

TITLE III: ADMINISTRATION

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CHAPTER 30: TOWN COUNCIL

' 30.01 FIVE MEMBER COUNCIL.

(A) The Town Council consists of five members.

(B) The three candidates who win Council seats with the highest number of votes in the 1999 Fortville municipal election shall serve a four year term on the Fortville Town Council beginning at noon on January 1, 2000. The other two candidates who win Council seats shall serve a three year term and be subject to re-election in the general election in 2002. In all subsequent elections the winners of all five Council seats shall serve four year terms.

(Am. Ord. 1992-12B, passed 12-22-92; Am. Ord. 1998-9A, passed 10-13-98)

' 30.02 COUNCIL DISTRICTS.

The Town of Fortville shall consist of three districts for the purposes of electing members of the Town Council members, as follows:

(A) District 1 shall contain all of that territory designated as Precinct F-1 by Hancock County Ordinance and shall elect two members.

(B) District 2 shall contain all of that territory designated as Precinct F-2 by Hancock County Ordinance, and shall elect two members.

(C) District 3 shall contain all of the town and shall elect one at-large member.

(Am. Ord. 1992-12B, passed 12-22-92; Am. Ord. 1994-4A, passed 4-26-94; Am. Ord. 2012-11C, passed 12-3-12)

Statutory reference:

Composition of districts, see I.C. 36-5-1-10.1;

Division of town into districts, see I.C. 36-5-2-4.1;

Legislative districts, see I.C. 36-5-2-5

' 30.03 RESIDENCY REQUIREMENTS.

All candidates shall be voted upon and elected by all of the voters of the town, but each candidate and, if elected, each Council member, must reside in the district in which he or she filed for office.

(Am. Ord. 1992-12B, passed 12-22-92)

' 30.04 PRESIDENT.

(A) The Town Council shall select at its first annual meeting one of its members to be its President for a definite term which may not exceed his or her term of office.

(B) The President is the town executive.

(⁸⁷ Code, ' 3-4)

Statutory reference:

Selection of a president, see I.C. 36-5-2-7;

Town executive, see I.C. 36-5-2-2

' 30.05 QUORUM AND VOTES TO PASS.

(A) A majority of all elected members of the Town Council constitutes a quorum.

(B) Passage of ordinances, orders or resolutions shall be governed by applicable state statutes.

(⁸⁷ Code, ' 3-5)

Statutory reference:

Defining a quorum of the Council, see I.C. 36-5-2-9.2;

Majority, two-thirds and unanimous votes, see I.C. 36-5-2-9.4 through 36-5-2-9.8

' 30.06 COUNCIL POWERS.

The Council may:

(A) Adopt ordinances and resolutions for the performance of functions of the town;

(B) Purchase, hold and convey any interest in property for the use of the town;

(C) Adopt and use a common seal; and

(D) Exercise all powers that are needed for the effective operation of local governmental affairs.
(^87 Code, ' 3-6)

Cross-reference:

Shelter House and Community Center rental, see ' 91.09

Statutory reference:

Home Rule powers of municipalities, see I.C. 36-1-3-1 through 36-1-3-9;

Powers of the legislative body, see I.C. 36-5-2-9

' 30.07 ORDINANCES WHICH AMEND CODE.

All ordinances which are of a general and permanent nature and which would amend the Town Code shall be in the following form:

Ordinance No. ____
(Year-Chronological number of Ordinance
passed in that calendar year)

(Short Title)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF FORTVILLE, INDIANA, AMENDING CHAPTER _____ ,
ARTICLE _____ , SECTION(S) _____ , OF THE FORTVILLE TOWN
CODE BY THE INCLUSION/DELETION OF SECTION(S)
ENTITLED _____

WHEREAS, (background statements setting forth the purpose or background of the ordinance)

WHEREAS,

WHEREAS,

WHEREAS,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF
FORTVILLE, HANCOCK COUNTY, INDIANA, as follows:

SECTION I. Title _____ , Chapter _____ , Section(s) _____ , of the Fortville Town Code is/are hereby
amended to read as follows:

(Set forth the particular language)

Fortville - Administration

SECTION . This Ordinance shall be of full force and effect from and after its passage.

Adopted this _____ day of _____, 20 ____ .

Town Council
Town of Fortville

By: _____
President

Trustee

ATTEST:

Trustee

Clerk-Treasurer

Trustee

Trustee

(`87 Code, ' 3-10)

' 30.08 PARLIAMENTARY PROCEDURE.

Any matter not addressed by any rules of procedure which may be adopted by the Town Council shall be governed by *Robert's Rules of Order*.

(`87 Code, ' 3-11)

' 30.09 RECORDING AND PUBLISHING ORDINANCES.

(A) All ordinances, within a reasonable time after their passage, shall be recorded in a book kept for that purpose by the Clerk-Treasurer.

(B) Any adopted ordinance, order or resolution which must be promulgated or published before it takes effect shall be done pursuant to applicable state statute.

(`87 Code, ' 3-12)

Statutory reference:

Posting of ordinances in three public places and the publication of ordinances in town code, see I.C. 36-4-6-14

' 30.10 COMPENSATION OF COUNCIL.

(A) The Town Council shall, by ordinance, fix the compensation of its own members.

(B) The compensation of an elected town officer may not be changed in the year below the amount fixed for the year 1980.

(^87 Code, ' 3-13)

Statutory reference:

Compensation for members of the Council and other town officer and employees, see I.C. 36-5-3-2

Section

~~General Provisions~~
CHAPTER 31: TOWN OFFICIALS

- 31.01 Town appointments
- 31.02 Compensation and salary
- 31.03 Official surety bonds
- 31.04 Personnel Policies and Procedures Handbook
- 31.05 Deferred Compensation Plan
- 31.06 Establishing election by primary

Town Clerk-Treasurer

- 31.20 Terms of office
- 31.21 Powers and duties
- 31.22 Compensation
- 31.23 Deputies and employees

GENERAL PROVISIONS

' 31.01 TOWN APPOINTMENTS.

(A) The Town Council may employ such persons to effectively carry out the needs and services of the town.

(B) Positions which the Council may appoint include but shall not be limited to the following:

- (1) Town Manager;
- (2) Town Attorney;
- (3) Town Engineer;
- (4) Town Marshal;
- (5) Volunteer Fire Chief;

(6) Other officers and employees deemed necessary.

(C) Duties shall be set forth for each position by the Town Council and applicable state law.
(⁸⁷ Code, ' 2-24)

Statutory reference:

Duties and authorization to appoint a Town Manager, see I.C. 36-5-5-1 through 36-5-5-8

' 31.02 COMPENSATION AND SALARY.

The Town Council shall fix the compensation or salary of all town employees and officers by appropriate ordinance.

(⁸⁷ Code, ' 2-25)

Statutory reference:

Setting of salaries or compensation for employees and officers, see I.C. 36-5-3-2

' 31.03 OFFICIAL SURETY BONDS.

Individual official surety bonds required by I.C. 5-4-1-18, as it may be amended from time to time, shall be provided by the town. A blanket bond may be obtained to cover the faithful performance of all other employees, commission members and persons acting on behalf of the town so required to be covered.
(⁸⁷ Code, ' 2-26)

' 31.04 PERSONNEL POLICIES AND PROCEDURES HANDBOOK.

(A) There is adopted a Town of Fortville Policies and Procedures Handbook made a part hereof which may be from time to time amended by ordinance of the Town Council of the Town of Fortville meeting in regular or special session. Any amendment to the Policies and Procedures Handbook shall be in writing and adopted by vote of a majority of the Town Council pursuant to written resolution, which shall thereafter be incorporated into the written Policies and Procedures Handbook following its adoption.

(B) The Policies and Procedures Handbook adopted pursuant to this section shall be the exclusive statement of policies and procedures of the Town of Fortville applying to its employees.

(C) Town policy applies to employees of the Town of Fortville, elected officials and members of boards and commissions of the town, unless otherwise provided by applicable law.

(D) Each employee of the Town of Fortville will receive a copy of the Town of Fortville Policies and Procedures Handbook and will acknowledge receipt of same.

(Am. Ord. 2000-12B, passed 12-28-00; Am. Ord. 2007-1-A, passed 1-15-07; Am. Ord. 2008-12B, passed 12-4-08; Am. Ord. 2009-2A, passed 2-16-09; Am. Ord. 2009-3A, passed 4-20-09; Am. Ord. 2012-8B, passed 9-4-12)

' 31.05 DEFERRED COMPENSATION PLAN.

(A) The Town of Fortville Deferred Compensation Plan for the voluntary participation of all eligible employees and elected officials is established.

(B) The town will utilize the state=s plan document and its investment options. The town will contract with Indiana Deferred Compensation Plan, Inc. to be the exclusive Servicing Manager and Enroller.

(C) The Fortville Clerk-Treasurer is appointed as the Administrator of the Plan and is authorized to make payroll deductions from the pay of employees who voluntarily participate. The Clerk-Treasurer is further authorized to make other arrangements as are necessary to implement the Plan. It is understood that, other than the incidental expense of collecting the employees= deferrals and other minor administrative matters, there is to be no cost to or contribution by the town to this Plan.

(Am. Ord. 1993-4A, passed 4-13-93)

' 31.06 ESTABLISHING ELECTION BY PRIMARY.

(A) A candidate for any town office shall hereafter be nominated by the use of a primary election ast that term it utilized in I.C. 3-8-5-2(2)(a)(2).

(B) The primary shall be conducted in the manner as provided by law and shall be conducted by the County Election Board of the County of Hancock, Indiana, all as required by I.C. 3-8-5-2(2)(e).

(Ord. 2003-11A, passed 12-9-03)

TOWN CLERK-TREASURER

' 31.20 TERMS OF OFFICE.

(A) The Town Clerk-Treasurer is an elected position whose term of office is for four years, beginning at noon on January 1 after his or her election and continuing until a successor is elected and qualified.

(B) The Town Clerk-Treasurer shall be elected by the voters of the whole town.

(^87 Code, ' 2-1)

Statutory reference:

Term of office, see I.C. 36-5-6-3

' 31.21 POWERS AND DUTIES.

(A) The Town Clerk-Treasurer may administer oaths, take depositions and take acknowledgments of instruments as required by law.

(B) The Town Clerk-Treasurer may perform all duties prescribed by law, which include but are not limited to the following:

- (1) Receive and care for all town monies and pay them out upon order of the Town Council;
- (2) Keep accounts of all town monies;
- (3) File monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;
- (4) Maintain records which are open for inspection by the Town Council;
- (5) Collect fines resulting from ordinance violations;
- (6) Issue all licenses; and
- (7) Attend all Town Council meetings and maintain a recording of its proceedings.

