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CHAPTER 2

CITY ADMINISTRATION

ARTICLE 1. POWERS AND JURISDICTION OF THE CITY. ¹

Sec. 2-1 Acknowledgement of Powers and Jurisdiction Granted by the State. ²

This Chapter is an acknowledgement of:

- a. the policy of the state expressed in *Indiana Code*, § 36-1-3-5 to grant to the City of Greencastle all the powers that it needs for the effective operation of government as to local affairs;
- b. the powers that the state has granted to the City of Greencastle in *Indiana Code*, § 36-1 and other statutes to implement that policy;
- c. the procedures by which the City of Greencastle must exercise any power; and
- d. the territorial jurisdiction of the City of Greencastle. (1986 *City of Greencastle Code*, § 105-5)

Sec 2-2 Powers of the City. ³

- a. The City of Greencastle has:
 1. all the powers granted it by statute, including, but not limited to, *Indiana Code*, § 36-1-4; and
 2. all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute.
- b. The City of Greencastle may exercise any power it has to the extend that the power is not expressly:
 1. denied by the Indiana Constitution or by statute, including *Indiana Code*, § 36-1-3-8; or
 2. granted to another entity. (1986 *City of Greencastle Code*, § 105-10)

Sec. 2-3 Procedures for the Exercise of Powers of the City.

- a. The City of Greencastle shall exercise a power in the specific manner required by any

¹ *I.C.*, §§ 36-4-5-1 through 36-4-5-7, set forth the general powers of the Mayor, and *I.C.*, § 36-1-3-1, *et seq.*, sets forth Home Rule Authority.

² *I.C.*, § 36-1-3-5, addresses the powers of units of government.

³ *I.C.*, § 36-1-4-1, *et seq.*, addresses general corporate powers.

constitutional or statutory provision.

b. If there is no constitutional or statutory provision requiring a specific manner for exercising a power and the City of Greencastle wants to exercise that power, the City:

1. through its Common Council, shall adopt an ordinance prescribing a specific manner for exercising the power; or

2. shall comply with a statutory provision permitting, but not requiring, a specific manner for exercising the power. (1986 *City of Greencastle Code*, § 105-15)

Sec. 2-4 Territorial Jurisdiction of the City.

a. The area inside the corporate boundaries of the City of Greencastle comprises its territorial jurisdiction, except to the extent that a statute expressly authorizes the City to exercise a power in areas outside its corporate boundaries.

b. The City has exclusive jurisdiction over bridges (subject to *Indiana Code*, § 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise.

c. Whenever a statute authorizes the City to exercise a power in areas outside its corporate boundaries, the power may be exercised:

1. inside the corporate boundaries of another municipality if the City and the other municipality enter into an agreement under *Indiana Code*, § 36-1-7; or

2. in a county other than Putnam County, but not inside the corporate boundaries of another municipality if the City and the other county by ordinance enter into an agreement under *Indiana Code*, § 36-1-7. (1986 *City of Greencastle Code*, § 105-20)

Sec. 2-5 through Sec. 2-7 Reserved for Future Use.

ARTICLE 2. ORGANIZATION OF CITY GOVERNMENT.

Division I. In General.

Sec. 2-8 Four (4) Branches of City Government.

The government of the City of Greencastle shall consist of four (4) branches, those being:

a. Executive Branch (*Indiana Code*, § 36-4-5)

b. Legislative Branch (*Indiana Code*, § 36-4-6)

c. Fiscal Branch (*Indiana Code*, § 36-4-10)

d. Statutory Boards and Commissions (Ord. No. 1982-12, § 1, 8-10-82; 1986 *City of Greencastle Code*, § 200-5; Ord. No. 1997-1, § 1, 1-14-97)

Sec. 2-9 through Sec. 2-11 Reserved for Future Use.

Division II. Executive Branch of City Government.

Sec. 2-12 Mayor.⁴

The Mayor is the City executive and head of the executive branch. He or she shall faithfully perform the duties and responsibilities contained in *Indiana Code*, § 36-4-5, and other statutes of the State of Indiana. (Ord. No. 1982-12, § 2[a], 8-10-82; 1986 *City of Greencastle Code*, § 200-20; Ord. No. 1997-1, § 2(a), 1-14-97)

Sec. 2-13 Board of Public Works and Safety.⁵

a. There is established a Board of Public Works and Safety within the executive branch.

b. Such board shall be the chief administrative body of the City and shall have control of the day-to-day operations of the following executive departments which are established:

(1) Police Department

(2) Fire Department

(3) Utilities Department consisting of the Sewage Collection and Disposal System

(4) Street and Sanitation Department

c. There is established a Department of Law pursuant to *I.C.*, § 36-4-9-12.

d. There is established a Department of Parks and Recreation to be controlled and operated by the Park and Recreation Board established pursuant to *I.C.*, § 19-7-4 (now *I.C.*, § 36-10).

e. There is established a Department of Planning and Economic Development. The Department shall consist of two divisions:

⁴ *I.C.*, § 3-2-3-1, *et seq.*, addresses the election of the Mayor; and *I.C.*, §§ 36-4-5-8 and 36-4-5-9, address procedures to be followed in the event of absence, illness or inability of Mayor to perform duties and powers. *I.C.*, § 36-4-9-8, sets forth the Mayor's authority to appoint officers, employees, boards and commissions in third class cities.

⁵ *I.C.*, § 36-4-9-5, addresses the establishment of a Board of Public Works and Safety. The Board currently meets on the third Wednesday of the month at 4:00 p.m.

(1) Planning Division organized under *I.C.*, § 18-7 (now *I.C.*, § 36-7)

(2) Economic Development Commission organized under *I.C.*, § 18-6-4.5 (now *I.C.*, § 36-7).

f. There is established a Department of Waterworks organized under § *I.C.*, § 19-3-15 (*I.C.*, § 36-9).

g. The members of the Board of Public Works and Safety are the Mayor and two (2) voters of the City who shall be chosen by the Mayor and serve at his or her pleasure. The Chiefs of the Police and Fire Departments and the heads of the Department of Law, Sewage and Electrical Systems, and Street and Sanitation Department are appointed by the Mayor and serve at his or her pleasure *I.C.*, § 36-4-9). Pursuant to *I.C.*, § 36-4-9-2, the Mayor shall appoint the heads of the Departments of Waterworks, Parks and Recreation, and Planning and Development with the approval of the statutory board or commission operating the department. Such appointees serve at the pleasure of the Mayor (*I.C.*, § 36-4-11-2).

h. Subject to the appropriation power of the Common Council, the foregoing Departments shall have the ability to hire such employees, and purchase or contract for such materials or services as the Board of Works and Safety or other governing board or commission deems necessary to perform their public function. (Ord. No. 1997-1, § 2, 1-14-97)

Sec. 2-14 Police, Fire and Utilities Departments Established.

The Board of Public Works and Safety shall be the chief administrative body of the City and shall have control of the day-to-day operations of the following executive departments which are established:

a. Police Department

b. Fire Department

c. Utilities Department consisting of the Sewerage Collection and Disposal System.

d. Street and Sanitation Department. (Ord. No. 1982-12, § 2[b], 8-10-82; 1986 *City of Greencastle Code*, § 200-20[b]; Ord. No. 1997-1, §2(b), 1-14-97)

Sec. 2-15 Department of Law.

There is established a Department of Law pursuant to *Indiana Code*, § 36-4-9-12. (Ord. No. 1982-12, § 2[c], 8-10-82; 1986 *City of Greencastle Code*, § 200-20[c]; Ord. No. 1997-1, §2(b), 1-14-97)

Sec. 2-16 Department of Parks and Recreation.

There is established a Department of Parks and Recreation to be controlled and operated by the Park and Recreation Board established pursuant to *Indiana Code*, § 36-10. (Ord. No. 1982-12, § 2[d], 8-10-82; 1986 *City of Greencastle Code*, § 200-20[d])

Sec. 2-17 Department of Planning and Economic Development.

There is established a Department of Planning and Economic Development. The Department shall consist of two (2) divisions:

- a. Planning Division organized under *Indiana Code*, § 36-7, and
- b. Economic Development Commission organized under *Indiana Code*, § 36-7. (Ord. No. 1982-12, § 2[e], 8-10-82; 1986 *City of Greencastle Code*, § 200-20[e]; Ord. No. 1997-1, § 2(e), 1-14-97)

Sec. 2-18 Department of Waterworks.

There is established a Department of Waterworks organized under *Indiana Code*, § 36-9. (Ord. No. 1982-12, § 2[f], 8-10-82; 1986 *City of Greencastle Code*, § 200-20[f]; Ord. No. 1997-1, § 2(f), 1-14-97))

Sec. 2-19 Mayoral Appointments of Department Heads. ⁶

- a. The Chiefs of the Police and Fire Departments and the heads of the Department of Law, Sewage and Electrical Systems, and Street and Sanitation Department are appointed by the Mayor and serve at his or her pleasure (*Indiana Code*, § 36-4-9).
- b. Pursuant to *Indiana Code*, § 36-4-9-2, the Mayor shall appoint the heads of the Departments of Waterworks, Parks and Recreation, and Planning and Development with the approval of the statutory board or commission operating the department.
- c. Such appointees serve at the pleasure of the Mayor (*Indiana Code*, § 36-4-11-2). (Ord. No. 1982-12, § 2[g], 8-10-82; 1986 *City of Greencastle Code*, § 200-25 ; Ord. No. 1997-1, § 2(g), 1-14-97))

Sec. 2-20 Powers of Executive Departments.

