Section 2: Upon the first conviction for violation of this Ordinance there shall be imposed a fine of Ten Dollars, and for each subsequent conviction for violation thereof there shall be imposed a fine of Twenty-Five Dollars. (Ord 2001-02; June 18, 2001)

CHAPTER 10.2

HEALTH, PEACE, SAFETY AND SANITATION

RIDING AND PARKING OF BICYCLES

Section:

10.2.1 Riding and Parking of Bicycles and Certain Other Vehicles

Section 10.2.1 Riding and Parking of Bicycles and Certain Other Vehicles

Section 1: No person shall ride or drive a motorized bicycle or other vehicle which is motorized, either as a primary or supplementary power source, upon any public sidewalk in the Town of Owensville.

Section 2: No person shall ride or drive any bicycle or other wheeled vehicle upon the public sidewalks of Main Street from Montgomery Street to Clark Street, or Brummitt Street from Third Street to Mill Street.

Section 3: No person shall park or otherwise leave unattended any bicycle or other wheeled vehicle upon the sidewalks mentioned in Section 2 of this Ordinance, except in such bicycle racks as may be provided by the Town of Owensville or adjoining property owners.

Section 4: Violation of any of the foregoing Sections of this Ordinance shall be a misdemeanor and any person found guilty of any such misdemeanor shall be subject to (1) confiscation of the vehicle; or (2) a fine in the amount of TEN DOLLARS; or (3) both.

Section 5: Any such vehicle left unattended in violation of any provision of this Ordinance shall be impounded by any person authorized by law to enforce this Ordinance until such time as the guilt or innocence of the person responsible for the violation has been determined and the fine imposed, if any, has been paid. (Ord 1977-03; September 15, 1977)

CHAPTER 10.3
HEALTH, PEACE, SAFETY AND SANITATION
PLACEMENT OF BILLBOARDS

Section:

10.3.1 Placement of Billboards

Section 10.3.1 Placement of Billboards

Section 1. That any person desiring to place a billboard within the town limits of Owensville, Indiana, shall be required to obtain a permit from the Town Board of Trustees of the Town of Owensville allowing the placement of such billboard.

Section 2. That the cost of said permit shall be Ten Dollars.

Section 3. That prior to obtaining a permit from the Town Board of Trustees any person desiring to obtain a permit for a billboard shall first publish a notice in the Owensville Star Echo stating the time and place of the meeting of the Town Board of Trustees of the Town of Owensville, Indiana, at which the application for a permit to place a billboard within the Owensville town limits shall be heard.

Section 4. Any resident of the Town of Owensville, Indiana, or any person owning real property within the town limits of Owensville, Indiana, shall have the right to remonstrate and be heard at said meeting.

Section 5. For purposes of this ordinance the following terms shall have the following meanings:

a. *Person:* All natural persons, firms, partnerships, and corporations.

b. *Billboard:* Any self supporting sign, larger than four feet by five feet, or exceeding four feet in height from ground level. (Ord 1988 - 01; March 14, 1988)

CHAPTER 10.4
HEALTH, PEACE, SAFETY AND SANITATION
CURFEW

Section:
10.4.1 Curfew

Section 10.4.1 Curfew

Section 1: It is a curfew violation for a child fifteen, sixteen or seventeen years of age to be in a public place:

- (a) Between 1 A.M. and 5 A.M. on Saturday or Sunday.
- (b) After 11 P.M. on Sunday, Monday, Tuesday, Wednesday, or Thursday or Friday.

Section 2: It is a curfew violation for a child under fifteen years of age to be in a public place after 11 P.M. or before 5 A.M. on any day.

Section 3: Sections 1 and 2 of this Ordinance do not apply to a child who is:

- (a) Accompanied by his or her parent, guardian, or custodian; or
- (b) Accompanied by an adult specified by his parent, guardian or custodian, or
- (c) Participating in, going to or returning from lawful employment, a school sanctioned activity, or a religious event.

Section 4: Violation of this Ordinance shall result in a fine in the amount of Twenty Five Dollars per occurrence, which shall be imposed upon a parent or guardian of any juvenile who shall have been found to have violated this Ordinance.

Section 5: Ordinance No. 1993-3 be and hereby is repealed. (Ord 1994-07; August 8, 1994)

CHAPTER 10.5

HEALTH, PEACE, SAFETY AND SANITATION

GENERATION OF SOUND

Section:

10.5.1 Generation of Sound

10.5.1 Generation of Sound from Radios, Tape Players, Compact Disc Players, Loud Speakers, Sound Amplifiers

Section 1: No person shall play, use, operate or permit to be played, used or operated, any radio, tape player, cassette player, compact disc player, loud speaker, sound amplifier or other device designed for generating or reproducing sound, if the sound generated is audible by another human being at a distance of thirty feet from the device producing the sound.

Section 2: Possession by a person or persons of any of the sound generating machines or devices enumerated in Section 1 above shall be prima facie evidence that such person operates, or those persons operate, the machine or device.

Section 3: The generation of sound in violation of this Ordinance is deemed to be a public nuisance.

Section 4: Exemptions.

- (a) This Ordinance shall not apply to properly operating vehicle alarms, authorized emergency vehicle, vehicle horns used as a warning of danger or public safety officials acting within the scope of their authority.
- (b) This Ordinance shall not apply to licensed festivals, parades or any activity authorized by Governmental authorities.
- (c) This Ordinance shall not apply if the sound is generated on private property and the sound generated cannot be heard beyond the boundary lines of the private property on which it is generated.

Section 5: A custodial parent shall be responsible for ensuring a minor child complies with this Ordinance and is responsible for any fine imposed. Minor shall mean a person under eighteen years of age.

Section 6: A person who violates this Ordinance shall be subject to the following fines:

First offense	\$ 50.00
Second offense	\$200.00
Third or subsequent offense	\$350.00

(Ord 1999-03; June 14, 1999)

CHAPTER 10.6
HEALTH, PEACE, SAFETY AND SANITATION
GUNS

Sections:

- 10.6.1 Issuing Gun Permit**
- 10.6.2 Gas Propelled Guns**

Section 10.6.1 Issuing of Gun Permit The Owensville Police Department will provide the service of issuing gun permits. There will be a fee of \$10.00 for each permit. This will be collected at the time of service by the Owensville Town Marshall, 108 W. Brummitt, Owensville, Indiana, and deposited into the Law Enforcement and Continuous Education Fund. (Ord 1993-05; October 11, 1993)

Section 10.6.2 Gas Propelled Guns

Section 1. Definition: For the purposes of this Ordinance the term, gas propelled gun, shall mean any device or gun which uses compressed air or other gases to propel a projectile with sufficient force that it is capable of breaking glass.

Section 2. The use of a gas propelled gun by persons under the age of eighteen years is prohibited, except, and unless, supervised by responsible adults, upon their own property. The use of gas propelled guns by responsible adults upon their own property is not restricted.

Section 3. Violation of this ordinance shall result in a fine in the amount of Twenty Five Dollars per occurrence, which shall be imposed upon a parent or guardian of any juvenile who shall have been found to have violated this ordinance. (Ord 1989-02; August 1, 1989)

CHAPTER 10.7
HEALTH, PEACE, SAFETY AND SANITATION
TEMPORARY DWELLINGS

Section:

10.7.1 Keeping and Occupancy of Temporary Dwellings

Section 10.7.1 Keeping and Occupancy of Temporary Dwellings

Section 1. The Town Board finds that, except under the circumstances herein after provided for, the keeping or occupancy as places of residence or human habitation of temporary dwellings within the limits of the Town of Owensville is detrimental to the safety, morals, health, and welfare of the general public and is detrimental to the economic welfare and the continuing development of the town, and such places of residence are hereby declared a nuisance.

Section 2. Definitions

For the purpose of this ordinance, the following terms shall have the following meanings:

- (a) *Temporary Dwelling*- any shed, shack, barn, pole building, trailer, mobile home (whether on permanent foundation or not), tent, vehicle body or fuselage, lean to, unfinished or partially demolished structure, or temporary building, kept for or occupied as a place of human habitation, unless the same be located in a mobile home park or tourist camp which is (1) licensed by the State of Indiana; and (2) consists of at least four contiguous acres of land.
- (b) *Persons*- all natural persons, firms, partnerships and corporations.
- (c) *Owner*- in the case of a resident of the Town of Owensville, the person or persons entitled to or claiming possession of the land occupied be a temporary dwelling in all other cases, the person or persons whose name appears as the owner or owners thereof on the official transfer records in the office of the Auditor of Gibson County, Indiana.

Section 3. Except as provided in *Section 7* of this ordinance, no person shall keep or occupy any temporary dwelling on public or private property in the Town of Owensville unless he shall have first applied for and been granted a temporary dwelling permit from the Town Board in accordance with the provisions of this ordinance.

Section 4. No public utility company operating or serving in the Town of Owensville shall provide utility service of any kind, either directly or indirectly, through another customer, for any temporary dwelling unless a permit therefore has been issued as provided in this ordinance.

Section 5. No person shall furnish water, gas, telephone service, electric power, or sewer service for any temporary dwelling in the Town of Owensville, unless a permit therefore has been issued as provided in this ordinance.

Section 6. Applications for temporary dwelling permits shall be submitted to the Town Clerk in writing, signed by the applicant, and the owner of the land on which the temporary dwelling is proposed to be located and shall include a description of said land, and of the available utilities, together with a plot plan showing property lines and location of the temporary dwelling and other structures. Each application shall be heard at the meeting of the Town Board following its submission, unless such hearing is continued for good cause, provided that the applicant shall first cause a notice of such hearing to be published one time in a newspaper printed and published in the Town of Owensville and authorized to publish legal notices at least three days prior to the date of such hearing. At such hearing the applicant shall furnish proof of notice and the applicant and any other persons deeming themselves affected thereby shall be fully heard. A temporary dwelling permit shall be granted only if the Town Board finds

that the temporary dwelling applied for will not substantially interfere with the health, safety, morals or welfare of the general public, or the economic welfare and continuing development of the Town. Each such permit shall be granted for a period of two years only and may be subject to other reasonable conditions and restrictions fixed by the Town Board. Failure to comply with conditions and restrictions in permit shall be cause for revocation.

Section 7. The requirements of this ordinance shall not apply to the temporary dwelling located in the Town of Owensville prior to the effective date of this ordinance, but if any such temporary dwelling is removed and replaced with another after said effective date, this ordinance shall apply to such replacement.

Section 8. The Town Marshal of the Town of Owensville shall have the power to order the owner of any land in the Town of Owensville to remove any temporary dwellings located thereon for which no valid temporary dwelling permit is in existence within a period of ten days from the date of such order. Such order may be given in person, or by posting a notice thereof upon a readily visible portion of the temporary dwelling. If notice is given by posting, a copy thereof shall be mailed to the owner by first class United States Mail with sufficient postage affixed.

Section 9. Any person who shall be found guilty of violating any of the provisions of this ordinance or who interferes in any way whatsoever with the due process of enforcement of this ordinance, or who does not obey within the time fixed any order issued pursuant to this ordinance, shall be subject to a fine in the amount of \$50.00. Each temporary dwelling involved shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Section 10. The Town Board of Owensville, or any person or persons, firm or corporation, jointly or severally aggrieved, may institute a suit for injunction in Gibson Circuit Court to restrain any person from violating the provisions of this ordinance or may institute a suit in said court for mandatory injunction directing any person to remove a temporary dwelling which is in violation of the provisions of this ordinance. (Ord 1970-1-B; no date)

CHAPTER 11

COMPENSATION

Sections:

- 11.1.1 Compensation for Elected Officials
- 11.1.2 Council Members
- 11.1.3 Clerk Treasurer
- 11.1.4 Deputy Clerk
- 11.1.5 Utility Clerk
- 11.1.6 Extra Office Help
- 11.1.7 Town Attorney
- 11.1.8 Town Marshal
- 11.1.9 Deputy Town Marshal
- 11.1.10 Municipal Works Supervisor
- 11.1.11 Water and Sewage Plant Operator
- 11.1.12 Senior Salaried Full Time Worker
- 11.1.13 Junior Salaried Full Time Worker
- 11.1.14 Part Time Worker
- 11.1.15 Compensatory Time
- 11.1.16 Vacation
- 11.1.17 Hospitalization Insurance
- 11.1.18 Mileage
- 11.1.19 Holidays
- 11.1.20 Sick Days

Section 11.1.1 Compensation of Elected Officials

An ordinance of the Town of Owensville, Indiana fixing the compensation of the elected officials and all appointed employees for the year ending December 31, 2006.

Section 11.1.2 Council Members. The compensation of the **Council Members** of the town shall be fixed at \$5,700.00 per year per member. Payable monthly on the first of each month. Compensation shall be payable from the following funds in the amount of:

GENERAL FUND:	\$5,700.00
WATER UTILITY:	\$5,700.00
SEWER UTILITY:	\$5,700.00

Each council member shall receive \$475.00 per month minus deductions.

Section 11.1.3 Clerk Treasurer. The compensation of the **Clerk Treasurer** shall be fixed at \$1152.35 per payroll. Compensation shall be payable bi-weekly on Fridays from the GENERAL, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.4 Deputy Clerk. The compensation of the **Deputy Clerk** shall be fixed at a rate no less than \$8.50 per hour and not more than \$13.42 per hour. Compensation shall be payable bi-weekly on Fridays from the GENERAL, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.5 Utility Clerk. The compensation of the **Utility Clerk** shall be fixed at a rate no less than \$8.50 per hour and not more than \$11.76 per hour. Compensation shall be payable bi-weekly on Fridays from the WATER AND SEWER UTILITY funds.

Section 11.1.6 Extra Office Help. The compensation of the **Extra Office Help** shall be fixed at a rate no less than \$8.50 per hour and not more than \$11.42 per hour. Compensation shall be payable biweekly on Fridays from the WATER AND SEWER UTILITY funds.

Section 11.1.7 Town Attorney. The compensation of the **Town Attorney** shall be fixed at \$4,800.00 per year. Said compensation to be paid monthly from the GENERAL, WATER UTILITY AND SEWER UTILITY funds, as follows:

GENERAL FUND:	\$1,600.00
WATER UTILITY:	\$1,600.00
SEWER UTILITY :	\$1,600.00

Section 11.1.8 Town Marshal. The compensation of the **Town Marshal** shall be fixed at a rate of no less than \$961.54 and not more than \$1,402.87 per payroll. Compensation shall be payable bi-weekly on Fridays from the GENERAL fund.

Section 11.1.9 Deputy Town Marshal. The compensation of the **Deputy Town Marshal** shall be fixed at a rate of no less than \$961.54 and not more than \$1,133.00 per payroll. No overtime will be paid to deputies. Gibson County Sheriff Department will handle calls when Town Marshal is not available. Compensation shall be payable biweekly on Fridays from the GENERAL fund.

Section 11.1.10 Municipal Works Supervisor. The compensation of the **Municipal Works Supervisor** for the town and the utility shall be fixed at a rate no less than \$13.13 and not more than \$17.20 per hour. Compensation shall be payable bi-weekly on Fridays from the MVH, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.11 Water and Sewage Plant Operator. The compensation of the **Water and Sewage Plant Operator** shall be fixed at a rate no less than \$13.13 and not more than \$16.44 per hour. Compensation shall be payable bi-weekly on Fridays from the WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.12 Senior Salaried Full Time Worker(s) The compensation of the **Senior Salaried Full Time Worker(s)** shall be fixed at a rate no less than \$11.23 and not more than \$13.13 per hour. Compensation shall be payable bi-weekly on Fridays from the MVH, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.13 Junior Salaried Full Time Worker. The compensation of the **Junior Salaried Full Time Worker(s)** shall be fixed at a rate no less than minimum wage and not more than \$11.23 per hour. Compensation shall be payable bi-weekly on Fridays from the MVH, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.14 Park Time Worker(s).The compensation of the **PART TIME WORKER(S)** shall be fixed at a rate no less than minimum wage and no more than \$10.54 per hour. Compensation shall be payable bi-weekly on Fridays from the MVH, WATER UTILITY AND SEWER UTILITY funds.

Section 11.1.15 Compensatory Time. Any employee of the Street Department or Water or Sewer Utility working more than 40 hours per week shall be given compensated time at a rate of one and one-half times. In addition, any employee of the Street Department or Water or Sewer Utility called out after completion of the employee's regular 8 hour shift shall be given compensated time at a rate of one and one-half times only for the time the employee works on the separate call-out after the employee has completed his or her regular eight hour shift. All overtime must receive the supervisor's prior authorization. All overtime must be documented. Overtime is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. Compensatory time off may be accumulated up to a maximum of forty hours. More than forty hours compensatory time off may not be accumulated. The employee of the Street Department or Water or Sewer Utility who has weekend duty will be given one day off for weekend duty performed. The one day must be taken within the week of the weekend duty time and cannot be accumulated. If the employee of the Street Department or Water or Sewer Utility with weekend duty works more than eight hours during such weekend duty with the approval of the supervisor, then the employee shall be entitled to compensated time for all work in excess of eight hours as provided above.

Section 11.1.16 Vacation. All regular full time employees shall be given five working days vacation upon completion of one full year of service. Ten working days vacation shall be given upon completion of two full years of service, and 15 working days vacation upon completion of five full years of service. Vacation days must be taken and cannot accumulate. Vacation days must be approved by the department head and reported to the payroll officer.

- a. Any new hire will need to work for one full year of service from date of hire before vacation will be received. At this time, vacation time will be prorated from anniversary date until the end of the year at 3/8 day per month. Prorated vacation time will not be allowed to accumulate.

All unused compensated time and vacation time shall be paid to such employee at the time the employee leaves the employment of the town.

Section 11.1.17 Insurance. The hospitalization insurance shall be provided by the town at the expense of the town with the exception of \$5.00 per month. The amount is to be withheld from the employee's paycheck once during the month. All regular full time employees and the elected Clerk Treasurer qualify for this coverage unless covered by another plan. Those employees covered by Medicare and / or Medicaid shall be offered a supplemental plan at the same rate. Part-time help may be covered by insurance upon the town council discretion. Town council members do not qualify for coverage.

AFLAC and Western Southern Insurance will be made available at the employees cost and deducted from their paychecks. The town will pay no premium.

A deferred compensation plan will be made available to all part-time and full-time employees and deducted from their paychecks. The town will contribute to the deferred compensation plan of those full-time eligible employees who choose to be a part of the deferred compensation plan. The town will match an eligible employee's contribution up to 3.5% of the gross salary for those who are eligible. Those who are considered to be eligible will be those full-time employees with one full year of service from the date of hire. The contribution will be paid from the funds in which the employee is paid.

Section 11.1.18 Mileage. Mileage shall be reimbursed to employees and elected officials when their own personal vehicles are used for town business at a rate of \$.405 cents per mile. Compensation to be made from applicable fund.

Section 11.1.19 Holidays. All town employees shall receive holiday pay for the following holidays: NEW YEAR'S DAY, GOOD FRIDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, VETERAN'S DAY, THANKSGIVING DAY, THE DAY AFTER THANKSGIVING, CHRISTMAS EVE, CHRISTMAS DAY, ELECTION DAY when held in Town Hall, and PRIMARY ELECTION DAY when held in Town Hall.

The town shall pay for uniforms for full-time police officers and full-time street, water and sewer employees.

Section 11.1.20 Sick Days All regular full-time employees shall receive seven sick days per year with pay. Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of twenty-eight calendar days worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence, unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment. Paid sick leave can be used in minimum increments of one hour. Sick days must be recorded by the department head and payroll officer.

- a. Sick days for new hire will be prorated on 5/8 day per month after go-day period of probation until end of that year. Prorated sick days during the first annual year will be allowed to accumulate into the following year.

(Ord 3; September 14, 1915; Amended 1978-01; Amended 1978-01-A; Amended 1978-01-B; Amended 1978-01-C; Amended 1979-02, Amended 1979-02-A; Amended 1979-02-B; Amended 1979-02-C; Amended 1979-05; Amended 1980-02; Amended 1980-02-A; Amended 1980-02-B; Amended 1980-03;

Amended 1981-01; Amended 1981-01-A; Amended1981-01-B; Amended 1981-01-C; Amended1981-04;
Amended1981-04-A; Amended 1981-04-B; Amended 1982-13; Amended 1982-13-A; Amended 1982-13-
B; Amended 1982-13-C; Amended 1982-13-D; Amended 1983-02; Amended 1983-02-A; Amended 1983-
03; Amended 1983-03-A; Amended 1984-01; Amended 1984-08; Amended 1985-02; Amended 1985-08;
Amended 1986; Amended 1988; Amended 1991-92; Amended 1992-08; Amended 1993-07; Amended
1994-05; Amended 1994-10; Amended 1995-01; Amended 1995-04; Amended 1995-05; Amended 1995-
10; Amended 1995-11; Amended 1995-12; Amended 1995-13; Amended 1995-14; Amended; 1995-15;
Amended 1996-01; Amended 1996-04; Amended 1996-09; Amended 1997-02; Amended 1997-03;
Amended 1997-06; Amended 1997-07; Amended 1997-08; Amended 1998-05; Amended 1998-06;
Amended 1998-08; Amended 1998-10; Amended 1999-01; Amended 1999-04; Amended 1999-06;
Amended1999-07; Amended 2000-01; Amended 2000-02; Amended 2000-06; Amended 2000-08;
Amended 2000-09; Amended 2000-10; Amended 2000-11; Amended2001-01; Amended 2001-03;
Amended 2002-01; Amended 2002-02; Amended 2003-02; Amended 2003-03; Amended 2003-04;
Amended 2004-04; Amended 2004-8; Amended 2005-03; Amended 2005 -04; October 10, 2005.)

CHAPTER 12

UTILITIES

WATER

Section:

12.1.1 Issuance of Bonds

Section 12.1.1 Issuance of Bonds

Section 1. That the Town of Owensville now acquire the waterworks serving said Town and proceed with the construction of such repairs, extensions, additions and improvements in and to said waterworks system, so as to furnish the Town and its inhabitants with an adequate, public water supply, and that said construction be carried out in accordance with the plans, specifications and estimates prepared by the said consulting engineer employed by the Town, and pursuant to the provisions of Chapter 76 of the Acts of 1913 and the acts amendatory thereof and supplemental thereto, particularly Chapter 190 of the Acts of 1933. For the purpose of providing funds with which to pay the cost of acquisition and said construction, including incidental expenses, the Town of Owensville shall issue and sell its thereto subsequently constructed or acquired; or, in the event of default as hereinafter provided, from the proceeds derived from the sale of said waterworks system, including all extensions thereof and additions and improvements there to subsequently constructed or acquired.

Section 2. Said bonds shall be in an amount not exceeding Forty Thousand Dollars, in the denomination of One Thousand Dollars, numbered consecutively from 1 up, dated as of June 16, 1941, bearing interest at a rate not exceeding 3 ½ percent per annum, (the exact rate to be determined by bidding), payable on the first day of January 1942, and semi-annually thereafter on the first days of January and July in each year, which interest shall be evidenced by coupons attached to said bonds. Both principal and interest of said bonds shall be payable at the First National Bank of Owensville, Indiana, in lawful money of the United States of America. Said bonds shall mature on the dates and in the amounts as follows:

January	1	1943	\$1000.00	January	1	1959	\$1000.00
January	1	1944	\$1000.00	July	1	1959	\$1000.00
January	1	1945	\$1000.00	January	1	1960	\$1000.00
January	1	1946	\$1000.00	July	1	1960	\$1000.00
January	1	1947	\$1000.00	January	1	1961	\$1000.00
January	1	1948	\$1000.00	July	1	1961	\$1000.00
July	1	1949	\$1000.00	January	1	1962	\$1000.00
January	1	1949	\$1000.00	July	1	1962	\$1000.00
July	1	1949	\$1000.00	January	1	1963	\$1000.00
January	1	1950	\$1000.00	July	1	1963	\$1000.00
July	1	1950	\$1000.00	January	1	1964	\$1000.00
January	1	1951	\$1000.00	July	1	1964	\$1000.00
July	1	1951	\$1000.00	July	1	1964	\$1000.00
January	1	1952	\$1000.00				
July	1	1952	\$1000.00				
January	1	1953	\$1000.00				
July	1	1953	\$1000.00				
January	1	1954	\$1000.00				
July	1	1954	\$1000.00				
January	1	1955	\$1000.00				
July	1	1955	\$1000.00				
January	1	1956	\$1000.00				
July	1	1956	\$1000.00				
January	1	1957	\$1000.00				
July	1	1958	\$1000.00				

The bonds of this issue maturing on and after July 1, 1950 shall be redeemable at the option of the Town on July 1, 1950, or any interest payment date thereafter, in their inverse numerical order, at the par value thereof on the date of redemption, plus a premium of two per cent of the face value thereof. Notice of

such redemption shall be given at least thirty days prior to the date fixed for such redemption by publication at least one time in a newspaper of general circulation published in the Town of Owensville and a daily newspaper or financial publication published in the City of Indianapolis, Indiana. If any of the bonds so to be redeemed are registered, such notice shall be mailed to the address if the registered holder as shown on the registration records of the Town. The notice shall specify the date and place of redemption and the numbers of the bonds called for redemption. The place of redemption may be the First National Bank of Owensville in the Town of Owensville, or otherwise as determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if funds are available at the place of redemption to pay the principal and interest of the bonds so called for redemption on the date so named or when presented for payment.

Said bonds shall be signed in the name of the Town of Owensville by the President of the Board of Trustees of said Town, and shall be attested by the Clerk-Treasurer who shall affix the seal of said Town to each of said bonds. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of said officers and said officers, by the execution of said bonds, shall adopt as and for their own proper signatures their facsimile signatures appearing on said coupons. In case any of the officers whose signatures appear on said bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until the delivery of the bonds.

Said bonds shall be negotiable by delivery unless registered. Upon the presentation of the bonds at the office of the Clerk-Treasurer in the Town of Owensville, said Clerk-Treasurer shall register said bonds without charge or expense to the holder, as to the principal thereof. Such registry shall be noted on the bonds, after which no transfer thereof will be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on the bonds, but said bonds may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of any bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery only and shall remain payable to bearer.