(D) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to I.C. 36-5-6-2. ('87 Code, ' 2-2)

Statutory reference:

Clerk-Treasurer authorized to administer oaths and related powers, see I.C. 36-5-6-5;
Clerk-Treasurer=s role to the legislative body, see I.C. 36-5-2-8;
Powers and duties of Clerk-Treasurer, see I.C. 36-5-6-6

' 31.22 COMPENSATION.

The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council.

('87 Code, ' 2-3)

Statutory reference:

Compensation of Clerk-Treasurer, see I.C. 36-5-3-2

' 31.23 DEPUTIES AND EMPLOYEES.

(A) The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council.

(B) Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.

('87 Code, ' 2-4)

Statutory reference:

Clerk-Treasurer to appoint deputies and employees, see I.C. 36-5-6-7

Section

- 32.01 Boards and Commissions established
- 32.02 Departments established
- 32.03 Department of Building Safety
- 32.04 Reserved
- 32.05 Department of Redevelopment
- 32.06 Fire Prevention and Building Safety Commission
- 32.07 Board of Metropolitan Police Commissioners
- 32.08 Design Review Board

CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

' 32.01 BOARDS AND COMMISSIONS ESTABLISHED.

The Town of Fortville shall establish such boards and commissions as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.
(^87 Code, ' 2-45)

' 32.02 DEPARTMENTS ESTABLISHED.

(A) The Town of Fortville shall establish such departments as are deemed necessary by the Town Council to efficiently and effectively carry out the services and functions of the town.

(B) The following departments are established:

- (1) Department of Building Safety;
- (2) Fortville Sewage Utility Treatment Plant;
- (3) Fortville Water Utility Treatment Plant;
- (4) Department of Parks and Recreation;
- (5) Police Department (Town Marshal);
- (6) Street Department;
- (7) Volunteer Fire Department;
- (8) Department of Storm Water Management.

(C) The departments established by this section shall perform the administrative functions assigned to them by statute and ordinance.

(`87 Code, ' 2-50) (Ord. 1984-6A, passed 6-12-84; Ord. 1984-7E, passed 7-24-84; Am. Ord. 2003-7A, passed 7-8-03)

' 32.03 DEPARTMENT OF BUILDING SAFETY.

(A) There is established the Department of Building Safety, which shall be administered by an executive director.

(B) I.C. 36-7-9 is adopted.

(C) The Department of Building Safety shall be responsible for the administration of I.C. 36-7-9.

(D) All provisions of I.C. 36-7-9, including the definition of substantial property interest, are hereby incorporated into this section by reference.

(`87 Code, ' 2-51) (Ord. 1984-7E, passed 7-24-84)

Cross reference:

Building regulations, see Ch. 150

' 32.04 RESERVED.

' 32.05 DEPARTMENT OF REDEVELOPMENT.

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

(B) The Town Council hereby establishes the Department of Redevelopment. The Department will be controlled by a board of five members known as the Fortville Redevelopment Commission.

(C) Pursuant to the Act, all of the territory within the corporate boundaries of the town will be a taxing district to be known as the Fortville Redevelopment District for the purpose of levying and collecting special benefit taxes for redevelopment and economic development purposes as provided in the Act. The Town Council finds and determines that all of the taxable property within this special

taxing district will be considered to be benefited by the redevelopment projects and economic development projects carried out under the Act to the extent of the special taxes levied under the Act.

(Ord. 2002-10A, passed 10-22-02)

' 32.06 FIRE PREVENTION AND BUILDING SAFETY COMMISSION.

(A) Pursuant to I.C. 36-7-2-9 and I.C. 22-13-2-3(b), the fire safety rules and building rules, as adopted and hereafter amended by the Fire Prevention and Building Safety Commission are adopted by reference as the rules of the town.

(B) The Hancock County Building Inspector is hereby authorized to enforce this fire safety and building rules within the town limits, to issue permits and to charge and collect the same fee as is charge to county residents.

(Ord. 2006-5A, passed 5-9-06)

' 32.07 BOARD OF METROPOLITAN POLICE COMMISSIONERS.

(A) *Board of Police Commissioners.* There is hereby established the Town of Fortville Board of Metropolitan Police Commissioners (ABoard@). The Board shall consist of three members (ACommissioner(s>@), each appointed by the Town Council. In order to qualify as a Commissioner, an appointee must be of good moral character and must be a legal resident of the town. A police officer employed by the town may not be appointed to the Board. Furthermore, not more than two of the Commissioners may be of the same political party, so long as individuals who satisfy this requirement can be found to serve on the Board. The Town Council may appoint one member of the Town Council as an ex officio member of the Board, and no more than one Town Council member may serve on the Board at any given time. Any Commissioner who is also a member of the Town Council may continue to serve on the Board until the end of the Commissioners' term even if the Commissioner vacates his/her position on the Town Council.

(B) *Terms, oaths, bonds, and salaries.*

(1) The appointment of each Commissioner shall carry with it a specific term. The Town Council shall appoint the initial five Commissioners to the Board to begin service on April 21, 2014, which initial appointments shall carry the following terms:

(a) Two Commissioner shall serve for a term of one year, one of whom shall be the Town Council member appointed to the Commission ;

(b) Two Commissioners shall serve for a term of two years; and

(c) One Commissioner shall serve for a term of three years.

(2) Thereafter, the term of each Commissioner shall be for a period of three years with the term of each Commissioner expiring on January 1 of the third year following its last expiration, such that Commissioners serve for staggered terms with the terms of not more than one Commissioner expiring in any given year. Each Commissioner is subject to removal by the Town Council for any cause that the Town Council considers sufficient.

(3) Before performing any function of a Commissioner, an individual that is not also a member of the Town Council shall take and subscribe an oath or affirmation of office before the Hancock County Circuit Court Clerk. All Commissioners, including those who are also members of the Town Council, shall take and subscribe an oath or affirmation before the Hancock County Circuit Court Clerk that, in each appointment or removal made by the Board to or from the Town Police Department, he/she will not appoint or remove a member of the Town Police Department because of political affiliation of the person or for another cause or reason other than that of the fitness of the person. All oaths and affirmations shall be filed and placed among the Hancock County Circuit Court Clerk's records. Each Commissioner that is not also a member of the Town Council shall give a bond in the penal sum of \$5,000, payable to the state and conditioned upon the faithful and honest discharge of his/her duties. The bond must be approved and paid by the Town Council.

(4) The salary of the Commissioners shall be fixed by the Town Council and is payable monthly out of the treasury of the town; provided, however, that a Commissioner who is also a member of the Town Council shall not receive compensation as a Commissioner.

(C) Powers and duties.

(1) The Board shall, subject to the approval of the Town Council and the qualifications for appointment as determined by the Board, appoint as many persons as necessary to serve in the Police Department (ADepartment@) of the town. One person shall be appointed to serve as the Chief of Police. The Board may also appoint other employees that are necessary to carry out the work of the Department. The Board may, but is not required to, appoint the current Town Marshal and/or any current Deputy Marshal to serve in the Department. All persons so appointed by the Board must be of good moral character and serve only during good behavior. The Board may recommend and the Town Council shall determine the compensation to be paid to members of the Department in amounts that are just and reasonable.

(2) The Board constitutes the safety board of the town for purposes of the suspension, demotion, or dismissal of any member of the Department. Proceedings for the suspension, demotion, or dismissal of any member of the Department shall be conducted in the manner prescribed by I.C. ' 36-8-3-4. The disciplinary provisions of I.C. ' 36-8-3-4.1 also apply to the Safety Board and the Police Chief.

(3) The Board may make general and specific rules for the government and discipline of the Department and may make special and general orders to the Department through the Chief of Police, who is the executive head of the department. Members of the Police Department must:

(a) Reside in Indiana within Hancock County or a county that is contiguous to Hancock County; and

(b) Maintain in their residence telephone sendee with the Town. Members of the Department may not use vehicles owned or maintained by the Town or its Department outside Hancock County except during the performance of official duties or as allowed by Department regulation. In all other respects, the Department and Police Chief as provided for herein shall be governed by applicable statutes of the state as set forth in the Indiana Code and as amended from time to time, and to the extent appropriate, such other ordinances governing the conduct of the Department enacted now and hereafter by the Town Council. (Ord. 2014-3A, passed 4-7-14; Am. Ord. 2014-5A, passed 5-5-14)

' 32.08 DESIGN REVIEW BOARD.

(A) *Authority and purpose.* The Town of Fortville Design Review Board, hereafter referred to as the DRB, was established by the Fortville Town Council, Indiana, pursuant to this section. The DRB functions as a subcommittee of the Town Council and provides advisory recommendations to the Hancock County Plan Commission and/or Board of Zoning Appeals for purposes of interpreting and enforcing the town's adopted development standards as referenced in the Fortville Overlay District of the Hancock County Zoning Code.

(B) *General provisions.*

(1) These rules and procedures are hi furtherance of the standards established within the Fortville Overlay District of Chapter 156 of the Hancock County Code of Ordinances.

(2) The deliberations, opinions and findings of the DRB are advisory in nature and do not represent a predisposition of any action by either the Hancock County Plan Commission or the Fortville Town Council.

(3) Nothing herein shall be construed to give or giant the DRB the power or authority to alter or change the zoning ordinance, including the zone map, which is reserved to the Town Council.

(4) The Town Attorney shall be consulted in all cases where the powers of the DRB are not clearly defined within this document or related town ordinance.

(5) A file of materials and decisions relating to each DRB action shall be kept by the Clerk-Treasurer as part of the records of the DRB.

(6) The DRB shall keep minutes of its proceedings and record the vote of all actions taken. All minutes and records shall be filed in the Clerk-Treasurer's office and are public record.

(C) Membership.

(1) The DRB shall consist of five members as follows:

(a) 1. The Fortville Redevelopment Commission shall appoint one of its members to serve on the DRB for a term of one calendar year. New appointments or reappointments shall occur annually,

2. The Redevelopment Commission shall have the power to remove or replace its appointee at any time without cause or prior notice.

(b) 1. The Hancock County Plan Commission shall appoint its representative to serve on the DRB for a term of two consecutive calendar years. New appointments or reappointments shall occur every two years.

2. The Plan Commission shall have the power to remove or replace its appointee at any time without cause or prior notice.

(c) 1. The Fortville Town Council shall appoint a member from the Council to serve on the DRB for a term of two consecutive calendar years.