Subject to the appropriation power of the Common Council, the foregoing departments shall have the ability to hire such employees, and purchase or contract for such materials or services, as the Board of Public Works and Safety or other governing board or commission

⁶ I.C., § 36-4-11-12, authorizes suspension and removal.

deems necessary to perform their public functions. (Ord. No. 1982-12, § 2[1], 8-10-82; 1986 *City of Greencastle Code*, § 200-30 ; Ord. No. 1997-1, § 2(h), 1-14-97))

Sec. 2-21 through Sec. 2-24 Reserved for Future Use.

ARTICLE 3. SPECIFIC DEPARTMENTS HIGHLIGHTED.

Division I. Department of Redevelopment.⁷

Sec. 2-25 Purposes for Establishing Department.

The Common Council of the City of Greencastle, Putnam County, Indiana ("City") now deems it to be in the best interest of the City and its citizens to afford a maximum opportunity for rehabilitation, redevelopment or economic development of areas by private enterprise by establishing a Department of Redevelopment. (Ord. No. 1992-3, § 1, 1-21-92)

Sec. 2-26 Department of Redevelopment and Redevelopment Commission Established.

The Common Council establishes the Department of Redevelopment of the City. The Department will be controlled by a board of five (5) members known as the Greencastle Redevelopment Commission. (Ord. No. 1992-3, § 2, 1-21-92)

Sec. 2-27 Redevelopment District.

Pursuant to the Act all of the territory within the corporate boundaries of the City will be a taxing district to be known as the Redevelopment District of the City of Greencastle for the purpose of levying and collecting special benefit taxes for redevelopment purposes as provided in the Act. The Common Council finds and determines that all of the taxable property within this special taxing district will be considered to be benefitted by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act. (Ord. No. 1992-3, § 3, 1-21-92)

Sec. 2-28 Commission Appointments.

The Common Council shall appoint two (2) members of the Greencastle Redevelopment Commission. The remaining three (3) members shall be appointed by the Mayor as the municipal executive. (Ord. No. 1992-3, § 4, 1-21-92)

⁷ I.C., § 36-7-4, empowers municipalities to establish a Department of Redevelopment.

Sec. 2-29 Bonds Require Common Council Approval.

No bonds or other obligations shall be issued by the Redevelopment Commission pursuant to the Act without prior approval of the Common Council. (Ord. No. 1992-3, § 5, 1-21-92)

Sec. 2-30 Instances When Council Approval Required.

Any sale or long term lease, other than to the Putnam County Board of Aviation Commissioners, shall require approval of the Common Council. (Ord. No. 1995-23, 12-27-95)

Sec. 2-31 through Sec. 2-33 Reserved for Future Use.**Division II. Department of Parks and Recreation.⁸****Sec. 2-34 Definitions.**

As used in this Chapter, the following terms shall have the meanings described to them:

- a. **Board** refers to the Board of Park Commissioners established under this Chapter.
- b. **City** means the City of Greencastle, Indiana.
- c. **Department** refers to the Department of Parks and Recreation established under this Chapter. (Ord. No. 1990-24, § 600-1, 11-13-90)

Sec. 2-35 Establishment of Department of Parks and Recreation.

The Common Council adopts *Indiana Code*, § 36-10-4. Under the provisions of *Indiana Code*, § 36-10-4, there is created a Greencastle Department of Parks and Recreation. (Ord. No. 1990-24, § 600-5, 11-13-90)

Sec. 2-36 Membership of the Board of Park Commissioners.

a. The Board of Park Commissioners shall be composed of four (4) Commissioners appointed by the Mayor on the basis of their interest and knowledge of parks and recreation. Each Commissioner must be a resident property owner of the City and no more than two (2) Commissioners shall be affiliated with the same political party.

b. Additional members shall include:

⁸ *Editor's Note:* Ord. No. 1990-24 repealed Ord. No. 1989-6, passed April 12, 1989; Ord. No. 1979-1, passed January 15, 1979; and Ord. No. 1-1964, passed January 27, 1964.

1. One (1) *ex-officio* member from the Putnam County Library Board.
2. One (1) *ex-officio* member from the Greencastle Community School Board. (Ord. No. 1990-24, § 600-10, 11-13-90)

Sec. 2-37 Terms of Commissioners - Removal.

a. Each Commissioner appointed shall hold office for a term of four (4) years, beginning on January 1 in the year of the appointment. The Mayor shall appoint a Commissioner to fill a vacancy caused by the expiration of a term by February 1 of that year. If a vacancy occurs, the Mayor shall appoint a new Commissioner for the remainder of the unexpired term.

b. A Commissioner may not be removed from office except upon charges preferred in writing before the Mayor, with a hearing held on them. If the Mayor is bringing the charges, the Common Council shall appoint a hearing officer. The only permissible reasons for removal are:

1. inefficiency;
2. neglect of duty;
3. malfeasance in office. (Ord. No. 1990-24, § 600-15, 11-13-90)

Sec. 2-38 Organization and Procedures of the Board of Park Commissioners.

a. At its first regular meeting after adoption of this ordinance and thereafter in February each year, the Board shall elect a president and 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 appoint a secretary from within or outside its own membership.

b. A majority of the Commissioners constitutes a quorum. Action of the board is not binding unless authorized by a majority of the Commissioners at a regular or duly called special meeting of the board. If there is a tie vote on any questions, the City executive shall cast the deciding vote. *Ex-officio* members shall not be counted in determining a quorum and may not vote.

c. The board shall fix a time for holding regular meetings. Special meetings of the board may be called at any time by its president, or by any two (2) Commissioners, upon a written request to the secretary. If a special meeting is called, the secretary shall notify the Commissioners by mailing written notices of the time of the meeting at least one (1) day before the meeting. All meetings are open to the public.

d. The proper authorities of the City shall provide a suitable office for the board where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

e. By February 1 of each year the board shall make a report to the Mayor of

1. its proceedings, including a full statement of its receipts and disbursements for the preceding calendar year;
2. the acquisition of real property by the board;
3. improvements made by the board; and
4. general character of the work of the board during the preceding year.

f. Money received by the board shall immediately be paid into the City treasury and credited to the department. All expenditures relating to the park, parkways, public grounds, public ways, and other plans of the City under the control of the department shall be provided for by a special levy of taxes. The money shall be paid from the City treasury when ordered by the board. (Ord. No. 1990-24, § 600-20, 11-13-90)

Sec. 2-39 Powers of the Board of Park Commissioners.

The Board shall have the 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, the Board shall have all the powers listed in *Indiana Code*, § 36-10-4, *et seq.* (Ord. No. 1990-24, § 600-25, 11-13-90)

Sec. 2-40 Budget and Gift Procedures.

The Board shall prepare and submit an annual budget in the same manner as other departments of City government as provided by *Indiana Code*, § 36-4-7-6. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. No. 1990-24, § 600-30, 11-13-90)

Sec. 2-41 Special Taxing District.

All of the area within the corporate boundaries of the City constitutes a taxing district for levying special benefit taxes for park purposes as provided in *Indiana Code*, § 36-10-4. (Ord. No. 1990-24, § 600-35, 11-13-90)

Sec. 2-42 through Sec. 2-44 Reserved for Future Use.

Division III. Police Department.**Sec. 2-45 Authority to Establish a Police Department.⁹**

The City may establish, maintain, and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.

Sec. 2-46 Requirements of the Chief of Police.¹⁰

Applicants for appointment to the position of Chief of Police shall meet the requirements of *Indiana Code*, § 36-8-4-6.5, as amended.

Sec. 2-47 Duties of Chief of Police.¹¹

a. The Chief of Police shall enforce all state laws and the ordinances of the City and at all times maintain order and quiet within the City.

b. He or she shall pay all monies collected for the City by him/her to the Clerk-Treasurer within a reasonable time after the collection of the same.

c. He or she shall maintain order at the meetings of the Council, and in so doing, shall obey the orders of the Mayor or presiding officer. He or she shall also perform such other duties as are imposed upon him/her by law and ordinance.

d. The Chief of Police shall faithfully discharge all of the duties as provided by law, serving all writs, subpoenas, summonses, and warrants which may be placed in his/her hands coming from any court or officer of competent authority. He or she shall act as conservator of the peace in the City, promptly quelling all disturbances and arresting all disturbers.

e. He or she shall also enforce all penal ordinances by promptly arresting the violators thereof.

Sec. 2-48 Police Reserve Force.¹²

a. The Greencastle Reserve Police Force is established.

⁹ *I.C.*, § 36-8-2-2, sets forth the authority to establish, maintain and operate a police and law enforcement system to preserve public peace and order.

¹⁰ *I.C.*, § 36-8-4-7, sets forth age and other requirements of appointed members of the Police Department.

¹¹ *I.C.*, § 36-8-3-3(g), authorizes the Police Chief to have exclusive control of the Police Department, subject to the rules of the Board of Public Works and Safety. *I.C.*, § 36-8-3-10, sets forth the powers and duties of the Police Department, and the Police Chief in particular.

¹² *I.C.*, § 36-8-3-20, authorizes the creation of police reserves.