Section 3. The form and tenor of said bonds, and the interest coupons to be attached thereto, and the form of registry endorsement thereon, shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA, State of Indiana, County of Gibson, No. _____, \$1,000.00, TOWN OF OWENSVILLE WATERWORKS REVENUE BOND

The Town of Owensville, in Gibson County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal sum of ONE THOUSAND DOLLARS on the _____ day of _____, 19____, and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent (__ %) per annum, payable on the first days of January and July in each year, beginning on January 1, 1942, upon presentation and surrender of the annexed coupons as they severally become due. If not paid at maturity, interest on this bond and the annexed coupons shall accrue at the legal rate until paid. Both principal and interest of this bond are payable in lawful money of the United States of America, at the First National Bank of Owensville, in the Town of Owensville, Indiana. This bond is one of an issue of forty bonds of the Town of Owensville, Indiana, of like date, denomination and tenor, except as to dates of maturity, in the amount of Forty Thousand Dollars numbered consecutively from 1 to 40 , both inclusive, duly authorized and issued for the purpose of providing funds to pay the cost of acquiring and improving a water-works system to be owned and operated by said Town, pursuant to an ordinance adopted by the Board of Trustees of said Town on the _____ day of May, 1941, entitled "An Ordinance authorizing the issuance of water-works revenue bonds by the Town of Owensville, Indiana, for the purpose of providing funds to pay the purchase price and cost of making certain repairs, extensions, additions and improvements of and to the waterworks system, serving said Town, and providing for the collection, segregation and distribution of the revenues of said waterworks system, and for safeguarding the interests of the holders of said bonds, and other matters connected therewith", and in strict compliance with the provisions of Chapter 76 of the Acts of the Indiana General Assembly for the year 1913, and all acts amendatory thereof and supplemental thereto, and Chapter 190 of the Acts of 1933.

The principal and interest of this bond and all other bonds of said issue are secured by and constitute (a) a first charge upon the net revenues (herein defined as the gross revenues after deduction only for the reasonable expenses of operation and maintenance) of said waterworks system, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired, out of which net revenues there is to be deposited in a special "Bond and Interest Retirement Fund" created by said ordinance a sum sufficient to pay the principal of and interest on all of said bonds; and (b) a first charge and lien upon the property of said water-works system, including an extensions thereof and additions and improvements thereto subsequently constructed or acquired. This bond is payable only from said "Bond and Interest Retirement Fund" created by said ordinance, and does not constitute an indebtedness of the Town of Owensville within the provisions and limitations of the Constitution of the State of Indiana.

The Town of Owensville covenants that it will fix, maintain and collect an aggregate of rates and charges for the services rendered by said water-works system which will be sufficient to par all costs of operation, and maintenance of said system, to provide for proper and adequate depreciation, and to create and maintain said Bond and Interest Retirement Fund required for the payment of this issue of bonds, and will in all other respects faithfully comply with all of the provisions of the statutes pursuant to which this bond is issued, In the event the Town shall make any default in the payment of the principal of or interest on this bond, the holder hereof shall have all of the rights and remedies provided for in the governing statutes hereinabove referred to, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest thereon, and in addition thereto the right to have a receiver appointed to operate said water-works system, or to sell the same and apply the proceeds derived from such sale to the payment of the principal of and interest on this bond.

This bond and all other bonds of said issue shall, in the hands of bona fide holders, have all of the qualities of negotiable instruments under the negotiable instruments law of the State of Indiana. This bond may be registered in the name of the owner in the manner and with the effect provided in said ordinance, but unless registered shall pass by delivery. The interest coupons annexed hereto shall at all times pass by delivery.

The bonds of this issue maturing on and after July 1, 1950 are redeemable at the option of the Town of Owensville on July 1, 1950 or any interest payment date thereafter, in their inverse numerical order, at par value plus a premium of two per cent, provided notice of such redemption shall be given at least thirty days prior to the date fixed for such redemption by one publication in a newspaper of general circulation published in the Town of Owensville and a daily newspaper or financial publication published in the City of Indianapolis, Indiana, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if funds are available at the place of redemption to pay the principal and interest of the bonds so called for redemption on the date so named, or when presented for payment.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and complete execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.
(June 16, 1941)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk-Treasurer of Owensville, Indiana. No writing hereon except by the Clerk-Treasurer. Date of Registry - In Whose Name Registered - Clerk-Treasurer

Section 4. The Clerk-Treasurer is hereby authorized and directed to have said bonds and coupons prepared, and the President of the Board of Trustees and the Clerk-Treasurer are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form, and manner hereinbefore provided, The Clerk-Treasurer is hereby authorized and directed to sell said bonds. Prior to the sale of said bonds, the Clerk-Treasurer shall cause a notice of such sale to be published at least once each week for two weeks in one newspaper of general circulation published in the City of Princeton, and one published in the Town of Owensville, also one time in the Indianapolis Commercial, a newspaper published in the City of Indianapolis. Said notice shall state the time and place of sale, the character of said bonds, the purpose for which the same are being issued, the amount offered for sale, the maximum rate of interest thereon, the time and place of payment, the terms and conditions upon which bids will be received and the sale made, including among others that bidders shall state in their bids the rate of interest which the bonds are to bear, and that the interest rates bid on shall be in multiples of one-fourth

of one per cent and not more than one interest rate shall be named by each bidder, and that the highest bidder shall be the one who offers the lowest net interest cost to the City, computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. The Clerk-Treasurer shall have full right to reject any and all bids, and in the event she shall receive no satisfactory bid for said bonds at the time fixed in said notice, she shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid has been received.

Prior to the sale of said bonds the Clerk-Treasurer shall obtain a legal opinion as to the validity of said bonds from competent bond counsel whose opinions are acceptable to bond purchasers generally, and shall furnish such opinion to the purchaser of said bonds. The cost of such opinion shall be considered as a part of the cost of the project hereinbefore referred to, and shall be paid out of the proceeds of said bonds.

After said bonds, or any part thereof, have been awarded, the Clerk-Treasurer shall be authorized to deliver said bonds to the purchaser upon payment of the purchase price, which shall not be less than the face value of said bonds, plus accrued interest thereon from the date thereof to the date of delivery.

In the event the Clerk-Treasurer and consulting engineer shall determine that it will not be necessary to sell the maximum amount of bonds authorized to be issued by this ordinance, in order to obtain funds required to be furnished by the Town, then the Clerk-Treasurer shall be authorized to sell such lesser amount, not less than the total amount of \$35,000.00 however, and the bonds not sold shall be out of the longest maturity or maturities, and such bonds shall not be executed, or issued except upon further order of the Board of Trustees.

Section 5. All accrued interest received at the time of the delivery of the bonds shall be paid into the Bond and Interest Retirement Fund hereinafter created. The remaining proceeds from the sale of the bonds, and any other funds received for use on the project, shall be deposited in a bank or banks duly designated as the depository or depositories for funds of the Town, in accordance with the provisions of Chapter 3 of the Acts of 1937, and all acts amendatory thereof or supplemental thereto, in a special account or accounts to be designated as "Town of Owensville, Water-works Construction Account", and each of such special accounts shall be continuously secured in the manner provided by the depository laws of the State of Indiana. The funds in such special account or accounts shall be expended only for the purpose of paying the cost of construction of said water-works system, including the purchase price of the necessary real estate, the incidental expenses incurred in connection with such construction, and the issuance of bonds, and for the payment of interest accruing on the bonds during the construction period. Any balance or balances remaining un-expended in such special account or accounts, after completion of such system, which are not required to meet unpaid obligations incurred in connection therewith, or bond interest during construction, shall be paid into said Bond and Interest Retirement Fund, and, together with the accrued interest received at the time of the delivery of the bonds, shall be used solely for the payment of the interest on or principal of the bonds.

Section 6. The Town shall keep proper books of record and account, separate from all of its other records and accounts, in which complete and correct entries shall be made of all transactions relating to the water-works system showing all revenues collected from the operation thereof and all disbursements made therefrom. There shall be prepared and furnished to the original purchaser of the bonds, so long as any of the bonds are held by such purchaser, and, upon written request, to any holder of any of the bonds not more than thirty days after the close of each annual fiscal period, complete operating and income statements of the system, in reasonable detail, covering such annual period, which statements shall be certified by the Clerk-Treasurer and approved by the Board of Trustees. Copies of all of such statements and reports shall be kept on file in the office of the Clerk-Treasurer. The holders of any of the bonds shall have the right at all reasonable times to inspect the system and all records, accounts and data of the Town relating thereto.

Section 7. The Town shall, by ordinance, establish just and equitable rates and charges for the services rendered by said water-works system, to be paid by every consumer of the service to be rendered by said water-works system. Such rates or charges shall be sufficient in each year to pay all expenses incident to the operation of the system, including maintenance cost, operating charges, upkeep, repairs, interest charges on the bonds, and to provide for depreciation; also, to provide a sinking fund for the liquidation of the bonds and adequate funds to be used as working capital, as well as funds for making extensions, additions and replacements, and for the payment of any taxes that may be

assessed against such system or the revenues thereof. Such rates or charges shall, if necessary, be changed or re-adjusted from time to time so that the revenues therefrom shall always be sufficient to maintain and operate said system in a proper manner and to provide for the servicing of the bonds. The rates or charges so established shall apply to all consumers of the service provided by said water-works system, including service rendered by such system to the Town, and the consumer shall pay for services rendered as the charges accrue. All revenues collected pursuant to this section shall be deemed to be the revenues of said water- works system.

Section 8. All revenues derived from the operation of said water-works system shall be segregated and kept separate and apart from all other funds of the Town, and such revenues shall be deposited in and credited to a special fund to be known as "Water-Works Utility Fund", which fund and the various accounts thereof shall be deposited and continuously secured in accordance with the provisions of Chapter 3 of the Acts of the Indiana General Assembly for the year 1937, and all acts amendatory thereof and supplemental thereto, governing the deposit of public funds. Said funds shall be disbursed through three accounts as follows:

- (a) Operation and Maintenance Account: There shall be set aside into the Operation and Maintenance Account a sufficient amount of the revenues of the water-works system as shall be necessary to pay the reasonable and proper cost of maintenance and operation of the system as the same accrue, including all taxes payable on the property of the water-works system or on account of the revenues received therefrom.
- (b) Bond and Interest Retirement Fund Account. There shall be set aside semi-annually at least fifteen days prior to the first days of January and July of each year, beginning with the let day of January, 1942, into the Bond and Interest Retirement Fund Account, such an amount of the net earnings of said water-works system as is necessary to pay the principal and Interest requirements on the bonds herein authorized which will be due and payable on the next succeeding 1st day of January or July, as the case may be, In no event shall said sum be less than sufficient to meet the payment of the principal of or interest on said bonds as the same becomes due and payable, The Clerk-Treasurer is hereby authorized and directed to make such transfer and apply the Bond and Interest Retirement Fund Account to the payment of the bonds and interest coupons without further order or direction of the Board of Trustees,
- (c) Special Water-Works Utility Account. There shall be set aside into the Special Water-Works Utility Account all of the revenues of the system remaining after provision has been made for the Operation and Maintenance Account and the Bond and Interest Retirement Fund Account. The funds in said account shall be expended in making good depreciation in said water-works system, or in new construction, extensions, betterments or additions to said system. Transfers from the Special Water-Works Utility Account may be made to the Operation and Maintenance Account or the Bond and Interest Retirement Fund Account whenever the funds credited to said accounts are insufficient for the purposes thereof. In the event the Special Water-Works Utility Account shall exceed the sum of Three Thousand Dollars, then the Clerk- Treasurer may, and upon direction of the Board of Trustees shall, apply any such excess funds to the purchase of outstanding bonds of the issue herein authorized, at a price not exceeding the face value of such bonds plus accrued interest, together with a premium of not to exceed two per cent of the face value of the bonds; provided always that the bonds be available for purchase within the price limitations herein fixed, and that in no event shall any such purchase be made which will cause the Special Water-Works Utility Account to be reduced below the amount of Three Thousand Dollars. All bonds so purchased shall immediately be cancelled and shall not thereafter be re-issued. Any accumulation in said account over and above the sum of Three Thousand Dollars may also be invested in direct obligations of the United States Government.

Section 9. For the purpose of further safeguarding the interests of the holders of said bonds, it is specifically provided as follows:

- (a) On all contracts let for the construction of said repairs, extensions, additions and improvements, the contractor shall be required to furnish surety bonds in an amount equal to one hundred per cent of the amount of their contracts, to insure the completion of said contracts in accordance with their terms. Such contractor's shall also be required to carry employer's liability and public liability insurance to the extent ordinarily required on public works.
- (b) The work shall be contracted for and constructed under the supervision of and subject to the

approval of competent engineers employed by the Town. All estimates for work done and material furnished shall be checked by the consulting engineer and approved by the Board of Trustees of the Town, and no work shall be accepted as completed without the approval of the consulting engineer.

- (c) The Town shall at all times maintain said system in good condition and operate the same in an efficient manner and at a reasonable cost.
- (d) So long as the bonds herein authorized are outstanding, the Town shall maintain insurance for the benefit of bondholders on the insurable parts of the system, of a kind and in an amount such as would normally be carried by a private company engaged in a similar type of business. All insurance shall be placed with reputable insurance companies qualified to do business under the laws of the State of Indiana, and insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or shall be deposited in the Water-Works Utility Fund and credited to the Bond and Interest Retirement Fund Account.
- (e) So long as any of the bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber said water-works system, or any part thereof, except as herein provided, and shall not sell, lease or dispose of any part thereof, nor shall the Town transfer or use any portion of the revenues derived from the operation of said water-works to any fund or for any purpose not herein specifically authorized.
- (f) So long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said water- works system shall be issued by the Town unless the same be made junior and subordinate in all respects to the bonds herein authorized.
- (g) The Town of Owensville covenants that it will cause to be installed and maintained not less than 35 fire hydrants, and that the annual hydrant rental to be paid by the town to its Water-Works Department shall not be less than Seventy Dollars per hydrant, which rental the Board of Trustees now finds to be just and reasonable. Said hydrant rental shall be paid semi-annually as the same accrues. The revenue from said fire hydrant rental shall be deemed to be revenue derived from the operation of the water-works system, and shall be used and accounted for in the same manner as other revenues derived from said system.
- (h) Any holder of the revenue bonds shall have all of the rights, remedies and privileges either expressly set forth in or implied by any of the governing acts hereinabove referred to, including the right to compel the collection of sufficient rates and charges to provide for the operation and maintenance of the water-works system and for the payment of the bonds and the interest thereon; also the right to have a receiver appointed to maintain and operate said water-works system, in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the bonds. If there be a default for a period of six months in respect to any payment of interest on or principal of the bonds, the Court appointing such receiver may declare the whole amount of said bonds due and payable, and may order and direct the sale of the water-works system. Under any sale so ordered the purchaser shall be deemed to succeed to the rights of the Town to maintain and operate said water-works and to furnish the public water supply to the Town and its citizens; provided always that in the event any part of said water-works system shall be located on real estate owned by the Town, not acquired from the proceeds of the sale of the bonds herein authorized, or from the revenues of the water-works system, then such sale shall not include such real estate but only the property of the water- works system located thereon.
- (i) The provisions of this ordinance shall constitute a contract between the Town of Owensville and the holders of the bonds herein authorized to be issued, and after the issuance of such bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of said bonds, nor shall the Board of Trustees of the Town of Owensville adopt any law, ordinance or resolution in any way adversely affecting the rights of said holders so long as said bonds or the interest thereon remain unpaid.

- (j) The provisions of this ordinance shall be construed to create a trust in the proceeds derived from the sale of the bonds herein authorized, for the uses and purposes set forth herein, and so long as any of the bonds are outstanding, the provisions of this ordinance shall also be construed to create a trust in the portion of the net revenues of the system herein directed to be set apart into the Bond and Interest Retirement Fund Account for the uses and purposes of said account as in this ordinance set forth.

- (k) None of the foregoing provisions shall be construed as requiring the expenditure of any funds for the construction, operation, maintenance or improvement of said water-works system which are derived from sources other than the proceeds of the revenue bonds herein authorized, the federal grant hereinbefore referred to, and revenue derived from the operation of said water-works system. (Ord 1941-A; June 3, 1941)

CHAPTER 12.2

UTILITIES

WATER

Sections:

12.2.1 Protection for Public Water System

Section 12.2.1 Protection for Public Water System

Section 1. That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Owensville water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

Section 2. That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Owensville, may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Owensville Water Department and by the Environmental Management Board in accordance with Rule 320 IAC 39.

Section 3. That it shall be the duty of the Owensville Water Department to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Owensville Water Department.

Section 4. That upon presentation of credentials, the representative of the Owensville Water Department shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of Owensville, for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections,

Section 5. That the Owensville Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

Section 6. That, if it is deemed by the Owensville Water Department that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town of Owensville, and delivered to the consumer's premises, service may be immediately discontinued, The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance.

Section 7. That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced- pressure-principle backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

Section 8. That this ordinance does not supersede the State Uniform Plumbing Code or any Town of Owensville plumbing ordinance, but is supplementary to them. (Ord 1986 – no date)

CHAPTER 12.3

UTILITIES

WATER

Sections:

- 12.3.1 Special Elections
- 12.3.2 Contract with Gibson County Water
- 12.3.3 Removal of Water Utility from Indiana Public Service
- 12.3.4 Water Construction Standards

Section 12.3.1 Special Elections

WHEREAS, at a Special Election held April 2, 1940, in the Town of Owensville, Indiana, the voters of said Town voted upon the Proposition:

“Shall the Town of Owensville, Indiana, acquire, hold, maintain and operate the water-works property serving said Town and its inhabitant, in accordance with the provisions of Chapter 129 of the Acts of the Indiana General Assembly of 1905 and the acts supplementary thereto and amendatory thereof, Burns Statutes Section 48-7201 and Section 48-7301 and other applicable laws of this State, and pursuant to a Declaratory Resolution No. 1 adopted by the said Board of Trustees of Owensville on the 9th day of March, 1940.” and,

WHEREAS, at said election two hundred sixty-three ballots were cast in favor of said proposition and forty-three ballots were cast against it; and

WHEREAS, the Board of Election Commissioners who served at such Special Election has filed with the Clerk of the Circuit Court of Gibson County, Indiana, and with the Clerk of said Town, a verified statement of votes cast for and against said proposition at said election, which statement has been presented to the Board by said Town-Clerk;

Section 1. That said certified statement of said Board of Election Commissioners be, and the same is, hereby accepted and ordered filed in the permanent records of said Town.

Section 2. The action of the voters, as expressed in such Special Election whereby said voters approve the Town acquiring, holding, maintaining and operating the water-works property serving said Town and its inhabitants, is hereby ratified and approved and said Board hereby determines to take necessary steps to carry out such undertaking.

Section 3. This ordinance shall be in full force and effect from and after its passage.
(Ord B May 6, 1940)

Section 12.3.2 Gibson Water Inc.

WHEREAS, the Town of Owensville, acting by and through its duly elected Town Board and for and on behalf of its Municipal Water Department, has negotiated a contract with Gibson Water, Inc., an Indiana nonprofit corporation, for sale of water to said corporation for distribution through its lines to the public; and,

WHEREAS, such contract is in the best interest of the Town of Owensville and its Municipal Water Department;

NOW, THEREFORE, BE IT ORDAINED, That the Town of Owensville, for and on behalf of its Municipal Water Department, enter into a water service contract with Gibson Water, Inc., dated October 17, 1979,

upon the terms and in the form set forth on a copy of such contract which is attached to and incorporated into this ordinance by reference.

BE IT FURTHER ORDAINED that the Board of Trustees of the Town of Owensville be and they are hereby authorized to execute and deliver said contract for and on behalf of the Town of Owensville, and Shirley York, Town Clerk, be and she is hereby authorized to attest the same for and on behalf of the Town of Owensville.

BE IT FURTHER ORDAINED that said contract shall be in full force and effect as soon as the same has been fully and completely executed and delivered by both parties thereto. (Ord 1979-09; December 28, 1979)

Section 12.3.3 Removal of Water Utility from Indiana Public Service

Section 1: The following question shall be submitted to the registered voters of the town of Owensville, Indiana at the next election to be held on Tuesday, November 6, 1984:

“Shall the municipally owned water utility of the Town of Owensville, Indiana, be taken out of the jurisdiction of the Public Service Commission for approval of rates and charges?”

Section 2: As stated in Indiana Code 8-1.5-39 if a majority of those voting at said election favor taking the municipally owned utility out of the jurisdiction of the Public Service Commission the said water utility shall be removed from the jurisdiction for approval of rates and charges.

Section 3: The Clerk-Treasurer shall cause the question to be submitted to the registered voters of the Town of Owensville at the next election. (Ord 1984-06; August 6, 1984)

Section 12.3.4 Water Construction Standards

The booklet prepared by T.E.C. Consulting Engineers, entitled, “Standard Specifications for Water Main Construction in Owensville, Indiana”, dated May 9, 1988, First Edition, is hereby adopted as the required standards for all future water main construction made, or accepted, by the Town of Owensville, Indiana, acting as the water utility. (Ord 1988 no number; May 9, 1988)

CHAPTER 12.4

UTILITIES

WATER

Sections:

12.4.1 Schedule of Rates and Charges

12.4.2 Water Meter Deposit

Section 12.4.1 Schedule of Rates and Charges

a. Metered rates per month: For the use and the service rendered by the waterworks system of the Town of Owensville, the following rates and charges based on the use of water supplied by said water works system, the following rates shall apply:

MONTHLY WATER USAGE:	MONTHLY RATE PER 100 GALLONS
Per 100 gallons used In town customers	\$0.25
Per 100 gallons used Out of town customers	\$0.50

b. Service Minimum Per Month: Each user shall pay a minimum monthly billing and metered service charge as follows:

In town customers	\$5.00
Out of town customers	\$10.00

c. Fire Protection Service Rate per Annum:

Municipal hydrants -- per hydrant	\$168.00
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d. Tap Charge: The tap-in fee for all water service customers for a one inch tap-in shall be five hundred dollars. The Town will furnish the meter, meter box, pipe and fittings. The tap-in fee for all water service customers for a one and one-fourth inch tap-in to a two inch tap-in (unmetered) shall be five hundred dollars, whether it is within or outside the corporate limits. All tap-ins that require crossing a paved road or street shall be charged labor and material plus a tap-in fee. All tap-ins and connections larger than two inches shall be the actual cost of labor, overhead and materials, but not less than five hundred dollars (Ord 1994-08; September 12, 1994; Amended Ord 1995-03; May, 1995).

e. Reconnection Charge \$25.00 When the service is turned off for non-payment of bill, or whenever for any reason beyond the control of the waterworks a reestablishment of service is required by any on customer, this charge will be made by the waterworks to cover the cost of discontinuance and re-establishment of service. The charge, together with any arrears due to the waterworks, shall be paid by the customer before service will be re-established. (Ord 2000-3, February 14, 2000)

f. Late payment charges All bills are due and payable by the 29th day of the month at the Owensville Town Hall to avoid disconnection of the water service. All bills for water service not paid by the 15th of the month as stated on said billing card shall be subject to a late charge of 10% of the first \$3.00 and 3% of the balance in excess of \$3.00. This penalty has been pre-calculated by the computer and is shown on the billing card.

g. Bad Check Charge A charge of \$10.00 will be made to any customer who pays his bill by check which is returned to the utility because of insufficient funds.

h. Meter tampering charge Any customer who tampers with his metering service shall be charged for any damage to the equipment or installation. The charge shall include the cost of replacement or repairs to the equipment or installation, and the time involved for labor and utility equipment.

i. Inconsistent Ordinances The provisions of all ordinances inconsistent with this ordinance be and hereby are repealed.

j. Effective Date This Ordinance shall be in full force and effect beginning February 15, 1996. (Ord 1996-02; formerly Ord. 6 August 7, 1978; Amended December 28, 1978; Amended July 13, 1982; Amended November 11, 1991; January 18, 1996)

Section 12.4.2 Water Meter Deposit

Section 1. The deposit of \$100, which is required for new water service customers, applies to the following:

- (a) Any contract purchaser, or
- (b) Any renter of a house or apartment, or
- (c) Any person who does not own the land on which he or she lives.

Section 2. Upon the final notice of disconnect, the deposit shall be applied to the final billing with the remainder of the deposit balance to be refunded without interest to the customer. (Ord 1992-01; March 8, 1993; Amended Ord 1994-06; July 31, 1994; Amended Ord 2004-06; September 13, 2004)

CHAPTER 12.5

UTILITIES

WATER

Section:

12.5.1 Extensions and Replacements Reserve Fund

Section 12.5.1 Extensions and Replacements Reserve Fund

Section 1. There is hereby created among the funds and accounts of the Owensville Water Utility a reserve fund to be known as the "Extensions and Replacements Reserve Fund". This fund shall be used solely for the purposes set forth in Section 2 of this Ordinance unless otherwise authorized by this Board with the express permission of the Public Service Commission of the State of Indiana

Section 2. The Clerk-Treasurer shall set aside from the revenues of the water utility and allocate to the Extensions and Replacements Reserve Fund the sum of \$1,200.00 each month. The Extensions and Replacements Reserve Fund may be used for any of the following purposes:

- (1) maintenance or replacement of water tower;
- (2) maintenance or replacement of water lines;
- (3) maintenance or replacement of water treatment plant;
- (4) any capital improvements for the water treatment and distribution system.