2. The Council shall have the power to remove or replace its appointee at any time without cause or prior notice.

(d) 1. The Fortville Town Council shall appoint two persons who reside or own a business within the town limits of Fortville and preferably have experience in architecture, landscape architecture, civil engineering, urban planning or other profession related to urban or town development. Residents of Fortville shall be given preference when making these appointments. These appointees shall serve three consecutive calendar year terms.

2. The Council shall have the power to remove or replace either or both of its appointees at any time without cause or prior notice.

(D) Officers and duties.

(1) The officers shall be Chairperson, Vice-Chairperson and Secretary.

(2) The Officers shall be elected by the DRB membership at the first regular meeting of the calendar year.

(3) The Vice Chairperson, in the absence or disability of the Chairperson, shall perform all duties and exercise all the powers of the Chairperson.

(4) The Secretary, in the absence or disability of the Chairperson and Vice Chairperson, shall perform all duties and exercise all the powers of the Chairperson.

(5) The Chairperson shall supervise the affairs of the DRB. The Chairperson shall preside over the hearings and all persons shall abide by the directions of the Chairperson. The Chairperson shall determine all matters concerning the procedures and content of each petition.

(6) The Secretary shall record and maintain permanent minutes of the DRB proceedings-including the vote on any decisions. Minutes and files shall be maintained and kept in the Town Clerk's office. All minutes and records shall be public records.

(E) *Meetings.*

(1) The DRB shall meet on the third Tuesday of each month unless otherwise advertised. Regularly scheduled times and locations shall be advertised on the town website at the beginning of each calendar year.

(2) Each applicant is required to post a sign on the proposed development site to notify the public of the public DRB meeting. The sign shall list the time of the DRB meeting, project address and address of where the public meeting will be held. This sign shall be posted a minimum of seven days prior to when the proposed development is to be reviewed by the DRB. The notification shall be placed adjacent to the right-of-way that offers the greatest visibility.

(3) Regular meetings may be cancelled by the Chairperson or DRB Staff when there are no cases pending.

(4) Special meetings of the DRB shall be held at the call of the Chairperson, written request of two members, or as may be determined at a regular meeting. Only matters included in the call for a special meeting shall be considered, except upon the unanimous approval of all members of the Board.

(5) All DRB meetings shall be open to the public.

(6) A majority of the total membership of the DRB shall constitute a quorum. The total membership of the Board is five members. No action shall be binding unless approved by a majority of the DRB membership at a regular or duly called special meeting.

(7) A quorum consisting of a minimum of three members of the DRB shall be present for the transaction of any business.

(F) *Powers and duties.* The DRB shall review all non-residential and planned unit development proposals as follows:

(1) Review and recommendation of planned unit developments regarding:

(a) Preliminary plans;

(b) Zone map changes;

- (c) Final detailed plans;
- (d) Building elevations;
- (e) Other information as requested by the DRB; and
- (f) Subsequent reviews of residential projects within a PUD are not required.

(2) Review and recommendation of lot design and architectural requirements including:

- (a) Site plans;
- (b) Landscape plans;
- (c) Signage;
- (d) Architecture; and
- (e) Other information as required by the DRB.

(3) Other applications or petitions identified by the Hancock Plan Commission or Board of Zoning Appeals as needing additional technical review, including but not limited to the review of applications or petitions for zone map changes, primary plats, secondary plats, variances of development standards, and special exceptions.

(4) DRB recommendations must be in compliance with the town's street and utility standards.

(5) Prior to submitting any DRB recommendation to the Hancock County Plan Commission, Hancock County Board of Zoning Appeals, or other governing body, the DRB shall distribute its proposed recommendation to the Town Council for consideration. If within three business days of providing the proposed recommendation to the Town Council at least two Council members request Town Council review, the matter will be placed on the agenda for the next Town Council meeting for consideration. Such requests shall be made in writing and delivered to the Town Manager or the Town Manager's designee. Upon review, the Town Council may affirm, overturn, or amend the DRB's recommendation.

(G) *Filing deadline.* In order to provide the DRB members with sufficient time to review applications, all items which are to be reviewed by the DRB shall be filed with the Town Manager's Office by the first day of each month,

(H) *Waivers.* The Fortville Town Manager, or a majority of the members of the Redevelopment Commission, for good cause shown, may waive any filing deadline when such waiver is deemed necessary to provide for a complete and thorough discussion of a particular application, petition or special matter; and, to be in the best interest of the town.

(I) *Amendments.*

(1) These rules may be amended by an affirmative majority vote of the Town Council.

(2) The proposed amendments) must be presented in writing at a regular or special meeting of the Town Council preceding the meeting at winch the vote is taken.
(Ord. 2016-8C, passed 10-3-16; Am. Ord. 2017-5C, passed 6-5-17)

Section

CHAPTER 33: POLICE AND VOLUNTEER FIRE DEPARTMENT

33.01 Police reserves

33.02 Police officers

Cross-reference:

See also Board of Metropolitan Police Commissioners, ' 32.07

Volunteer Fire Department

33.20 Active volunteer firefighters

33.21 By-laws

33.22 Membership

33.23 Rules governing membership

33.24 Officers

33.25 Elections

33.26 Meetings

33.27 Committees

33.28 Board of Directors

33.29 Charges for certain fire services

POLICE DEPARTMENT

' 33.01 POLICE RESERVES.

(A) *Police Reserves established.* There is established, pursuant to I.C. 36-8-3-20, the Fortville Police Reserve. ('87 Code, ' 2-12)

(B) *Number of reserves.* The number of members of the reserves shall not exceed 15. ('87 Code, ' 2-13)
(Ord. 1976-1A, passed 1-27-76)

' 33.02 POLICE OFFICERS.

(A) *Police employees.* Police officers will receive six complimentary days off annually to be taken at their discretion. (^87 Code, ' 2-37)

(B) *Mileage.*

(1) Town employees who use personal cars for official town business shall be reimbursed for such business mileage which is properly documented and approved by the Town Council.

(2) All such mileage shall be tendered in writing to the Clerk-Treasurer by listing the dates, odometer readings and purpose of such travel.

(3) Payment of such mileage shall only be after approval by the Town Council.
(^87 Code, ' 2-39)

(C) *Work period established for Deputy Marshals.* The work period for Deputy Marshals is set at 24 days.
(^87 Code, ' 2-40) (Ord. 1985-6A, passed 6-11-85)

VOLUNTEER FIRE DEPARTMENT

' 33.20 ACTIVE VOLUNTEER FIREFIGHTER.

The Town Council shall semi-annually pay compensation, car allowance and clothing allowance for up to 25 active volunteer firefighters, providing such volunteers are certified by the Board of Directors of the Department as having met all of the following requirements:

(A) (1) Attendance at 33% of each of the following:

- (a) Fire and related alarms;
- (b) Work details;
- (c) Training meetings;

(2) Attendance exceeding the minimum in one category may be used in another category, but no category may be less than 25%. Credit will be given for attendance at a fire or related alarm if the volunteer remains at the station and assists with truck preparation when it returns, although it will not be necessary to remain if the volunteer must return or report to work;

(B) They reside within one mile of the Fortville town limits or work full time in Fortville at a job they may leave for alarms;

(C) They have taken and passed a physical examination during the last two years or more often, if required by the Board of Directors;

(D) They are less than 60 years of age;

(E) They have acquired and maintained an acceptable level of proficiency and knowledge of fire fighting practices, as determined by the Board of Directors.

(^87 Code, ' 2-19) (Ord. 1971-9A, passed 9-28-71)

' 33.21 BY-LAWS.

The following by-laws are created for the establishment of good government and sound administration of this Department.

(A) All articles to be accepted will require a majority vote of members present at a regular meeting.

(B) The by-laws and all additions to the by-laws will be presented to the Town Council of Fortville, Indiana for their approval.

(C) Any amendments to these by-laws or additions to these by-laws will require a two-thirds vote of the members present at the regular May by-laws meeting.
(^87 Code, ' 2-20)

' 33.22 MEMBERSHIP.

Membership of this Department shall be divided into three types: active, associate and probationary trainee.

(A) The membership of this Department shall be limited to 25 active members and as many probationary trainees as deemed necessary by the Board of Directors.

(1) Active firefighters shall have full voting rights and will be eligible to hold elective offices in this Department.

(2) To remain active, members must meet the following requirements:

(a) Attendance at 33% of each of the following:

1. Fire and related alarms;
2. Work details;
3. Training meetings;

4. Attendance exceeding the minimum in one category may be used in another category, but no category may be less than 25%. Credit will be given for attendance at a fire or related alarm if the volunteer remains at the station and assists with truck preparation when it returns, although it will not be necessary to remain if the volunteer must return or report to work;

(b) That they reside within one mile of the Fortville city limits or work full time in Fortville at a job they may leave for alarms;

(c) That they have taken and passed a physical examination during the last two years or more often, if required by the Board of Directors.

(d) That they are less than 60 years of age;

(e) That they have acquired and maintained an acceptable level of proficiency and knowledge of firefighting practices, as determined by the Board of Directors;

(f) All members will work together in harmony and strive for the betterment of the Department;

(g) To respond to all fire alarms and calls of the Chief or his or her assistants as far as possible;

(h) To assist in keeping the Department building and all of the equipment clean and in good operating condition;

(3) Excusable reasons for not participating will be sickness, death in family, working schedules, vacations or others approved by the Board of Directors.

(4) Active members reaching 60 years of age will retire from active membership, effective the last day of the sixth month compensation period in which their sixtieth birthday falls.

(B) Associate members are those active members who have chosen to become inactive in Department functions or those who can no longer serve as active members due to circumstances such as (but not limited to) illness, physical handicaps, military duty or working handicaps.

(1) Associate members may attend all meetings and be active in all Department functions other than actual firefighting.

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(2) Associate members will not have voting powers, but will have a floor voice at all business meetings.

(3) Associate members will be eligible for appointed office such as committee chairmen and the like.

(4) Associate members shall be known as active firefighters upon the direction and by being declared so by the ranking officer in charge at a fire.

(5) Associate members may become active members in the event of an active membership vacancy if approved by the majority of members present at a regular meeting.

(6) When active members go associate, they will be compensated for the entire six month compensation period.

(7) When active members go associate they will remain as associate members either indefinitely or until a request is heard from said member to be deleted from the associate membership roll.

(C) Probationary trainees will be those who have made application, on the prescribed forms, and have been accepted by the majority of the active members present at a regular meeting. Applicants shall not be present on the day of voting on their membership. The vote will be by secret ballot.

(1) To be eligible for application, the applicant must be between the ages of 18 and 40, of sound mind and physically fit and a resident of the Town of Fortville, Indiana or reside within one mile of Fortville city limits or work full-time at a job in Fortville which they may leave for fire alarms.