- b. There will be no more than eight (8) police reserves at any time.
- c. The reserve officers must successfully complete the state mandated forty (40) hour pre-basic course.
- d. The reserve officer will be distinguishable from the regular officers in that reserve uniforms will consist of light blue shirts and reserve badges.
- e. The reserve officers will be granted full arrest powers in accordance with the statutes of the State and the ordinances of the City. Said arrest power will be limited to uniformed, on-duty reserves.
- f. The reserve officers will conform to all Greencastle City Police Department rules and regulations as defined by the department's S.O.P. manual.
- g. The reserve department will be structured as follows:
 - 1. A board of command consisting of the Chief of Police, the Assistant Chief of Police and the training officer for the Greencastle City Police Department.
 - 2. The board of command will appoint a member of the reserve force to act as commanding officer of the reserves.
- h. The reserve department will [be] authorized to hold fund raising events to purchase equipment and supplies for use in their duties.
- i. Each reserve will receive an annual sum of fifty dollars (\$50.00) designated as a clothing allowance.
- j. The City of Greencastle agrees to accept responsibility for the liability of the reserve officer. (Ord. No. 1985-20, § 1-10, 9-10-85)

Sec. 2-49 Salaries of the Police Department - Size of Department.¹³

The Common Council shall establish by ordinance the size of the Police Department and compensation of its members.

Sec. 2-50 through Sec. 2-59 Reserved for Future Use.

¹³ I.C., § 36-8-3-3(d), authorizes the legislative body to establish, before August 2, the annual compensation of members of the police department and other appointees.

Division IV. Fire Department.¹⁴**Sec. 2-60 Authority to Establish Fire Department.**

The City may establish, maintain, and operate a fire fighting and fire prevention system and may provide facilities and equipment for that system.

Sec. 2-61 Volunteer Fire Force Established.

There is established the Greencastle Volunteer Fire Force. (Ord. No. 1985-22, § 1, 10-8-85)

Sec. 2-62 Size of the Volunteer Fire Force.

There shall be no less than fifteen (15) members of such Volunteer Fire Force at any time. (Ord. No. 1985-22, § 2, 10-8-85)

Sec. 2-63 Duties of Volunteer Fire Force.

All members of the Volunteer Fire Force shall conform to all of the rules of the Greencastle Fire Department as defined by ordinances of the City of Greencastle and the Standard Operating Procedures Manual of the Greencastle Fire Department (except Personnel Section). (Ord. No. 1992-___, § 420-20, 4-14-92)

Sec. 2-64 Mandatory Training of Volunteer Fire Force.

All members of the Volunteer Fire Force must successfully complete a twenty-four (24) hour mandatory training required by *Indiana Code* prior to performing job-related functions. The appointment of any member to the Volunteer Fire Force shall be a probationary appointment until such time as the volunteer firefighter is certified as a 2nd Class Firefighter by the State of Indiana. (Ord. No. 1992-___, § 420-25, 4-14-92)

Sec. 2-65 Uniforms of Volunteer Fire Force.

Badges, patches and identification shall be provided by the Fire Department and display Volunteer status when appropriate. (Ord. No. 1992-___, § 420-30, 4-14-92)

Sec. 2-66 Benefits for the Volunteer Fire Force.¹⁵

a. Each member of the Volunteer Fire Force shall receive an annual sum of one hundred dollars (\$100.00) from the City of Greencastle to be designated as a clothing allowance.

¹⁴ *I.C.*, § 36-8-2-3, sets forth the authority to establish a fire fighting system.

¹⁵ *Editor's Note:* During the 1997 codification the City requested that the amount be increased in this section from \$75.00 to \$100.00.

b. The City of Greencastle shall furnish all members of the Volunteer Fire Force workers' compensation insurance. (Ord. No. 1992-___, § 420-35, 4-14-92)

Sec. 2-67 Responsibility of City for Liability of Members of Volunteer Fire Force.

The City of Greencastle agrees to accept responsibility for the liability of the members of the Volunteer Fire Force to the extent that such liability is covered by the insurance of the City. (Ord. No. 1992-___, § 420-40, 4-14-92)

Sec. 2-68 Salaries of the Fire Department and Size of the Department.¹⁶

The Common Council shall establish by ordinance the size of the Fire Department and compensation of its members.

Sec. 2-69 Rules and Regulations of the Greencastle Fire Department.¹⁷

[Reserved]

Sec. 2-70 through Sec. 2-74 Reserved for Future Use.

ARTICLE 4. PERSONNEL POLICY.¹⁸

Division I. General Provisions.

Sec. 2-75 Personnel Policy and Procedure Manual.¹⁹

a. The personnel policy and procedure manual was adopted on December 12, 1995, effective January 1, 1996.

¹⁶ *I.C.*, § 36-8-3-3(d), authorizes the Common Council to establish the annual compensation of the Fire Department prior to August 2.

¹⁷ *Editor's Note:* Ord. No. 1985-17, passed on July 9, 1985, repealed Ord. No. 2, 1964, passed on April 13, 1964, addressing Fire Department Rules and Regulations.

¹⁸ *I.C.*, § 36-1-4-14, authorizes a unit to hire and discharge employees and establish a system of employment.

¹⁹ *Editor's Note:* Ord. No. 1995-19 replaced Ord. No. 1991-1 which was passed on January 8, 1991, and was requested by the City to be included by reference only during the 1997 codification.

I.C., § 22-9-1, sets forth its "Indiana Civil Rights Law". Overtime is addressed in the Fair Labor Standards Act, 29 *U.S.C.*, § 207. *I.C.*, § 5-14-3, sets forth the "Access to Public Record" law. The Occupational Safety and Health laws are set forth in 29 *United States Code* § 652, *et seq.* *I.C.*, § 36-1-4-15, addresses compensation of officers and employees. *I.C.*, §§ 5-10-6-1 and 36-5-4-7, address vacations. *I.C.*, § 36-4-8-9, addresses advance payment of compensation during vacations. *I.C.*, § 22-3-1-1, *et seq.*, set forth the Workers' Compensation System. Family and Medical Leave policies are set forth in 29 *United States Code*, § 2601, *et seq.* *I.C.*, § 36-8-6-1, *et seq.*, address the 1925 Police Pension Fund; *I.C.*, § 36-8-7-1, *et seq.*, address the 1937 Firefighters' Pension Fund; and *I.C.*, § 36-8-8-1, *et seq.*, address the 1977 Police Officers and Firefighters Pension and Disability Fund. The Drug-Free Workplace Act of 1988 is set forth in Title 41 *United States Code*, §§ 701-707. *I.C.*, § 35-44-1-3, addresses conflict of interest regulations.

b. Said policy and procedure manual is incorporated herein by reference and is available for public inspection during regular business hours in the Office of the City Clerk-Treasurer. (Ord. No. 1995-19, 12-12-95)

Sec. 2-76 Drug and Alcohol Testing Procedures.²⁰

The procedures for drug and alcohol testing for holders of commercial driver licenses are incorporated herein by reference and is available for public inspection during regular business hours in the Office of the City Clerk-Treasurer. (Ord. No. 1996-25, 12-17-96)

Sec. 2-77 through Sec. 2-124 Reserved for Future Use.

ARTICLE 5. STATUTORY BOARDS, COMMISSIONS, AND OTHER ENTITIES.

Sec. 2-125 Police Pension Board of Trustees.

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by *Indiana Code*, § 36-8-6 (1925 Fund) and *Indiana Code*, § 36-8-8 (1977 Fund) concerning the statutory pensions of the City police. (Ord. No. 1982-12, § 5[a], 8-10-82; Ord. No. 1997-1, § 5(a), 1-14-97)

Sec. 2-126 Firefighters' Pension Board of Trustees.

There shall be a Firefighters' Pension Board of Trustees to perform certain duties prescribed by *Indiana Code*, § 36-8-7 (1925 Fund) and *Indiana Code*, § 36-8-8 (1977 Fund) concerning the statutory pensions of the City firefighters. (Ord. No. 1982-12, § 5[b], 8-10-82; Ord. No. 1997-1, § 5(b), 1-14-97))

Sec. 2-127 Establishment of Housing Authority.²¹

- a. A housing authority for the City of Greencastle is established.
- b. The name of the housing authority shall be the "Housing Authority of the City of Greencastle, Indiana". (1986 *City of Greencastle Code*, § 890-5)

Sec. 2-128 Economic Development Commission.²²

a. There is created the Greencastle Economic Development Commission, which said commission shall be the Department of Economic Development of Greencastle, Indiana. (Ord. No. 2, 1968, § 1, 4-15-68)

²⁰ The Drug-Free Workplace Act of 1988 is set forth at Title 41 *United States Code*, §§ 701-707.

²¹ *Editor's Note:* The Housing Authority currently meets on the second Tuesday of each month at 7:00 p.m.

²² *I.C.*, § 36-7-12-1, *et seq.*, addresses economic development regulations.

b. This Commission shall have three (3) members, all to be appointed in the manner provided in the following section. (Ord. No. 2, 1968, § 2, 4-15-68)

c. There shall be five (5) members of the Greencastle Economic Development Commission. Members of the Greencastle Economic Development Commission shall be appointed by the Mayor of said City in the following manner:

Three (3) of the members to be so appointed shall be selected by the Mayor; one (1) member shall be nominated by the County Council of Putnam County; and one (1) member shall be nominated by the Common Council of the City of Greencastle. The nominations made by the County Council and the Common Council of the City of Greencastle shall be transmitted to [the] Mayor in writing within ten (10) days from the date hereon. The Commissioners shall take office upon their appointment and their terms shall run the following number of years from April 1, 1968, following their original appointment. The Commissioner nominated by the Common Council of the City of Greencastle shall serve two (2) years; the Commissioner nominated by the Putnam County Council shall serve one (1) year; and the Commissioner selected by the Mayor shall serve three (3) years. At the expiration of their respective terms of each of the Commissioners, their respective successors shall be selected and nominated in the same manner as the original appointee, each of which nominee shall be appointed by the Mayor within ten (10) days after receiving the nomination, and each succeeding member after the original appointees, shall serve for a term of four (4) years. In the event any person appointed shall fail to qualify within ten (10) days after the mailing to him of notice of appointment, or if any member after qualifying shall die, resign or vacate said office, or be removed, a new member shall be chosen and appointed to fill the vacancy in the same manner as provided for the member in respect to whom such vacancy occurs and the member so chosen and the appointed shall serve for the remainder of the vacated term. (Ord. No. 1974-5, § 3, 8-12-74)

d. No person shall be appointed as a Commissioner who is not either a resident of Greencastle, employed in Greencastle, or an owner of a business in Greencastle. If any Commissioner shall cease to qualify in one (1) of the above categories, his appointment on said commission shall terminate and his office shall become vacant.