(Ord 1982-11; October 5, 1982; Amended Ord 1996-07; July 8, 1996)

CHAPTER 13

UTILITIES

SEWER

Section:

13.1.1. Connection and Use

Section 13.1.1 Connection and Use

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in the Ordinance shall be as follows:

- a. **“Sewage works”** shall mean all the facilities for collecting, pumping, treating and disposing of sewage.
- b. **“Superintendent”** shall mean the Superintendent of the municipal sewage works of the Town of Owensville, Indiana, or his authorized deputy, agent or representative.
- c. **“Inspector”** shall mean the person or persons duly authorized by the Town, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- d. **“Sewage”** shall mean the combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with ground, surface and storm waters as may be present.
- e. **“Sewer”** shall mean a pipe or conduit for carrying sewage.
- f. **“Public Sewer”** shall mean a sewer which all owners of abutting properties have equal rights and is controlled by public authority.
- g. **“Combined sewer”** shall mean a sewer receiving both surface runoff and sewage.
- h. **“Sanitary Sewer”** shall mean a sewer which carries sanitary sewage, and to which storm, surface, and ground water are not intentionally admitted.
- i. **“Storm drain”** (sometimes called “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- j. **“Sewage treatment plant”** shall mean any arrangement of devices and structures used for treating sewage.
- k. **“Industrial wastes”** shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- l. **“Garbage”** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- m. **“Properly shredded garbage”** shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

- n. **“Sanitary Building drain”** shall mean that part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building which receives the discharge from soil, waste stacks, and branches and conveys the same to a point 3 feet outside the building wall where it connects with its respective building sewer.
- o. **“Building sewer”** shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection)
- p. **BOD** (denoting “Biochemical oxygen demand”) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees C expressed in milligrams per liter..
- q. **“pH”** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- r. **“Suspended solids”** shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.
- s. **“Natural Outlet”** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- t. **“Watercourse”** shall mean a channel in which a flow of water either occurs either continuously or intermittently.
- u. **“Slug”** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constitute or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hours concentration of flows during normal operation.
- v. **“Person”** shall mean any individual, firm, company, association, society, corporation, or group.
- w. **“Shall”** is mandatory; **“May”** is permissive.

Section 2

- a. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property with the Town or in any area under the jurisdiction of said Town any human or animal excrement, garbage, or other objectionable waste.
- b. It shall be unlawful to discharge to any natural outlet within said Town or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- d. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right of way in which there is now located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety days after date of official notice to do so, provided that said public sewer is within one hundred feet of the property line.

Section 3

- a. Where a public sanitary or combined sewer is not available under the provisions of Section 2d, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- b. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of \$5 shall be paid to the Town at the time the application is filed.

- c. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the application for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.
- d. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 2,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- e. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3d, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- g. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- h. When a public sewer becomes available, the building sewer shall be connected to an available public sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Section 4

- a. No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof first obtaining a written permit from the Clerk-Treasurer.
- b. There shall be 2 classes of building sewer permits:
 - 1. For residential and commercial service, and
 - 2. For service to establishments producing industrial wastes. In either case the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Five Dollars for a residential or commercial building sewer permit and Fifteen Dollars for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.
- c. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- d. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- e. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- f. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all

conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

- g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- h. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- i. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- j. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to said Town.

Section 5.

- a. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- b. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewer or storm sewers, or to a natural outlet approved by the said Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the said Superintendent, to a storm sewer, combined sewer or natural outlet.
- c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel, of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinder sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- d. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse

effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will, give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid at vapor having a temperature higher than one hundred fifty degrees F (65 degrees C).

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees F (0 and 65 degrees C).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits, established by the Superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor -producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5

(9) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, line slurries, and line residues) or of dissolved solids (such as, but not limited to sodium, chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

e. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sect 5(d) of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance the Superintendent may:

(1) Reject the wastes

- (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge and/or
- (4) Requirement payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 5(j) of this article.

If the Superintendent permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

- f. Grease, oil anti sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection
- g. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- h. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- i. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the vent that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premise is appropriate or whether a grab sample or should be taken. Normally, but not always, BOD and suspended solids and analyses are obtained from twenty-four hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- j. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

Section 6 No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 7

- a. The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials or identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- b. While performing the necessary work on private properties referred to in Section 7(a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(h).
- c. The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement or agreement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, in said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 8

- a. Any person found to be violating any provision of this ordinance except Section 6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the stated time in such notice, permanently cease all violations.
- b. Any person who shall continue any violation beyond the time limit provided in Sec. 8 (a) shall be guilty of a misdemeanor and on conviction thereof shall be fined in the amount not exceeding ten dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- c. Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

Section 9 All Ordinances or parts of Ordinance in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.
(Ord 1966-A-3; May 5, 1966)

CHAPTER 13.2

UTILITIES

SEWER

Section:

13.2.1 Schedule of Rates and Charges

Section 13.2.1 Schedule of Rates and Charges

Section 1. For the use of and services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate or building that is connected with the Town of Owensville's sanitary sewage system, or otherwise discharges sanitary sewage, industrial waste, water or other liquids either directly or indirectly, into the sanitary sewage system of the Town of Owensville, which rates and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used shall be as follows: (Ord 1966-A-2; April 1, 1967; Amended Ord 1966-A-6; September 7, 1966;

The rates and charges to be paid by the users of the sewage works of the Town shall be revised as follows:

<u>Flow Charge per 1000 Gallons</u>	\$ 9.00
<u>Base Charge Per month:</u>	\$ 9.00
<u>Minimum Charge per month (0-2000 gallons):</u>	\$27.00

All bills are due and payable by the 29th day of the month at the Owensville Town Hall and in conjunction with the water utility billing. A 10% penalty will be charged on the new amount due on all bills paid after the 15th of the month. This penalty will be pre-calculated on the billing card.

All returned check charges, reconnection charges, and such will be covered by the water ordinance for the Town of Owensville.

A tap-in fee of \$400.00 shall be charged to any sewage customer establishing service.

(b) For the services rendered to the Town of Owensville, said Town shall be subject to the same rates and charges as hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential service, the quantity of water obtained from sources other than the water utility serving the Town of Owensville and discharged into the public sanitary sewage system may be determined by the Town in such manner as the proper officers of the Town shall elect and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of Owensville, and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charges, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.

(c) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system either directly or indirectly, is a user of water supplied by the water utility serving the Town of Owensville, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charges, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(d) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and uses water in excess of twenty thousand gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(e) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out herein, except that an additional charge shall be added thereto in the amount of \$1.42 per month for each dwelling unit over one served through the single water meter. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, the quantity of water used through the single water meter shall be prorated to the number of trailer spaces and the sewage rates and charges, including the minimum charge, shall apply to each of the number of trailer spaces. In case of such trailer parks which are not users of water from the Town's waterworks, a charge of \$1.42 monthly shall apply to each the number of trailer spaces.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the Town shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The Town shall have the right to measure and determine the strength and content of all sewage and waste discharge, either directly or indirectly, into the Town's sanitary sewage system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The proper officers of the Town are authorized to prohibit the dumping of waste into the Town's sewage system which in its discretion are deemed harmful to the operation of the sewage disposal works of said Town

Section 4. The terms "sanitary waste" and "industrial wastes" shall be defined as follows:

(a) "Sanitary waste" is defined as waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water-carried waste except industrial waste.

(b) "Industrial wastes" are defined as being the liquid waste or liquid-borne waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of Owensville and shall be collected in the manner provided by law and ordinance. Said rates and charges may be billed to the tenant or tenants occupying the property served unless requested in writing by the owners, but such billing shall in no wise release the owner's from liability in the event payment is not made as herein required. The owners of properties served which are occupied by tenants shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be at the office in which said records are kept and during the hours that such office is open for business.

Billing for sewage rates and charges shall be made monthly and such rates and charges, except as hereinbefore provided, shall be based upon the quantity of water used on or in the property or premises as the same is measured by the water meter therein used, and said metered water usage shall be determined from the meter readings as furnished by the water utility serving the Town.

Section 6. The proper officers of the Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's sewage works, including the sewer system and the treatment plant for the construction and use, of house owners and connections to the sewer system, and for the regulation, collecting, rebating and refunding of rates and charges. (Ord. 1966-A-2, April 1, 1967; Amended Ord 1966-A-4, May 20, 1966; Amended Ord 1966-A-6, September 7, 1966; Amended Ord 1978-7, October 2, 1978; Amended Ord 1984, No Number; March 5, 1984; Amended Ord 1991-003, November 11, 1991; Amended Ord 1994-04, November 14, 1994; Amended 1996-03, February 12, 1996; Amended Ord 2002-05, December 20, 2002)

CHAPTER 13.3

UTILITIES

SEWER

Section:

13.3.1 Summer Sewage Rates

Section 13.3.1 Summer Sewage Rates for Residents

Section 1: In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns for water usage billed in the months of July, August, September and October, the billing for sewage service for residential and/or domestic users billed in said months of July, August, September, and October shall be based on the water usage billed in the previous months of March, April, and May. In the event that the usage billed in the previous months of March, April, and May is greater than the usage billed in said months of July, August, September or October, then the billing for the sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered, Domestic and or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and is used as a residence, Said sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes. In the event a portion of said premises shall be used for commercial or industrial purposes, the owner shall have the right of separating the water service so that the residential portion is served through a separate meter, and such case, the water usage as registered by the water meter serving such portion of the premises used for separate meter would be provided for by the customer desiring separate metering.

Section 2: Ordinance No. 1998-I be and hereby is repealed. (Ord. 1975-03; October 6, 1975; Amended 1978-07; October 2, 1978; Amended Ord 2003-01; May 12, 2003)

CHAPTER 13.4

UTILITIES

SEWER

Sections:

13.4.1 Issuance and Sale of Bonds - 2002

13.4.2 Issuance and Sale of Bonds - 1966

Section 13.4.1 Issuance and Sale of Bonds to Finance Certain Sewage Works Improvements

WHEREAS, the Town of Owensville, Indiana (the "Town"), has heretofore established and constructed and currently owns and operates a sewage works by and through its Town Council (the "Town Council") for the collection and treatment of sewage and other wastes (the "Sewage Works"), pursuant to the provisions of Indiana Code 36-9-23, as amended (the "Act"); and

WHEREAS, the Town Council hereby finds that certain improvements and extensions to the Sewage Works are necessary; and Lamac Engineering Company of Princeton, Indiana, the consulting engineers employed by the Town (the "Consulting Engineers"), have prepared and filed plans, specifications and detailed descriptions and estimates of the costs of the necessary improvements and extensions to the Sewage Works, which plans, specifications, descriptions and estimates, to the extent required by law, have been duly submitted to and approved or will be approved by all governmental authorities having jurisdiction thereover (the improvements and extensions to the Sewage Works as described in the Consulting Engineers' plans and specifications and below in Section 2 hereof are referred to herein as the "Project"), including, without limitation, the Indiana Department of Environmental Management ("Department"); and

WHEREAS, the Town Council further finds that the estimates prepared and delivered by the Consulting Engineers with respect to the costs (as defined in Indiana Code 36-9-23-11) of acquisition, construction, installation and equipping of such improvements and extensions to the Sewage Works (as defined in Indiana Code 36-9-1-8, as amended, and in the Act), and including all authorized costs relating thereto, including the costs of issuance of bonds and, if necessary, bond anticipation notes (the "BANs") on account of the financing thereof, will be in the amount not to exceed One Million Seven Hundred Sixty-Three Thousand Five Hundred Dollars; and

WHEREAS, the Town Council hereby finds that other funds in the form of a grant available to the Town in the amount of Four Hundred Eighty Thousand Dollars have been or will be applied to the cost of the Project, leaving a balance of One Million Two Hundred Eighty-Three Thousand Five Hundred Dollars to be funded with the issuance of sewage works revenue bonds and, if necessary, BANs in a maximum aggregate principal amount of One Million Two Hundred Eighty-Three Thousand Five Hundred Dollars; and

WHEREAS, the Town desires to authorize the issuance of sewage works revenue bonds, payable from the net revenues (as hereinafter defined) of the Sewage Works, and BANs, if necessary, payable from proceeds of such sewage works revenue bonds, issued to finance the aforementioned costs of the Project, and to authorize the refunding of said BANs, if issued; and

WHEREAS, pursuant to Ordinance No. 1966-A-1, adopted by the Board of Trustees of the Town on May 5, 1966, as subsequently amended (as so amended, the 'Prior Ordinance'), the Town has heretofore issued revenue bonds payable from the revenues of the Sewage Works, designated "Town of Owensville Sewage Works Revenue Bonds" (the "Prior Bonds"), currently outstanding in the amount of Seventy-Five Thousand Dollars (\$75,000), bearing interest at the per annum rate of five and one-half percent (5.50%) and maturing in various amounts serially on January 1 in the years 2003 to 2005, inclusive; and

WHEREAS, Section 13 of the Prior Ordinance authorizes the issuance of additional revenue bonds

ranking on parity basis with the Prior Bonds outstanding under the Prior Ordinance for the purpose of financing the cost of future additions, extensions and improvements to the Sewage Works, provided that certain conditions are met; and

WHEREAS, this Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds, on a parity basis with the Prior Bonds, and BANs, if necessary, to provide the necessary funds to be applied to the costs of the Project and all authorized costs relating thereto, have been complied with in accordance with the provisions of the Act and Indiana Code 5-1-14-5; and

WHEREAS, this Town Council consequently seeks to authorize the issuance of revenue bonds and BANs to finance the acquisition, construction, installation and equipping of the Project pursuant to the Act and Indiana Code 5-1-14-5 and the sale of such revenue bonds to the Indiana Bond Bank (the "Bond Bank") pursuant to the provisions of Indiana Code 5-1.5, the State of Indiana (the "State") pursuant to the provisions of Indiana Code 13-18-13 and 327 IAC 13, or at public sale pursuant to the provisions of Indiana Code 5-1-11, and the sale of such BANs pursuant to the provisions of the Act and Indiana Code 5-1-14-5, subject to and dependent upon the terms and conditions hereinafter set forth; and

WHEREAS, the Town expects to enter into a Financial Assistance Agreement (as hereinafter defined) with the State, pertaining to the Project and the financing thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OWENSVILLE, INDIANA, AS FOLLOWS:

Section 1. Acquisition, Construction, Installation and Equipping of the Project. The Town, acting by and through the Town Council and as the owner and operator of the Sewage Works for the collection and treatment of sewage and other wastes, hereby orders, authorizes and directs the Town Council to acquire any and all necessary property and to proceed with the acquisition, construction, installation and equipping of improvements and extensions to the Sewage Works, pursuant to the Act and in accordance with the plans, specifications and cost estimates heretofore prepared and filed with the Town Council by the Consulting Engineers, which plans, specifications and cost estimates are hereby adopted and approved and, by reference, incorporated fully into this Ordinance, and two copies of which are now on file in the office of the Clerk-Treasurer of the Town (the "Clerk-Treasurer") and are open for public inspection. The actions of the Town Council in connection with the acquisition of any and all necessary property and the acquisition, construction, installation, equipping and financing of such improvements and extensions to the Sewage Works are hereby authorized, approved, ratified and confirmed.

Where used in this Ordinance, the term "Town" shall be construed also to include any department, board, commission or officer or officers of the Town or of any Town department, board or commission. The terms "Sewage Works," "sewage works," "works" and similar terms used in this Ordinance shall be construed to mean and include the existing structures and property of the Treatment Works, as defined in the Financial Assistance Agreement, and all enlargements, improvements, extensions and additions thereto, and replacements thereof, now or subsequently constructed or acquired, whether from the proceeds of the bonds and BANs authorized herein or otherwise. Such improvements and extensions shall be constructed and the bonds and BANs herein authorized shall be issued pursuant to the provisions of this Ordinance, the Act and Indiana Code 5-1-14-5.

Section 2. Description of the Project. The Project is more fully described in, and shall be in accordance with the Preliminary Engineering Report and the Plans and Specifications (each as defined in the Financial Assistance Agreement) approved by the Department. In summary, the Project consists of a new wastewater treatment plant facility and replacement of certain existing sewer lines and lift stations of the Sewage Works.

The Town, acting by and through the Town Council, shall proceed with the acquisition, construction, installation and equipping of the Project and shall enter into all contracts necessary or appropriate for such purpose, in conformity with and subject to the requirements and conditions set forth in this Ordinance and in the Act.

Section 3. The 2003 Bonds. In accordance with the Act and for the purpose of providing funds with which to pay the costs of the Project, together with all authorized costs relating thereto including the costs of issuance of the 2003 Bonds, as hereinafter defined, on account thereof and refunding the BANs,

if any, described below, the Town shall issue and sell its sewage works revenue bonds in the aggregate principal amount not to exceed One Million Two Hundred Eighty-Three Thousand Five Hundred Dollars (the "2003 Bonds"). The principal of, redemption premium, if any, and interest on the 2003 Bonds shall be payable solely out of the Sewage Works Sinking Fund referred to below.

The 2003 Bonds shall be designated as the "Town of Owensville, Indiana, Sewage Works Revenue Bonds of 2003." The 2003 Bonds shall be issued as fully registered bonds in denomination or denominations of Five Thousand Dollars and any integral multiples thereof not exceeding the aggregate principal amount of such 2003 Bonds maturing in any one year, or in the event that the 2003 Bonds are sold to the Bond Bank or to the State pursuant to Section 9 of this Ordinance, shall be in multiples of One Dollar. The 2003 Bonds shall be numbered consecutively from O3R-1 upward and shall bear interest at a rate or rates not exceeding eight percent per annum (or at the rate provided in the Purchase Agreement [as hereinafter defined], if the 2003 Bonds are sold to the Bond Bank, or as provided in the Financial Assistance Agreement, if the 2003 Bonds are sold to the State), the exact rate or rates to be determined by negotiation with the Bond Bank or the State or by bidding. Said interest rate or rates shall be in multiples of one-eighth or one-twentieth of one percent. All 2003 Bonds maturing on the same date shall bear the same rate of interest, and the interest rate on 2003 Bonds of a given maturity must be at least as great as the interest rate on 2003 Bonds of any earlier maturity. Interest on the 2003 Bonds shall be calculated on the basis of twelve thirty-day months for a three hundred and sixty-day year and shall be payable semi-annually on January 1 and July 1 of each year (each an "Interest Payment Date"), commencing on July 1, 2003, or such later date as may be determined (i) by the Clerk-Treasurer, with the advice of the financial advisor to the Town, if the 2003 Bonds are sold by public bidding; or (ii) by negotiation with the Bond Bank or the State (if the latter, as provided in the Financial Assistance Agreement between the Town and the State (the Financial Assistance Agreement)), until principal is fully paid. The principal of the 2003 Bonds shall mature serially and annually on January 1 of each year, beginning on the first January 1 after substantial completion of the Project (or commencing on such other date as provided in the Financial Assistance Agreement, if the Bonds are sold to the State), over a period ending no later than nineteen years after substantial completion of the Project, in such amounts that will produce as level annual debt service as practicable, taking into consideration the remaining debt service on the Prior Bonds, and in the years and amounts to be determined by negotiation with the Bond Bank or the State or by the Clerk-Treasurer with the advice of the Town's financial advisor, if the 2003 Bonds are sold by public bidding.

The 2003 Bonds shall bear an original issue date which shall be the date of delivery of the 2003 Bonds or the first day of the month in which the 2003 Bonds are delivered, as determined by the Clerk-Treasurer (unless otherwise provided in the Purchase Agreement in the event the 2003 Bonds are sold to the Bond Bank or unless otherwise provided in the Financial Assistance Agreement in the event the 2003 Bonds are sold to the State), and each 2003 Bond shall also bear the date of its authentication. Any 2003 Bond authenticated on or before the fifteenth (15th) day of the calendar month immediately preceding the first Interest Payment Date shall pay interest from its original issue date (unless otherwise provided in the Purchase Agreement or Financial Assistance Agreement in the event the 2003 Bonds are sold to the Bond Bank or the State, respectively). Any 2003 Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such 2003 Bond to which interest thereon has been paid or duly provided for, unless such 2003 Bond is authenticated after the fifteenth (15th) day of the calendar month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

In the event that the 2003 Bonds or the BANs are sold to the State pursuant to Section 9 of this Ordinance, it is understood that principal shall not be payable and interest shall not accrue on the 2003 Bonds or the BANs until such principal amount has been advanced pursuant to requests made by the Town to the State, with advances to be allocable to the 2003 Bonds in order of maturity, in the event that the total principal amount of the 2003 Bonds is not advanced to the Town, the principal amount of the 2003 Bonds shall be reduced to effect such reduction in a manner that will still achieve as level annual debt service as practicable in the manner previously described in this Section 3.

The Clerk-Treasurer is hereby authorized to appoint a registrar and a paying agent for the 2003 Bonds (the "Registrar" and the "Paying Agent" and, in both such capacities, the "Registrar and Paying Agent"). The Registrar and Paying Agent shall be charged with and shall by appropriate agreement undertake the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the 2003 Bonds. The Clerk-Treasurer is authorized and

directed to enter into such agreements and understandings with the Registrar and Paying Agent and any subsequent Registrar and Paying Agent as will enable and facilitate the performance of its duties and responsibilities, and is authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, and such fees may be paid from the Sewage Works Sinking Fund created under the Prior Ordinance and continued herein.

If the 2003 Bonds or the BANs are registered in the name of the State, the Bond Bank or any other purchaser that does not object to such designation, the Clerk-Treasurer shall be designated as the Registrar and Paying Agent and shall be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent.

The Registrar and Paying Agent, if not the Clerk-Treasurer, may at any time resign as Registrar and Paying Agent upon giving thirty days' notice in writing to the Town and by first-class mail to each registered owner of the 2003 Bonds then outstanding, and such resignation will take effect at the end of such thirty days or upon the earlier appointment of a successor Registrar and Paying Agent by the Town. Any such notice to the Town may be served personally or sent by certified mail. The Registrar and Paying Agent may also be removed at any time as Registrar and Paying Agent by the Town, in which event the Town may appoint a successor Registrar and Paying Agent. The Town shall notify each registered owner of the 2003 Bonds then outstanding by first-class mail of the removal of the Registrar and Paying Agent. Notices to registered owners of the 2003 Bonds shall be deemed to be given when mailed by first-class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar. Any predecessor Registrar and Paying Agent shall deliver all of the 2003 Bonds and cash in its possession with respect thereto, together with the registration books, to the successor Registrar and Paying Agent. The Clerk-Treasurer is hereby authorized to act on behalf of the Town with regard to any of the aforementioned actions of the Town relating to the resignation or removal of the Registrar and Paying Agent and appointment of a successor Registrar and Paying Agent.

Principal of and any redemption premium on the 2003 Bonds, and principal and interest on the BANs, shall be payable at the principal corporate trust office of the Paying Agent. Interest on the 2003 Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth day of the calendar month immediately preceding the Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. Notwithstanding the foregoing, principal of and interest on the 2003 Bonds or BANs, if registered in the name of the State or the Bond Bank, shall be paid by wire transfer to a financial institution if and as directed by the State or the Bond Bank, as the case may be, on the due date of such payment or, if such date is a day when financial institutions are not open for business, on the business day immediately preceding such due date. So long as the State or the Bond Bank is the registered owner of the 2003 Bonds or BANs, the 2003 Bonds or BANs shall be presented for payment as directed by the State or the Bond Bank, as applicable. All payments on the 2003 Bonds and the BANs shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

Each 2003 Bond shall be transferable or exchangeable only on the books of the Town maintained for such purpose at the principal corporate trust office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such 2003 Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered 2003 Bond or 2003 Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefore. Each 2003 Bond may be transferred or exchanged without cost to the registered owner, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any 2003 Bond (i) during the fifteen days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such 2003 Bond for redemption. The Town, the Registrar and the Paying Agent may treat and consider the person in whose name any 2003 Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of or on account of, the principal thereof, and redemption premium, if any, and interest thereon.

In the event any 2003 Bond is mutilated, lost, stolen or destroyed, the Town may cause to be executed and the Registrar may authenticate a new 2003 Bond of like date, maturity and denomination as the

mutilated, lost, stolen or destroyed 2003 Bond, which new 2003 Bond shall be marked in a manner to distinguish it from the 2003 Bond for which it was issued; provided, that in the case of any mutilated 2003 Bond, such mutilated 2003 Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed 2003 Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the Town and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed 2003 Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate 2003 Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated 2003 Bond or upon satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed 2003 Bond. The Town and the Registrar and Paying Agent may charge the owner of any such 2003 Bond with their reasonable fees and expenses in connection with the above. Every substitute 2003 Bond issued by reason of any 2003 Bond being lost, stolen or destroyed shall, with respect to such 2003 Bond, constitute a substitute contractual obligation of the Town pursuant to this Ordinance, whether or not the lost, stolen or destroyed 2003 Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other 2003 Bonds duly issued hereunder.

In the event that any 2003 Bond is not presented for payment or redemption on the date established therefore, the Town may deposit in trust with the Paying Agent an amount sufficient to pay such 2003 Bond or the redemption price thereof, as appropriate, and thereafter the owner of such 2003 Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the Town shall have no further obligation or liability with respect thereto.

Section 4. The BANs. In anticipation of the issuance and sale of the 2003 Bonds authorized herein, and to provide interim financing to apply to the costs of the Project, the Town is hereby authorized to have prepared and to issue and sell negotiable BANs of the Town to an eligible purchaser of the BANs under Indiana Code 5-1-14-5, the Bond Bank or the State, pursuant to a Bond Anticipation Note Purchase Agreement (the BAN Purchase Agreement) entered into between the Town and the purchaser of the BANs, in an aggregate principal amount not to exceed One Million Two Hundred Eighty-Three Thousand Five Hundred Dollars, to be designated "Town of Owensville, Indiana, Sewage Works Revenue Bond Anticipation Notes of 2003." The BANs shall be issued pursuant to Indiana Code 13-18-13 if sold to the State, pursuant to Indiana Code 5-1.5-8-6.1 if sold to the Bond Bank, or pursuant to Indiana Code 5-1-14-5 if sold to an eligible purchaser thereunder. If the BANs are sold to the State, the Financial Assistance Agreement shall serve as the BAN Purchase Agreement. The BANs shall be issued in fully registered form, shall be numbered consecutively from 03R-1 upwards, shall be in multiples of One Dollar, shall be dated as of the date of issuance of the BANs, and shall bear interest at a rate not exceeding eight percent (8.0%) per annum (or at such rate as provided in the Purchase Agreement if the BANs are sold to the Bond Bank or as provided in the Financial Assistance Agreement if the BANs are sold to the State), the exact rate of interest to be determined by negotiations with the purchaser of the BANs and payable as provided in the BAN Purchase Agreement. The initial BANs delivered will mature on January 1, 2004. Each subsequent BAN delivered will bear the same maturity date as the initial BANs. The BANs shall be subject to renewal or extension, subject to the limitations set forth below, at an interest rate not to exceed eight percent per annum (or at such rate as provided in the Purchase Agreement if the BANs are sold to the Bond Bank or as provided in the Financial Assistance Agreement if the BANs are sold to the State) with the exact rate to be negotiated with the purchaser of such BANs. The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs.