(a) All applicants under 21 years of age must submit a notarized statement of permission by parent or guardian.

(b) Applicants 21 or older will be shown preference.

(c) All applicants must have a high school education or equivalent.

(2) All applicants must furnish a statement of physical fitness signed by a licensed M.D. to meet Fire Department standards.

(3) Probationary trainees will be required to participate in a nine month training program covering various phases of firefighting and first aid practice. He or she will then be eligible for an active membership vote whenever a vacancy occurs. Probationary trainees must be 21 years of age in order to be eligible for active membership.

(4) Probationary trainees may attend all business meetings and Department functions. They will not have voting rights but will have a floor voice.

(5) In the event of two or more trainees becoming eligible for an active membership vote, the

one showing the greatest amount of interest such as regular attendance and willingness to learn and participate will be considered first.

(^87 Code, Ch. 2, Art. I)

' 33.23 RULES GOVERNING MEMBERSHIP.

Any member who fails to do the duties prescribed for members shall forfeit their right to membership of the Department.

(A) Acts of insubordination and/or defamation of the Department shall be controlled by the Board of Directors.

(B) Whenever the Board of Directors, after just consideration, vote to terminate a member, they must present their claims at a regular business meeting. The member shall have the right to be heard. After all discussion by the Board of Directors and the said member, in front of all members present at a regularly scheduled meeting when it will be voted upon by all members present in the absence of the said member. (^87 Code, Ch. 2, Art. II)

' 33.24 OFFICERS.

Officers of this Department shall include Chief, First Assistant Chief, Second Assistant Chief, First Lieutenant, Second Lieutenant, EMS Lieutenant, Secretary and Treasurer.

(A) The Chief shall be the executive officer of the Department in complete charge of all fires, meetings and functions.

(B) The First Assistant Chief will be superior to the Second Assistant Chief and will be in command in the absence of the Chief.

(C) The Second Assistant Chief will be in command in the absence of the Chief or the First Assistant Chief.

(D) The First Lieutenant will be superior to the Second Lieutenant and will be in command in the absence of the superior officers.

(E) The Second Lieutenant will be in command in the absence of superior officers.

(F) The EMS Lieutenant will be a certified EMT of the Department in command of Department EMS operations and will answer directly to the highest ranking officer present. This position devotes itself toward the safety of the fire scene, rescue efforts at the fire scene, Department EMS operations and responsibilities, including EMS training, and therefore has no rank in fire suppression activities.

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(1) The EMS Lieutenant will act as the first assistant to the highest ranking officer in charge of the scene in matters relative to EMS operations.

(2) The EMS Lieutenant will hold no other elected office.

(G) The Secretary and/or Treasurer shall keep minutes of meetings, handle correspondence, disperse all monies and maintain an accurate bookkeeping system. All checks will be signed by the Treasurer.

(H) Any member who has been in active membership in good standing for at least the 12 month period prior to elections will be eligible for nomination and election to any office, with the exception of Chief. The Chief must be chosen from the roll of officers who have served during the preceding four years.

(I) All terms of office will run from January 1 until December 31.

(J) The training officers will be appointed by the Chief.

(K) In the event a vacancy occurs in the ranks of the elected officers, a special election shall be held to fill the vacancy at the next regularly scheduled meeting after the vacancy occurs, with majority rules prevailing. Nominations will be open from the floor.

(L) Any office with no nominees will be filled by appointment from the newly elected Board of Directors for the upcoming year.
(^87 Code, Ch. 2, Art. III)

' 33.25 ELECTIONS.

(A) Nominations will be held at the regular November business meeting.

(B) Voting on the nominations will be at the regular December business meeting.

(C) The election of officers will be conducted by active members of the Department who may or may not vote at their discretion.

(D) All officers shall be elected by secret ballot, majority will rule.
(^87 Code, Ch. 2, Art. IV)

' 33.26 MEETINGS.

(A) There shall be at least one business meeting each month and as many training meetings as deemed necessary by the Training Officer.

(B) The regular business meeting shall be on the first Sunday of each month at 1:00 p.m.

(C) Called meetings shall be at the discretion of the Chief or his or her assistants.

(D) Parliamentary procedure shall rule at all meetings.

(E) There will be no monetary dues or assessments levied.

(F) Any changes in the by-laws will be put in the form of a written motion presented at the April meeting and voted on at the May meeting. The motions shall be posted in the fire station, by the Secretary, for the perusal of the membership between the April and May meetings.

(^87 Code, Ch. 2, Art. V)

' 33.27 COMMITTEES.

There will be one standing committee.

(A) A Membership Investigating Committee consisting of the Second Assistant Chief and two unknown active members appointed by the Chief and the Second Assistant Chief shall investigate prospective members and present their findings at the time of the vote.

(B) The Chief will be a member of all committees and appoint all committees.

(^87 Code, Ch. Art. VI)

' 33.28 BOARD OF DIRECTORS.

(A) The Board of Directors will consist of all elected officers, headed by the Chief.

(B) The Board of Directors will govern Department procedure and policy.

(^87 Code, Ch. 2, Art. VII)

' 33.29 CHARGES FOR CERTAIN FIRE SERVICES.

The following charges shall be made for services rendered by the Fortville Fire Department, unless the property is located within the town limits, within a township with which the town has a contract or within a county with which the town has a mutual aid agreement:

(A) For initial response with a fire engine, a fire truck or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, \$250 per response vehicle except a command/control vehicle, which is \$100 per vehicle;

(B) For each hour or fraction thereof of on-scene assistance, \$150 per response unit and \$50 per command/control vehicle;

(C) For expendable materials such as absorption materials, emulsifiers or other agents used in cleanup operations, the actual replacement cost of those materials;

(D) For collection of debris, chemicals, fuel or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

(Am. Ord. 1993-1B, passed 1-12-93)

Section

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GENERAL PROVISIONS**' 34.01 PURCHASING AGENTS.**

The Town Manager is designated as the purchasing agent of the town. The Town Manager may authorize other town employees to act on his or her behalf. The purchasing agent is authorized to make purchases under \$25,000 that are within the budget, but subject to the final approval of the Town Council. (Ord. 1998-6A, passed 6-23-98)

' 34.02 BIDDING PROCEDURE.

The Town Council may permit the withdrawal of inadvertently erroneous bids before or after award. (Or. 1998-6A, passed 6-23-98)

' 34.03 TOWN MEMBERSHIP AND INTERLOCAL COOPERATION.

(A) *Payment of dues for town memberships.*

(1) The Town Council is authorized to budget and appropriate funds to provide membership for the Town of Fortville, its elected and appointed officials and its boards, departments or agencies in local, regional, state or national associations of a civic, educational or governmental nature which have as their purpose the betterment and improvement of municipal operations.

(2) The Town Council is authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the town belongs. (^87 Code, ' 2-69)

(B) *Interlocal cooperation.* The town is authorized pursuant to I.C. 36-1-7-1 through 36-1-7-12, as it 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. ('87 Code, ' 2-70)

' 34.04 PREPAYMENT OF CERTAIN EXPENSES.

(A) Pursuant to I.C. 36-5-4-12, the fiscal officer of the town, in the person of the Clerk-Treasurer and/or Deputy Clerk-Treasurer, is hereby allowed to make payments in advance of Board allowances for the following kinds of expenses from the appropriate funds authorized by the budget of the town:

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not 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.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(B) In order to be in compliance with this section, each payment for any expense listed above must be supported by a fully itemized claim with appropriate documentation.

(C) The Town Council, having jurisdiction over the allowance of claims of the nature set forth above, shall review and allow the claim at its next regular or special meeting following the preapproved payment of said expenses.

(Ord. 2007-12C, passed 12-17-07)

' 34.05 CREDIT CARDS.

(A) *Issuance.* The Clerk-Treasurer is hereby authorized to make application for business credit cards for use by the designated town officials and employees, as defined in division (B) of this section, to pay certain expenses that have been authorized by the Town Council.

- (1) The town shall obtain business credit cards from only one credit card company.
- (2) Business credit cards issued under this section shall have a maximum limit of \$2,000 per card.

(B) *Designated officials.*

- (1) Clerk-Treasurer;
- (2) Town Manager;
- (3) Chief of Police;
- (4) Treatment Plant Superintendent;
- (5) Utility Manager; and
- (6) Parks Department.

(C) *Credit card use and policies and procedures.*

- (1) The credit card shall be maintained in the possession of the designated official or employee.
- (2) Town officials and employees shall use credit cards exclusively for the purpose of town travel expenses limited to the following:
 - (a) Hotel or motel room;
 - (b) Hotel or motel room charges for telephone calls pertaining to town business;
 - (c) Meals, including a maximum 15% gratuity;
 - (d) Fees and costs associated with attending schools, conventions, seminars, and the like;
 - (e) Gasoline if using a town owned vehicle;
 - (f) Regular materials and supplies if purchased from a vendor that has not set up a charge account;

(g) Internet purchases for government use only;

(h) Purchases that for any reason warrant the use of a credit card.

(3) Excluded charges include personal purchases, room service, non-business telephone calls, in-room movies, alcoholic beverages and cash advances.

(4) Accounts payable vouchers (claims) filed in connection with the use of credit cards shall be submitted to the Clerk-Treasurer for processing within 72 hours of use and shall be properly itemized and documented as provided in I.C. 5-11-10 before being approved and paid. The credit card account will be paid in full every billing cycle. Improperly itemized and documented items as well as all interest, carrying charges, or penalties shall be the personal responsibility of the individual user. (Ord. 2009-5C, passed 5-18-09; Am. Ord. 2016-2A, passed 2-1-16)

' 34.06 INTERNAL CONTROL STANDARDS AND PROCEDURES.

(A) The "Internal Controls Guidebook for Town of Fortville," developed pursuant to I.C. ' 5-11-1-27 and attached to Ord. 2016-7A as Exhibit A, is hereby adopted for the town.

(B) The Town Manager is directed to ensure that all appropriate personnel are trained on the internal control standards, either through the internal control webinar or through a live presentation by the State Board of Accounts at an annually called meeting or conference around the state.

(C) For purposes of this section, **PERSONNEL** means an officer or employee of Fortville whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to Fortville, the Federal government, state government, or another governmental entity. (Ord. 2016-7A, passed 7-5-16)

FUNDS ESTABLISHED

' 34.20 CUMULATIVE CAPITAL IMPROVEMENT FUND.

(A) *Fund established.* The Cumulative Capital Improvement Fund is established.