Each Commissioner, before entering upon his duties, shall take and subscribe an oath of office in the usual form, to be endorsed upon a certificate of his appointment, which shall be promptly filed with the Clerk-Treasurer of the City.

The commission originally appointed shall meet within thirty (30) days after its appointment at a time and place designated by the Mayor of Greencastle for the purpose of organization, and shall meet to reorganize in February of each succeeding year.

The commission shall elect one (1) of its members as president, one (1) as vice-president, and one (1) as secretary, each of which officer shall serve from the day of his

election until the 31st day of January next following his election and until his successor is elected and qualified. (Ord. No. 2, 1968, § 4, 4-15-68)

e. The commission shall adopt such By-Laws, Rules and Regulations as it may deem necessary for the proper conduct of its proceedings. Regular or special meetings shall be held at such time as the commission may determine and upon such notice as it may fix, and a majority of the commission shall constitute a quorum and concurrence of a majority shall be necessary to authorize any action. (Ord. No. 2, 1968, § 5, 4-15-68)

f. Any Commissioner may be removed from office for neglect of duty, incompetency, disability to perform his duties, or any other good cause, by the officer or board which nominated him. A Commissioner so removed may obtain judicial review of such removal by filing a complaint in the Circuit Court of Putnam County, but the burden of proof shall be upon the officer or board which removed the Commissioner. The cause shall be placed on the advance calendar and be tried as other civil cases are tried by the court within the intervention of a jury. An appeal from such judgement may be taken as in other civil actions. (Ord. No. 2, 1968, § 6, 4-15-68)

g. No Commissioner shall have any pecuniary interest in any contract, employment, leases, purchase or sale made under the provisions of this act, and any such transaction made in which any Commissioner has a pecuniary interest shall be void *ab initio*; provided, however, that any property required for the purpose of this act in which a Commissioner has a pecuniary interest may be acquired but only by gift or condemnation. (Ord. No. 2, 1968, § 7, 4-15-68)

h. The Greencastle Economic Development Commission is granted all of the powers and duties set out in the Municipal Economic Development Act of 1965, the same being Chapter 402 of the Acts of the Indiana General Assembly of 1965. (Ord. No. 2, 1968, § 8, 4-15-68) ²³

Sec. 2-129 Parks and Recreation Board. ²⁴

a. The Parks and Recreation Board is established pursuant to *Indiana Code*, § 36-10. (Ord. No. 1982-12, § 2[d], 8-10-82)

b. The Board is also addressed in Sec. 2-16 and Chapter 5 of this *Code*.

Sec. 2-130 Cemetery Board. ²⁵

Indiana Code, § 23-14-25-1, *et seq.*, address the care of cemeteries by third class cities.

²³ *Editor's Note:* The Economic Development Commission currently meets on the third Tuesday of the first month of each quarter at 7:00 p.m.

²⁴ *Editor's Note:* The Parks and Recreation Board currently meets on the first Wednesday of each month at 7:00 p.m.

²⁵ *I.C.*, § 6-1.1-10-5, addresses tax exempt status for property used by a municipality for a cemetery. *I.C.*, § 36-9-21-18, addresses the powers of the municipal works board and sewage works projects through cemeteries. The Cemetery Board meets on the first Monday of each month at 4:00 p.m.

Sec. 2-131 Plan Commission.

The Plan Commission is addressed in Chapter 10 of this *Code*.²⁶

Sec. 2-132 Board of Zoning Appeals.

The Board of Zoning Appeals is addressed in Chapter 10 of this *Code*.²⁷

Sec. 2-133 Citizens Advisory Commission for Industrial Development.²⁸

Indiana Code, § 36-7-13-1, *et seq.*, address industrial development.

Sec. 2-134 Clean City Committee.²⁹

[Reserved]

Sec. 2-135 Tree Board.

a. Creation and Establishment of a City Tree Board:

There is hereby created and established a City Tree Board under the direction of the Greencastle City Council for the City of Greencastle which shall consist of five (5) members, of which at least three (3) of whom shall be citizens and residents of the city. With approval of the City Council, three (3) mayoral appointments shall be made. The Greencastle Street Department Commissioner and a member of the City Council shall be the remaining two (2) members of the Tree Board. Any application for permit or approval from the Tree Board shall be directed to the Office of the City Clerk-Treasurer. (Ordinance No. 1998-10 §2, 7-14-98)

b. Term of Office:

The term of three (3) persons to be appointed by the mayor shall be three (3) years except that the term of one of the members appointed to the first board shall be for only one (1) year and the term of one (1) member of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed by the mayor for the unexpired portion of the term. (Ord. No. 1995-4, § 3, 4-11-95)

²⁶ **Editor's Note:** The Plan Commission currently meets on the fourth Monday of each month at 7:30 p.m.

²⁷ **Editor's Note:** The Board of Zoning Appeals currently meets on the first Tuesday of each month at 7:30 p.m.

²⁸ **Editor's Note:** The Citizens Advisory Commission for Industrial Development currently meets on the second Tuesday of each month at 8:00 a.m.

²⁹ **Editor's Note:** The Clean City Committee currently meets on the second Thursday of each month at 5:00 p.m.

c. Compensation:

Members of the board shall serve without compensation. (Ord. No. 1995-4, § 4, 4-11-95)

d. Duties and Responsibilities:

It shall be the responsibility of the Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs along streets and in other public areas. This plan will include ways to disseminate information for the continuation of community education concerning tree care. Such a plan will be presented annually to the Greencastle City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Greencastle.

The Greencastle Tree Board shall serve as an advisory council to the Greencastle Park Commissioners concerning the care, preservation, pruning, planting, replanting, removal or disposition of all park trees.

The Board, when requested by the Greencastle City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

The Greencastle Common Council will be responsible for reviewing, approving, and establishing fee schedules for all permits issued by the City Tree Board. (Ord. No. 1995-4, § 5, 4-11-95)

e. Operation:

The Board shall choose its own officers, make its own rules and regulations, and keep minutes of its proceedings which will form permanent records on file in the clerk/treasurer's office. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 1995-4, § 6, 4-11-95)

Sec. 2-136 through Sec. 2-139 Reserved for Future Use.

ARTICLE 6. FISCAL BRANCH.

Sec. 2-140 Clerk-Treasurer. ³⁰

The Clerk-Treasurer is the fiscal officer of the City and the head of the fiscal branch. He or she shall perform the duties assigned by *Indiana Code*, § 36-4-10, and such other duties as the Common Council may, by ordinance, require. (Ord. No. 1982-12, § 4[a], 8-10-82; Ord. No. 1997-1, § 4(a), 1-14-97)

³⁰ *I.C.*, § 36-1-2-4, defines "clerk" as a Clerk-Treasurer in a third class City.

Sec. 2-141 Deputy Clerk-Treasurers.

The Clerk-Treasurer is authorized, pursuant to *Indiana Code*, § 36-4-11-4, to appoint one (1) deputy Clerk-Treasurer to be paid solely from funds appropriated for the Office of Clerk-Treasurer. Such deputy shall work under the exclusive direction of the Clerk-Treasurer, and serves at the pleasure of the Clerk-Treasurer. (Ord. No. 1982-12, § 4[b], 8-10-82; Ord. No. 1997-1, § 4[b], 1-14-97)

Sec. 2-142 Space Allocation for Utilities - Compensation and Clerks.

The Clerk-Treasurer shall furnish space within his or her office for the administration and records of the City's utilities. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the board having control of the utility the clerk serves. The utility clerks serve at the pleasure of the board which appointed them. The Clerk-Treasurer shall be compensated for services he or she renders to the City's utilities, and shall have the power to supervise the utility personnel in his or her office, subject to the approval of the governing boards of the various utilities. (Ord. No. 1982-12, § 4[c], 8-10-82; Ord. No. 1997-1, § 4[c], 1-14-97)

Sec. 2-143 Clerk-Treasurer's Election and Term of Office.³¹

a. The Clerk-Treasurer shall be elected in the same manner as the Mayor.³²

b. The Clerk-Treasurer shall take office at twelve noon (12:00 p.m.) on the first day of January following his or her election, and shall serve for four (4) years and until a successor is elected and qualified.

Sec. 2-144 Legal Counsel for City Clerk-Treasurer.

Pursuant to *Indiana Code*, § 36-4-10-5.5, the City Clerk-Treasurer may hire or contract with an attorney or legal research assistants.

Sec. 2-145 through Sec. 2-149 Reserved for Future Use.**ARTICLE 7. FUNDS AND FISCAL PROCEDURE.****Sec. 2-150 Payment of Certain Claims Preapproved.**³³

a. The Clerk-Treasurer may make claim payments in advance of allowance by the Board of Public Works or the Common Council for the following kind of expenses:

³¹ *I.C.*, § 5-4-1-5.1, addresses bonded officers and employees, and *I.C.*, § 5-4-1-18, addresses the minimum requirements for individual surety bonds and blanket bonds.