The principal of the BANs shall be refunded and retired out of the proceeds from the issuance and sale hereunder of the 2003 Bonds. The principal of the BANs, and the principal and interest of BANs prepaid in accordance with Section 5 herein shall be refunded by the issuance of the 2003 Bonds pursuant to, and in the manner prescribed by the Act. The interest on the BANs shall, be payable either from the net revenues of the Sewage Works, subject to the prior lien thereon of the Prior Bonds, or from proceeds from the issuance and sale hereunder of the 2003 Bonds.

Section 5. Optional Prepayment of BANs; Optional Redemption of the 2003 Bonds. (a) Optional Prepayment of BANs. The BANs are prepayable by the Town, in whole or in part, at any time upon seven days notice to the owner of the BANs without any premium. In the case of prepayment, the principal and accrued interest due on the BANs shall be paid only from proceeds of the 2003 Bonds, except that such principal and interest due on the BANs may also be paid from other revenues and funds legally available therefore, if any, including federal or state funds available for application to the Project; provided,

however, that such funds are not pledged to the payment of the BANs.

(b) Optional Redemption of the 2003 Bonds. The 2003 Bonds maturing on or after January 1, 2015, shall be subject to redemption at the option of the Town, in whole or in part, upon sixty days written notice to the registered owner or owners of 2003 Bonds to be redeemed, on any date on or after January 1, 2014, in inverse order of maturity and by lot within any such maturity or maturities by the Registrar, at a redemption price expressed as a percentage of the principal amount of each 2003 Bond to be redeemed in accordance with the following schedule, plus accrued interest to the redemption date:

<u>Redemption Period</u> <u>(Both Dates Inclusive)</u>	<u>Redemption Price</u>
January 1, 2014, through December 31, 2014	102%
January 1, 2015, through December 31, 2015	101%
January 1, 2016, and thereafter prior to maturity	100%

Official notice of such redemption of the 2003 Bonds shall be mailed by the Registrar and Paying Agent by certified or registered mail at least sixty days prior to the scheduled redemption date to each of the registered owners of the 2003 Bonds called for redemption (unless waived by any such registered owner) at the address shown on the registration books of the Registrar and Paying Agent, or at such other address as is furnished in writing by such registered owner to the Registrar; provided, however, that failure to give such notice by mailing, or any defect therein, with respect to any 2003 Bond shall not affect the validity of the proceedings for the redemption of any other 2003 Bonds. The notice shall specify the redemption price, the date and place of redemption, and the registration numbers (and, in case of partial redemption, the respective principal amounts) of the 2003 Bonds called for redemption. The place of redemption may be at the principal corporate trust office of the Registrar and Paying Agent or as otherwise determined by the Town. Interest on the 2003 Bonds (or portions thereof) so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such 2003 Bonds (or portions thereof) are presented for payment. Any 2003 Bond redeemed in part may be exchanged for a 2003 Bond or 2003 Bonds of the same maturity in authorized denominations equal to the remaining principal amount thereof.

In addition to the foregoing notice, the Town may also direct that further notice of redemption of 2003 Bonds be given, including without limitation and at the option of the Town, notice described in paragraph (i) below given by the Registrar and Paying Agent to the parties described in paragraphs (ii) and (iii) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of 2003 Bonds so long as notice thereof is mailed as prescribed above.

(i) If so directed by the Town, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all 2003 Bonds being redeemed; (2) the date of issue of the 2003 Bonds as originally issued; (3) the rate of interest borne by each 2003 Bond being redeemed; (4) the maturity date of each 2003 Bond being redeemed; and (5) any other descriptive information needed to identify accurately the 2003 Bonds being redeemed.

(ii) If so directed by the Town, each further notice of redemption shall be sent at least thirty-five (35) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the 2003 Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the 2003 Bonds.

(iii) If so directed by the Town, each such further notice shall be published one time in The Bond Buyer of New York, New York or, if the Registrar believes such publication is impractical or unlikely to reach a substantial number of the holders of the 2003 Bonds, in some other financial newspaper or journal which regularly carries notices of redemption of other obligations similar to the 2003 Bonds, such publication to be made at least thirty days prior to the date fixed for redemption.

Upon the payment of the redemption price of the 2003 Bonds (or portions thereof) being redeemed and if so directed by the Town, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the 2003 Bonds (or portions thereof) being redeemed with the proceeds of such check or other transfer.

Section 6. Execution and Authentication of the 2003 Bonds and BANs. The 2003 Bonds and the BANs shall be executed in the name of the Town by the manual or facsimile signature of the President of the Town Council. (the "Town Council President") and attested by the manual or facsimile signature of the Clerk-Treasurer, who shall cause the seal of the Town or a facsimile thereof to be affixed to each of the 2003 Bonds and the BANs. The 2003 Bonds and the BANs shall be authenticated by the manual signature of the Registrar, and no 2003 Bond or BAN shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any 2003 Bond or BAN shall cease to be such official before the delivery of such 2003 Bond or BAN, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the 2003 Bonds and BANs, the 2003 Bonds and BANs shall be fully negotiable instruments under the laws of the State of Indiana.

Section 7. Security and Sources of Payment for the 2003 Bonds. The 2003 Bonds, when fully paid for and delivered to the purchaser or purchasers thereof together with any bonds hereafter issued on a parity therewith (to be referred to hereinafter collectively as the "bonds," unless the context otherwise requires), as to both principal and interest, shall be valid and binding special revenue obligations of the Town, payable solely from and secured by an irrevocable pledge of and constituting a charge, on a parity basis with the Prior Bonds, upon all of the "net revenues" (herein defined as gross revenues after deduction only for the payment of expenses for Operation and Maintenance (as defined in the Financial Assistance Agreement)) derived from the Sewage Works, including all such net revenues from the existing works, the Project and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside into the Sewage Works Sinking Fund as herein provided. The Town shall not be obligated to pay the Bonds or the interest thereon except from the net revenues of the Sewage Works, and the Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 8 Form of the 2003 Bonds. The form and tenor of the 2003 Bonds shall be substantially as set forth in Appendix A, attached hereto and incorporated herein as if set forth at this place (with all blanks to be filled in properly and all necessary additions, modifications and deletions to be made prior to the delivery thereof).

Section 9 Issuance, Sale and Delivery of the 2003 Bonds and the BANs.

(a) Generally. The Clerk-Treasurer is hereby authorized and directed to have the 2003 Bonds and the BANs prepared, and the Town Council President and the Clerk-Treasurer are each hereby authorized and directed to execute and attest, respectively, the 2003 Bonds and the BANs in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver the 2003 Bonds and the BANs to the purchaser or purchasers thereof after sale made in accordance with the provisions of the Act and this Ordinance, provided that at the time of said delivery the Clerk-Treasurer shall collect the full amount which the purchaser or purchasers have agreed to pay therefore, which shall be not less than ninety-seven percent of the par amount of the 2003 Bonds (or such higher percentage of the par value of the 2003 Bonds as the Clerk-Treasurer, with the advice of the financial advisor of the Town, shall determine), plus accrued interest thereon to the date of delivery, if any, and in the case of the BANs, shall not be less than ninety-nine percent of the par amount of the BANs. The Town may receive payment for the 2003 Bonds and BANs in installments. The proceeds derived from the sale of the 2003 Bonds (or, instead, the BANs, if such BANs are issued), shall be and are hereby set aside for application to the costs of the Project, including all authorized costs relating thereto, including the respective costs of issuance of the 2003 Bonds and the BANs. The authorized officers of the Town are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

(b) Issuance, Sale and Delivery of the BANs. The Town, having satisfied all the statutory requirements for the issuance of the 2003 Bonds, may elect to issue its BAN or BANs to an eligible purchaser under Indiana Code 5-1-14-5, the Bond Bank or the State pursuant to the BAN Purchase Agreement, to be entered into between the Town and the purchaser of the BANs. The Town Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing 2003 Bonds to provide interim construction financing for the Project until permanent financing becomes available. It shall not be necessary for the Town to repeat the procedures for the issuance of its 2003 Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize

the issuance of the 2003 Bonds and the use of the proceeds to repay the BAN or BANs. The Town Council President and the Clerk-Treasurer are hereby authorized and directed to execute the BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Town Council President and the Clerk-Treasurer may also take such other action or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the 2003 Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

(c) Issuance, Sale and Delivery of the 2003 Bonds. (i) Public Sale. The 2003 Bonds may, in the discretion of the Clerk-Treasurer, be sold by public sale. In the event the 2003 Bonds are sold by public sale, prior to the sale of the 2003 Bonds, the Clerk-Treasurer shall cause to be published (and posted in accordance with Indiana Code 5-3-1-4) a notice of intent to sell bonds two times at least one week apart in a newspaper (as defined in Indiana Code 5-3-1) published in Gibson County, Indiana, there being no newspaper published in the Town, and the Court & Commercial Record, a newspaper of general circulation published in Indianapolis, Indiana. The notice of such sale or a summary thereof may also be published in The Bond Buyer, a financial journal published in the City and State of New York and/or in other publications, in the discretion of the Clerk-Treasurer. The notice must state that any person interested in submitting a bid for the 2003 Bonds may furnish in writing, at the address set forth in the notice, the persons name, address and telephone number, and that any such person may also furnish a telex number. The notice must also state: (1) the amount of the 2003 Bonds to be offered; (2) the denominations; (3) the dates of maturity; (4) the maximum rate or rates of interest; (5) the place of sale; and (6) the time within which the name, address and telephone number must be furnished, which time must not be less than seven days after the last publication of the notice. Each person so registered shall be notified of the date and time bids will be received not less than twenty-four hours before the date and time of sale. The notification shall be made by telephone at the number furnished by the person, and also by telex if the person furnishes a telex number. Such notice may also include such other information as the Clerk- Treasurer shall deem necessary.

Such notice shall provide, among other things, that each bid shall be accompanied by a certified or cashiers check or a financial surety bond from an insurance company in the amount of one percent of the principal amount of the 2003 Bonds to guarantee performance on the part of the bidder; that if the 2003 Bonds are awarded to a bidder who has submitted a financial surety bond to the Town, then such bidder must submit the required amount of the good faith deposit to the Town in the form of a certified or cashiers check (or a wire transfer consisting of immediately available funds to the Town as instructed by the Town) not later than 3:00 p.m. (local time) on the next business day following the award by the Town; that if such check or wire transfer is not received by that time, the financial surety bond may be drawn upon by the Town to satisfy the deposit requirements; and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the 2003 Bonds as soon as the 2003 Bonds are ready for delivery, or at the time fixed in the notice of intent to sell bonds, then such check and the proceeds thereof shall become the property of the Town and shall be considered as the Town's liquidated damages on account of such default.

All bids for 2003 Bonds sold at public sale shall be sealed and shall be presented to the Clerk-Treasurer at the Clerk-Treasurer's office, and the Clerk-Treasurer shall continue to receive all bids offered until the time fixed for the sale of the 2003 Bonds, at which time and place the Clerk-Treasurer shall open and consider each bid. Bidders for the 2003 Bonds shall be required to name the rate or rates of interest which the 2003 Bonds are to bear, not exceeding eight percent per annum. Such interest rate or rates shall be in multiples of one-eighth or one-twentieth of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the 2003 Bonds bearing each rate, and all 2003 Bonds maturing on the same date shall bear the same rate of interest. The interest rate on 2003 Bonds of a given maturity must be at least as great as the interest rate on 2003 Bonds of any earlier maturity. Subject to the provisions set forth below, the Clerk-Treasurer shall award the 2003 Bonds to the bidder offering the lowest net interest cost to the Town, to be determined by computing the total interest on all of the 2003 Bonds from the date thereof to their maturities and deducting therefrom the premium bid, if any, or adding thereto the amount of any discount. No bid for less than ninety-seven percent of the par value of the 2003 Bonds (or such higher percentage of the par value of the 2003 Bonds as the Clerk-Treasurer, with the advice of the financial advisor to the Town, shall determine prior to the publication of the notice of intent to sell), plus accrued interest at the rate or rates named to the date of delivery, will be considered. The Clerk-Treasurer shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed for the sale of the 2003 Bonds, the Clerk-Treasurer shall be authorized to

continue to receive bids from day to day thereafter for a period not to exceed thirty days, without re-advertising, pursuant to Indiana law.

The Clerk-Treasurer is hereby authorized to determine, in her discretion, to sell the 2003 Bonds pursuant to the general provisions of Indiana Code 5-1-11 (rather than Section 2(b) thereof), and in the event of such a determination, those portions of this Section 9 which conflict with such provisions shall be deemed inapplicable.

(ii) Sale to the Bond Bank. The 2003 Bonds may, in the discretion of the Clerk-Treasurer, be sold to the Bond Bank. In the event of such determination, 2003 Bonds shall be sold to the Bond Bank in such denomination or denominations as the Bond Bank may request, and pursuant to a purchase agreement (the 'Purchase Agreement') between the Town and the Bond Bank, hereby authorized to be entered into and executed by the Town Council President on behalf of the Town, and attested by the Clerk-Treasurer, subsequent to the date of the adoption of this Ordinance. Such Purchase Agreement may set forth the definitive terms and conditions for such sale, but all of such terms and conditions must be consistent with the terms and conditions of this Ordinance, including without limitation, the interest rate or rates on the 2003 Bonds which shall not exceed the maximum rate of interest for the 2003 Bonds authorized pursuant to this Ordinance. 2003 Bonds sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to the provisions of Indiana Code 5-1.5 and the Purchase Agreement, including, without limitation, an approving opinion of nationally recognized bond counsel, certification and guarantee of signatures and certification as to no litigation pending, as of the date of delivery of the 2003 Bonds to the Bond Bank, challenging the validity or issuance of the 2003 Bonds. In the event the Clerk-Treasurer determines to sell the 2003 Bonds to the Bond Bank, the submission of an application to the Bond Bank, the entry by the Town into the Purchase Agreement, and the execution and delivery of the Purchase Agreement on behalf of the Town by the Town Council President in accordance with this Ordinance are hereby authorized, approved and ratified.

(iii) Sale to the State. The 2003 Bonds may, in the discretion of the Clerk-Treasurer, be sold to the State, including any such sale through the Bond Bank, pursuant to its State Wastewater Revolving Loan Fund Program ("SRF Program"). The Town Council President and the Clerk-Treasurer are hereby authorized to submit an application to the State for participation in the SRF Program. As a part of the SRF Program, the Financial Assistance Agreement for the 2003 Bonds and the Project shall be executed by the Town and the State. The substantially final form of Financial Assistance Agreement attached as Appendix B hereto and incorporated herein as if set forth in this place is hereby approved by the Town Council, and the Town Council President and the Clerk-Treasurer are hereby authorized to execute and attest, respectively, the same on behalf of the Town and to approve any changes in form or substance to the Financial Assistance Agreement, such approval to be conclusively evidenced by its execution. The Financial Assistance Agreement may set forth the definitive terms and conditions for such sale including the purchase price and interest rate, but all of such terms and conditions must be consistent with the terms and conditions of this Ordinance, including, without limitation, the interest rates on the 2003 Bonds which shall not exceed the maximum rate of interest for the 2003 Bonds authorized pursuant to this Ordinance. 2003 Bonds sold to the State shall be accompanied by all documentation required by the State pursuant to Indiana Code 13-18-13, 327 IAC 13 and the Financial Assistance Agreement, including, without limitation, an approving opinion of a nationally recognized bond counsel, certification and guarantee of signatures and certification as to no litigation pending, as of the date of delivery of the 2003 Bonds to the State, challenging the validity or issuance of the 2003 Bonds. In the event the Clerk-Treasurer determines to sell the 2003 Bonds to the State, the entry by the Town into the Financial Assistance Agreement, the execution of the Financial Assistance Agreement by the Town Council President, and, if required, the entry by the Town into a Purchase Agreement with the Bond Bank and the execution of the Purchase Agreement by the Town Council President, in accordance with this Ordinance are hereby authorized, approved and ratified. For purposes of any provision of this Ordinance applicable in the event the 2003 Bonds or the BANs are owned by the State, such provision shall be equally applicable if any of the 2003 Bonds or BANs are owned by the Bond Bank as a part of the SRF Program.

(d) Credit Enhancement; Opinion of Bond Counsel. Prior to the delivery of the 2003 Bonds and the BANs, the Clerk-Treasurer, subject to the direction of the Town Council, (i) shall be authorized to investigate, negotiate and obtain bond insurance, other forms of credit enhancement and/or credit ratings on 2003 Bonds (and the BANs, if issued) and (ii) shall obtain a legal opinion as to the validity of the 2003 Bonds (and the BANs, if issued) from Baker & Daniels, Indianapolis, Indiana, bond counsel for the Town, with such opinion or opinions to be furnished to the purchaser or purchasers of the 2003 Bonds or to the

purchaser of the BANs at the expense of the Town. The costs of obtaining any such insurance, other credit enhancement and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion or opinions and in the performance of related services in connection with the issuance, sale and delivery of the 2003 Bonds and the BANs, shall be considered as a part of the cost of the Project and shall be paid out of the proceeds of the 2003 Bonds and BANs, respectively.

Section 10. Disposition of Proceeds of the 2003 Bonds and BANs; Town of Owensville, 2003 Sewage Works Construction Account. The proceeds from the sale of the BANs (or, if and to the extent the BANs are not issued, the 2003 Bonds) shall be deposited in a bank or banks which are legally qualified depositories for the funds of the Town, in the special account to be designated as "Town of Owensville, 2003 Sewage Works Construction Account" (the Construction Account"). Amounts in the Construction Account shall be expended only for the purpose of paying the costs of the Project, refunding the BANs, if issued, paying the costs of issuance of the 2003 Bonds and the BANs, if the BANs are issued, or as otherwise permitted or required by the Act. Any balance or balances remaining unexpended in the Construction Account after completion of the Project, which are not required to meet unpaid obligations incurred in connection with the acquisition, construction, installation or equipping of the Project, shall be used solely for one or more of the purposes permitted under the provisions of Indiana Code 5-1-13, as amended. Pursuant to the Act, the owners of the 2003 Bonds and BANs shall be entitled to a lien on the proceeds of the 2003 Bonds and BANs, respectively, until such proceeds are applied as required by this Ordinance and by Indiana law.

Notwithstanding the provisions of this Section 10, if BANs are issued, then the proceeds of the 2003 Bonds relating thereto shall be used to refund the BANs and are hereby pledged for such purpose, and any proceeds of the 2003 Bonds remaining after the BANs have been paid in full and after completion of the Project shall be used solely for one or more of the purposes permitted under the provisions of Indiana Code 5-1-13, as amended.

With respect to any 2003 Bonds sold to the Bond Bank or the State, to the extent that the total principal amount of the 2003 Bonds is not paid by the purchaser or drawn down by the Town, the Town shall reduce the principal amounts of the 2003 Bond maturities to effect such reduction in a manner that will still achieve as level annual debt service as practicable as described in Section 3 of this Ordinance.

Section 11 Segregation and Application of Sewage Works Revenues. All revenues derived from the operation of the Sewage Works and from the collection of sewage rates and charges shall be deposited in a fund established under the Prior Ordinance and continued hereby and designated as the Sewage Works Sinking Fund (subject to the provisions of Section 12(b) of this Ordinance), and shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the Sewage Works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the Sewage Works shall be transferred to the general fund of the Town or be used for any purpose not connected with the Sewage Works (and the Sewage Works Sinking Fund shall be continued) so long as any bonds payable from the revenues of the Sewage Works are outstanding.

Section 12. Sewage Works Sinking Fund, (a) So long as the Prior Bonds remain outstanding, deposits of net revenues of the Sewage Works into the Sewage Works Sinking Fund shall be in accordance with this Section 12(a). There shall be set aside and paid into the Sewage Works Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the net revenues of the sewage works for the payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety and for the payment of premiums upon bonds redeemed by call or purchase, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal ten percent of all other amounts so required to be paid into the Sewage Works Sinking Fund. The monthly payments into the Sewage Works Sinking Fund shall be in an amount equal to at least one-twelfth of the amount required for such payments during the then next succeeding twelve calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to such

required monthly payments into the Sewage Works Sinking Fund, all of the net revenues of the Sewage Works not used in making such payments shall be set aside and paid into the Sewage Works Sinking Fund monthly, as available, until there has been accumulated as a reserve in the Sewage Works Sinking Fund, over and above the foregoing required monthly payments, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable during the then next succeeding twelve calendar months, Thereafter, said fund shall be maintained at such level, and additional amounts of net revenues shall be deposited in said fund to the extent necessary to maintain such level.

In no event shall any part of the Sewage Works Sinking Fund be used in calling bonds for redemption prior to maturity, except to the extent that the amount then in the Sewage Works Sinking Fund exceeds the amount required to pay the principal of the bonds payable therefrom which will mature within a period of twelve calendar months next following the date of such redemption, together with all interest on the bonds payable in said period. Any such excess of funds above said required levels may also be used in purchasing outstanding bonds at a price less than the then applicable redemption price, or if not yet redeemable, then at a price less than the next applicable redemption price, if first approved by the Town Council. Moneys in the Sewage Works Sinking Fund shall not be used for any purpose whatsoever except as stated in this Section 12(a).

In the event all required payments into the Sewage Works Sinking Fund have been made to date, and there has been accumulated in said fund an amount sufficient to meet the requirements of said fund for the then next succeeding twelve month period, and funds in an amount sufficient for operation, repair and maintenance for the next succeeding twelve month period, and for depreciation, have been accumulated and reserved, then any excess net revenues may be transferred into the Sewage Works Improvement Fund hereinafter described and used for extensions, betterments and additions to the works. No such transfer shall be made, however, which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance and repair of the works, and depreciation.

Notwithstanding anything in this Section 12(a) to the contrary, if the Section 12(b) Amount (as hereinafter defined) is greater than the amount otherwise required to be held in the Sinking Fund pursuant to this section 12(a), then the Section 12(b) Amount shall be held in the Sinking Fund before any funds could be transferred to or deposited in the Sewage Works Improvement Fund. No funds held in the Sinking Fund may be applied to costs characterized as depreciation (including replacements) unless and until, after any such application of funds to costs characterized as depreciation, the balance maintained in the Sinking Fund would exceed the Section 12(b) Amount. For purpose of this paragraph, the "Section 12(b) Amount" shall be the sum of amounts that would be required to be held and maintained in the Operation and Maintenance Fund and the Sinking Fund under Section 12(b) herein before funds could be transferred to or deposited in the Sewage Works Improvement Fund in the event the Prior Bonds were no longer outstanding or otherwise defeased

(b) After the Prior Bonds are no longer outstanding or are otherwise defeased, the segregation and deposit of net revenues of the Sewage Works shall be made in accordance with this Section 12(b). On the last day of each calendar month there shall be first credited to the Operation and Maintenance Fund established hereby (and prior to any deposit to the Sewage Works Sinking Fund), a sufficient amount of the revenues of the Sewage Works so that the balance in said fund shall be sufficient to pay the expenses of operation, repair and maintenance of the works for the next succeeding two calendar months. The moneys credited to this fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the Sewage Works on a day to day basis, but none of the moneys in such fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding two calendar months may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal or interest on outstanding bonds of the Sewage Works.

There shall be deposited into the Sewage Works Sinking Fund established hereby for the payment of the interest on and principal of revenue bonds which by their terms are payable from the revenues of the Sewage Works, and the payment of any fiscal agency charges in connection with the payment of such bonds and interest thereon, a sufficient amount of the net revenues of said Sewage Works to meet the requirements of the Bond and Interest Account and the Debt Service Reserve Account established hereby in said Sewage Works Sinking Fund. Such payments shall continue until the balance in the Bond

and Interest Account, plus the balance in the Debt Service Reserve Account, equals the principal of and interest on all of the then outstanding bonds of the Sewage Works to the final maturity thereof.

(i) Bond and Interest Account. There shall be credited on the last day of each calendar month to the Bond and Interest Account established hereby, an amount of net revenues equal to the sum of one-sixth of the interest on all then outstanding bonds of the Sewage Works payable on the then next succeeding Interest Payment Date, and one-twelfth of the amount of principal payable on the next principal payment date on all then outstanding bonds of the Sewage Works which will be payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the next succeeding respective principal and interest payment dates shall have been so credited; provided that such fractional amounts shall be appropriately increased, if necessary, to provide for the first interest and first principal payments. There shall similarly be credited to the account the amount necessary to pay the bank fiscal agency charges, if any, for paying principal and interest on outstanding bonds of the Sewage Works as the same become payable. The Town shall, from the sums deposited in the Sewage Works Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owners of the outstanding bonds of the Sewage Works or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of any bank fiscal agency charges.