(B) *Purpose.* This special fund is established for the purpose of receiving cigarette taxes allocated to the town pursuant to applicable state law and the funds shall not revert to the General Fund. ('87 Code, ' 2-56)

Statutory reference:

Cumulative funds and cumulative capital improvement funds, see I.C. 6-7-1-30.1 and 6-7-1-31.1

' 34.21 MOTOR VEHICLE HIGHWAY FUND (MVH).

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

(⁸⁷ Code, ' 2-57)

' 34.22 LOCAL LAW ENFORCEMENT CONTINUING EDUCATION FUND.

(A) There is created a Local Law Enforcement Continuing Education Fund pursuant to I.C. 5-2-8-2, which shall be funded by fees set forth below collected pursuant to state law, as well as amounts appropriated under I.C. 33-37-8-4.

(B) A fee of \$5 shall be charged for each accident report requested of, and provided by, the Fortville Police Department.

(C) A fee of \$15 shall be charged for any response, reproduction, or provision of photographs and/or videotapes in connection with any action or investigation conducted by the Town Marshal, his or her deputies or anyone under his or her direction of control.

(D) A fee of \$5 shall be charged for each vehicle identification number inspection conducted by the Town Marshal, his or her deputies, or anyone under his or her direction or control.

(E) A fee of \$20 shall be charged for each salvage title inspection conducted by the Town Marshal, his or her deputies, or anyone under his or her direction or control.

(F) This Fund is to be used at the discretion of the Town Marshal for the continuing education of the Town Marshal, any Deputy Marshals and any Reserve Deputy Marshals or anyone under the Town Marshal=s direction or control.

(Ord. 2008-10A, passed 10-20-08; Am. Ord. 2009-12D, passed 12-21-09)

' 34.23 FIREARMS TRAINING FUND.

(A) A Firearms Training Fund is established for the Fortville Police Department.

(B) The source of funds which are to be deposited into this Fund are the application fees collected for licenses to carry handguns under I.C. 35-47-2-3.

(C) This fund is to be used by the Fortville Police Department and used exclusively for the purpose of training law enforcement officers in the proper use of firearms or other law enforcement duties.

(D) The rules for proper accounting and expenditure of monies collected and deposited into the Fund shall be those established by the State Board of Accounts.
(^87 Code, ' 2-59)

' 34.24 FEDERAL REVENUE SHARING TRUST FUND.

The Federal Revenue Sharing Trust Fund is established for the purposes of receiving such federal monies and the proper disbursement of such funds thereafter.
(^87 Code, ' 2-60)

' 34.25 LOCAL ROAD AND STREET FUND (LRS).

The Local Road and Street Fund (LRS) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.
(^87 Code, ' 2-61)

' 34.26 RESERVED.

' 34.27 RAINY DAY FUND.

(A) *Creation.* There is hereby established a Rainy Day Fund to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the town whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains.

(B) *Purpose.* The funds on deposit in the Rainy Day Fund may be used for the operation of the town and its various departments, when the town does not have sufficient levies or funds to pay such costs, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements, repairs and similar expenditures.

(C) *Transfer.* On or before December 31 of each year, the Town Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than 10% of the town=s total budget for that fiscal year.

(D) *Appropriations.* The Town Council may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund.
(Ord. 2002-8A, passed - -02)

' 34.28 LOCAL OPTION INCOME TAX FUND (LOIT FUND).

As required by state law, there is hereby created a Local Option Income Tax Fund to be known as the LOIT Fund for purposes of receiving distributions from the Hancock County Auditor and out of which appropriations may be made according to law for public safety purposes.
(Ord. 2011-02A, passed 2-22-11)

' 34.29 LAW ENFORCEMENT AID FUND.

The Clerk-Treasurer is hereby directed to establish a fund denominated the Law Enforcement Aid Fund. The Fund shall be funded by contributions from various granting agencies and civil forfeitures.
(Ord. 2006-3 A, passed 3-28-06)

' 34.30 POLICE PETTY CASH FUND.

(A) There shall be created a Police Department Petty Cash Fund which shall be initially funded with the sum of \$2,500 from sums already budgeted to the Police Department to be selected with the mutual consent from the Town Marshal, the Town Council, and the Town Clerk-Treasurer.

(B) (1) The Town Marshal shall maintain meticulous records regarding the use of said account which at a minimum must be similar to:

(a) A Guidelines for the expenditure of confidential funds published by the U.S. Department of Criminal Justice@;

(b) A Guidelines for Obtaining and Accounting for Confidential Funds used in Support of Criminal Investigations.@ (Revised S.O.P. PR-INV-009), by the Indiana State Police Department.

(2) In accordance with direction from the Clerk-Treasurer=s Office, the State Board of Accounts, and the Town Council with reports to be generated no less than quarterly regarding the use and reimbursement of said funds.

(C) The funds shall be used strictly and solely for the use of the Police Department carrying out its duly associated and assigned functions.
(Ord. 2007-5A, passed 5-21-07)

' 34.31 NONREVERTING POLICE DRUG FORFEITURE FUND.

(A) There is hereby established a special nonreverting fund to be known as the Police Drug Forfeiture Account. Whenever the Town Marshal and/or his or her designees seize funds under I.C. 34-34-1-1 or 21 USC ' 881, said proceeds shall be immediately turned over to the Clerk-Treasurer for deposit into the Police Drug Forfeiture Account.

(B) Disposition of proceeds forfeited property pursuant to I.C. 34-23-1-5 shall be deposited into the general fund of the unit employing the law enforcement officers that seized the property and excess fund, herein defined as the Town Marshal and/or his or her designees expense for investigation, shall be transferred to the Treasurer of the State of Indiana for deposit in the common school fund.

(C) In accordance with I.C. 34-24-1-9 proceeds forfeited under 18 USC ' 981(e), 19 USC ' 1616a, or 21 USC ' 881(e) and any related regulations adopted by the United States Department of Justice shall be deposited into the nonreverting fund known as the Police Drug Forfeiture Account.

(D) Proceeds deposited in the fund known as the Police Drug Forfeiture Account may only be expended with the approval of the Town Council President of the Town for the benefit of the Police Department for purposes consistent with federal laws and regulations.
(Ord. 2008-11A, passed - -08)

' 34.32 ECONOMIC DEVELOPMENT INCOME TAX FUND.

(A) *Creation.* The Clerk-Treasurer of the Town of Fortville, Indiana, is hereby directed to create within the funds for the town a new fund entitled the Economic Development Income Tax Fund, into which all distributions of monies collected through CEDIT are to be deposited and out of which all disbursements are to be made.

(B) *Purposes.* Funds received by the Clerk-Treasurer and deposited into the Economic Development Income Tax fund may be used for the following purposes:

- (1) For paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are to be used to finance an economic development project.
- (2) For the retirement of bonds established by state law for economic development projects.
- (3) For leases under state law or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose at the time the lease was entered into or the bonds were issued.

- (4) The construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in I.C. 6-1.1-18.5-9.8.
- (5) The retirement of bonds issued under any provision of Indiana law for a capital project.
- (6) The payment of lease rentals under statute for a capital project.
- (7) Contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects.
- (8) Operating expenses of a governmental entity that plans or implements economic development projects.
- (9) To the extent not otherwise allowed by state law, funding substance removal or remedial action in a designated unit.
- (10) Funding of a revolving fund established under I.C. 5-1-14-14.
- (11) For any lawful purpose for which money in any of its other funds may be used.
- (12) For making transfers required by I.C. 36-7.5-4-2.
- (13) For a regional venture capital fund established by state law or a local venture capital fund established under I.C. 6-3.5-7-13.6.

(C) *Definition.* For the purposes of this section, an ***ECONOMIC DEVELOPMENT PROJECT*** is defined as any project that:

- (1) The town determines will:
 - (a) Promote significant opportunities for the gainful employment of its citizens;
 - (b) Attract a major new business enterprise to the unit; or
 - (c) Retain or expand a significant business enterprise within the unit; and
- (2) Involves an expenditure for:
 - (a) The acquisition of land;
 - (b) Interests in land;
 - (c) Site improvements;

- (d) Infrastructure improvements;
- (e) Buildings;
- (f) Structures;
- (g) Rehabilitation, renovation, and enlargement of buildings and structures;
- (h) Machinery;
- (i) Equipment;
- (j) Furnishings;
- (k) Facilities;
- (l) Administrative expenses associated with such a project, including contract payments authorized under I.C. 6-3.5-7-13.1(b)(2)(D);
- (m) Operating expenses authorized under I.C. 6-3.5-7-13.1(b)(2)(E); or
- (n) To the extent not otherwise allowed, substance removal or remedial action in a designated unit,; or any combination of these.
(Ord. 2010-11A, passed 11-15-10)

' 34.33 CUMULATIVE CAPITAL DEVELOPMENT FUND RATE.

(A) The Town Council finds that a need now exists for the re-establishment of the Cumulative Capital Development Fund rate for the following purposes:

- (1) For all uses as set out in I.C. ' 36-9-15.5.

(B) This Council will adhere to the provision of I.C. 36-9-15.5. The proposed fund will not exceed \$0.0500 on each \$100 of assessed valuations. Said tax rate will be levied beginning with taxes for 2013 payable 2014.

(C) Proofs of publication of the public hearing held on the third day of June, 2013, and a certified copy of this section shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance.

(Ord. 2013-6B, passed 6-17-13)

CAPITAL ASSET POLICY**' 34.50 GENERALLY.**

(A) The Fixed Asset Policy is being issued effective January 1, 2008. The new policy will be referred to as the Capital Asset Policy. This Policy is being issued to document the minimum value of capital assets to be reported on our financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. Statement 34 will require the town to depreciate capital assets. The capital asset threshold will be \$5,000. An asset with a value under \$5,000 will be expensed in the year of purchase. The infrastructure portion of this policy is also effective January 1, 2008.

(B) Town Utilities will follow this same definition of capital assets except any item with a unit cost of \$5,000 or more shall be capitalized. Assets that are not capitalized (items < \$5,000) are expensed in the year of acquisition. Town utilities will follow the capitalization guidelines of the Indiana State Board of Accounts.

(C) The Town of Fortville is, by this subchapter, establishing a Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies: citizens, ratepayers, oversight bodies and regulators. All public information pertaining to capital assets will be made available in the Comprehensive Annual Financial Report (CAFR).

(D) The purpose of establishing a Capital Policy is fivefold:

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

(E) This policy will only serve to classify capital assets, including fixed and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include data processing, programming requirements, or computer operations procedures.

(Ord. 2007-9G, passed 9-17-07)

' 34.51 DEFINITION.

CAPITAL ASSETS. Land, land improvements, including monuments, buildings, building improvements, construction in progress, machinery and equipment, vehicles and infrastructure. All land will be capitalized but not depreciated. All items with a useful life of more than one year, and having a unit cost of \$5,000 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria will be reported and depreciated in the government-wide financial statements.