³² *I.C.*, § 3-2-7, addresses the election of Clerk-Treasurer.

³³ *I.C.*, § 36-4-8-14, permits this procedure. *Editor's Note:* Ord. No. 1996-15 replaced Ord. No. 1992-20 which was passed on July 28, 1992. "Or the Common Council" was added at the request of the City during the 1997 codification process.

1. Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
 2. License or permit fees.
 3. Insurance payments.
 4. Utility payments or utility connection charges.
 5. General grant programs where advanced funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
 6. Grants of state funds authorized by statute.
 7. Maintenance or service agreements.
 8. Leases or rental agreements.
 9. Bond or coupon payments.
 10. Payroll.
 11. State, federal, or county taxes. (Ord. No. 1996-15, § 1, 9-10-96)
- b. Each payment of expenses under this ordinance must be supported by a fully itemized claim. (Ord. No. 1996-15, § 2, 9-10-96)
- c. The Board of Public Works or the Common Council shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense. (Ord. No. 1996-15, § 3, 9-10-96)

Sec. 2-151 Fire Prevention Gift Fund.³⁴

- a. There is created a gift fund of the City of Greencastle to be known as the "Fire Prevention Gift Fund". (Ord. No. 1989-4, § 1, 3-14-89)
- b. The Clerk-Treasurer is authorized and directed to deposit into such fund all gifts and donations in regard to fire prevention. All expenditures from said fund for fire prevention programs must be approved and made in the same manner as required for other expenditures by the City of Greencastle. (Ord. No. 1989-4, § 2, 3-14-89)

Sec. 2-152 Payroll Fund.

- a. There is created a special account of the City of Greencastle to be known as the "Payroll Fund". (Ord. No. 1989-5, § 1, 3-14-89)

³⁴ I.C., § 5-11-1-3, requires a separate account for funds of the City.

b. The Clerk-Treasurer is authorized and directed to deposit into such fund all funds for the payment of payroll and payroll withholding. All expenditures from said fund must be approved and made in the same manner as required for other expenditures by the City of Greencastle. (Ord. No. 1989-5, § 2, 3-14-89)

Sec. 2-153 Southern Highway Extension Account.

a. There is created a special account of the City of Greencastle to be known as the "Southern Highway Extension Fund".

b. The Clerk-Treasurer is authorized and directed to deposit into such fund the sum of three hundred thousand dollars (\$300,000.00) in interest-bearing deposits, the same to be used solely for the approximate 1.2-mile extension of the Southern Highway from U.S. 231 to Manhattan Road.

c. The three hundred thousand dollars (\$300,000.00) herein authorized to be invested in such fund be paid from the proceeds of the sale of the IBM facility to Charming Shoppes, Inc., which proceeds have been donated to the City of Greencastle, Indiana, by the IBM Corporation.

d. In the event the expenditures contemplated by this ordinance should be determined to be expenditures which the City cannot legally make for highway improvements outside the City limits, then the use of such funds shall be subject to the determination of the Common Council of the City of Greencastle, Indiana. (Ord. No. 1987-20, §§ 1-4, 12-8-87)

Sec. 2-154 Industrial Development Fund.

There is created, pursuant to *Indiana Code*, § 36-7-13-4, an Industrial Development Fund, which shall be a special revolving fund into which any available and unappropriated monies of the municipality may be transferred by the municipal legislative body and to which any receipts in the form of gifts or grants or any proceeds from the sale or lease of industrial development real estate may be deposited and used for the purposes of industrial development and expansion for the City of Greencastle. (Ord. No. 1986-16, § 1, 12-9-86)

Sec. 2-155 Cumulative Capital Development Fund (Fund No. 402).³⁵

a. There is re-established a Greencastle Cumulative Capital Development Fund. (Res. No. 1995-4, § 1, 3-14-95)

b. An *ad valorem* property tax levy will be imposed and the revenues from the levy will be retained in the Greencastle Cumulative Capital Development Fund. (Res. No. 1995-4, § 2, 3-14-95)

³⁵ *Editor's Note:* Ord. No. 1985-4, passed on May 14, 1985, established this tax for calendar years 1986 through 1988. Ord. No. 1987-10, passed on July 3, 1987, established this tax at fifteen cents (\$.15) per one hundred dollars (\$100.00) of assessed valuation for 1989, 1990, and 1991.

c. The maximum rate of levy under Paragraph 'b' will not exceed fifteen cents (\$0.15) per one hundred dollars (\$100.00) assessed valuation. (Res. No. 1995-4, § 3, 3-14-95)

d. The Greencastle Cumulative Capital Development Fund is re-established for the years 1995, 1996 and 1997. (Res. No. 1995-4, § 4, 3-14-95)

e. The funds accumulated in the Greencastle Cumulative Capital Development Fund will be used for the capital improvements as described in *Indiana Code*, § 36-9-16.5-2:

1. To purchase, construct, equip and maintain buildings for public purposes.
2. To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.
3. To demolish any improvements on land acquired under this section, and to level grade, and prepare the land for construction of a public building.
4. To acquire land or rights-of-way to be used as a public way or means of ingress or egress to land acquired for the construction of a public building.
5. To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

or as described in *I.C.*, § 36-9-16-3, as follows

1. To acquire land or rights-of-way to be used for public ways or sidewalks.
2. To construct and maintain public ways or sidewalks.
3. To acquire land or rights-of-way for the construction of sanitary sewers or storm sewers, or both.
4. To construct and maintain sanitary sewers or storm sewers, or both.

or as follows

7. To purchase or acquire land, with or without buildings, for park or recreational purposes.
8. To purchase, lease or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders and hoses.
9. To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

10. To purchase or lease equipment and other nonconsumable personal property needed by the unit for any transportation use. (Res. No. 1995-4, § 5, 3-14-95)

f. Notwithstanding Paragraph 'd', funds accumulated in the Greencastle Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in Paragraph 'd', if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Mayor or Council President issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund. (Res. No. 1995-4, § 4, 3-14-95)

g. This fund takes effect upon approval of the State Board of Tax Commissioners. (Res. No. 1994-8, § 7, 4-12-94)

Sec. 2-156 Cumulative Capital Improvement Fund (Fund No. 401).³⁶

a. In accordance with the requirement of Section 8 of Chapter 225, Acts 1965 General Assembly, there is created a special fund to be known as the Cumulative Capital Improvement Fund of Greencastle into which the cigarette taxes allotted to Greencastle by reason of Subsection C (1) (C) of Section 27 C and Section 27 D of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 as amended shall be deposited. Said fund shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements. (Ord. No. 2, 1965, § 1, ___-__-__)

b. The term "capital improvements" means the construction or improvements of any property owned by the City of Greencastle, Indiana, including, but not limited to, streets, thoroughfares and sewers and the retirement of general obligation bonds of Greencastle issued, and the proceeds used for the purposes of constructing capital improvements. The term "capital improvement" shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement. (Ord. No. 2, 1965, § 2, ___-__-__)

Sec. 2-157 Local Road and Street Fund (LRS)(Fund No. 202).

a. The Local Road and Street Fund (LRS) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.

b. Distributions may be expended for purposes listed in *Indiana Code*, § 8-14-2-5.

³⁶ I.C., §§ 36-9-16-1 through 36-9-16-6, address the Cumulative Capital Improvement Fund.

Sec. 2-158 Motor Vehicle Highway Fund (MVH)(Fund No. 201).

a. The Motor Vehicle Highway Fund (MVH) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.

b. The funds may be expended for construction and maintenance of streets and alleys and other approved uses set forth in *Indiana Code*, § 8-14-1-5.

Sec. 2-159 Local Law Enforcement Continuing Education Fund.

a. There is established a Local Law Enforcement Continuing Fund, pursuant to *Indiana Code*, § 5-2-8-2.

b. Said fund shall be used for purposes provided by applicable law, with all monies being properly received and disbursed.

c. Said fund shall consist of fees collected pursuant to *Indiana Code*, § 33-10.1-6-9.

Sec. 2-160 General Fund.(Fund No. 101)

The General Fund shall be used to account for all financial reserves except those required to be accounted for in another fund. It shall be the general operating fund of the City. The general fund shall be used for current general operations of the City.

Sec. 2-161 Firearms Training Fund. ³⁷

a. Pursuant *Indiana Code*, § 35-47-2-3, there is established a non-reverting fund known as the Firearms Training Fund.

b. Said fund shall be under the control of the Board of Public Works and Safety and shall be subject to the following conditions:

1. All monies received from applicants for handgun licenses shall be deposit therein.

2. All disbursements from said fund shall be for the purposes provided by law and upon proper claim(s) being presented and approved.

Sec. 2-162 Law Enforcement Continuing Education Fund(Fund No. 210). ³⁸

a. There is established a fund known as the "Law Enforcement Continuing Fund" for the

³⁷ *I.C.*, § 35-47-2-3, authorizes the law enforcement agency to accept application for a handgun license with a ten dollar (\$10.00) application fee, which is to be deposited into the law enforcement agency's Firearms Training Fund.