(ii) Debt Service Reserve Account. On the last day of each calendar month, after making the credits to the Bond and Interest Account there shall be credited from available net revenues to the Debt Service Reserve Account created hereby in amounts sufficient to produce, in equal monthly installments over a sixty (60) month period (commencing upon the date of delivery of the 2003 Bonds), an amount equal to the least of (i) the maximum annual debt service on all outstanding bonds of the Sewage Works, (ii) one hundred twenty-five percent (125%) of the average annual debt service on all outstanding bonds of the Sewage Works, or (iii) ten percent (10%) of the proceeds of all outstanding bonds of the Sewage Works (the 'Debt Service Reserve Requirement'); provided, however, that the Clerk-Treasurer, with the advice of the financial advisor to the Town, may elect to satisfy all or a portion of the Debt Service Reserve Requirement on the date of delivery of the 2003 Bonds from other available funds of the Town. Said credits to the Debt Service Reserve Account shall continue until the balance therein shall equal the Debt Service Reserve Requirement. The Debt Service Reserve Account shall constitute the margin for safety as a protection against default in the payment of principal of and interest on the 2003 Bonds (and any other parity bonds of the Town payable from the net revenues of its Sewage Works hereafter issued so long as the Debt Service Reserve Requirement has been increased proportionately), and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on the 2003 Bonds (and any parity bonds thereof) to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the Debt Service Reserve Account shall be promptly made up from the next available net revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available net revenues after the credits into the Bond and Interest Account hereinbefore provided for. Any moneys in the Debt Service Reserve Account in excess of the Debt Service Reserve Requirement shall be transferred to the Sewage Works Improvement Fund, and in no event shall such excess moneys be held in the Debt Service Reserve Account.

Notwithstanding anything in this Ordinance to the contrary, in the event the 2003 Bonds are sold to the State, the Debt Service Reserve Requirement shall equal the maximum annual debt service on the outstanding 2003 Bonds issued pursuant to this Ordinance. In such event on each January 2 subsequent to the delivery of the Bonds, beginning January 2, 2005, the Clerk-Treasurer shall decrease, if necessary, the amount on deposit in the Debt Service Reserve Account so that the remaining amount on deposit equals the Debt Service Reserve Requirement, provided that the Town shall provide to the State fifteen days prior written notice of any such intended transfer from the Debt Service Reserve Account. In the event additional bonds payable from the net revenues of the Sewage Works are hereafter issued on a parity with the Bonds, the Debt Service Reserve Requirement shall be proportionately increased to equal maximum annual debt service on the Bonds and all bonds issued on a parity therewith; provided, that, if nationally recognized bond counsel is unable to provide an opinion that interest on such proposed additional parity bonds is excludable from gross income for federal income tax purposes as a result of the determination of the Debt Service Reserve Requirement in the manner provided in this paragraph, then the Town may, in order to allow such opinion to be issued, establish a separate reasonably required

reserve fund that secures only the proposed parity bonds and shall expressly provide in the authorizing ordinance for such proposed parity bonds that the monies deposited in the Debt Service Reserve Account hereby as a margin of safety for the payment of principal of and interest on the Bonds do not secure such proposed parity bonds.

Section 13. Sewage Works Improvement Fund. After meeting the requirements for the Sewage Works Sinking Fund and operation, repair, maintenance and, so long as the Prior Bonds remain outstanding, depreciation, as provided in Section 12 herein, all available net revenues shall be credited to the Sewage Works Improvement Fund previously established and continued hereby. Said fund shall be used for improvements, replacements, additions and extensions of the Sewage Works. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or if necessary to eliminate any deficiencies in credits to or minimum balances in the Sewage Works Sinking Fund. Moneys in the Sewage Works Improvement Fund also may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation, repair and maintenance of the Sewage Works.

Section 14. Investment of Funds. All of the amounts in the funds and accounts created pursuant to this Ordinance shall be deposited in lawful depositories of the State, and shall be continuously held and secured or invested as provided by the laws of the State relating to the depositing, securing, holding and investing of public funds, including particularly Indiana Code 5-13-9. The amounts in the Sewage Works Sinking Fund and all other funds and accounts created pursuant to this Ordinance shall be kept in separate bank accounts apart from all other bank accounts of the Town. In no event shall any of the revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance so long as any of the bonds of the Sewage Works issued pursuant to the provisions of this Ordinance shall be outstanding. Investment income earned on moneys in the funds and accounts established by this Ordinance shall become a part of the funds and accounts invested (except as otherwise provided in Section 12 hereof) and shall be used only as provided in this Ordinance.

Section 15 Books of Record and Accounts. The Town shall keep proper books of record and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and deposited in said funds, and all disbursements made therefrom on account of the operation of the works, and to meet the requirements of the Sewage Works Sinking Fund, and all other financial transactions relating to said works. There shall be prepared and furnished, upon written request, to any owner of the 2003 Bonds or BANs at the time then outstanding, not more than ninety (90) days after the close of each fiscal year, complete financial statements of the works, covering the preceding fiscal year. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any owner or owners of the 2003 Bonds or BANs then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the Town relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

If the 2003 Bonds or BANs are sold to the Bond Bank or the State, the Town shall establish and maintain the books and other financial records of the Project (including the establishment of a separate account or sub-account for the Project) and the Sewage Works in accordance with (i) generally accepted accounting standards for utilities, on an accrual basis, as promulgated by the Government Accounting Standards Board, and (ii) the rules, regulations and guidance of the State Board of Accounts.

Section 16. Rates and Charges. The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the services rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage works system of the Town, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the Town) to provide for the proper Operation and Maintenance (as defined in the Financial Assistance Agreement) of the works, to comply with and satisfy all covenants contained in this Ordinance and the Financial Assistance Agreement, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by the Act and this Ordinance.

Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of Operation and Maintenance of the Sewage Works and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof and shall be paid by the Town as the charges accrue.

Section 17. Defeasance. If, when the 2003 Bonds issued hereunder (or portions thereof) shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the 2003 Bonds (or portions thereof) for redemption shall have been given, and the whole amount of the principal, the interest and the premium, if any, so due and payable upon all of the 2003 Bonds (or portions thereof) then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (H) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the 2003 Bonds (or portions thereof) issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the net revenues of the Towns Sewage Works.

Section 18. Additional BANs and Bonds. The Town reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs so long as the interest is payable only on the same date(s) as that provided in the BAN Purchase Agreement and the principal is payable solely from the 2003 Bond proceeds. The Town also reserves the right to authorize and issue additional bonds, payable out of the net revenues of its Sewage Works, ranking on a parity with the bonds authorized by this Ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the Sewage Works, subject to the following conditions:

(a) All required payments into the Sewage Works Sinking Fund shall have been made in accordance with the provisions of this Ordinance, and the interest on and principal of all bonds payable from the revenues of the Sewage Works shall have been paid to date in accordance with the terms thereof.

(b) As of the date of issuance of such additional bonds, the balance in the Sewage Works Sinking Fund shall equal not less than the Debt Service Reserve Requirement (and, so long as the Prior Bonds remain outstanding, the balance in the Sewage Works Sinking Fund shall equal not less than the principal and interest requirements of the then outstanding bonds of the Sewage Works payable during the then succeeding twelve calendar months) and the Debt Service Reserve Requirement is proportionately increased in accordance with the provisions of Section 12(b)(ii) of this Ordinance and the Town covenants to make equal monthly deposits into the Sewage Works Sinking Fund over a sixty month period sufficient to equal the increased Debt Service Reserve Requirement.

(c) The net revenues of the Sewage Works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this Ordinance shall be not less than one hundred twenty-five percent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced net revenues for said year equal to not less than one hundred twenty-five percent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the Sewage Works shall be analyzed and all showings shall be prepared by a certified public accountant or nationally recognized firm of professionals experienced in analyzing financial records of municipal utilities retained by the Town for that purpose.

(d) The principal of said additional parity bonds shall be payable on January 1 and the interest on said additional parity bonds shall be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable.

(e) If the 2003 Bonds are sold to the State, (i) the Town has obtained the consent of the State, (ii) the Town has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement and this Ordinance, and (iii) the Town is in

compliance with its National Pollutant Discharge Elimination System permits, except for non-compliance for which the bonds are to be issued, including refunding bonds issued prior to, but part of, the overall plan to eliminate such non-compliance.

Section 19. Additional Covenants of the Town. For the purpose of further safeguarding the interests of the owners of the 2003 Bonds and BANs herein authorized, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of said additions and improvements to the Sewage Works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employer's liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) Said additions and improvements shall be constructed under the supervision and subject to the approval of the Consulting Engineers or such other competent engineer as shall be designated by the Town Council. All estimates for work done or material furnished shall first be checked by the Consulting Engineers and approved by the Town Council.

(c) The Town shall at all times maintain its Sewage Works in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the 2003 Bonds or BANs herein authorized are outstanding, the Town shall maintain insurance coverage (which must be acceptable to the State if the State owns the 2003 Bonds or the BANs), including fidelity bonds, to protect the sewage works and its operations on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds and condemnation awards shall be used in replacing or restoring the property destroyed, damaged or taken; alternatively, they may be applied as net revenues of the works, but only with the consent of the State, if the Bonds or BANs have been sold to the State.

(e) So long as any of the 2003 Bonds or BANs are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except replace equipment which may become worn out or obsolete.

(f) If the 2003 Bonds or BANs are sold to the Bond Bank or the State to finance Eligible Costs, the Town shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the Sewage Works, other than for normal operating expenditures, without the prior written consent of the State if such undertaking would involve, commit or use the revenues of the Sewage Works.

(g) Except as hereinbefore provided in Section 18 hereof, so long as any of the bonds or BANs herein authorized are outstanding, no additional bonds, BANs or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds and BANs herein authorized, unless all of the bonds and BANs herein authorized are redeemed, retired or defeased pursuant to Section 17 hereof coincidentally with the delivery of such additional bonds, BANs or other obligations.

(h) The Town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(i) The provisions of this Ordinance shall constitute a contract by and between the Town and the owners of the sewage works revenue bonds and BANs herein authorized, and after the issuance of said bonds and BANs, subject to the rights of the Town under Section 23 hereof, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of said bonds and BANs, nor shall the Town Council adopt any law, ordinance or resolution which in any way adversely

affects the rights of such owners so long as any of said bonds or BANs or the interest thereon remains unpaid. Except with respect to amendments described in Section 23(a)-(g) hereof, however, this Ordinance may be amended pursuant to Section 23 (i) without the consent of the owners of the Bonds or the BANs if, among other things, the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds or the BANs, respectively, and (ii) as otherwise permitted pursuant to Section 23; provided, however, that if the Bonds or BANs are sold to the State, the Town shall obtain the prior written consent of the State.

(j) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the bonds and BANs shall retain a lien on such respective proceeds until the same are applied in accordance with the provisions of this Ordinance and of the Act. The provisions of this Ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of said fund as in this Ordinance set forth. The owner of said bonds and BANs shall have all of the rights, remedies and privileges set forth in the provisions of the Act, including the right to have a receiver appointed to administer said Sewage Works in the event of default in the payment of the principal of or interest on any of the bonds or BANs herein authorized or in the event of default in respect to any of the provisions of this Ordinance or the Act.

Section 20. Permitted Actions Relating to Preservation of Exclusion of Interest from Federal Gross Income.

(a) The Clerk-Treasurer is hereby authorized to invest moneys pursuant to the provisions of this Ordinance and Indiana Code 5-1-14-3 at a restricted yield (subject to applicable requirements of federal law to insure that any such investment is acquired for fair market value) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the bonds and BANs, or the tax exempt status of interest on the bonds and BANs, under federal law.

(b) The Clerk-Treasurer shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts created or referenced herein. In order to comply with the provisions of this Ordinance, the Clerk-Treasurer is hereby authorized and directed to employ consultants or attorneys from time to time to advise the Town as to requirements of federal law to preserve the tax exclusion or exemption.

Section 21. Tax Covenants. In order to preserve the exclusion of interest on the 2003 Bonds and BANs from gross income for federal income tax purposes and as an inducement to purchasers of the 2003 Bonds and BANs, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another state or local governmental unit, will use proceeds of the 2003 Bonds or BANs or property financed by the 2003 Bond or BAN proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by the 2003 Bond or BAN proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or output contract or any other type of arrangement that differentiates that persons or entity's use of such property from the use by the public at large.

(b) No 2003 Bond or BAN proceeds will be loaned to any entity or person. No 2003 Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the 2003 Bond or BAN proceeds.

(c) The Town will not take, or cause or permit to be taken by it or by any party under its control, or fail to take or cause or permit to fail to be taken by it or by any party under its control, any action with respect to the 2003 Bonds or BANs that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the 2003 Bonds or BANs pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code), nor will the Town act in any other manner which would adversely affect such exclusion. The Town further covenants that it will not make any investment or do any other act or thing during the period that any 2003 Bond or BAN is outstanding hereunder which would cause any 2003 Bond or BAN to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto as in effect on the date of delivery of the 2003 Bonds or BANs.

(d) The Town will, to the extent necessary to preserve the exclusion of interest on the 2003

Bonds and BANs from gross income for federal income tax purposes, rebate all required arbitrage profits on 2003 Bond and BAN proceeds or other moneys treated as 2003 Bond or BAN proceeds to the federal government and will set aside such moneys in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(e) The Town represents that:

(i) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;

(ii) Neither the 2003 Bonds nor the BANs are private activity bonds as defined in Section 141 of the Code;

(iii) At least 95% of the net proceeds of the 2003 Bonds and the BANs will be used for local governmental activities of the Town or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Town;

(iv) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuer and subordinate entities as those terms are defined in Regulations Section 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 2003; and

(v) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,000 size limitation.

Therefore, the Town meets the requirements of Section 1 48(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

Section 22. Compliance with Tax Sections. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance ("Tax Sections") which are designed to preserve the tax exempt status of interest on the 2003 Bonds and BANs or the exclusion of interest on the 2003 Bonds and BANs from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 23. Supplemental Ordinances. Without notice to or consent of the owners of the bonds or BANs herein authorized, the Town may, from time to time and at any time, adopt an ordinance or ordinances supplemental hereto (which supplemental ordinance or ordinances shall thereafter form a part hereof) for any of the following purposes:

(i) To cure any ambiguity or formal defect or omission in this Ordinance or in any supplemental ordinance or to make any other change authorized herein;

(ii) To grant to or confer upon the owners of the bonds and BANs herein authorized any additional benefits, rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the owners of the bonds and BANs herein authorized or to make any change which, in the judgment of the Town, is not to the prejudice of the owners of the bonds or BANs herein authorized;

(iii) To modify, amend or supplement this Ordinance to permit the qualification of the bonds or BANs herein authorized for sale under the securities laws of the United States of America or of any of the states of the United States of America or to obtain or maintain bond insurance or other credit enhancement with respect to payments of principal of and interest on bonds or BANs herein authorized;

(iv) To provide for the refunding or advance refunding of the bonds herein authorized;

(v) To procure a rating on the bonds herein authorized from a nationally recognized securities rating agency or agencies designated in such supplemental ordinance if such supplemental ordinance will not adversely affect the owners of the bonds herein authorized or any other bonds ranking on a parity with such bonds; or

(vi) To accomplish any other purpose which, in the judgment of the Town, does not adversely affect the interests of the owners of the bonds or BANs herein authorized; provided, however, that if the bonds or BANs are sold to the State, the Town shall obtain the prior written consent of the State.

Subject to the terms and provisions contained in this Section 23 and Section 19(h) of this Ordinance, and not otherwise, the owners of not less than sixty-six and two-thirds percent in aggregate principal amount of the bonds issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or

rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that if the 2003 Bonds or BANs are sold to the State, the Town shall obtain the prior written consent of the State; and provided, further, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this Ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the net revenues of the sewage works ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this Ordinance over any other bond or bonds issued pursuant to the provisions of this Ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Debt Service Reserve Requirement; or

(g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the Town, no owner of any bond issued pursuant to this Ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the Town and all owners of bonds issued pursuant to the provisions of this Ordinance then outstanding, shall thereafter be determined, exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the Town and of the owners of the bonds authorized by this Ordinance, and the terms and provisions of the bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the bonds issued pursuant to this Ordinance then outstanding.

Section 24. Repeal of Conflicting Ordinances. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed; provided, however, that this Ordinance shall not be construed as repealing or modifying in any respect any of the provisions of the Prior Ordinance.

Section 25. Rates and Charges. The estimate of rates and charges which will be needed and charged to the general classes of users of property to be served by the Sewage Works in order to provide sufficient moneys to make payments of principal of and interest on the 2003 Bonds, along with the other payments identified in this Ordinance, is set forth in an ordinance entitled "An Ordinance Revising the Schedule of Rates and Charges To Be Collected by the Town of Owensville, Indiana, from the Customers Served by the Municipal Sewage Works of the Town," adopted on December 20, 2002.

Section 26. Qualified Tax-Exempt Obligations. The 2003 Bonds (and the BANs, if any) are hereby designated as "qualified tax-exempt obligations" for the purposes of Paragraph (3) of Section 265(b) of the Code, and any or all officials, officers, members, employees and agents of the Town are hereby authorized to execute on behalf of the Town any documents necessary or appropriate to evidence further such designation. The reasonably anticipated amount of "tax-exempt obligations" (as such term is used in Section 265(b) of the Code) (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by the Town or otherwise on behalf of the Town or subordinate entities during the

calendar year 2003 does not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the Town or otherwise on behalf of the Town or subordinate entities have been or shall be designated "qualified tax-exempt obligations" during calendar year 2003. The designation set forth in this Section 26 may be revoked by the Clerk-Treasurer by written certificate prior to the issuance of the 2003 Bonds or BANs.

Section 27. Notice of Adoption and Purport of Ordinance. Upon passage of this Ordinance, the Clerk-Treasurer shall immediately cause to be published in accordance with Indiana Code 5-3-1 a notice of the adoption and the purport of this Ordinance in accordance with Section 10 of the Act in the event that neither the entire Project nor any portion thereof have been ordered by or subject to the order of the Department. In the event an objecting petition is filed in accordance with Section 12 of the Act, no further proceedings shall be taken by the Town relating to the Project until the later of (i) the date on which the court having jurisdiction over such matter confirms the decision of the Town to issue bonds relating to the Project, or (ii) if an appeal is taken the date on which the appropriate court of last resort confirms the decision of the Town to issue bonds relating to the Project, except as permitted by Subsection 12(f) of the Act.

Section 28. Payments on Holidays. If the date of making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, shall be a legal holiday or a day on which banking institutions in the Town or the town or city in which the Registrar and Paying Agent is located are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal date. Notwithstanding the foregoing, with respect to any 2003 Bonds sold to the State pursuant to Section 9 of this Ordinance, if the date for making any payment is a day when financial institutions are not open for business, such payment shall be made on the business day immediately preceding such payment date.

Section 29. Separability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 30. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance.

Section 31. Effectiveness. This Ordinance shall be in full force and effect from and after its passage. (Ord 2002-6; December 20, 2002)

Section 13.4.2 Issuance and Sale of Bonds – 1966

Section 1. That the Town of Owensville establish, construct, equip, own, operate and maintain sewage works, together with such equipment and appurtenances as may be necessary or useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of the sewage and industrial wastes of said town, including the necessary lands, rights of way, or other property therefor within or without the corporate limits of the Town, under and pursuant to Chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session), and all acts amendatory thereof and supplemental thereto (hereinafter sometimes referred to as the "Act"). The terms "sewage treatment works," "works" and other like terms where used in this ordinance shall be construed to mean and include all such structures and property.

Section 2. Said sewage works, consisting of lands, easements, access roads, rights of way, comminution, lift station, force main, two mechanically aerated aerobic digestion tanks, one final settling tank, polishing lagoon, sludge drying beds, outfall sewer, pumping and electrical equipment, complete sanitary sewage collection systems consisting of mains and sub-mains, and other equipment, accessories and appurtenances, shall be acquired and constructed in accordance with the plans, specifications and estimates heretofore prepared by Clyde E. Williams, & Associates, Inc., consulting engineers of South Bend, Indiana, which are now on file in the office of the Board of trustees of the Town of Owensville, Indiana, and are hereby adopted and approved, and by reference made a part of this ordinance as fully as if the same were attached hereto or incorporated herein; the cost of construction of

said works shall not exceed the sum of Five Hundred Nineteen Thousand Eight Hundred Sixty Dollars and said works shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the provisions of Chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session), and all amendments thereof and supplemental thereto, including particularly Chapter 121 of the Acts of the Indiana General Assembly for the year 1957.

Section 3 The Town shall issue its sewage works revenue bonds in the amount of Four Hundred Seventy Thousand Dollars (\$470,000) for the purpose of procuring funds to be applied on the cost of said works, as defined in Sec. 7 of said Act.

Said bonds shall be issued in the denomination of One Thousand Dollars (\$1000) numbered consecutively from 1 to 470 inclusive, dated as of the first day of the month in which sold, and shall bear interest at a rate or rates not exceeding five and one-half percent (5 1/2 %) per annum, payable semi-annually on the first days of January and July of each year, beginning on January 1, 1967. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in lawful money of the United States of America, at the First National Bank in the Town of Owensville, Indiana, and such bonds shall mature serially in numerical order on January 1 in the years and amounts as follows:

<u>Years</u>	<u>Amounts</u>
1962-1978 inclusive	\$ 5,000
1979-1988 inclusive	\$10,000
1989-1996 inclusive	\$15,000
1997-2002 inclusive	\$20,000
2003-2005 inclusive	\$25,000

(Ord 1966-A-1; April 7, 1966; Amended Ord 1966-A-5; August 12, 1966)

Section 4. The bonds of this issue maturing on January 1, 1978 and thereafter, shall be redeemable at the option of the Town, in whole or in part, on July 1 1977, or any interest payment date thereafter, in inverse order of maturity and by lot within maturities, at face value, together with the following premiums

5% if redeemed on July 1, 1977, or thereafter on or before January 1, 1983;

4% if redeemed on July 1, 1983, or thereafter on or before January 1, 1989;

3% if redeemed on July 1, 1989, or thereafter on or before January 1, 1995;

2% if redeemed on July 1 1995, or thereafter prior to maturity, plus in each case accrued interest to the date fixed for redemption. Notice of such redemption shall be published at least one time in a newspaper published in Gibson County and of general circulation in the Town of Owensville, a newspaper or financial journal of general circulation published in the city of Indianapolis, and a newspaper or financial journal of general circulation published in the City of Chicago, Illinois, not less than thirty days prior to the date fixed for redemption. If any of the bonds so to be redeemed are registered, such notice shall be mailed to the address of the registered holder as shown on the registration record of the Town. The notice shall specify the date and place of redemption and the serial numbers of the bonds called for redemption. The place of redemption may be determined by the town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named and when said bonds shall be presented for redemption.

Section 5. Said bonds shall be signed in the name of the Town of Owensville by the President of its Board of Trustees and attested by the Clerk-Treasurer, who shall affix the seal of said Town to each of said bonds. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signature of the Clerk-Treasurer, and said official, by the signing of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Said bonds shall have all of the qualities and incidents of negotiable instruments under the laws at the State of Indiana

Said bonds shall be negotiable by delivery unless registered. Upon presentation of any of the bonds at the office of the Clerk-Treasurer of the Town of Owensville, said Clerk-Treasurer shall register said bonds as to principal without charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on such bond, but bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before, The registration of any bonds shall not

affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

Said bonds, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town, including the works herein authorized to be acquired and constructed *and* all additions and improvements thereto and replacements thereof subsequently constructed or acquired. The Town shall not be obligated to pay said bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Section 6. The form and tenor of said bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

UNITED STATES OF AMERICA
State of Indiana County of Gibson
No. _____ \$1,000
TOWN OF OWENSVILLE SEWAGE WORKS REVENUE BOND

The Town of Owensville in Gibson County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered, then to the registered holder, solely out of the special revenue fund hereinafter referred to, the principal amount of ONE THOUSAND DOLLARS on the first day of January _____ (unless this bond be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent per annum, payable on the first days of January and July in each year, beginning on January 1, 1967, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the First National Bank in the Town of Owensville, Indiana. This bond is one of an authorized issue of four hundred seventy bonds of the Town of Owensville of like date, tenor and effect except as to interest rates and dates of maturity in the total amount of Four Hundred Seventy Thousand Dollars numbered from 1 to 470 inclusive, issued for the purpose of providing funds to be applied on the cost of sewage works, as authorized by an ordinance adopted by the Board of trustees of the Town of Owensville on the 7th day of April, 1966, entitled "An Ordinance concerning the construction and operation by the Town of Owensville, Indiana of sewage works, the issuance of revenue bonds to provide the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said bonds, and other matters connected therewith," and in strict compliance with the provisions of chapter 61 of the Acts of the Indiana General Assembly for the year 1932 (Special Session) and the acts amendatory thereof and supplemental thereto.

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond and all other bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from the Sewage Works Sinking Fund (created by said ordinance) to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the town of Owensville, including the works constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town of Owensville within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The Town of Owensville irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal and interest of the bonds issued on account of the construction of said sewage works, and of which this is one, and any bonds ranking on a parity therewith, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the

the interest then due on its Sewage Works Revenue Bond, dated _____ 1 1966, No. _____; TOWN OF OWENSVILLE; By _____ (Facsimile) Clerk-Treasurer.

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk-Treasurer in the Town of Owensville, Indiana. No writing hereon except by the Clerk-Treasurer.

Date of Registry	In Whose Name Registered	Clerk-treasurer
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 7. The Clerk-Treasurer is hereby authorized and directed to have said bonds and coupons prepared and the President of the Board of Trustees and Clerk-Treasurer are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto, in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said bonds to the purchaser thereof after sale made in accordance with the provisions of this ordinance, provided that at the time of said delivery, the Clerk-Treasurer shall collect the full amount which the purchaser has agreed to pay therefor, which shall not be less than the face value of said bonds, plus accrued interest from the date thereof to the date of delivery. The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding special revenue obligations of the Town, payable out of the revenues of the Town's sewage works to be set aside into the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said sewage works hereinbefore referred to, and the expenses necessarily incurred in connection therewith. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Section 8. Prior to the sale of said bonds the Clerk-Treasurer shall cause to be published a notice of such sale once each week for two weeks in The Owensville Star-Echo and Princeton Daily Clarion, said newspapers being of general circulation in the Town of Owensville, and one time in the Indianapolis Commercial, the last publication to be at least seven days prior to the date fixed for said sale. The notice of sale shall also be posted in three public places in the Town of Owensville. The bond sale notice shall state the time and place of sale, the character and amount of the bonds, the maximum rate of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorney employed by the Town shall deem advisable. Said notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check One Thousand Dollars to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of the bonds and pay for the same as soon as the bonds are ready for delivery, or at the time fixed in the notice of sale, then said check and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default; also, that bidders for said bonds will be required to name the rate or rates of interest which the bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-eighth of one per cent. Not more than three different interest rates shall be named, but all bonds maturing on the same date must bear the same rate of interest. A rate may be repeated without being considered a different rate. There shall be not more than one interest coupon for any coupon period on any bond. The notice shall also state that the opinion of Ice Miller Donadio & Ryan, bond counsel of Indianapolis, Indiana, approving the legality of said bonds, will be furnished to the purchaser at the expense of the Town, and that no conditional bids will be considered.