(1) Assets that are not capitalized (items < \$5,000) are expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of < \$5,000. (See ' 34.57)

(2) (a) Exceptions are:

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

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

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

(b) Purchases made using grant funds must comply with grant requirements or the above procedures, whichever are the most restrictive.
(Ord. 2007-9G, passed 9-17-07)

' 34.52 THRESHOLD LEVEL FOR CAPITAL ASSETS.

The following schedule will be followed for the different types of capital assets other than infrastructure assets:

Capitalize/Depreciate

Land	All/Capitalize Only
Land Improvements	\$5,000
Building	\$5,000
Building Improvements	\$5,000
Construction in Progress	All/Capitalize Only
Machinery and Equipment	\$5,000
Vehicle	\$5,000
Town Utility Assets	\$5,000

(Ord. 2007-9G, passed 9-17-07)

' 34.53 VALUATION OF CAPITAL ASSETS.

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

- (1) Legal and title fees, closing costs;
- (2) Appraisal and negotiation fees, surveying fees;

- (3) Damage payments;
- (4) Land preparation costs, demolition costs;
- (5) Architect, engineering and accounting fees;
- (6) Insurance premiums during construction;
- (7) Transportation charges, interest costs during construction.

(B) Donated or contributed assets should be recorded at their fair market value on the date donated.
(Ord. 2007-9G, passed 9-17-07)

' 34.54 ASSET DEFINED BY MAJOR CATEGORY.

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

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

(B) *Improvements other than buildings*. Examples of town assets in this category are walks, parking areas and drives, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items. Examples of town utilities assets in this category are water supply mains, collection sewers, wells, dams, fences, intake pipes, manholes, and fire hydrants.

(C) *Buildings*.

(1) All structures designed and erected to house equipment services, or functions are included. This includes systems, services, and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the building.

(2) Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, passenger and freight elevators, escalators, built-in casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included with the building, if owned. Communication antennas and/or towers are not included as buildings. These are parts of the equipment units that they serve.

(D) *Equipment*. Equipment includes all other types of physical property within the scope of the Fixed Asset Management System not previously classified. Included within this category are office mechanical equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, sanitation and park department, laboratory

equipment, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, text equipment, civil defense equipment, and data processing equipment. All supplies are excluded.

(E) *Infrastructure.*

(1) Infrastructure assets are long-lived capital assets that normally can be preserved for a significant greater number of years than most capital and that are normally stationary in nature. Examples include roads, streetlights, traffic signals, drainage systems, and water systems. Infrastructure assets do not include buildings, drives, parking lots or any other examples given above that are incidental to property or access to the property above.

(2) Additions and improvements to infrastructure, which increase the capacity or efficiency of the asset, will be capitalized. Maintenance/repairs will be considered as necessary to maintain the existing asset, and therefore not capitalized. For example, patching, resurfacing, snow removal and the like, are considered maintenance activities and will be expensed. Also, normal department operating activities such as feasibility studies, and preliminary engineering and design, will be expensed and not capitalized as an element of the infrastructure asset.

(3) The retroactive reporting requirements for infrastructure of GASB 34 requires the town to report items put into service from 1980 forward, and gives the town the option to report items put into service prior to 1980. The town will report only on items put into service after 1980. Retroactive reporting is not mandated until fiscal years beginning after January 1, 2006 which the town will comply with.

(4) At the network level, the asset will be classified as major if the cost of the network item is at least 10% of the cost of all capital assets in fiscal year 1999. A network will be defined as a group of similar assets that serve a particular function or purpose for the Town of Fortville.

(5) At the subsystem level, the asset will be classified as major if the cost of the subsystem item is at least 5% of the cost of all capital assets in fiscal year 1999. A will subsystem will be defined as a segment of a network of assets that serve a similar function for the Town of Fortville.

(Ord. 2007-9G, passed 9-17-07)

' 34.55 DEPRECIATION METHODS.

(A) The town will be depreciating capital assets by using either composite/group method depreciation or the straight-line method. Salvage value will be determined on an asset-by-asset basis. Depreciation will be calculated at year-end. Land is not depreciated according to general accepted accounting principles.

(B) A network of assets is composed of all assets that provide a particular type of service for government. A subsystem of a network of assets is composed of all assets that make a similar portion or segment of a network of assets. The following will be the breakdown of our networks and subsystems;

- (1) Roads/streets network
 - Subsystems: Types of Streets Curbs

- (2) Traffic Components Network
 - Subsystems: Traffic Signals Street Lights

(C) Composite/group network.

(1) Composite depreciation refers to calculating depreciation for a collection of similar assets. A single composite rate is applied annually to the acquisition cost of the collection as a whole. At year-end an adjustment will be made to the total cost to account for any additions/disposals throughout the year. The accumulated depreciation associated with it will also be adjusted. A gain or loss will never be reported on the asset when using the composite method. A full year's depreciation will be taken when the asset is placed in service and no depreciation recorded in the year it is sold or disposed of. We will group our dissimilar assets by useful lives and our similar assets by networks. To determine the appropriate depreciation rate for the composite group, divide one by the number of years the assets are depreciated. For instance a group of assets with a 25 year life will be depreciated at 4% each year.

- (2) Following is the list of groups we will use for depreciation:

Composite/Group Depreciation

- (a) Street lights - 35 years
- (b) Traffic signals - 25 years
- (c) Flood walls/gates - 50 years
- (d) Roads
 - 1. Cement - 10 years
 - 2. Gravel - 15 years
 - 3. Concrete - 30 years
 - 4. Asphaltic concrete - 20 years
 - 5. Brick or stone - 50 years

(D) *Straight-line depreciation.*

(1) All assets accounted for under the Capital Asset Policy will be depreciated using the straight-line method of depreciation. A gain or loss on disposal will be recorded. Following is a list of the most common useful lives:

- (a) Vehicles - 5 years
- (b) Office equipment - 5 years

- (c) Office furniture - 20 years
- (d) Heavy equipment - 10 years
- (e) Fire trucks - 15 years
- (f) Buildings - 50 years
- (g) Building components (HVAC systems, roofing) - 20 years
- (h) Leasehold improvements - useful life of asset or lease term (whichever is shorter)
- (i) Land improvements - structure (parking lots, athletic courts, swimming pools) - 20 years
- (j) Land improvements - ground work (golf course, athletic fields, landscaping, fencing) - 20 years
- (k) Outdoor equipment - (playground equipment, radio towers) - 15 years
- (l) Grounds equipment - (mowers, tractors, attachments) - 7 years
- (m) Computer hardware - 3 years
- (n) Computer software - 5 years

years

(B) Town utilities= useful lives are as follows:

- (1) *Water.*
 - (a) Buildings and improvements - 50 years
 - (b) Transmission and distribution mains - 50 years
 - (c) Meters/hydrants -10 years
 - (d) Pumping equipment - 50 years
 - (e) Water treatment equipment - 50 years
 - (f) Reservoirs/tanks - 50 years
 - (g) Furniture and equipment - 10 years
 - (h) Other equipment - 10 years
 - (i) Transportation equipment - 10 years

Fortville - Administration

- (j) Shop and lab equipment - 10 years
- (k) Computer equipment - 3 years
- (l) Communications equipment - 10 years

(2) *Sewer.*

- (a) Buildings and improvements - 50 years
- (b) Sewer lines - 50 years
- (c) Combined sewer overflow - 50 years
- (d) Lift station - 50 years
- (e) Treatment plant/equipment - 10 years
- (f) Office equipment - 5 years
- (g) Miscellaneous operating equipment - 5 years
- (h) Vehicles - 5 years

(Ord. 2007-9G, passed 9-17-07)

' 34.56 CAPITAL ASSET ACQUISITIONS.

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

- (1) Regular purchases;
- (2) Lease purchase - see below;
- (3) Construction by Town personnel;
- (4) Construction by an outside contractor;
- (5) Resolution/condemnation;
- (6) Donation/contribution;
- (7) Addition to an existing asset;
- (8) Transfer from another department;

(9) Trade or barter;

(10) Annexation.

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

(1) The lease transfers ownership of the property to the lessee by the end of the lease term;

(2) The lease contains a bargain purchase option;

(3) The lease term is equal to 75% of the estimated economic life of the leased property;

(4) The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90% of the fair value of the leased property.

(C) Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements.

(Ord. 2007-9G, passed 9-17-07)

' 34.57 ASSET TRANSFERS AND DISPOSITIONS.

(A) Property should not be transferred, turned-in for auction, or disposed of without prior approval of the department head. A vehicle/equipment outprocessing checklist should be sent to the Town Controller's Office in all cases. This form is a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department, building, floor, or room) or retirement (disposal) of property.

(B) The main points to be remembered when using this form are:

(1) Always provide sufficient detail to properly identify the asset, most importantly the asset's tag number or Town ID;

(2) Be accurate and do not overlook any of the needed entries;

(3) Write legibly;

(4) Complete each column for every asset listed on the form;

(5) Enter information in correct row, depending on whether you are transferring or deleting an asset;

(6) Have Department Head sign at the bottom of the form return the form to the town Controller's Office.

(C) If an asset is stolen, the department should notify the Safety Manager as well as the Town Controller's office.

(Ord. 2007-9G, passed 9-17-07)

' 34.58 PERIODIC INVENTORIES.

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

(Ord. 2007-9G, passed 9-17-07)

' 34.59 RESPONSIBILITIES OF CONTROLLER'S OFFICE.

The Fiscal Officer will ensure that accounting for capital assets is being exercised by establishing a capital asset inventory, both initially and periodically in subsequent years. The Fiscal Officer will further ensure that the capital asset report will be updated annually to reflect additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculation.

(Ord. 2007-9G, passed 9-17-07)

' 34.60 RESPONSIBILITIES OF DEPARTMENT HEADS.

(A) It is the responsibility of the department head to act as or designate a steward for each piece of property. The steward will become the focal point for questions regarding the availability, condition, and usage of the asset, as well as the contact during the physical inventory process.

(B) The steward shall be designated as the person to record the receipt of the asset, to examine the asset to make sure that no damage was incurred during shipment and to make sure that the asset was received in working order.

(C) The steward is also responsible for arranging for the necessary preventative maintenance and any needed repairs to keep the asset in working condition. It is necessary to have a responsible person available for questions that arise during a physical inventory or when someone wants to borrow the asset. The steward ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the steward should report any property damage or theft.

(Ord. 2007-9G, passed 9-17-07)

PURCHASING POLIES

' 34.65 PUBLICATION OF NOTICES.