³⁸ *I.C.*, §§ 9-29-4-2, 9-29-11-1, 35-47-2-3, 33-19-8-4 and 33-6-3-4, address deposits into a Continuing Education Fund effective July 1, 1993.

purpose of purchases made by the Greencastle, Indiana, Police Department for equipment, supplies, continuing education, and law enforcement training for the Police Department.

b. This fund shall be comprised of fees collected by the Greencastle Police Department from the following activities:

1. Vehicle Inspections.
2. Accident Reports.
3. Hand gun licenses and transfers.
4. Proceeds from the sale of confiscated weapons.

c. Before any money from this fund is spent, same must be first appropriated according to State Statute.

d. The funds accumulated in the Local Law Enforcement Continuing Education Fund established shall be used for the purpose of continuing education and training of law enforcement officers employed by the City of Greencastle. All expenditures must comply with the terms and provisions of the Statute by the authority of which the Fund is created, and must be approved by the Chief of Police.

e. The funds placed in the Local Law Enforcement Continuing Education Fund may not be withdrawn except for the purposed set forth herein, so long as this ordinance remains in full force and effect.

Sec. 2-163 Police Department Incident Report Account.

a. There is established an incident report account to be designated as the "Police Department Incident Report Account".

b. There are further established fees which may be collected by the Greencastle Police Department for certain reports, photographs, and videotapes, and such fees shall be computed as follows:

1. Five dollars (\$5.00) for the first page of an Incident Report, and three dollars (\$3.00) for each page thereafter.
2. Three dollars (\$3.00) for each photograph or copy thereof furnished by the Police Department.
3. Fifty dollars (\$50.00) for a video tape or copy thereof furnished by the Police Department.

c. Fees collected pursuant to this Section shall be deposited in the Police Department Incident Report Account and expended pursuant to applicable procedures established by the State Board of Accounts. (See also Chapter 4 of this *Code*.)

Sec. 2-164 Construction Account.

Any accrued interest and any premium received at the time of the delivery of the Waterworks Refunding Revenue Bonds shall be deposited in the Waterworks Sinking Fund hereinafter defined. The remaining proceeds from the sale of the Bonds, to the extent not used to refund BANs, and BAN proceeds shall upon receipt be deposited in a bank or banks which are legally designated and qualified depositories for the funds of the City, in a special account or accounts to be designated as "City of Greencastle, Waterworks Construction Account". The funds in each of such special accounts shall be deposited, secured, and held, or invested in accordance with the laws of the State of Indiana relating to the depositing, securing and holding, or investing of public funds. The funds in such special account or accounts and any income derived from the investment hereof shall be expended only for the purpose of paying the cost of the Project, refunding the BANs, if issued, and the incidental expenses incurred in connection therewith and with the issuance of bonds and BANs. Any balance or balances remaining unexpended in such special account or accounts after the completion of the Project, which are not required to meet unpaid obligations incurred in connection with the construction of the Project, shall either

(1) be deposited in the Waterworks Sinking Fund and used solely for the purposes of said Fund or

(2) be used for the same purpose or type of project for which the Bonds were issued, all in accordance with *I.C.*, § 5-1-13, as amended. (Ord. No. 1995-9, § 9, 5-22-95)

Sec. 2-165 Revenue Fund and Operation and Maintenance Fund.

All revenues derived from the operation of the waterworks and from the collection of water rates and charges shall be deposited in the Revenue Fund ("Revenue Fund") continued. Said Revenue Fund shall be segregated and deposited as set forth in this ordinance. Out of said Revenue Fund the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of registrars or paying agents shall be paid and the costs of replacements, extensions, additions and improvements to the works shall be paid.

There is continued a fund known as the "Operation and Maintenance Fund" ("O & M Fund"). On the last day of each calendar month, a sufficient amount of moneys shall be transferred from the Revenue Fund to the O & M Fund so that the balance maintained in the O & M Fund is sufficient to pay the expenses of operation, repair and maintenance of the works for the next succeeding two (2) 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 waterworks on a day-to-day basis. Any moneys in said Fund may be transferred to the Waterworks Sinking Fund if necessary to prevent a default in the payment of principal or of interest on the outstanding bonds of the waterworks. (Ord. No. 1995-9, § 10, 5-22-95)

Sec. 2-166 Waterworks Sinking Fund.

There is continued a special fund designated "Waterworks Sinking Fund" ("Sinking

Fund") for the payment of the principal of and interest on all outstanding waterworks revenue bonds, and the payment of any fiscal agency charges in connection with the payment of bonds. There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said waterworks to meet the requirements of the Bond and Interest Account and the Reserve Account continued in said Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and Reserve Account hereinafter described equal the principal of and interest on all of the then outstanding bonds of the waterworks to the final maturity and provide for payment of all fiscal agency charges.

a. *Bond and Interest Account.*

There is continued, within said Sinking Fund, the Bond and Interest Account. There shall be credited on the last day of each calendar month to the Bond and Interest Account an amount of the Net Revenues equal to at least one-sixth (1/6) of the interest on and at least one-twelfth (1/12) of the principal of all then outstanding bonds payable on the then next succeeding interest and principal payment dates, until the amount of interest and principal payable on the then next succeeding respective interest and principal payment dates shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying interest and principal on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

b. *Reserve Account.*

There is continued, within the Sinking Fund, the Reserve Account. The City shall deposit Net Revenues of the waterworks into the Reserve Account on the last day of each calendar month until the balance in the Reserve Account equals but does not exceed the least of

(i) the maximum annual debt service on the then outstanding 1991 Bonds and the Bonds, or

(ii) one hundred twenty-five 125% of the average annual debt service on the 1991 Bonds and the Bonds, or

(iii) ten percent (10%) of the proceeds of the 1991 Bonds and the Bonds (the "Reserve Requirement"). The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within four (4) years of the date of delivery of the Bonds. The Reserve Account shall constitute the margin for safety and a protection against default in the payment of principal of and interest on the Bonds and the 1991 Bonds, and the moneys in the Reserve Account shall be used only to pay current principal and interest on said Bonds and 1991 Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the 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 Reserve Account are transferred to the Bond and Interest Account to pay interest or principal on the Bonds or 1991 Bonds, then such depletion of the balance in the

Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account hereinbefore provided for. No moneys shall be held in the Reserve Account in excess of the Reserve Requirement. Any interest earnings that accumulate in excess of the Reserve Requirement shall be considered as revenues of the waterworks. The Common Council has determined, based upon the advice of its financial advisor, that the Reserve Account is reasonably required and that the Reserve Requirement is no larger than necessary to market the Bonds. The Common Council further finds that the Reserve Account is directly related to the Project since the Bonds could not be issued to fund the Project without the Reserve Account. (Ord. No. 1995-9, § 11, 5-22-95)

Sec. 2-167 Waterworks Improvement Fund.

There is continued a special fund designated the Waterworks Improvement Fund ("Improvement Fund"). In the event all required payments into the O&M Fund and the Sinking Fund have been met to date, then any excess Net Revenues may be transferred to the Improvement Fund for improvements, replacements, additions, and extensions to the works. No such transfer to the Improvement Fund shall be made, however, which will interfere with the requirements of the Sinking Fund or the accumulation of the required reserve therein.

All or any portion of the funds accumulated and reserved in the Improvement Fund shall be transferred to the Sinking Fund, if necessary, to prevent a default in the payment of principal of or interest on the bonds payable from said Sinking Fund or to eliminate any deficiencies in credits to or minimum balance in the Reserve Account. Moneys in the Improvement Fund also may be transferred to the O & M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the waterworks. (Ord. No. 1995-9, § 12, 5-22-95)

Sec. 2-168 Investment of Funds.

The Sinking Fund shall consist of at least one (1) separate account of the City. The O & M Fund and the Improvement Fund may be maintained in one (1) account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All moneys deposited in said accounts shall be deposited, held, secured and invested as public funds in accordance with the public depository laws and investment laws of the State of Indiana as now in effect or as hereafter amended. (Ord. No. 1995-9, § 13, 5-22-95)

Sec. 2-169 Greencastle Economic Development Income Tax Fund.

a. The City of Greencastle establish[es] a fund designated as the Greencastle Economic Development Income Tax Fund and is designated as Account No. 444 .

b. The Clerk-Treasurer is authorized to disburse such funds pursuant to the Capital Improvement Plan adopted pursuant to *I.C.*, § 6-3.5-7-15. (Res. No. 1994-12, 12-12-94)

Sec. 2-170 County Option Income Tax (COIT).

On May 12, 1986, the Putnam County Council adopted a resolution addressing the county option income tax, effective July 1, 1986.

Sec. 2-171 Cable Television Public Access Programing Gift Fund.

a. There is created a gift fund of the City of Greencastle to be known as the "Cable Television Public Access Programing Gift Fund".

b. The Clerk-Treasurer is authorized and directed to deposit into such fund all gifts and donations in regard to cable television public access programing. All expenditures from said fund must be approved and made in the same manner as required for other expenditures by the City of Greencastle. (Ord. No. 1989-3, §§ 1-2, 3-14-89)

Sec. 2-172 Miscellaneous Funds Continued.