The bonds shall be awarded by the Clerk-Treasurer to the highest qualified bidder who has submitted his bid in accordance with the terms of this ordinance and the notice of sale. The highest bidder will be the one who offers the lowest net interest cost to the Town, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale will be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time no bid which is lower than the highest bid received at the time of the advertised sale will be considered.

Section 9. The accrued interest and premium received at the time of the delivery of the bonds, if any, together with such amount of the proceeds of the bonds as shall equal the accruing interest on the bonds for a period of twelve months, shall be deposited in the Sewage Works Sinking Fund hereinafter created. The remaining proceeds from the sale of said bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as "Town of Owensville, Sewage Works Construction Account." All funds deposited to the credit of said Sewage Works Sinking Fund or Sewage Works Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly Chapter 9 of the Acts of 1945, as amended. The funds in said Sewage Works Construction Account shall be expended only for the purpose of paying the cost of the works, as defined in Section 7 of Chapter 61 of the Acts of 1932, as amended, or as otherwise required by said Act. Any balance or balances remaining unexpended in such special account or accounts after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction shall be paid into the Sewage Works Sinking Fund and shall be used solely for the purposes of said funds.

Section 10. There is hereby created a sinking fund for the payment of the interest on and principal of revenue bonds which by their terms are payable from the revenues of the sewage works of the Town, and the payment of any fiscal agency charges in connection with the payment of bonds and interest coupons, which fund shall be designated as "Sewage Works Sinking Fund." There shall be set aside and paid into said Sinking Fund quarterly, as available, a sufficient amount of the net revenues of said sewage works, as hereinbefore defined, for the payment of (a) the interest on all bonds which by their terms are payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bands payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety and for the payment of premiums upon bonds redeemed by call or purchase, which margin, together with any unused surplus of such margin carried forward from the preceding year, shall equal ten per cent of all other amounts so required to be paid into said Sinking Fund. The quarterly payments into said Sinking Fund shall be in an amount equal to at least one-fourth of the amount required for such payments during the then next succeeding twelve calendar months and shall continue until such time as said fund shall contain an amount sufficient to pay all of the bonds then outstanding, together with the interest thereon to the dates of maturity thereof. In addition to said required quarterly payments into the Sewage Works Sinking Fund, all of the net revenues of said sewage works not used in making said required sinking fund payments shall be set aside and paid into said Sinking Fund quarterly as available until there has been accumulated as a reserve in said Sewage Works Sinking Fund, over and above said required quarterly one-fourth payments, an amount equal to the sum of the principal and interest on all then outstanding bonds which will be payable during the then next succeeding twelve calendar months. Thereafter, said fund shall be maintained at such level, and additional amounts of net revenues shall be deposited in said fund to the extent necessary to maintain such level.

In no event shall any part of the Sewage Works Sinking Fund be used in calling bonds for redemption prior to maturity, except to the extent that the amount then in said Sinking Fund exceeds the amount required to pay the bonds which will mature within a period of twelve calendar months next following the date of such redemption, together with all interest on the bonds payable in said period. Any such excess of funds above said required level may also be used in purchasing outstanding bonds at a price less than the then applicable redemption price, if first approved by the Board of Trustees. Moneys in said Sinking Fund shall not be used for any purpose whatsoever except as stated in this section,

In the event all required quarterly one-fourth payments into the Sewage Works Sinking Fund have been met to date, and there has been accumulated as a reserve in said fund, over and above said quarterly one-fourth payments, an amount sufficient to meet the requirements of said funds for the then next succeeding twelve months period, and funds in an amount sufficient for operation, repair, maintenance for the next succeeding twelve months period, and for depreciation, have been accumulated and reserved, then the Board of Trustees may transfer any excess net revenues into a fund to be designated "Sewage Works Improvement Fund and used for extensions, betterments and additions to the works. No such transfer shall be made, however, which will interfere with the requirements of the Sewage Works Sinking Fund, the accumulation of the required reserve therein, or with the requirements as to reserving funds for the operation, maintenance and repair of the works, and depreciation. All or any portion of the funds accumulated and reserved for operation, repair and maintenance for the then next succeeding twelve calendar months, and any funds on hand in the Sewage Works Improvement Fund, shall be transferred to

the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal or of interest on the bonds payable from said Sinking Fund.

Section 11. All revenues derived from the operation of the sewage works and from the collection of sewage rates and charges shall be segregated and kept in a special fund separate and apart from all other funds of the Town. Out of this fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid and the requirements of the Sewage Works Sinking Fund shall be met. The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and deposited in said fund, and all disbursements made therefrom on account of the operation of the works, or to meet the requirements of the Sewage Works Sinking Fund, also all transactions relating to said works. There shall be prepared and furnished upon written request, to the original purchasers of the bonds and to any subsequent holder of the bonds, not more than ninety (90 days after the close of each fiscal year, complete operating and income statements of the works, covering the preceding fiscal year, and a statement of the cash balances in the various funds at the beginning and end of said preceding fiscal year. which annual statements shall be certified by the Clerk-Treasurer or an independent certified public accountant employed by the Town for the purpose of preparing such statements. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts and data of the Town relating thereto. Such inspections may be made by a representative duly authorized by written instrument.

Section 12. The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every Lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the Town, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by said governing Act and this ordinance. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance and the requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof as the charges accrue.

Section 13. The Town reserves the right to authorize and issue additional bonds, payable Out of the revenues of its sewage works, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof,

(b) As of the date of issuance of such additional bonds, the balance in the Sewage Works Sinking Fund shall equal not less than the principal and interest requirements of the then outstanding bonds payable during the then next succeeding twelve calendar months.

(c) The net operating revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this ordinance shall be not less than one hundred twenty-five per cent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that purpose.

(d) The principal of the additional parity bonds shall be payable annually on January 1 and the interest thereon shall be payable semi-annually on January 1 and July 1, in the years in which principal and interest are payable.

(e) So long as any of the bonds are outstanding, the town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion

thereof except replaced equipment which may become worn Out or obsolete.

(f) Except as hereinbefore provided in Sec.13, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized unless all of the bonds herein authorized are redeemed and retired coincidentally with the delivery of such additional bond or other obligations.

(g) The town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(h) The provisions of this ordinance shall constitute a contract by and between the Town of Owensville and the holders of the sewage works revenue bonds herein authorized, and after the issuance of said bonds, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Board of Trustees adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remain unpaid.

(i) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes herein set forth and the holders of the bonds shall retain a lien on Such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of said fund as n this ordinance set forth. The holders of said bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to including the right to have a receiver appointed to administer said sewage works, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any & the provisions of this ordinance or the governing Act.

Section 14. For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows:

(a) All contracts let by the town in connection with the construction of said sewage works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred per cent of the amounts of such contract to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

(b) T he works shall be constructed under the supervision and subject to the approval of Clyde E. Williams & Associates Inc, or such other competent engineer as shall be designated by the Board of Trustees. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Board of trustees.

(c) The Town shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged; or if not used for that purpose, shall be treated and applied as net revenues of the works.

Section 15 All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 16. This ordinance shall be in full force and effect from and after its passage and signing by a majority of the Board of Trustees.

(Ord 1966-A-1 April 7, 1966; Amended Ord 1966-A-5; August 22, 1966)

CHAPTER 14

RESERVED

CHAPTER 15

AREA PLAN DEPARTMENT

Section

15.1.1 Establishment Area Plan Department

15.1.1 Establishment of Area Plan Department

Section 1. It is the declared intention of the Board of Town Trustees of the Town of Owensville, Indiana, to avail itself of the provisions of Chapter 18, Acts of 1957, .as amended, Indiana General Assembly, and to participate in the operation of the Area Planning Department after it is established, pursuant to Section 6, of said act.

Section 2. The Board of Town Trustees of the Town of Owensville Indiana hereby adopts the provisions of Chapter 138, Acts of 1957, as amended Indiana General Assembly.

Section 3. The membership of the Area Plan Commission of Gibson County shall be set as forth in Section 8 through Section 13, and in Section 25 of said Act.

Section 4. A copy of this Ordinance, upon its passage and signature by the members of the Board of Trustees shall be certified to the Board of County Commissioners of Gibson County, Indiana and to the following Cities and/or Towns of Gibson County, Indiana: Princeton, Oakland City, Ft. Branch, Haubstadt, Francisco, Patoka, Somerville, Mackey, and Hazelton. (Ord 1972, October 27, 1972; Ord 1972-02; November 15, 1972; Ord 1972-01; December 29, 1972)

CHAPTER 16

LAND USE PLANNING AND ZONING

PARKING OF MOBILE HOMES

Section:

16.1.1 Parking of Mobile Homes

Section 16.1.1 Parking of Mobile Homes

Section 1. : A "mobile home" is any vehicle either mounted on wheels or designed and constructed for wheels and propelled either by its own power or by another power-driven vehicle to which it is attached and which is used for living, sleeping or business purposes, or which was originally used for those purposes. Provided however, a manufactured home installed as a permanent structure that exceeds twenty three feet in width and nine hundred fifty square feet of occupied space is not included within the definition of "mobile home" under this Ordinance. (Ord 1991-01; April 8, 1991; Amended 1995-09; August 14, 1995)

Section 2: Except for the parking of mobile homes in a mobile home park approved by the Indiana State Board of Health, the parking of any mobile home on any lot or parcel of real estate within the corporate limits of the Town of Owensville, Indiana, for more than ten days of any thirty day period is unlawful unless the Board of Trustees of the Town of Owensville, Indiana has issued a permit.

Section 3: Removing or causing to have removed the wheels or any transporting device from a mobile home or the altering of a mobile home in any manner which would hinder or delay the ready removal of said mobile home is unlawful unless a permit has been issued by the Board of Trustees of the Town of Owensville.

Section 4: Each mobile home used as a permanent dwelling shall be properly connected with its own water meter to the water system of the Town of Owensville, Indiana and shall further be properly connected to the Owensville sewer system with said connection approved by the Owensville Sewer Department.

Section 5: The parking of any mobile home on any lot containing less than ten thousand square feet or the placing of a mobile home less than fifteen feet from any lot or property line or any non-connecting structure is a violation of this ordinance.

Section 6: No permit for the parking of a mobile home shall issue unless and until:

(A) The Town Council has determined that placement of a mobile home will not substantially and permanently injure the use of the neighborhood property where said mobile home is to be parked.

(B) The Board of Trustees has determined that said mobile home will be placed on a lot or parcel of real estate containing at least ten thousand square feet and will be placed at least fifteen feet from any property or lot line or non-connecting structure.

(C) The Town Council has determined that said mobile home will be connected properly, with its own water meter, to the water system of the Town of Owensville and will have a proper installation to the Owensville sewer system as approved by the Owensville Sewer Department.

(D) Published notice has been given by the applicant in the form as set forth herein, said publication to be made at least two times in the Owensville Star Echo, the last of which said publications shall be at least seven days prior to a regularly scheduled meeting of the Town Council of the Town of Owensville wherein the application for a mobile home permit will be considered.

Section 7: The published notice referred to in the preceding Section shall be substantially in the following form:

Notice is hereby given to the citizens of the Town of Owensville, Indiana, that (Name of applicant) has applied to the Town Council of the Town of Owensville for a permit to park a mobile home at (address). This notice is given pursuant to Mobile Home Ordinance No, 1991-01. The hearing on the permit application is scheduled for the ____ day of _____, 19__ at 7:00 p.m. at the Town Hall, Owensville, Indiana. Interested persons appearing at said meeting will be given opportunity to present their views on said application.

Section 8: The permit to be granted by the Board of Trustees shall be substantially in the following:

MOBILE HOME PERMIT

The Town Council of the Town of Owensville, Indiana, by acting by and through its Clerk-Treasurer, hereby grants to _____ whose _____ Owensville, Indiana, permission to park (number) mobile homes at _____. By acceptance of this Permit, the Permittee warrants that said mobile homes shall be connected properly to the Town water system and shall be properly connected to the Town of Owensville sewer system.

DATE: ____ CLERK-TREASURER , OWENSVILLE, INDIANA

Section 9: This Ordinance does not apply to any mobile home established by prior permit on any lot or parcel of real estate within the Town of Owensville on or before the effective date of this Ordinance or to any mobile home used to replace any such mobile home provided such replacement is made within thirty days after removal of the original mobile home.

Section 10: There shall be imposed a penalty not to exceed One Hundred Dollars upon conviction for each violation of any provision of this Ordinance. Each day shall be considered a separate offense.

Section 11: Should any Section, subsection, paragraph, or provision of this Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

Section 12: Any person or entity aggrieved by any violation of this Ordinance may seek in any Court of jurisdiction an injunction enjoining said violation.

Section 13: This Ordinance shall be in full force and effect on May 1, 1991.

Section 14: The Council shall be empowered to issue a permit in variance to the requirement of this Ordinance when it shall be in the best interests of the Town and justice to do so.

Section 15: The head of the Owensville Street Department shall be the building inspector for purpose of this ordinance. The building inspector shall inspect all mobile homes for which permits are applied for under this ordinance, and shall make report to the council of said mobile homes. (Ord 1991-001; April 8, 1991; Amended; Ord 1991-01; Amended 1995-09; August 14, 1995)

CHAPTER 16.2

LAND USE PLANNING AND ZONING

ANNEXATION

Sections:

- 16.2.1 November 1980 Annexation
- 16.2.2 February 1980 Annexation
- 16.2.3 Annexation December 1979
- 16.2.4 Annexation January 1979
- 16.2.5 Annexation October 1978
- 16.2.6 Annexation August 1978
- 16.2.7 1978 Special Annexation
- 16.2.8 1967 Annexation Contiguous Territory
- 16.2.9 1961 Annexation of Hillcrest Addition

Section 16.2.1 November 1980 Annexation

Section 1: The Town of Owensville, by separate Ordinance, pursuant to IC 18-5-10-20 does hereby annex the following described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this Town, to-wit:

Part of the Southwest quarter of Section six (6) Township three (3) South, Range eleven (11) West in Gibson County, Indiana, and more particularly described as follows: Commencing at the Southwest corner of the Southwest quarter of Section six (6) Township three (3) South, Range eleven (11) West; thence North along the West line of said quarter section four hundred sixty-six and sixty-two hundredths (466.62) feet to the point of beginning; thence North along the West line of said quarter section one thousand two hundred eighty-five (1285.0) feet; thence East six hundred sixty-five (665) feet more or less to the center line of the Owensville-Princeton Highway; thence Southwesterly along the center line of said Highway four hundred (400.0) feet; thence South 51 degrees 30 minutes East four hundred seventy (470) feet more or less to the most easterly corner of Evanston Addition to Owensville, Indiana; thence South 38 degrees 30 minutes West two hundred fourteen and seven tenths (214.7) feet to the Southeast corner of Evanston Addition; thence East two hundred twenty-three (223.0) feet; thence South four hundred ninety-eight and ninety-six hundredths (498.96) feet; thence West eight hundred eighty (880.0) feet to the point of beginning, containing 20.0 acres, more or less.

Section 2: It is in the best interest of the Town of Owensville, and the citizens thereof that said territory being annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this municipality.
(Ord 1980-03; November 3, 1980)

Section 16.2.2 February 1980 Annexation

Section 1: The Town of Owensville, by separate Ordinance, pursuant to Indiana Code 18-5-10-20 does hereby annex the following- described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this Town, to-wit:

The north half of Ware House Road and more particularly described as follows: Part of the north half of Section 12, Township 3 south, Range 12 west, beginning at a point 20 feet north of the northwest corner of Lot Number 5 in Barker's Second Enlargement to the town of Owensville; thence north 20 feet; thence north 72 degrees east 290.6 feet to a point; thence south 20 feet; thence south 72 degrees west 290.6 feet to the point of beginning.

ALSO, the north half of North Street and more particularly described as follows: Part of the northeast quarter of the southeast quarter of Section 1, Township 3 south, Range 12 west, beginning at the intersection of the south line of said quarter section and the centerline of State Road 65; thence west along said south line 1253 feet to a point; thence north 25 feet to a point; thence east and parallel to the

south line of said quarter section 1253 feet to the centerline of State Road 65; thence south along said centerline 25 feet to the point of beginning.

Section 2: It is in the best interest of the Town of Owensville, and the citizens thereof that said territory be annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this municipality.
(Ord 1980-01; February 4, 1980)

Section 16.2.3 Annexation December 1979:

Section 1: The Town of Owensville, by separate ordinance pursuant to Indiana Code 18-5-10-20, does hereby annex the following described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this Town, to-wit:

A part of the northeast quarter of Section 12, Township 3 south, Range 12 west in Gibson County, Indiana, and more particularly described as follows: Beginning at a 5/8 inch iron, 789.95 feet north and 100 feet west of an iron located at the southeast corner of the northeast quarter of Section 12 Township 3 south, Range 12 west, said beginning point located 30 feet from and at right angles to the centerline of the L & N Railroad as located in 1976 at Valuation Station 13432+89.82; thence bear south, 4 degrees 47 minutes 40 seconds east parallel to the east line of said northeast quarter, 251.95 feet to a 5/8 inch iron; (said point being 538 feet north and 100 feet west of the southeast corner of the northeast quarter of said section, the same point being described in original deed from William P. Wilson to the E. & T.H.R.R. Co, October 10, 1879); thence south, 65 degrees 38 minutes 30 seconds west, 723.02 feet to a 5/8 inch iron at the northwest corner of the Charles I. Armstrong tract as of March 1976; thence bear north, 4 degrees 3 minutes west, 175.42 feet to a 5/8 inch iron set 30 feet from and square to the centerline of said railroad at Valuation Station 13440+47.02; thence bear north, 57 degrees 30 minutes east, 30 feet southeastwardly from and parallel to the centerline of said railroad, 377.71 feet at Valuation Station 13436+69.38; thence northeastwardly along said 30 foot right of way which parallels a 2 degree 55 minute railroad centerline curve to the right a distance of 373.75 feet to the point of beginning, containing 3.7279 acres.

ALSO a part of the northeast quarter of Section 12, Township 3 south, Range 12 west, commencing 879 feet north of the half mile corner of the east line of said section; thence westwardly with a 3 degree curve to the left along the right of way conveyed by said Wilson and wife to said railroad company, 440 feet to the land of F. Hauss; thence north, 234 feet to the line of Walnut Street of Owensville; thence along the south line of said street, east, 413 feet to the east line of said section; thence south, 85 feet to the place of beginning, containing 1.56 acres of land, more or less.

ALSO, a piece of land in Section 7, Township 3 south, Range 11 west and in the northwest quarter thereof commencing on the range line and 879 feet north of the half mile corner of the west line of said section; thence north, 85 feet to Walnut Street; thence east along the south line of said street, 52 feet; thence south, 41 degrees east, 79 feet to the right of way conveyed by said Wilson and wife to said railroad company; thence along said right of way westwardly with a 3 degree curve to the left 100 feet to the place of beginning, containing 0.14 of an acre. SUBJECT TO ALL legal rights of way and easements.

Section 2: It is in the best interest of the Town of Owensville and the citizens thereof that said territory Be annexed and the Town is fully capable of extending all own services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this Municipality and taxed accordingly.
(Ord 1979-06; December 10, 1979)

Section 16.2.4 Annexation January 1979

Section 1: The Town of Owensville, by separate ordinance pursuant to Indiana Code 18-5-10-20, does hereby annex the following described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this town, to-wit:

Part of the North Half of Section twelve (12), Township three (3) South, Range twelve (12) west, in Gibson County, Indiana, and more particularly described as follows:

Beginning at an iron marking the southwest corner of Lot #31 of Warricks Second Addition to the Town of Owensville, thence South two hundred fourteen and five tenths (214.5) feet to the Southwest Corner of Lot #38 in said Addition; thence east three hundred sixty three (363) feet to the Southeast Corner of Lot #37 of said Addition; thence south one hundred seventy three and five tenths (173.5) feet to a point; thence east along the south line of the Stanley Certain Annexation five hundred seventy seven and five tenths (577.5) feet to a point; thence south seven hundred seventy three (773) feet to the center line of State Road #65; thence southwesterly along said center line three hundred eighty one (381) feet to the south line of said North Half; thence west along said south line sixteen hundred forty-five and five tenths (1645.5) feet to a point ten hundred twenty five and two tenths (1025.2) feet west of the Southeast Corner of the Northwest Quarter of said Section 12; thence north seven hundred fifty three and five tenths (753.5) feet to the Northwest Corner of the Avon France twenty three (23) acres; thence west eight hundred thirty three and eighty five hundredths (833.85) feet to the Southwest Corner of the American Convalescent Center; thence north six hundred twenty two (622) feet to the center line of State Road #65; thence northeasterly along said center line fifteen hundred fifteen and three tenths (1515.3) feet to the Northwest Corner of the Cemetery Property; thence south along the east line of said Cemetery Property; three hundred ninety one and three tenths (391.3) feet to a point; thence east along the south line of said Cemetery Property three hundred ninety six (396) feet to an iron at the point of beginning. Containing 73 acres more or less.

Section 2: It is in the best interest of the Town of Owensville and the citizens thereof that said territory be annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this Municipality and taxed accordingly. Ord 1979-01; January 8, 1979)

Section 16.2.5 Annexation October 1978

Section 1: The Town of Owensville, by separate ordinance pursuant to Indiana Code 18-5-10-20, does hereby annex the following described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this town, to-wit:

Part of the Northwest quarter of Section seven (07) Township three (3) South, Range eleven (11) West, in Gibson County, Indiana, and more particularly described as follows: Beginning at a point in the center line of State Road #168 which point may be found by measuring South two thousand three hundred ninety-three and three tenths (2393.3) feet from the Northeast corner of said quarter section; thence North 79 degrees 03 minutes West one thousand two hundred thirty-one and six tenths (1231.6) feet to a point; thence to the left by a 01 degree and 30 minute curve and continuing along the said Highway center line a distance of two hundred eighty-three and four tenths (283.4) feet to a point; thence North along Elvin Kerns West property line one hundred seventy-four and three tenths (174.3) feet to an iron; thence East six and ninety—two hundredths (6.92) feet to an iron; thence North twenty-five (25) feet to a point; thence South 79 degrees 03 minutes East one thousand five hundred six and seventeen hundredths (1506.17) feet to a point on the East line of said quarter section; thence South along said East line one hundred ninety and seven tenths (190.7) feet to the point of beginning; containing 6.57 acres, more or less, being the same real estate shown on a plat prepared by Fred J. Kuester, Registered Land Surveyor #S0137, dated March 17, 1978.

Section 2: It is in the best interest of the Town of Owensville and the citizens thereof that said territory be annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this Municipality and taxed accordingly. (Ord 1978 – 04; August 7 1978)

Section 16.2.6 Annexation August 1978

Section 1: The Town of Owensville, by separate ordinance pursuant to Indiana Code 18-5-10-20, does hereby annex the following described territory to the Town of Owensville, said territory being heretofore contiguous to the boundary of this town, to-wit:

A part of the South half, Southeast Quarter, of Section 1, Township 3 South, Range 12 West, in Montgomery Township, Gibson County, Indiana, and further described as follows: Begin at a point in the South line of a 14.75 acre tract belonging to Margaret Earl Harper as of June 28, 1976, and located as

follows from the Northwest corner of the Southwest Quarter, Southeast Quarter of Section 1, Township 3 South, Range 12 West, bear South 44.84 rods (739.86 feet); thence bear East 31.56 rods (522.06 feet); thence bear North 17.04 rods (281.16 feet); thence bear East 483.74 feet to the said point of beginning, thence from said point of beginning continue East along the same course which follows the South line of said Harper tract as it bears along the Corporation line of the Town of Owensville, Indiana, a distance of 400.00 feet (the latter 175 feet being along the North line of Short Street in the Town of Owensville); thence bear North along Mrs. Harper's East line said East line also being the West Corporation line of the said town, a distance of 17.80 rods (293.70 feet) but 281.4 feet between fences; thence bear West, along Mrs. Harper's North line, a distance of 400.00 feet; thence bear South, a distance of 293.70 feet but 281.4 feet between fences, to the point of beginning, 2.584 acres, more or less.

Section 2: It is in the best interest of the Town of Owensville and the citizens thereof that said territory be annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 3: Said territory shall hereafter be entitled to the benefits of this Municipality and taxed accordingly. (Ord 1978-03; October 17, 1978)

Section 16.2.7 1978 Special Annexation

Section 1: Beulah Besing Mason is the sole owner of the following described real estate which is contiguous to the Town of Owensville, Indiana A part of the southwest quarter of section six (6) in township three (3) south, range eleven (11) west, and bounded as follows: Commencing at a point sixteen (16) rods north from the southwest corner of said section and run thence north twelve (12) rods and seven (7) links; thence east fifty- three (53) rods and eight (8) links; thence south twelve (12) rods and seven (7) links; thence west fifty-three (53) rods and eight (8) links to the place of beginning, containing four and nine hundredths (4.09) acres, and did, on the 2nd day of February, 1978, file a petition for this Board bearing her signature and requesting that said territory be annexed to the Town of Owensville

Section 2: Said petition is in proper form and this Town Board has authority under the provisions of IC 18-5-10-23 to annex said territory to the Town of Owensville.

Section 3: It is in the best interest of the Town of Owensville and the citizens thereof that said territory be annexed and the Town is fully capable of extending all Town services thereto immediately.