(A) *Invitation for bids.*

(1) All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Greenfield Daily Reporter.

(2) The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two times, at least one week apart. The second publication must occur at least ten days prior to the date the bids will be opened.

(B) *Request for proposals.* All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the Greenfield Daily Reporter. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(C) *Request for specification.*

(1) All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Greenfield Daily Reporter.

(2) The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two times, at least one week apart. The second publication must occur at least seven days prior to the date the proposals will be opened.

(D) *Electronic notice.* Whenever a notice or other material, including specifications, an invitation for bids, request for proposals or request 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.

(Ord. 2008-9A, passed - -08)

' 34.66 RECEIVING OFFERS.

(A) *Opening of offers.*

(1) Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

(2) Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

(3) Proposals received in response to a request for specifications may be opened as specified in the request for specification.

(B) *Electronic receipt of offers.*

(1) The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

(2) A purchasing agency may only receive an electronic offer if:

(a) The solicitation includes the procedure for the electronic transmission of the offer; and

(b) The purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

(C) *Correct and withdrawal of bids.*

(1) An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

(2) A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which bids will be opened.

(D) *Cancellation of solicitation.* When the purchasing agent makes a written determination that it is in the town's best interests, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(Ord. 2008-9A, passed - -08)

' 34.67 PROTECTION OF OFFERS: STATUS OF DOCUMENTS AS PUBLIC RECORDS.

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

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

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized in this subchapter or any other statute or ordinance.

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

(Ord. 2008-9A, passed - -08)

' 34.68 DISCUSSIONS WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.

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

(Ord. 2008-9A, passed - -08)

' 34.69 DELAY OF OPENINGS OF OFFER.

When the Town Council makes a written determination that is in the town=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.

(Ord. 2008-9A, passed - -08)

' 34.70 EVIDENCE OF FINANCIAL RESPONSIBILITY.

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

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

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

(Ord. 2008-9A, passed - -08)

' 34.71 USE OF RFP FOR PURCHASES OF DESIGNATED TYPES OF SUPPLIES.

If the Town Council determines that it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding, they shall authorize the appropriate purchasing agent to receive proposals.

(Ord. 2008-9A, passed - -08)

' 34.72 MODIFICATION AND TERMINATION OF CONTRACTS.

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

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

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

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

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

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

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

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.
(Ord. 2008-9A, passed - -08)

' 34.73 PURCHASES.

This section applies to all purchases which are defined as small purchases under I.C. 5-22-8-2.

(A) The purchasing agent may purchase supplies with an estimated cost of less than \$5,000 on the open market without inviting or receiving quotes.

(B) In the event the purchase is between \$5,000 and \$25,000, the purchasing agent making the purchase shall receive prices either by phone, in writing or in person from at least three suppliers.

(C) The purchasing agent shall keep a file for purchases made under this section with the following information:

(1) The name, address, and phone number of each supplier who provided a price;

(2) The price provided by each supplier;

- (3) The supplier chosen and the reason for the choice if the supplier did not provide the lowest price;
- (4) The reasons why less than three suppliers were not contacted.

(D) Purchases between \$25,000 and \$75,000. Pursuant to I.C. 5-22-8-3, purchases between \$25,000 and \$75,000 may be made by the purchasing agent for the town by inviting quotes from at least three persons known to deal in the lines or classes of supplies to be purchased. The purchasing agent shall mail an invitation to quote to the persons described above at least seven days before the time fixed for receiving quotations. If the purchasing agent receives a satisfactory quote, the purchasing agent shall award the contract to the lowest responsible and responsive offer for each line or class of supplies required, subject to approval by the Town Council. The purchasing agent may reject all quotes. If the purchasing agent does not receive a quote from a responsible and responsive offeror, the purchasing agent may make a special purchase pursuant to the provisions of I.C. 5-22-10-10.

(E) Purchase of supplies manufactured in the United States. Supplies manufactured in the United States shall be specified for all town purchases and shall be purchased unless the town determines that:

- (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 comparable priced available supplies manufactured elsewhere; or
 - (4) The purchase of supplies manufactured in the United States is not in the public interest.
- (Ord. 2008-9A, passed - -08)

Section

- 35.01 Ordinance Violations Bureau
- 35.02 Payment of fines
- 35.03 Schedule of fines
- 35.04 Proceeds to be placed in General Fund
- 35.05 Allocation of funds

CHAPTER 35. ORDINANCE VIOLATIONS BUREAU

' 35.01 ORDINANCE VIOLATIONS BUREAU.

Pursuant to I.C. 33-36-2-1 et seq. and all Acts amendatory or supplemental thereto, there is hereby created an Ordinance Violations Bureau to be denominated the Fortville Ordinance Violations Bureau. The Clerk-Treasurer of the town, or his or her appointed deputy, shall be considered the Violations Clerk, having the duties and responsibilities set forth under I.C. 33-36-2-3, including, but not limited to, the ability to accept the following:

(A) Written appearances;

(B) Waivers of trial;

(C) Admissions of violations; and

(D) Payment of civil penalties up to \$250 in ordinance violation cases.
(Ord. 2010-12A, passed 1-17-11)

' 35.02 PAYMENT OF FINES.

(A) A person who has been cited for violating one of the ordinances designated by the Town Council may pay the amount designated by the Town Council from time to time to the Fortville Ordinance Violations Bureau.

(B) Failure to pay the penalty within five business days will result in an action brought by the town to collect such greater penalties as are permitted by the ordinance that is violated.

(C) The schedule of fines to be paid, pursuant to this section, shall be all fines created by all ordinances within the Code of Ordinances of the Town of Fortville, Indiana, in existence as of December 1, 2010, all ordinances amendatory or supplemental thereto, and any fines imposed by any subsequent ordinance.

(Ord. 2010-12A, passed 1-17-11)

' 35.03 SCHEDULE OF FINES.

(A) *Schedule of fines.* Except for violations listed in division (B) below, for all violations of the Code of Ordinances of the Town of Fortville, Indiana, payable through the Ordinance Violations Bureau, the following schedule of fines shall be imposed, which may only be paid by cash, cashier=s check or money order made payable to the Town of Fortville, 714 E. Broadway, Fortville, IN 46040, within 14 days of issuance of the notice of violation:

<i>Violation</i>	<i>Fine</i>
(1) Miscellaneous Motor Vehicle (i) Stop sign violations (Ch. 72, Sch. IV) (ii) Parking violations (' 71.01 - 71.08; Ch. 73, Sch. II - V)	\$50.00 \$25.00
(2) Speeding (Ch. 72, Sch. I) (i) 1 - 10 MPH over posted limit (ii) 11-20 MPH over posted limit (iii) 21 - 25 MPH over posted limit	\$65.00 \$75.00 \$85.00
(3) Curfew Violations (' 130.01) (i) First offense (ii) Second offense (iii) Third offense	\$50.00 \$100.00 \$250.00
(4) All Other Violations (Except for Violations Listed in (B)) (i) First offense (ii) Subsequent offenses	\$25.00 \$25.00 + \$10.00 X # of prior offenses same ordinance

(B) *Violations excluded from schedule.* Violations of the Code of Ordinances of the Town of Fortville, Indiana for the following specific ordinances are excluded from the Schedule of Fines in division (A) and shall be subject to the respective terms and provisions set forth under the Code of Ordinances of the Town of Fortville, Indiana for each including, but not limited to, the monetary and non-monetary penalties:

(1)	' 70.16	Vehicle weight limits
(2)	' 92.03	Cutting weeds and rank vegetation
(3)	' 92.27	Unsightly premises
(4)	' 93.02	Licensing
(5)	' 95.10	Clearance of private trees over public right-of-way
(6)	' 95.15	Public nuisance of tree, shrub, or groundcover
(7)	' 95.19	Harming public trees
(8)	' 95.20	License of tree care firm on public trees
(9)	' 150.02	Unsafe buildings

(C) *Non-monetary penalties.* In addition to the fines provided in division (A) above, the town may also enforce any non-monetary penalty and/or remedy provide in the ordinance for the violation including, but not limited to, towing.

(D) *Conflicting penalties.* Any provision contained in any prior ordinance that conflicts with the Schedule of Fines provided in division (A) above is hereby repealed.
(Ord. 2011-4A, passed 4-4-11; Am. Ord. 2011-5A, passed 5-16-11)

' 35.04 PROCEEDS TO BE PLACED IN GENERAL FUND.

(A) The proceeds from the Ordinance Violations Bureau shall be placed into the General Fund of the town unless otherwise designated within the specific code provision or ordinance subject to this chapter.

(B) Four dollars of the proceeds collected for each violation shall be allocated to the Police Training Fund.
(Ord. 2011-5B, passed 5-16-11)

' 35.05 ALLOCATION OF FUNDS.

The funds collected by the Ordinance Violations Bureau shall be allocated as follows:

(A) Four dollars of every penalty assigned for an ordinance violation shall be allocated to the Fortville Police Department (FPD) for training.

(B) The remaining funds after the \$4.00 for training that has been assigned to the FPD shall be allocated as follows:

(1) Twenty percent to the FPD, with consideration for the funds to be used for training and equipment.

(2) Twenty percent for streets, with consideration for funds to be used for trails, curbs, sidewalks, and lighting.

(3) Five percent for Fortville=s parks, with consideration for funds to be used towards security.

(4) Five percent to the Mt. Vernon School Corporation to be used at the school=s discretion.

(5) Fifty percent to be held for the General Fund, with consideration for the funds to be used for the HSA contributions and/or budget shortfalls.
(Ord. 2013-7C, passed 7-15-13)

Section

- 36.01 Creation
- 36.01 Town Judge
- 36.03 Powers

CHAPTER 36: TOWN COURT

' 36.01 CREATION.

(A) There is hereby created for the town a Town Court known as the Town Court of Fortville, Indiana ATown Court@.

(B) The Town Court shall be opened and operational as soon as practical after January 1, 2008 at the discretion of the Town Council of the town.
(Ord. 2006-11A, passed - -06)

' 36.02 TOWN JUDGE.

(A) The Town Council, upon the effective date of this chapter, directs that the newly created office of Town Judge for the Town Court be filled when said office is placed on the ballot for the municipal election to be held November 6, 2007 and thereafter in accordance with the Indiana Code.

(B) A candidate for Town Judge shall be a resident of the Town of Fortville and registered to vote in Hancock County, Indiana pursuant to I.C. 3-8-1-1.5.

(C) The Town Judge may employ such persons to work for the Town Court as are approved in advance by the Town Council and funds appropriated to pay their salaries and any applicable benefits.