The following funds are continued in effect. Said listing is not to be considered all inclusive with a complete listing available by contacting the Fund Report available in the office of the City Clerk-Treasurer. Each shall be funded and operated in accordance with all statutory requirements:

- | | |
|---|--|
| Abandoned Vehicle Fund | Park (Fund No. 204) |
| Board Proceeds (Fund No. 421) | Park Bond (Fund No. 312) |
| CIP Fund (Fund No. 273) | Payroll (Fund No. 701) |
| Community Development Block Grant (CDBG) (Fund No. 414) | Police Pension (Fund No. 703) |
| Cemetery (Fund No. 205) | Pool |
| Cemetery GRD Improvement (Fund No. 266) | Redevelopment Dist. Capital (Fund No. 651) |
| Cemetery Old Mausoleum (Fund No. 711) | Sewage Bond and Interest (Fund No. 625) |
| Cemetery Trustee (Fund No. 710) | Sewage Construction (Fund No. 609) |
| Cumulative Fire Equipment (Fund No. 426) | Sewage Consumer Deposit (Fund No. 630) |
| Donation (Fund No. 268) | Sewage Improvement (Fund No. 626) |
| Economic Development (Fund No. 228) | Sewage O/M (Fund No. 628) |
| Fire Pension (Fund No. 702) | Sewage Operating (Fund No. 606) |
| Housing Grant | Sewage Reserve (Fund No. 627) |
| Main Street Programs (Fund No. 272) | Trash (Fund No. 526) |

Trash Deposit (Fund No. 527)

Water Improvement (Fund No. 612)

Tree Grant (Fund No. 276)

Water O/M (Fund No. 610)

Water Bond and Interest (Fund No. 611)

Water Operating (Fund No. 601)

Water Consumer Deposit (Fund No. 604)

Water Reserve (Fund No. 613)

Waterworks Construction
(Fund No. 608)

Sec. 2-173 and Sec. 2-174 Reserved for Future Use.

ARTICLE 8. CITY MEMBERSHIPS AND AGREEMENTS.³⁹

Sec. 2-175 Town Memberships.

a. The City of Greencastle, Indiana, shall maintain membership in the following organizations, which are municipally oriented and established for the benefit of cities and municipalities, to wit:

1. Indiana Association of Chiefs of Police.
2. Indiana Association of Fire Chiefs.
3. Indiana League of Municipal Clerks and Treasurers.
4. Indiana Street Commissioners Association. (Ord. No. 1977-14, § 1, 11-14-77)

b. The Clerk-Treasurer of the City of Greencastle, Indiana, is authorized to pay dues and membership fees for such organizations as may be required to qualify said City of Greencastle, Indiana, as a member of each organization. (Ord. No. 1977-14, § 2, 11-14-77)

³⁹ I.C., § 36-1-3-2, authorizes powers for the effective operation of government.

Sec. 2-176 Expenditure of Promotional Fees.

The Mayor is authorized to expend promotional fees as the same are defined by law and as the same may be provided for in the budget of the City of Greencastle, Indiana. (Ord. No. 1982-7, § 1, 6-29-82)

Sec. 2-177 Interlocal Government Agreements and Mutual Aid Agreements.

The Town is authorized pursuant to *Indiana Code*, §§ 36-1-7-1 through 36-1-7-12, as may be amended from time to time, to enter into joint agreements for the purchase or exchange of property and services with other governmental bodies through appropriate ordinance or resolution of the Board of Public Works and Safety and notified by the Common Council.

Sec. 2-178 and Sec. 2-179 Reserved for Future Use.**ARTICLE 9. ACCESS TO PUBLIC RECORDS.****Sec. 2-180 Form to Be Used.**

The following form shall be used by members of the public when requesting copies of public documents:

[See Next Page]

(Form prepared pursuant to *Indiana Code*, § 5-14-3-1, *et seq.*)

CITY OF GREENCASTLE, INDIANA
ACCESS TO PUBLIC RECORDS REQUEST
(NONDISCLOSABLE OR DISCRETIONARY DISCLOSURE)

NAME OF REQUESTING PARTY _____

ADDRESS _____

TELEPHONE NUMBER _____

DATE _____ TIME _____

INFORMATION REQUESTED _____

EMPLOYEE HANDLING REQUEST _____

DEPARTMENT _____

INTER-OFFICE USE

Please initial and date each procedure step followed.

CLASSIFICATION OF INFORMATION

____ NONDISCLOSABLE

____ DISCRETIONARY DISCLOSURE

NONDISCLOSURE

Informed requesting party that the information requested is nondisclosable. _____
(Date and Initial)

DISCRETIONARY DISCLOSURE

Advised party to return in 24 hours for decision as to disclosability. _____
(Date and Initial)

Request delivered to the Department Head and the Town Attorney's Office. _____
(Date and Initial)

Decision by City Attorney's Office and Department Head:

Information disclosable _____

Information nondisclosable _____

Date of decision _____

Signature of parties making decision

City Attorney _____

Department Head _____

Received decision and followed previously outlined procedure for disclosable or nondisclosable information:

(Date and Initial)

COMMENTS MAY BE WRITTEN ON THE BACK OF THIS FORM

ALL DECISIONS AS TO DISCLOSABILITY MUST BE MADE AND THE REQUESTING PARTY ADVISED OF SAME WITHIN 24 HOURS AFTER THE REQUEST IS RECEIVED (See Indiana Code , § 5-14-3-1, et seq.)

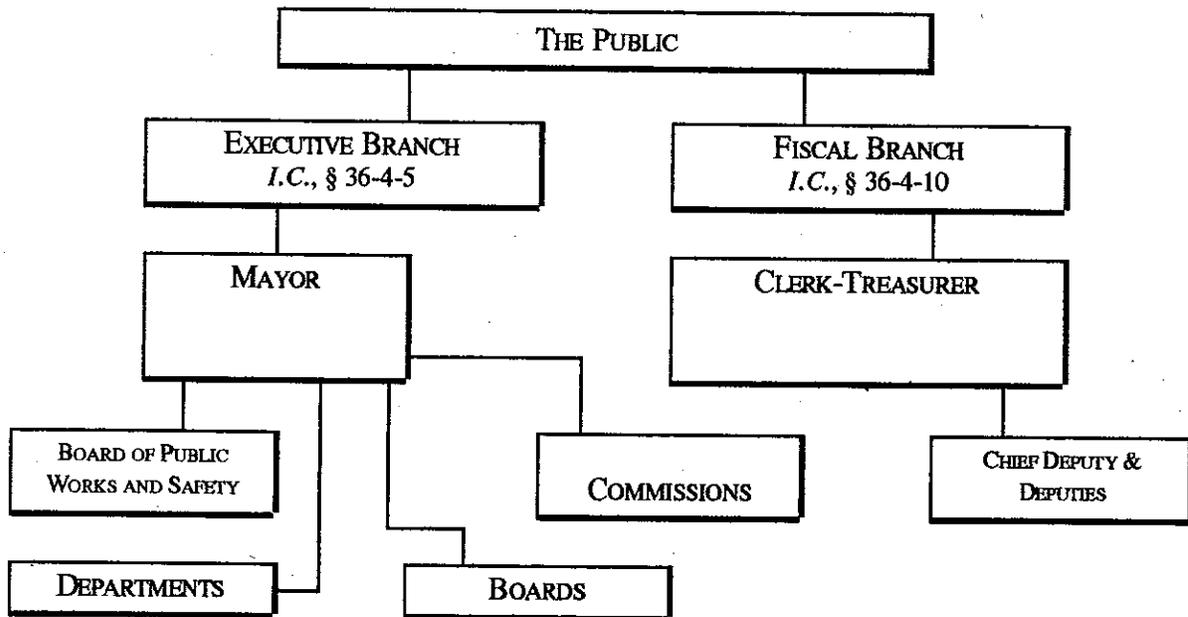
Sec. 2-181 through Sec. 2-189 Reserved for Future Use.

ARTICLE 10. ORGANIZATIONAL CHARTS.

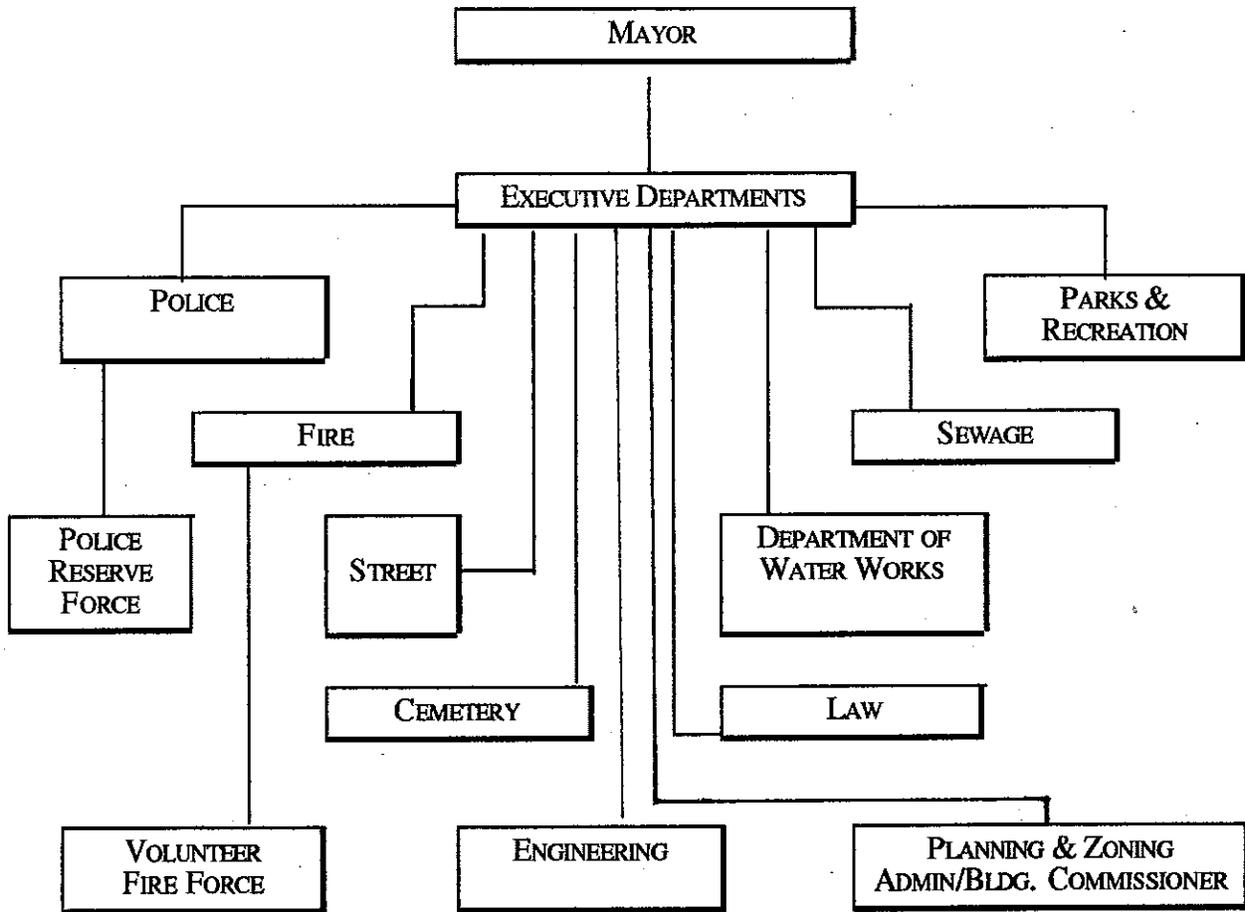
Sec. 2-190 Organizational Charts of the City.