Section 4: Said territory is hereby annexed to and made a part of the Town of Owensville and shall hereafter be entitled to the benefits of this Municipality and taxed accordingly. (Ord 1978 -02; March 6, 1978)

Section 16.2.8 1967 Annexation Contiguous Territory

Section 1. That the following described real estate, to-wit: A part of Section 1.2, Township 3 south, flange 12 west, bounded as follows, to-wit: Beginning at the southwest corner of Lot Number 36 in Warrick's Enlargement to the Town of Owensville and running thence south 167.75 feet; thence east 35 rods; thence north 167,75 feet; thence west 35 rods to the place of beginning, containing 2.20 acres, more or less, pursuant to petition signed by all the owners thereof, said real estate being contiguous to the Town of Owensville, be and the same hereby is annexed to and becomes and is a part of said Town and the boundaries of said Town of Owensville are hereby extended to include said real estate. (Ord 1967-01; January 12, 1967)

Section 16.2.9 1961 Annexation of Hillcrest Addition

The following described lands are hereby annexed to the Town of Owensville, Indiana, and shall, on and after the effective date of this ordinance, be a part of said town. Said lands situate in Montgomery Township, Gibson County, State of Indiana, are as follows:
Lots #1 through #12 of Hillcrest Addition which lots comprise all of Hillcrest Addition. (Ord 2A-61; August 7, 1961)

CHAPTER 16.3

LAND USE PLANNING AND ZONING

VACATIONS

Sections:

- 16.3.1 Vacation Certain Portion of West Warrick Street**
- 16.3.2 Vacation of Portion Poplar Street**
- 16.3.3 Vacation of Portion of East Maple Street**
- 16.3.4 Vacation Portion of Clark Street**

Section 16.3.1 Vacation Certain Portion of West Warrick Street

WHEREAS, in the plat of Warrick Addition to the Town of Owensville, Gibson County, Indiana, there was a platted portion of West Warrick Street from Elm Street West, said portion of West Warrick Street being between Lots 31 and 38 in the Warrick Addition to the Town of Owensville.

WHEREAS, a Petition has been filed herein seeking to vacate said portion of West Warrick Street; and

WHEREAS, Notice has been given as required by statute, and the Council of the Town of Owensville, Indiana, has held a hearing on said Petition; and

WHEREAS, said street is not open and has never been open; the vacating of the street will not hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous, will not make access to the lands of any person by means of public way difficult or inconvenient, and will not hinder the public access to a church, school, or other public building or place;

1. That certain portion of West Warrick Street established in the dedicated plat of Warrick Addition to the Town of Owensville, and designated as that portion of West Warrick Street from Elm Street West, being between Lots 31 and 38 in the Warrick Addition to the Town of Owensville be and hereby is vacated.

2. The legal description of that portion of said West Warrick Street vacated is as follows: That portion of West Warrick Street from Elm Street West, being between Lots 31 and 38 in the Warrick Addition to the Town of Owensville, Gibson County, Indiana.

3. The vacated street shall be owned as provided for by the laws of the State of Indiana.

4. A certified copy of this Ordinance shall be recorded in the Office of Recorder of Gibson County, Indiana. (Ord 1997- 01; February 10, 1997)

Section 16.3.2 Vacation of Portion of Poplar Street

WHEREAS, the Town Council of Owensville, Indiana has been petitioned by Charles Campbell, Betty Campbell, Vernon Garrett and Yvonne Garrett concerning the vacation of that portion of Poplar Street located in the Town of Owensville, Indiana between Smith Street and the Owensville corporation limit, and the Town Council having found that due notice of the Petition has been given as required by law, and the Council having further determined that there is no remonstrance against the vacation of the street and further, that the Town of Owensville has no interest in maintaining the said portion of Poplar Street for the purposes of a public street

That that portion of Poplar Street located in the Town of Owensville, Indiana between Smith Street and the Owensville corporation limit is hereby vacated pursuant to Indiana Code 36-7-3-12. (Ord 1992-05; August 10, 1992)

Section 16.3.3 Vacation of Portion of East Maple Street

WHEREAS, the Town Council of Owensville, Indiana has been petitioned by Jack S. Light and Donna G. Light concerning the vacation of that portion of East Maple Street located in the Town of Owensville, Indiana between North Main Street and North 3rd Street, and the Town Council having found that due notice of the Petition has been given as required by law, and the Council having further determined that there is no remonstrance against the vacation of the street and further, that the Town of Owensville has no interest in maintaining the said portion of East Maple Street for the purposes of a public street:

That that portion of East Maple Street located in the Town of Owensville, Indiana between North Main Street and North 3rd Street is hereby vacated pursuant to Indiana Code 36-7-3-12. (Ord 1992-04; April 13, 1992)

Section 16.3.4 Vacation Portion of Clark Street

WHEREAS, Owensville-Montgomery Township Park and Recreation District, on the 11th day of April 1988, filed a petition before this Board pursuant to IC 36-7-3-12 to permanently vacate the west 148.5 feet of Clark Street, a platted street in the Town of Owensville, being an unopened portion of said street bounded on all sides by property of the Petitioner, comprising in all .253 acre, particularly described in said petition; and

WHEREAS, no notice of said petition other than public notice, pursuant to IC 5-3-1-2, of the hearing of said petition, was required; and

WHEREAS, said petition was duly set down for hearing on this date and public notice thereof was given in the manner required by law as disclosed by proof of publication filed with the Clerk of this Board this date; and

WHEREAS, no objections or remonstrance to the petition have been filed and the reasons for the proposed vacation are sound and in the public interest,

1. The west 148.5 feet of Clark Street in the Town of Owensville, Indiana, as disclosed by the plat of the Original Plan of said town, and more particularly described by metes and bounds as follows, to-wit:

Beginning at the southeast corner of Lot No. 8 in the Original Plan of the Town of Owensville, and running then west along the south line thereof 148.5 feet to the southwest corner of said lot; thence south along the east line of Lot No. 1 of Barkers Enlargement to the Town of Owensville 74.25 feet to the northwest corner of Lot No. 9 in the Original Plan of the Town of Owensville; thence east 148.5 feet along the north line of said Lot No. 9 to the northeast corner thereof; thence north 74.25 feet to the place of beginning, containing .253 acre more or less; be and the same is hereby permanently vacated, pursuant to IC 36-7-3-12; and

2. The Town Clerk be and she is hereby directed to certify and furnish copies of this Ordinance to the Gibson County Recorder for recording, and to the Gibson County Auditor. (No Ordinance Number; April 11, 1988)

CHAPTER 17

Ornamental Lighting

Sections:

17.1.1 Public Service Company of Indiana Contract 1987

17.1.2 Public Service Company of Indiana Contract 1980

17.2.3 Public Service Company of Indiana Contract 1961

Section 17.1.1 Public Service Company of Indiana Ornamental Lighting Contract 1987

Section 1. The foregoing contract made and entered into on the 12th day of January, 1987, between the BOARD OF TRUSTEES OF THE TOWN OF OWENSVILLE, INDIANA, and the PUBLIC SERVICE COMPANY OF INDIANA, INC., be and the same is hereby in all things ratified, confirmed and approved.

Section 2. This ordinance is passed on the same day and at the same meeting at which it is introduced, and it is passed by the unanimous consent of all members of the BOARD OF TRUSTEES and there are present and voting at least two-thirds of the members
(Ord 1987-1; January 12, 1987)

Section 17.1.2 Public Service Company of Indiana Ornamental Lighting Contract 1980

1. That the TOWN OF OWENSVILLE do make and enter into the aforesaid contract with PUBLIC SERVICE COMPANAY OF INDIANA, INC. for the installation, operation and maintenance of the overhead street lighting system more particularly described in said contract, and for the street lighting service to be rendered in accordance with the terms and conditions of the said contract; and that said contract, in the form set forth, be, and the same is hereby approved; that the President or BOARD OF TRUSTEES of said Town are authorized to execute the same in the name of, and for, and in behalf of said Town, and the Clerk-Treasurer is authorized to attest the same with his signature and affix thereto the corporate seal of said Town; and that when said contract is executed either by the President or a majority of the BOARD OF TRUSTEES and attested by the Clerk-Treasurer, it shall be in full force and effect.

2. This ordinance is passed on the same day and at the same meeting at which it is introduced and, it is passed by the unanimous consent of all members of the BOARD OF TRUSTEES present, and there are present and voting at least two-thirds of the members elect of said BOARD OF TRUSTEES.
(Ord 1980-04; December 1, 1980)

Section 17.1.3 Public Service Company of Indiana Contract 1961

1. That the TOWN OF OWENSVILLE do make and enter into the aforesaid contract with PUBLIC SERVICE COMPANY OF INDIANA, INC., for the installation, operation and maintenance of, and supplying electric energy for, the overhead street lighting system, more particularly described in said contract, and for the street lighting services to be rendered in accordance with the terms and conditions of said contract; that the TOWN OF OWENSVILLE do make and enter into the aforesaid contract with PUBLIC SERVICE COMPANY OF INDIANA, INC., for the installation, operation and maintenance of, and supplying electric energy for, the ornamental street lighting system, more particularly described in said contract, and the street lighting services to be rendered in accordance with the terms and conditions of said contract; that contracts, in the respective forms hereinabove set forth, be, and the same and each of them are hereby approved; that the President and BOARD OF TRUSTEES of said Town are authorized to execute each and both of said contracts in the name of, and for, and in behalf of said Town, and the Clerk-Treasurer is authorized to attest each and both of said contracts with his signature and affix thereto the corporate seal of said Town; and that when each and both of said contracts are executed by the President or a majority of the BOARD OF TRUSTEES and attested by the Clerk-Treasurer, are duly executed by PUBLIC SERVICE COMPANY OF INDIANA, INC., and have been approved by PUBLIC SERVICE COMMISSION OF INDIANA, as provided therein, they shall be in full force and effect.
(Ord. 3-61; October 2, 1961)

CHAPTER 18

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Town of Owensville

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CHAPTER 19
RESOLUTIONS
Town of Owensville

Sections:

- 19.1.1 **Transfer of Funds 2005-01**
- 19.1.2 **Financial Software 2003-04**
- 19.1.3 **Expense Reimbursement Bonds 2002-05**
- 19.1.4 **Financial Software 2002-02**
- 19.1.5 **CFF Application Submittal 2002-01**
- 19.1.6 **Indiana Housing Finance Authority Application Submittal 1995-01**
- 19.1.7 **Flags at Half Mast 1994-01**
- 19.1.8 **Unfunded Mandates 1993**
- 19.1.9 **Maternity and Disability Leave Policy 1993**
- 19.1.10 **CFF Application Submittal 1993**
- 19.1.11 **Powers of Investment – Town Clerk 1978-10**
- 19.1.12 **Purchase of Property**
- 19.1.13 **Introduction of Fluorides into the Public Water Supply**
- 19.1.14 **Powers of Investment – Town Clerk 1997-10**
- 19.1.15 **Regional Council of Governments 13-A**
- 19.1.16 **Flener Park 1978-04**
- 19.1.17 **Old Age or Survivor’s Insurance 1966-02**

Section 19.1.1 Transfer of Funds 2005-1

Be it resolved by the Town Council of Owensville, Indiana that the following 2004 unused monies in the general fund be transferred to the Rainy Day Fund in accordance with IC 36-1-8-5. According to IC 36-1-8-5(b) states that whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the city or town shall order the balance of the fund to be transferred to the general fund or rainy day fund of the municipality, as provided in IC 36-1-8-5.1, unless a statute provides that it be transferred otherwise. In any fiscal year a city or town may transfer not more than ten percent of the city or town’s annual budget for that fiscal year to the rainy day fund. The rainy day fund is established by Ordinance Number 2005-1 and states the purposes and sources of funding for the fund. Transfers to the rainy day fund must be made after the last day of the year and before March 1 of the subsequent calendar year.

Transfer from: General Fund	
Appropriation #101001921	\$31,470.00

Transfer to: Rainy Day Fund	
Revenue #	\$31,470.00
(2005-01; February 14, 2005)	

Section 19.1.2 Financial Software 2003-04

WHEREAS, THE Owensville Town Council of the Town of Owensville finds that it is beneficial to utilize The financial software systems from a single vendor and,

WHEREAS, Keystone Consulting Services, mc, has provided financial software systems and updates to Indiana municipalities which contain procedures and produce forms that are required and approved by Indiana State Board of Accounts and State Board of Tax Commissioners:

NOW THEREFORE BE IT RESOLVED THAT THE Town Council adopts Keystone Consulting Services, Inc. financial software systems and requests that the Indiana State board of Accounts approve all forms which have been previously submitted by the Town of Osgood, September, 2003 and any update and revisions provided in the future for use by the Town of Owensville. (2003- 4; December 8, 2003)

Section 19.1.3 Expense Reimbursement Bonds 2002-05

ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PRELIMINARY COSTS FROM THE PROCEEDS OF BONDS

WHEREAS, the Town of Owensville, Indiana (the Town”), expects to incur preliminary costs and expenses in connection with the acquisition, construction, installation and equipping of certain improvements and extensions to the sewage works of the Town (the “Project”); and

WHEREAS, the Town expects such preliminary costs and expenses relating to the Project to be reimbursed by sewage works revenue bonds issued by the Town, in an aggregate principal amount not to exceed One Million Two Hundred Eighty-Three Thousand Five Hundred Dollars (\$1,283,500) (the “Bonds”); and

WHEREAS, certain preliminary expenses related to the Project have been or will be incurred by the Town prior to the issuance and delivery of the Bonds; and

WHEREAS, the Town Council of the Town (the “Town Council”) desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U. S. Treasury Regulations promulgated by the Internal Revenue Service (the “Treasury Regulations”);

1. The Town Council hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Project made by the Town prior to the issuance of the Bonds during the period beginning on the date sixty days prior to the date of this Resolution until the date of issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the Town.
2. The Town Council hereby declares that this Resolution is being adopted for purposes of evidencing compliance with Indiana Code 5-1-14- 6 and Section 1.150-2 of the Treasury Regulations. (2002-05; December 9, 2002)

Section 19.1.4 Financial Software 2002-02

WHEREAS, the Town council of the Town of Owensville finds that it is beneficial to utilize the financial software systems from a single vendor and,

WHEREAS, Keystone Consulting, Inc has provided financial software systems and updates to Indiana municipalities which contain procedures and produce forms that are required and approved by Indiana State board of Accounts and State Board of Tax Commissioners:

NOW THEREFORE BE IT RESOLVED that the Town Council adopts Keystone Consulting Inc. financial software systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by City of Seymour, April 2000 and any update and revisions provided in the future for use by the Town of Owensville. (2002-2; April 8, 2002).

Section 19.1.5 CFF Application Submittal 2002-01

1. The Town Council President is authorized to prepare and submit an application for grant funding to address a sewer improvement project for the Town of Owensville, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.

2. The Town of Owensville, Indiana hereby commits the requisite local funds in the total amount of Eight Hundred Three Thousand Five Hundred Dollars in the form of an SRF Loan in the amount of Seven Hundred Sixty Thousand Five Hundred Dollars, and, sewer operating funds in the amount of Forty-three Thousand Dollars, as matching funds for said program, such commitments to be contingent upon receipt of CFF funding from the Indiana Department of Commerce. (2002-01; March 11, 2002)

Section 19.1.6 Indiana Housing Finance Authority Application Submittal 1995-01

1. The Town Council President is authorized to prepare and submit an application for grant funding to address conditions relating to the owner-occupied housing rehabilitation project in the Town of Owensville, Indiana, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Housing Finance Authority and the United States Department of Housing and Urban Development.

2. That the Town of Owensville, Indiana, hereby commits the requisite local funds in the amount of \$30,000 comprised of revenues from the waiving of permits and fees, professional services, and contractor contributions as leveraged finds for said program, such commitment to be contingent upon receipt of HDF funding from the Indiana Housing Finance Authority. (1995-1; June 12, 1995).

Section 19.1.7 Flags at Half Mast 1994-01

RESOLVED, that the Town Board of the Town of Owensville does hereby adopt, effective August 22, 1994, the following policy respecting the lowering of the U. S. Flag and Indiana State Flag in the Owensville Library Park to half mast upon the death of Meleta Dobbs, Clerk Treasurer of the Town of Owensville: 1) The flags will be flown at half mast effective August 22, 1994 until August 25, 1994. (1994-1; August 22, 1994).

Section 19.1.8 Unfunded Mandates 1993

Now, therefore be it resolved that the Town of Owensville endorses the efforts of the Indiana Association of Cities and Towns and the National League of Cities and supports actions to inform the citizens and taxpayers about the devastating impact of these mandates on local discretionary spending for sorely-needed improvements;

Be it further resolved that Town of Owensville calls upon its state and federal representatives to heed our call and support legislation to curtail such unfunded mandates.

Whereas, unfunded mandates on state and local governments have increased significantly in recent years; and

Whereas, federal mandates require cities and towns to perform duties without consideration of local circumstances or capacity, and

Whereas, local projects and needed services have been eliminated or postponed because the U. S. Congress has increased unfunded mandates and regulatory control while reducing financial assistance, and;

Whereas, excessive federal burdens on municipal governments force some combination of higher local taxes and fees and/or reduced local services, and;

Whereas, Indiana municipal officials do not wish to see municipalities reduced to custodial outposts for the federal government's policies, and;

Whereas, the National League of Cities, the Indiana Association of Cities and Towns as well as other state and local government organizations have begun a national public education campaign to help citizens understand the issue, beginning with a National Unfunded Mandates Day, October 27, 1993. (October 11, 1993)

Section 19.1.9 Maternity and Disability Leave Policy 1993

RESOLVED, that the Town Board of the Town of Owensville does hereby adopt, effective May 1, 1993, the following policy respecting maternity and/or disability leave for full-time Town employees:

If the employee intends to return to full employment following maternity and/or disability, the employee shall be given the following benefits upon application:

- (1) Leave at one-half pay for up to six consecutive weeks with maternity leave commencing not earlier than two weeks prior to scheduled birth;

- (2) Hospitalization, vacation accrual and other benefits shall continue as if the employee were not on leave. Disability must be confirmed by a physician's statement. (1993; May 1, 1993)

Section 19.1.10 CFF Application Submittal 1993

1. The Town Council President is authorized to prepare and submit an application to address a water system improvement project and to execute and administer a resultant grant including requisite and general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. That the Town of Owensville, Indiana hereby commits the requisite local funds in the amount of Fifty Six Thousand Dollars (\$56,000), in the form of Town revenues as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce. (April 12, 1993)

Section 19.1.11 Powers of Investment – Town Clerk 1978-10

BE IT RESOLVED, That the Town Board of the Town of Owensville, Owensville, Indiana, does hereby authorize Shirley York, Town Clerk, in her discretion, to invest excess operating funds of the Town Owensville, and the Owensville Water and Sewer Departments in insured bank certificates of deposit, United States Treasury bills and/or pass book savings for the period of time as she shall see fit.

FURTHER RESOLVED, That said clerk treasurer shall have the authority, in her discretion, to determine from time to time the feasibility of such investments and the amounts thereof.

FURTHER RESOLVED, That said Clerk-Treasurer be and she is hereby authorized to sign and execute such applications and other documents as may be necessary or appropriate to give effect to the power herein granted.

FURTHER RESOLVED, that unless renewed by action of this Board, no power herein granted shall expire December 31, 1979, but shall not invalidate or otherwise affect investments then in existence made pursuant to this resolution. (1978-10; December 28, 1978)

Section 19.1.12 Purchase of Property

WHEREAS, The TOWN OF OWENSVILLE is the owner of the following land in Gibson County, Indiana, to-wit:

All the south part of lot number twenty-nine in the Original Plan to the town of Owensville, Gibson County, Indiana, excepting ten feet off of the south side of said south part of said lot now reserved for pass way purposes for the benefit of lots twenty-nine, thirty-two and thirty-three, and being the same real estate conveyed to the grantor by warranty deed, dated March, 1930, recorded in Deed Rec. 100, page 563, records in the office of the Recorder of Gibson County, Indiana;

ALSO, Beginning at a point eighty six feet and three inches South and eighteen feet and six inches west of the Northeast corner of Lot 28 in the original plan of the Town of Owensville, Gibson County, State of Indiana; running west sixteen feet, thence South nineteen feet, thence west twenty feet, thence South twelve feet, thence west six feet and six inches, thence South eighteen feet and three inches, thence North forty degrees east sixty five feet to the place of beginning, containing 1/100 part of an acre more or less;

ALSO, A part of Lot number twenty-nine in the Original plan of the town of Owensville, and described as follows, to-wit: Beginning at a point in the north boundary line of said lot, nineteen feet and six inches east of the northwest corner of said lot, thence east twenty feet and four inches, thence south seventy-four feet and three inches, thence west twenty feet and four inches, thence north seventy-four feet and three inches to the place of beginning; and

WHEREAS, said land is presently being utilized and occupied by OWENSVILLE WATER WORKS, a separate and distinct municipal corporation from the TOWN OF OWENSVILLE; and,

WHEREAS, it is to the advantage of both the TOWN OF OWENSVILLE and the OWENSVILLE WATER WORKS that said land be owned exclusively by OWENSVILLE WATER WORKS; and,

WHEREAS, OWENSVILLE WATER WORKS has offered to purchase said real estate from the TOWN OF OWENSVILLE for the sum of \$100.00, and said amount represents a fair and reasonable purchase price;

NOW, THEREFORE, BE IT RESOLVED, that the TOWN OF OWENSVILLE does hereby accept the offer of the OWENSVILLE WATER WORKS to purchase the above described real estate for the sum \$100.00.

FURTHER RESOLVED, That the Board of Town Trustees be and it is hereby authorized, upon receipt of the purchase price, to execute a deed of conveyance to the OWENSVILLE WATER WORKS and deliver the same in behalf of the TOWN OF OWENSVILLE. The deed of conveyance shall be executed by each member of the Board of Town Trustees and attested by the Town Clerk, and after receipt of the purchase price and delivery of the deed of conveyance, said real estate shall be deemed the sole and exclusive property of OWENSVILLE WATER WORKS. (1978-3; July 3, 1978)

Section 19.1.13 Introduction of Fluorides into the Public Water Supply

WHEREAS investigation by competent dental, medical and public health authorities show that the presence of fluoride in drinking water is a deterrent to tooth decay; and

WHEREAS laboratory analysis shows that such chemical substance in optimum quantities is not found naturally in the public water supply of THE TOWN OF OWENSVILLE; and

WHEREAS Regulation HSE 2 of the Indiana State Board of Health permits the addition of certain fluoride compounds into public water supplies within controlled limits:

THEREFORE BE IT RESOLVED that the Water Works Superintendent is hereby authorized and directed to have plans and specifications prepared for the purchase and installation of equipment to add sodium fluoride to the water being distributed by the Owensville Water Works, and to submit them to the Indiana State Board of Health for approval; and

BE IT FURTHER RESOLVED that, upon the approval of these plans and specifications by the Indiana State Board of Health, such equipment and supplies be purchased and installed in the manner provided by state law, and that thereupon said fluoride compound be added to the public water supply in sufficient quantities to bring the total amount of fluoride ions (F) present in the finished water to the optimum concentration recommended by the State Board of Health but not to exceed 1.5 parts per million by weight.

Section 19.1.14 Powers of Investment – Town Clerk 1997-10

BE IT RESOLVED, That the Town Board of the Town of Owensville, Owensville, Indiana, does hereby authorize Shirley York, Town Clerk, in her discretion, to invest excess operating funds of the Town of Owensville and the Owensville Water and Sewer Department in insured bank certificates of deposit and/or United States Treasury bills for terms not in excess of six months.

FURTHER RESOLVED, That said Clerk-Treasurer shall have the authority, in her discretion, to determine from time to time the feasibility of such investments and the amounts thereof.

FURTHER RESOLVED, That said Clerk-Treasurer be and she is hereby authorized to sign and execute such applications and other documents as may be necessary or appropriate to give effect to the power herein granted.

FURTHER RESOLVED that unless renewed by action of this Board, the power herein granted shall expire December 31, 1978, but such expiration shall not invalidate or otherwise affect investments then in existence made pursuant to this resolution.” (1977-10; December 28, 1977)

Section 19.1.15 Regional Council of Governments 13-A

WHEREAS, Chapter 118 of the Acts of the Indiana General Assembly of 1957 (IC 18-5-1) , commonly known as the Interlocal Cooperation Act, authorizes local government units of this State to enter into agreements to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will best accord with the geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, certain counties and other governmental units in this State and the State of Kentucky have entered into an agreement to form an organization to carry out certain purposes authorized by said Act, said organization to be known and designated as the "Southwestern Indiana and Kentucky Regional Council of Governments, Region 13A"; and

WHEREAS, it is in the best interest of this community that the Town of Owensville become a party to said agreement; and

WHEREAS, said agreement complies, in all respects, with the requirements of the above mentioned Act, and under said Act it is necessary that appropriate action be taken by the Town Board of the Town of Owensville, by resolution, in order that said agreement may be in force so far as the Town of Owensville is concerned;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Owensville a become a member the organization known and designated as the "Southwestern Indiana and Kentucky Regional Council of Governments, Region 1 3A";

FURTHER RESOLVED, that the President of the Town Board be, and he is hereby, authorized to execute the agreement creating said organization forthwith in behalf of the Town of Owensville, and to deliver a copy of this resolution to said organization, said agreement to be effective and binding upon the Town of Owensville upon the adoption of this resolution. (13 A; February 4, 1974)

Section 19.1.16 Flener Park 1978-04

WHEREAS, The Town of Owensville holds the property known as Flener Park under a lease agreement with the predecessors in title of Mary Lou Ross, Gerald Joe Julian and Meleta Hallam; and,

WHEREAS, the operation of said property as a public park is no longer feasible and it is in the best interest of the Town of Owensville and the owners of said real estate that the same be released to the owners thereof, subject to reservation of an easement for an existing sanitary sewer;

NOW, THEREFORE, Be It Resolved, that the Town of Owensville does hereby release all of its claims and rights to said real estate unto Mary Lou Ross, Gerald Joe Julian and Meleta Hallam, with reservation of a sanitary sewer easement;

FURTHER, RESOLVED, that the Town Board members be and they are hereby authorized and directed to execute a written release in recordable form in accordance with the proposed document submitted to the Town Board by the Town Attorney, a copy of which is attached to these minutes. (1978-4; August 7, 1978)

Section 19.1.17 Old Age or Survivor's Insurance 1966-02

A RESOLUTION electing coverage of the employees of a Political Subdivision of the STATE OF INDIANA as provided by Chapter 313, Acts of 1951, as amended, and as they may be amended, and as they may be implemented by regulations of the State Agency.