(D) The Town Judge, upon appointment as provided for herein, and any successory, shall receive an annual salary to be established by the Town Council, payable in 12 equal monthly payments. The salary shall not commence until the Town Court is functional and operating and may be changed by the Town Council at their discretion, but no more frequently than annually.
(Ord. 2006-11A, passed - -06)

' 36.03 POWERS.

(A) The Town Court shall be operated and conducted pursuant to and in accordance with the statutory powers and authority granted by the laws of the State of Indiana.

(B) The Town Judge of the Town Court shall be vested with powers, duties and responsibilities provided by the laws of the State of Indiana to judges of town courts and shall be bound by all applicable codes and ethics of judicial conduct and administration.

(Ord. 2006-11A, passed - -06)

Section

37.01	Short title
37.02	Purpose
37.03	Definitions
37.04	Findings
37.05	Process of establishing a covered account
37.06	Access to covered account information
37.07	Credit card payments
37.08	Sources and types of red flags
37.09	Prevention and mitigation of identity theft
37.10	Updating the program
37.11	Program administration
37.12	Outside service providers
37.13	Treatment of address discrepancies
37.14	Methods of confirming consumer addresses

CHAPTER 37: IDENTITY THEFT PREVENTION PROGRAM

' 37.01 SHORT TITLE.

This policy shall be known as the Identity Theft Prevention Program (hereinafter Aprogram@).
(Ord. 2009-8A, passed 8-17-09)

' 37.02 PURPOSE.

This policy is adopted to comply with the Fair and Accurate Credit Transactions Act and federal regulations promulgated at 16 CFR ' 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.
(Ord. 2009-8A, passed 8-17-09)

' 37.03 DEFINITIONS.

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

COVERED ACCOUNT.

(1) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and

(2) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

CREDIT. The right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

CREDITOR. Any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

CUSTOMER. A person that has a covered account with a creditor.

IDENTITY THEFT. A fraud committed or attempted using identifying information of another person without authority.

NOTICE OF ADDRESS DISCREPANCY. A notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. ' 1681(c)(h)(l), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency=s file for the consumer.

PERSON. A natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

PERSONAL IDENTIFYING INFORMATION. A person=s credit card account information, debit card information bank account information and drivers= license information and for a natural person includes their social security number, mother=s birth name, and date of birth.

RED FLAG. A pattern, practice, or specific activity that indicates the possible existence of identity theft.

SERVICE PROVIDER. A person that provides a service directly to the city.
(Ord. 2009-8A, passed 8-17-09)

' 37.04 FINDINGS.

(A) The Town of Fortville Utility Department (known hereafter as the Utility Department) is a creditor pursuant to 16 CFR ' 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.

(B) Covered accounts offered to customers for the provision of services include water, sewer, and stormwater utility.

(C) The Utility Department=s previous experience with identity theft related to covered accounts is as follows: No known incidents.

(D) The processes of opening a new covered account, restoring an existing covered account, making payments on such accounts, and providing account information, access in person or via phone or website have been identified as potential processes in which identity theft could occur.

(E) The Utility Department limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the Utility Department=s computer system and is not otherwise recorded.

(F) The Utility Department determines that there is a low risk of identity theft occurring in the following ways (if any):

(1) Use by an applicant of another person=s personal identifying information to establish a new covered account;

(2) Use of a previous customer=s personal identifying information by another person in an effort to have service restored in the previous customer=s name;

(3) Use of another person=s credit card, bank account, or other method of payment by a customer to pay such customer=s covered account or accounts;

(4) Use by a customer desiring to restore such customer=s covered account of another person=s credit card, bank account, or other method of payment.

(Ord. 2009-8A, passed 8-17-09)

' 37.05 PROCESS OF ESTABLISHING A COVERED ACCOUNT.

As a precondition to opening a covered account, each applicant shall provide name, address, telephone number, owner of property and occupancy date with personal identifying information of the customer. Such information shall be entered directly into the Utility Department=s computer system and shall not otherwise be recorded. Each account shall be assigned an account number which shall be unique to that account.

(Ord. 2009-8A, passed 8-17-09)

' 37.06 ACCESS TO COVERED ACCOUNT INFORMATION.

(A) Access to customer accounts shall be password protected and shall be limited to authorized personnel.

(B) Such password(s) shall be changed on a regular basis by each individual user, shall be at least eight characters in length, and shall contain letters, numbers and symbols.

(C) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Utility Billing Manager and the password changed immediately.

(D) Personal identifying information included in customer accounts is considered confidential, (to the extent allowed by law) and any request or demand for such information shall be immediately forwarded to the Utility Billing Manager.

(Ord. 2009-8A, passed 8-17-09)

' 37.07 CREDIT CARD PAYMENTS.

(A) In the event that credit card payments that are made over the internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

(B) All credit card payments made over the telephone may or may not be written on a payment slip and entered into the credit card payment machine. Any credit card information written on a payment slip will be immediately destroyed (shredded) upon payment verification.

(C) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(D) When using a credit/debit card to pay for the utility service in person, the payer must provide a second piece of I.D.

(Ord. 2009-8A, passed 8-17-09)

' 37.08 SOURCES AND TYPES OF RED FLAGS.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account, or accepting payment for a covered account shall check for red flags as indicators of possible identity theft. Such red flags shall include, but not be limited to:

(A) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of such alerts are:

- (1) A fraud or active duty alert that is included with a consumer report.

(2) A notice of credit freeze in response to a request for a consumer report.

(3) A notice of address discrepancy discovered through the Hancock County Geographic Information System.

(B) Suspicious documents. Examples of suspicious documents include:

(1) Documents provided for identification that appear to be altered or forged;

(2) Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;

(3) Identification on which the information is inconsistent with information provided by the applicant or customer;

(4) Identification on which the information is inconsistent with readily accessible information that is on file, such as a signature card or a recent check; or

(5) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

(C) Suspicious personal identifying information. Examples include:

(1) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:

(a) The address does not match any address in the consumer report.

(2) Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.

(3) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

(4) The SSN provided is the same as that submitted by other applicants or customers.

(5) The address or telephone number provided is the same or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.

(6) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

(7) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.

(8) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(D) Unusual use of or suspicious activity relating to a covered account. Examples include:

(1) Shortly following the notice of a change of address for an account, there is a request for the addition of authorized users on the account.

(2) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns, such as where the customer fails to make the first payment or makes an initial payment but no subsequent payments.

(3) An account is used in a manner that is not consistent with established patterns of activity on the account, such as:

(a) Nonpayment when there is no history of late or missed payments.

(4) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer=s account.

(5) The Utility Department is notified that the customer is not receiving paper account statements.

(6) The Utility Department is notified of unauthorized charges or transactions in connection with a customer=s account.

(7) The Utility Department is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(E) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

(Ord. 2009-8A, passed 8-17-09)

' 37.09 PREVENTION AND MITIGATION OF IDENTITY THEFT.

(A) In the event that any employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Fortville Police Department. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Utility Billing Manager, who may in his or her discretion determine that no further action is necessary. If the Utility

Billing Manager in his or her discretion determines that further action is necessary, one or more of the following responses as determined to be appropriate by the Utility Billing Manager shall be performed:

(1) Contact the customer;

(2) Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer=s covered account:

(a) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or

(b) Close the account;

(3) Cease attempts to collect additional charges from the customer and decline to sell the customer=s account to a debt collector in the event that the customer=s account has been accessed without authorization and such access has caused additional charges to accrue;

(4) Notify law enforcement in the event that someone other than the customer has accessed the customer=s account causing additional charges to accrue or accessing personal identifying information; or

(5) Take other appropriate action to prevent or mitigate identity theft.

(B) In the event that an employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Fortville Police Department. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Utility Billing Manager, who may in his or her discretion determine that no further action is necessary. If the Utility Billing Manager in his or her discretion determines that further action is necessary, one or more of the following responses as determined to be appropriate by the Utility Billing Supervisor shall be performed:

(1) Request additional identifying information from the applicant;

(2) Deny the application for the new account;

(3) Notify law enforcement of possible identity theft; or

(4) Take other appropriate action to prevent or mitigate identity theft.

(Ord. 2009-8A, passed 8-17-09)

' 37.10 UPDATING THE PROGRAM.

The Utility Department shall annually review and, as deemed necessary, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the Utility Department and its covered accounts from identity theft. In so doing, the Utility Department shall consider the following factors and exercise its discretion in amending the program:

- (A) The Utility Department experiences with identity theft;
- (B) Updates in methods of identity theft;
- (C) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (D) Updates in the types of accounts that the Utility Department offers or maintains; and
- (E) Updates in service provider arrangements.

(Ord. 2009-8A, passed 8-17-09)

' 37.11 PROGRAM ADMINISTRATION.

(A) The Utility Billing Manager is responsible for oversight of the program and for program implementation. The Utility Billing Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Utility Billing Manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to Town Manager.

(B) The Utility Billing Manager will report to Town Manager at least annually on compliance with the red flag requirements. The report shall be due no later than December 31 each year and shall address material matters related to the program and evaluate issues, including but not limited to:

- (1) The effectiveness of the program policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
- (2) Service provider arrangements;
- (3) Significant incidents involving identity theft and management=s response; and
- (4) Recommendations for material changes to the Program.

(C) The Utility Billing Manager is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft

Prevention Program. The Utility Billing Manager shall exercise his or her discretion in determining die amount and substance of training necessary.

(Ord. 2009-8A, passed 8-17-09)

' 37.12 OUTSIDE SERVICE PROVIDERS.

In the event that the Utility Department engages a service provider to perform an activity in connection with one or more covered accounts the Utility Billing Manager shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider=s activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider=s activities and take appropriate steps to prevent or mitigate identity theft.

(Ord. 2009-8A, passed 8-17-09)

' 37.13 TREATMENT OF ADDRESS DISCREPANCIES.

(A) In the event that the Utility Department receives a notice of address discrepancy, the employee responsible for verifying consumer addresses for the purpose of providing the service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

(B) Compare the information in the consumer report with:

(1) Information the Utility Department obtains and uses to verify a consumer=s identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. ' 5318(1);

(2) Information the Utility Department maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or

(3) Information the Utility Department obtains from third-party sources that are deemed reliable by the relevant employee; or

(4) Verify the information in the consumer report with the consumer.

(Ord. 2009-8A, passed 8-17-09)

' 37.14 METHODS OF CONFIRMING CONSUMER ADDRESSES.

The employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(A) Verifying the address with the consumer;

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(B) Reviewing the Utility Department records to verify the consumer=s address;

(C) Verifying the address through third party sources; or

(D) Using other reasonable processes.

(Ord. 2009-8A, passed 8-17-09)