The following pages depict organizational charts of the *City of Greencastle*:

CITY OF GREENCASTLE



CITY OF GREENCASTLE EXECUTIVE DEPARTMENTS



Sec. 2-191 through Sec. 2-194 Reserved for Future Use.

ARTICLE 11. ORDINANCE VIOLATION BUREAU. ⁴⁰

Sec. 2-195 Ordinance Violation Bureau.

a. Under the provisions of *I.C.*, § 33-6-3-1, *et seq.*, as amended, there shall be established for the City of Greencastle a Violations Bureau. It is further provided that the Violations Clerk shall be the City Clerk-Treasurer or his or her appointee.

b. The Violations Clerk may accept written appearances, waivers of trial, admissions of violations and payments of civil penalties of not more than fifty dollars (\$50.00), a schedule of which shall be included herein. Moving traffic violations may not be enforced by this Ordinance.

c. Such civil penalties as shall be determined herein shall be paid to, receipted and accounted for, by the Violations Clerk as provided by the State Board of Accounts and pursuant to Statute 33-6-3 and following as amended.

d. The Violations Clerk may receive the civil penalty only if said person waives the right to trial and enters an admission of the violation.

e. A person charged with a violation may exercise the right to trial by denying the violation before the Violations Clerk.

f. In event of a denial of violation or failure to satisfy the civil penalty assessed or the failure to admit or deny the violations Clerk shall report such fact to the Corporation Counsel for initiation of a court proceeding for the alleged ordinance violation.

g. An ordinance violation admitted hereunder does not constitute a judgment and an ordinance violation cost fee may not be collected. (Ord. No., 1996-23, 7-8-97)

Sec. 2-196 Listing of Ordinance Violations Collected by Violations Clerk.

The following schedule of ordinance violations shall be established hereunder to be collected as civil penalties by the Violations Clerk.

⁴⁰ *I.C.*, § 33-6-3-1, *et seq.*, addresses the establishment of an Ordinance Violations Bureau.

ORD. § REFERENCE	VIOLATIONS CITED	CIVIL PENALTY
§6-15	Alcoholic Containers	\$50.00 1st Violation Only
§5-57	City Park Violations	\$15.00
§1-21	Class E Ordinance Violations	\$25.00
§6-55	Curfew	\$25.00
1986 Code §330-10	Emission of Obnoxious Gases	\$10.00
1986 Code §330-15	Emission of Smoke	\$25.00
1986 Code §332-20	Leaf Burning Violations	\$25.00
1986 Code §340-85	Sewage Disposal Violations	\$50.00
1986 Code §350-5	Failure to Remove Trash and Garbage	\$25.00
1986 Code §475-20	Permitting Electrical Interference with Radio Reception	\$10.00
Ord. 86-10, §6-23	Animal Running at Large	\$25.00/\$50.00
Ord. 86-10, §6-35	Other Violation of Ordinance Animal Care and Control	\$25.00
Ord. 86-18	Stopping, Standing and Parking in No Parking Area.	\$25.00
Ord. 86-18	Parking in Business District Loading Zones	\$25.00
Ord. 86-18	Parking in Designated Fire Lanes	\$50.00
Ord. 86-18	Parking During Emergency Snow Removal Period	\$25.00
Ord. 86-18; §8-30	Improper Parking in Reserved Handicapped Parking Space	\$25.00
Ord. 90-6; §6-64	Violation of Smoke Detector Ordinance	\$50.00
Ord. 92-17	Violation of Open Burning Regulations	\$25.00
1986 Code §460-20	Failure to Remove, Ice, Snow or Sidewalk Obstructions	\$10.00
1986 Code §465-5	Keeping a Noisy House	\$25.00
1986 Code §448-5	Failure to Report Vehicle Accident	\$50.00

ORD. & REFERENCE	VIOLATIONS CITED	CIVIL PENALTY
1986 Code §455-5	Violation of Weight Limits During Periods of Thaw	\$25.00
Ord 1989-2	Failure to Obtain Building Permit	\$50.00
1986 Code §460-5	Offenses Against Public Safety	\$25.00
1986 Code §460-15	Unsafe Disposition of Discarded, Abandoned, or Unused Ice Box, Refrigerator, Deep Freeze or Other Airtight Container	\$50.00
1986 Code §510-15	Failure of Itinerant Merchants, Solicitors, Peddlers and Junk Dealers to Obtain License	\$50.00
1986 Code §720-5	Illegal Downspout on Sanitary Sewer	\$50.00
Ord. 1990-6; §7-55	Smoke Detectors	\$50.00
Ord. 1995-4; §6-88	Trees & Vegetation	\$50.00
Ord. 1996-22; §8-37	Street Sweeping Parking Violations	\$50.00

(Ord. No. 1996-23, 7-8-97)

Sec. 2-197 Purchasing Procedure ⁴¹

- a. This ordinance applies to all purchases made under I.C. 5-22.
- b. The Greencastle Common Council is hereby designated as the Purchasing Agency for the City of Greencastle, Indiana.
- c. The Purchasing Agency shall have all powers and duties authorized under Indiana Code 5-22, as may be amended from time to time by law, or supplemented from time to time by Ordinances and policies adopted by Council.
- d. The Purchasing Agency shall act as the Purchasing Agency for every agency, board, office, branch, bureau, commission, council, department or other establishment of the City of Greencastle.
- e. The following shall be Purchasing Agents for the City of Greencastle Purchasing Agency and may designate, in writing, any employee in their department as a Deputy Purchasing Agent, and are responsible for purchases made in each department: Mayor, Clerk-Treasurer, Fire Chief, Police Chief, Street Commissioner, Park Director, Cemetery Superintendent, Water Superintendent, Wastewater Superintendent, City Engineer, City Planner, City Attorney, Board of Public Works and Safety and Park Board.
- f. The following shall apply to purchases made under the Invitation to Bid method:

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Ordinance No. 1998-19 passed August 11, 1998 created purchasing procedures for the City. Ordinance 2004-3 repealed all previous purchasing procedures and replaced them.

1. Purchasing Agents shall retain all offers received for purchases they make in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers. In the alternative, the Purchasing Agent may request that the Clerk-Treasurer perform this function.

2. After bids have been opened, the Purchasing Agent shall be responsible for maintaining the bids in such a manner as to permit evaluation of the bids by the persons responsible for evaluating the offers.

3. Bids submitted shall be made available for public inspections and copying as required by law, after the time of the bid opening, unless the bid opening is delayed.

g. In the case of Requests for Proposals under I.C. 5-22-9, the Clerk-Treasurer shall prepare a register of proposals available for public inspection and copying. Contents of proposals may not be disclosed. Proposals received in response to a Request for Proposals must be opened as to avoid disclosure of the contents to competing offerors during the process of negotiation. The Purchasing Agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

h. When the Purchasing Agency makes a written determination that is in the City's best interest, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

i. Supplies manufactured in the United States shall be specified for all City of Greencastle purchases and shall be purchased unless the Greencastle Common Council, as Purchasing Agency determines that:

1. the supplies are not manufactured in the United States in reasonably available quantities;
2. the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
3. the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
4. the purchase of supplies manufactured in the United States is not in the public interest.

j. The Greencastle Clerk-Treasurer shall be responsible for any required publication of notice and shall provide a reasonable amount of time for preparation and submission of bids and proposals.

k. Whenever a notice or other material, including specifications, invitations for bids, requests for proposals, or requests for specifications, is sent by mail, the Purchasing Agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

l. An offeror may correct inadvertent errors in a response to a solicitation up to the time at which the response will be opened by withdrawing the erroneous response and submitting a revised response. An offeror may withdraw a response containing inadvertent errors up to the time at which responses will be opened for a period of not more than 24 hours after the time at which the responses were opened.

m. The City reserves the right to accept responses to solicitations which contain immaterial errors as long as such errors do not affect the scope of the response.

n. A vendor may withdraw its response to a solicitation at any time and for any reason prior to the deadline for response submission.

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

p. The City reserves the right to cancel any solicitation under I.D. 5-22, upon the determination of the Purchasing Agent.

Sec. 2-198 through Sec. 2-199 Reserved for Future Use

****Page 72 through Page 104 Reserved for Future Use.****