PREAMBLE, WHEREAS, Pursuant to action taken by this Governing Body a preliminary survey was made by the State Agency of the O.A.S.I. which State Agency has reported that the estimated employer's cost of coverage in the Old-Age and Survivors' Insurance program will be ___ per cent of TOTAL COVERED SALARY AND WAGES TO BE PAID FOR THE YEAR 1966 plus approximately \$15 Annual Administration Costs.

Section 1. THEREFORE, be it resolved, that the Governing Body of Owensville, Indiana, hereby elects coverage under the OLD-AGE & SURVIVORS' INSURANCE as provided by Chapter 313, Acts of 1951, as amended, and as they may be as they may be implemented by regulations of the State Agency.

Section 2. The following positions are hereby designated as those which are to be covered. All positions except: Elected legislative officials, elected executive officials, elected judicial officials, positions on fee basis, and all services of an emergency nature.

Section 3. For the purpose of carrying out the provisions of Title II, Section 218, of the Federal Social Security Act and amendments thereof, the agreement entered into between the State Agency with the approval of the Governor and the Social Security Administrator is made a part of this Resolution and shall constitute an integral part of the Federal agreement between this Political Subdivision and the State Agency and shall become a part of the agreement or modification of the agreement between the State and the Social Security Administrator. The Governing Body hereby explicitly agrees that it will fully perform the obligation of a Political Subdivision under said (Federal-State) agreement and Chapter 313, Acts of 1951, as amended and as they may be amended, and as they may be implemented by regulations of the State Agency.

Section 4 This Ordinance shall be in full force and effect upon passage and approval, for all intents and purposes, except that active coverage shall begin as of the 1st day of January, 1966. (1966-02; ID# 69-0322708; MOD #212; February 15, 1966).

CHAPTER 19.2

RESOLUTIONS

PARKS AND RECREATION

Sections:

19.2.1	Transfer of Appropriations 2005-01
19.2.2	Salaries and Compensation 2005-01
19.2.3	Salaries and Compensation 2003-01
19.2.4	Salaries and Compensation 2002-02
19.2.5	Salaries and Compensation 2001-01
19.2.6	Salaries and Compensation 1999-01
19.2.7	Purchasing Procedures 1998-03
19.2.8	Salaries and Compensation 1998-02
19.2.9	Salaries and Compensation 1997-02
19.2.10	Salaries and Compensation 1996-01
19.2.11	Salaries and Compensation 1995-01
19.2.12	Salaries and Compensation 1993-02
19.2.13	Salaries and Compensation 1991-01
19.2.14	Powers of Investment 1982-01
19.2.15	Extended Park and Recreation Service to Montgomery Township

Section 19.2.1 Transfer of Appropriations 2005-01

Transfer from appropriation #111, Salary of Board Members, to appropriation #113, Wages of Employees, \$458.00

Transfer from appropriation #122, Unemployment Compensation, to appropriation #113, Wages of Employees, \$200.00.

Transfer from appropriation #241, Other Supplies, to appropriation #211, Office Supplies \$21.58.

Transfer from appropriation #391, Other Services and Charges, to appropriation #341, Insurance, \$135.00.

Transfer from appropriation #391, Other Services and Charges, to appropriation#342, Bond Premium, \$10.00.

Transfer from appropriation #391, Other Services and Charges, to appropriation#372, Other Rentals, \$38.00.

Transfer from appropriation #431, Park Development, to appropriation #421, Buildings, \$2877.87. (2005-1; December 14, 2005)

Section 19.2.2 Salaries and Compensation 2005-01

BE IT RESOLVED, that Owensville-Montgomery Township Park and Recreation Board does hereby fix and confirm the following salaries and compensation for the year 2006 as follows:

Board Members shall be compensated at \$45.00 per meeting, not to exceed \$500 per year, payable annually in December from the Park and Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$500.00 per month, payable on the 25th of each month from the Park and Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150.00 per month, payable on the 25th of each month from the Park and Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at 597.00 per month, payable on the 25th of each month from the Park and Recreation Fund. (2005-01, July 13, 2005; Amended Ord 2006-1, January 11, 2006)

Compensation for an hourly worker to do odd jobs for the Park and Recreation Board shall be fixed at \$13.00 per hour, payable on the 25th of each month from the Park and Recreation Fund. This will be paid when compensation is due.

THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance for 2006. (2005-1; July 13, 2005)

Section 19.2.3 Salaries and Compensation 2003-01

BE IT RESOLVED, that Owensville-Montgomery Township Park and Recreation Board does hereby fix and confirm the following salaries and compensation for the year 2004 as follows:

Board Members shall be compensated at \$45 per meeting, not to exceed \$500 per year, payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$ 500 per month, payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month, payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$350 month, payable on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$12.00 per hour, payable on the 1st of each month from the Park & Recreation Fund. This will be paid when compensation is due. (2003-01; July 9, 2003)

Section 19.2.4 Salaries and Compensation 2002-02

BE IT RESOLVED, that Owensville-Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 2003 as follows:

Board Members shall be compensated at \$45 per meeting, not to exceed \$500 per year, payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$500 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month; payable on the 1 of each month from the Park & Recreation Fund.

Compensation fur Janitor at the Community Center shall be fixed at \$350 per month; payable on the 1st of each month from the Park & Recreation Fund,

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$12.00 per hour; payable on the 1st of each month from the Park & Recreation Fund. This will be paid when compensation is due. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance for 2003. (2002-02; August 14, 2002)

Section 19.2.5 Salaries and Compensation 2001-01

BE IT RESOLVED, that Owensville-Montgomery Township Park 5 Recreation Board does hereby fix and confirm the following salaries and compensation for the year 2002 as follows:

Board Members shall he compensated \$500 per year, payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall he fixed at \$500 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall he fixed at \$150 per month; payable from the Park & Recreation Fund on the 1st of each month.

Compensation for Janitor at the Community Center shall be fixed at \$300 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$11.00 per hour; payable from the Park & Recreation Fund on the 1st of each month that compensation is due.

THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance for 2002. (2001-01; July 11, 2001)

Section 19.2.6 Salaries and Compensation 1999-01

BE IT RESOLVED, that Owensville—Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 2000 as follows:

Board Members shall be compensated \$500 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$500 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month; payable from the Park & Recreation Fund on the 1st of each month.

Compensation for Janitor at the Community Center shall be fixed at \$299 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$9.25 per hour; payable from the Park & Recreation Fund on the 1st of each month that compensation is due. This resolution shall be incorporated into the Town of Owensville Salary Ordinance for 2000. (1999-01; July 12, 1999)

Section 19.2.7 Purchasing Procedures 1998-03

Be it resolved by the Board Members of the Owensville—Montgomery Township Park & Recreation Board, Owensville, Indiana:

Section 1. The Park Board is hereby designated as the Purchasing Agency for the Park & Recreation Board, with all the powers and duties authorized under I.C. 5-22. The Purchasing Agency shall designate in writing the Purchasing Agent. The Purchasing Agency may also designate in writing additional purchasing agents as necessary.

Section 2. The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

Section 3. It is hereby determined that the Purchasing Agency may purchase services in whatever manner the Purchasing Agency determines to be reasonable.

Section 4. Supplies manufactured in the United States shall be specified for all purchases and shall be purchased unless the board determines that:

- (A) the supplies are not manufactured in the United States in reasonable available quantities;
- (B) the price 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 the supplies manufactured elsewhere; or
- (D) the purchase of supplies manufactured in the United States is not in the public interest.

Section 5. This resolution shall be in force and effect beginning July 1, 1998. (1998-03; July 13, 1998)

Section 19.2.8 Salaries and Compensation 1998-02

BE IT RESOLVED, that Owensville-Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 1999 as follows:

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$464 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$299 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$ 9.25 per hour; payable from the Park & Recreation Fund on the 1st of each month that compensation is due. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance for 1999. (1998-02; July 13, 1998)

Section 19.2.9 Salaries and Compensation 1997-02

BE IT RESOLVED, that Owensville-Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 1998 as follows:

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$450 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$290 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$9.00 per hour; payable from the Park & Recreation Fund on the 1st of each month that compensation is due. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance. (1997-02; July 14, 1997)

Section 19.2.10 Salaries and Compensation 1996-01

BE IT RESOLVED, that Owensville-Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 1997 as follows:

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$450 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$150 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$290 per month; payable from the Park & Recreation Fund on the 1st of each month.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$9.00 per hour; payable from the Park & Recreation Fund on the 1st of each month that compensation is due. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance. (1996-01; July 8, 1996)

Section 19.2.11 Salaries and Compensation 1995-01

BE IT RESOLVED, that Owensville-Montgomery Township Park & Recreation Board does hereby fix and confirm the following salaries and compensation for the year 1995 as follows:

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$435 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$140 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$275 per month; payable from the Park & Recreation Fund on the 1st of each month.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$8.80 per hour; payable on the 1st of each month that compensation is due from the Park & Recreation Fund. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance. (1995-01; July 10, 1995)

Section 19.2.12 Salaries and Compensation 1993-02

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$ 400.00 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$ 130.00 per month; payable on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$ 250.00 per month; payable monthly on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$ 8.80 per hour; payable on the 1st of each month that compensation is due from the Park & Recreation Fund. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance. (1993-02; July 12, 1993)

Section 19.2.13 Salaries and Compensation 1991-01

Board Members shall be compensated \$300 per year; payable annually in December from the Park & Recreation Fund.

Compensation for the Recording Secretary shall be fixed at \$360 per month; payable on the 1st of each month from the Park & Recreation Fund,

Compensation for Secretary and Overseer of the Community Center shall be fixed at \$120 per month; payable monthly on the 1st of each month from the Park & Recreation Fund.

Compensation for Janitor at the Community Center shall be fixed at \$240 per month; payable monthly on the 1st of each month from the Park & Recreation Fund.

Compensation for an hourly worker to do odd jobs for the Park & Recreation Board shall be fixed at \$8.80 per hour; payable on the 1st of each month that compensation is due from the Park & Recreation Fund. THIS RESOLUTION shall be incorporated into the Town of Owensville Salary Ordinance. (1991-01; July 8, 1991)

Section 19.2.14 Powers of Investment 1982-01

BE IT RESOLVED, that the Owensville-Montgomery Township Park and Recreation Board, Gibson County, Indiana, does hereby authorize Linda Spear, Recording Secretary to said Board, at her discretion, to invest excess operating funds of the Park and Recreation Fund in insured Bank Certificates

of Deposit, United States Treasury Bills, Repurchase Agreements and/or Passbook Savings for the period of time as she shall see fit.

FURTHER RESOLVED, that she shall have the authority, at her discretion, to determine from time to time the feasibility of such investments and the amounts thereof.

FURTHER RESOLVED, that she be and she is hereby further authorized to sign and execute such applications and other documents as may be necessary or appropriate to give effect to the power herein granted.

FURTHER RESOLVED, the power herein granted shall expire at the termination of her appointment, but shall not invalidate or otherwise affect investments then in existence made pursuant to this resolution. (1982-01; March 29, 1982)

Section 19.2.15 Extended Park and Recreation Service to Montgomery Township

WHEREAS, more than twenty-five persons resident in the unincorporated area of Montgomery Township, Gibson County, Indiana, being the Township in which the Town of Owensville is located, have requested the Town of Owensville, acting by and through its Park and Recreation Board, to extend park and recreation service to their area; and

WHEREAS, the unincorporated area of Montgomery Township is not presently located within a unit of government which provides park or recreation service; and

WHEREAS, the Park and Recreation Board of Owensville, Indiana, has this date held a public hearing on said petition and has more than ten (10) days prior to the date set for hearing published in a newspaper of general circulation in the Town of Owensville and Montgomery Township a notice of the time, place and purpose of said hearing; and the cost thereof has been paid by the petitioners; and

WHEREAS, said hearing has been duly held and the petition is properly before this Board for disposition;

NOW THEREFORE, BE IT RESOLVED that pursuant to Indiana Code 19-7-4-54, the Park and Recreation Board of Owensville, Indiana, does hereby approve said petition and recommends to the Town Board of Owensville, Indiana, an ordinance effectuating its objectives.

BE IT FURTHER RESOLVED that the Secretary of this Board be, and she is hereby directed to present said petition and the proposed ordinance to the Town Board of Owensville, Indiana. (September 9, 1978)

CHAPTER 20
RESERVED

CHAPTER 21
GIBSON COUNTY

Section:

21.1.1 Collection and Disposal of Garbage and Rubbish

Section 21.1.1 Ordinance for collection and disposal of garbage and rubbish.

WHEREAS, the prompt and efficient collection and disposal of garbage and rubbish at each and all of the various collection points heretofore and hereafter established in Gibson County, State of Indiana, is in the best interests of the health and welfare of the citizens of Gibson County, State of Indiana;

WHEREAS, the containers provided and situated at all of the various collection points heretofore established by the Board of County Commissioners of Gibson County, State of Indiana, can be emptied and serviced only if correctly loaded by private citizens and are provided for the use of private citizens only;

WHEREAS, the Gibson County Landfill is open to the public daily, from the hours of 7:00 o'clock in the morning until 5:00 o'clock in the evening, for any citizen to deposit, abandon or discard any garbage, rubbish or refuse, however defined.

WHEREAS, commercial haulers of garbage and rubbish have heretofore hindered, delayed and prevented the collection and disposal of garbage and refuse at the various collection points heretofore established by the Board of Commissioners of Gibson County, State of Indiana;

Pursuant to the general powers granted to the Board of Commissioners of Gibson County, State of Indiana, by Acts 1953, Chapter 20, Section 1 and Section 2, page 83 (I. C. 17-2-24-1,2) and (1971) Public Law 235, Section 1, page 929 (I. C. 17-2-24-2) and the specific powers so granted by Acts 1953, Chapter 80, Section 1 thru 6 (I. C. 17-2-22—1,2,3,4,5, and 6), as amended, IT IS HEREBY ORDAINED by the Board of Commissioners of Gibson County, State of Indiana, that the following ORDINANCE shall be promulgated with all dispatch: When used in this ordinance,

(1) "garbage" shall mean and include rejected food waste including every waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit or vegetables.

(2) "rubbish" shall mean and include such matter as ashes, cans, metal ware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind of a size or weight that does not impede or prevent the normal operation of the collection system as it now exists.

(3) "commercial hauler" shall mean any person, firm, partnership or corporation, or any employee, regular or otherwise, thereof who receives compensation, remuneration, pay or value for the removal or hauling of any garbage or rubbish as those terms are defined in I. C. 17-2-22-1 or any other garbage, rubbish or refuse of every kind, character, description, and quantity, including but not limited to, any refrigerator, stove, or any other appliance.

It shall be the duty of every private citizen to deposit garbage or rubbish as those terms are defined above in the containers only, provided at the various collection points heretofore established by the Board of County Commissioners of Gibson County, State of Indiana;

It shall be a violation hereof, subjecting the violator to the penalty provisions contained herein:

(1) For any commercial hauler to deposit, abandon, or discard any garbage or rubbish, as those terms are defined above, or any other garbage, rubbish, or refuse of every kind, character, description or quantity, including, but not limited to, any refrigerator, stove or any other appliance at any of the said collection points in Gibson County, State of Indiana, or in any container at any of the said collection points in Gibson County, State of Indiana;

(2) For any private citizen to deposit, abandon, or discard any garbage or rubbish as those terms are defined above or any other garbage, rubbish or refuse of every kind, character, description or quantity, of a size or weight that impedes or prevents the normal operation of the collection system as it now exists, including but not limited to stoves, refrigerators, mattresses, furniture, concrete blocks, tree branches and steel, in any container at any of the said collection points in Gibson County, State of Indiana.

(3) For any private citizen to deposit, abandon or discard any garbage or rubbish, as those terms are defined above, at any of the various collection points in Gibson County, State of Indiana, other than in the said containers at said collection points.

PENALTY: Any person, firm or corporation who violates any provision of this Ordinance, shall be guilty of a misdemeanor, and upon conviction, the violator shall be punished for the first offense by a fine of not more than \$500.00; for the second offense by a fine of not more than \$1,000.00; and for the third and each subsequent offense by a fine of not more than \$1,000.00. The County Health Officer or his agent bearing proper credentials and any law enforcement officer within the County shall be empowered to enforce the provisions of this Ordinance. (Ord 1980-1 no date)

CHAPTER 22

REPEAL OF ORDINANCES

Section:

22.1.1 Repeal of Outdated and Obsolete Ordinances

Section 22.1.1 Repeal of Outdated and Obsolete Ordinances

The following Ordinances of the Town of Owensville have been repealed:

- Ordinance No. 13: Regulating the impounding of cows, allows the Town Marshal to impound cows, running at large.
- Ordinance No. 14: Pertaining to certain sidewalks, allowing walks to be planked or bricked.
- Ordinance No. 17: Pertaining to certain sidewalks, allows walks to be planked or bricked.
- Ordinance No. 18: Relating to weeds, allows for weeds to be cut during May, June, July, August and September, and allows for a \$1.00 per day fine.
- Ordinance No. 19: Relating to Telephone Company erecting and maintaining and stretching wires thereon and through the public streets of the Town of Owensville, Indiana.
- Ordinance No. 20: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 21: Establishing the grade of the streets of the Town of Owensville.
- Ordinance No. 22: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. February, 1898, Section 1 of Ordinance is missing — allows for hours that children under 15 will be allowed in streets, alleys or public places in the Town of Owensville.
- Ordinance No. 1: Pertaining to Peddlers License, allows for a \$1.00 per day license for persons not residents to the Town.
- Ordinance No. 2: Relating to Show Licenses.
- Ordinance No. 12: Ordinance prohibiting scuffling, wrestling, boxing and boisterous talking on sidewalks abutting the streets of the Town of Owensville.
- Ordinance No.22: Prohibiting the building of chimneys resting upon joists or sleepers and forbidding the use of tile pipes, or majolica pipe for flues.
- Ordinance No. 23: Relating to a sidewalk along the east side of Second Street, in the Town of Owensville, as lies between Maple Street and the North line of the corporate line of the Town of Owensville.
- Ordinance No. 24: Prohibiting the erection of wooden buildings n lots 13, 20, 21, 14, 18, 19, 28, 29 and 33 of the Town of Owensville, original plat.
- Ordinance No. 25: To amend section 1, of Ordinance No. 24; Lots 13, 20, 21, 14, 18, 19, 28, 29 and 33.

- Ordinance No. 26: Prohibiting the erection of or maintaining of hitching racks or hitching posts on certain streets of the Town of Owensville.
- Ordinance No. 27: Prohibiting the hitching of horses, mules or cattle to shade trees within the Town of Owensville.
- Ordinance No. 28: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 29: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 30: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 31: To amend Ordinance No. 7, granting construction of gas and petroleum products lines, and the manufactured products of any of them, for the lighting of the Town for ten years. Granted for twenty-five years.
- Ordinance No. 32: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 33: Granting Evansville Electric Plow and Tractor Company the right to use the streets and alleys to construct poles, etc., for the purpose of furnishing power and electric light to said Town.
- Ordinance No. 34: Telephone franchise to Johnson Telephone.
- Ordinance No. 35: Prohibiting the shooting or exploding of firecrackers, Roman candles or sky rockets, on any sidewalks of the Town of Owensville.
- Ordinance No. 36: Grants to Willis H. Tichenor the right to use town streets for construction of telephone poles. Granted for ten years.
- Ordinance No. 37: Record of this ordinance is totally missing from Town files.
- Ordinance No. 38: Pertaining to sidewalks in the Town of Owensville.
- Ordinance No. 39: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 40: Granting the Cumberland Telephone & Telegraph Company, and its agents, the right to use streets and alleys to construct a telephone or telegraph line for the purpose of conveyance of intelligence and communicating by electricity.
- Ordinance No. 41: Granting the Eagle Oil and Gas Company the right to erect and maintain a gas works in the Town of Owensville.
- Ordinance No. 42: Franchise for streetcars for the Town. Granted for fifty years.
- Ordinance No. 43: Pertaining to certain sidewalks in the Town of Owensville.
- Ordinance No. 44: Franchise for streetcars for the Town of Owensville. Granted for ninety-nine years.
- Ordinance No. 45: Concerning the shooting of firearms in the corporate limits of the Town of Owensville; fine of not less than \$1.00 nor more than \$10.00.
- Ordinance No. 46: Protecting the public health; defining the duties of the Town Health Officer and Town Marshal; pertains to weeds, health and disease.

- Ordinance No. 1: Requiring application and bond for solicitor, a \$500.00 bond must be placed at least seven days prior to peddling. Sets fees for peddling at \$15.00 per day; \$50.00 per week or \$200.00 per month.
- Ordinance No. 1-1926: Sidewalk specifications. Requires that they be 4" thick; 4 feet wide, and slope 3/4" to curb line.
- Ordinance No. 2-1926: Provides for street lighting between the Town of Owensville and Interstate Public Service Company.
- Ordinance 8-7-29 (no number): Against dumping rubbish.
- Ordinance 8-2-23 (no number): Reference to ordinance for commercial licenses.
- Ordinance No. 47: Pertaining to spitting on sidewalks, in churches, and in the Town Hall.
- Ordinance No. 48: Against the keeping of swine in the Town of Owensville.
- Ordinance 4-23-06 (no number): Dog ordinance.
- Ordinance 5-10-07 (no number) : Granting Hoyt O. Smith and James Walker franchise to extend electric and power within the corporate limits of the Town of Owensville. Section Ten (States that all ordinances passed in conflict are repealed.)
- Ordinance 6-6-17 (no number): Prohibiting the storage, sale, discharge or firing of fireworks. (Repeals all other ordinances in conflict.)
- Ordinance 6-6-17 (no number): Makes it unlawful for any person to throw open the cut out on motors in such a manner to make them noisy.
- Ordinance 6-6-17 (no number): Makes it unlawful to harass or torment the feeble-minded.
- Ordinance 8-1-17 (no number): Dog ordinance.
- Ordinance 10-14-19 (no number): An amendment to the swine ordinance assed March 13, 1906.
- Ordinance No. 1 (7-1-31): Regulating traffic on C. B. Smith Streets in the Town of Owensville.
- Ordinance No. 593: Traffic signal at highway 168 & 65 (this would be governed by the Indiana State Highway Commission). Also, allows for stop signs at Main & Brummitt Streets. (This would also be controlled by the Indiana State Highway.)
- Ordinance No. 1-53: Traffic control, making Main & First Streets preferential streets, allowing for no U-turn or left turn from Brummitt Street from Mill to Main or from Main Street from Brummitt to Montgomery. Allows for a 30 MPH speed limit on all streets except Main & Third, these being limited to 20 MPH, allows the Board by resolution to set preferential streets, restrict streets or regulate traffic.
- No number, no date: Restraining chickens from running at large upon streets, alleys and public commons.
- Ordinance No. 51: Allows the Marshal to appoint a deputy to serve until the first Monday of January, 1910.
- Ordinance 12-4-11 (no number): Makes it unlawful for anyone engaged in the business of slaughtering to cook lard or tallow within fire limits of said Town as is now established by ordinance.
- Ordinance No. 55: Prohibits the driving of a tractor over street crossings without first covering the crossing with boards.

- No number, no date: Regulating the cutting of weeds; provided that weeds shall be cut from first day of June to first day of November. Also, to cut along streets and alleys that adjoin their lots. (Fine - the Town Marshal is allowed to hire work done at a price of \$1.50 per day, eight hours shall constitute a day.)
- Ordinance No. 57: Requiring a license for a skating rink; license cost \$25.00.
- Ordinance No. 59: Establishing the grade for South Main Street from the street plats on the north side of Woodbree's addition north to the Mount Vernon Branch Railroad.
- Ordinance No.60: Regulating the construction of sidewalks; sidewalks shall be of concrete and be 41/2 feet in width, and built to grade, stakes set by Town engineer or grade as established by grade book of said Town.
- Ordinance No. 61: Requiring license for skating rinks; license cost \$62.50 per month.
- Ordinance No. 47: Prohibits spitting on sidewalks, in churches and in the Town Hail.
- Ordinance 4-23-06 (no number): Pertaining to dogs running at large; prohibits the Marshal to kill the dogs after they run at large for forty days.
- Ordinance No. 48: Makes it unlawful to erect a stable, barn, shed or oat house within twenty-five feet of sidewalk; also, prohibits gates from opening across sidewalks.
- Ordinance No. 1-1942: Amends Section 3. of an ordinance entitled "An Ordinance Establishing Rates, Rules and Regulations of Owensville Water Works." This is amended by a later ordinance.
- Ordinance No. 2: Requiring a license for pool rooms, license is \$15.00 for the first table; \$10.00 for each additional table.
- Ordinance 9-15-32 (no number): Establishing rates, rules and regulations for the Water Works.
- Ordinance No. 6-A-64: Regulating parking on Main & Brummitt Streets.
- Ordinance No. 1967-B: Approving street lighting contract with Public Service Indiana.
- Ordinance No. 1970-1: Junk car ordinance.
- Ordinance No. 1972-1: Providing for the appointment of a representative to the Area Plan Commission. (March 1, 1982)
- Ordinance No. 1993-3: Public crowds, littering, noise-making and property defacement.
- Ordinance No. 1997-5: Three –way stop at Walnut and Church Streets at the Ball Park.
- Ordinance No. 1998-1: Summer residential sewage rates
- Ordinance No. 2000-12: Southside parking regulation and penalty on Brummit