

Chapter 2

ADMINISTRATION

Article I. In General

Secs. 2-1—2-18. Reserved.

Article II. Administrative Organization

- Sec. 2-19. Town election timing.
- Sec. 2-20. Wards.
- Sec. 2-21. Elected officers.
- Sec. 2-22. Nomination of officers.
- Sec. 2-23. Town Council election.
- Sec. 2-24. Town Council length of term.
- Sec. 2-25. Powers of Town Council.
- Sec. 2-26. Election of Town Council President.
- Sec. 2-27. Quorum.
- Sec. 2-28. Appointment of special committees.
- Sec. 2-29. Legislative authority of Town Council.
- Sec. 2-30. Authority of Town Council to determine salaries.
- Sec. 2-31. Management and direction.
- Secs. 2-32—2-50. Reserved.

Article III. Officers and Employees

Division 1. Generally

Secs. 2-51—2-73. Reserved.

Division 2. Town Clerk-Treasurer

- Sec. 2-74. Election.
- Sec. 2-75. Term of office.
- Sec. 2-76. Duties.
- Secs. 2-77—2-95. Reserved.

Division 3. Town Marshal

- Sec. 2-96. Appointment.
- Sec. 2-97. Appointment of Deputy Marshal.
- Sec. 2-98. Duties of Marshal.
- Sec. 2-99. Powers of Marshal.
- Secs. 2-100—2-126. Reserved.

Division 4. Town Superintendent

- Sec. 2-127. Appointment.
- Sec. 2-128. Duties.
- Sec. 2-129. Salary.

NORTH JUDSON TOWN CODE

Secs. 2-130—2-156. Reserved.

Article IV. Boards; Commissions; Departments

Division 1. Generally

Secs. 2-157—2-180. Reserved.

Division 2. Department of Economic Development

Subdivision I. In General

- Sec. 2-181. Creation of department.
- Sec. 2-182. Issuance of bonds; fees.
- Sec. 2-183. Representation leading to attorney conflict of interest.
- Secs. 2-184—2-200. Reserved.

Subdivision II. Commission

- Sec. 2-201. Members.
- Sec. 2-202. Term of members.
- Sec. 2-203. Filling vacancies.
- Sec. 2-204. Compensation.
- Sec. 2-205. Annual organization.
- Sec. 2-206. Adoption of bylaws.
- Sec. 2-207. Conflict of interest.
- Secs. 2-208—2-219. Reserved.

Division 3. Park and Recreation Department

- Sec. 2-220. Creation of Park and Recreation Department.
- Sec. 2-221. Composition of Park and Recreation Board.
- Sec. 2-222. Terms of Park and Recreation Board members.
- Sec. 2-223. Election of Park and Recreation Board officers.
- Sec. 2-224. Authority of Vice-President.
- Sec. 2-225. Authority of Park and Recreation Board.
- Sec. 2-226. Park and Recreation Board budget.
- Secs. 2-227—2-245. Reserved.

Division 4. Emergency Management and Disaster Preparedness Council

- Sec. 2-246. Creation of council.
- Sec. 2-247. Council membership.
- Sec. 2-248. Council powers and duties.
- Sec. 2-249. Times for meetings.
- Secs. 2-250—2-276. Reserved.

Article V. Employment Policies

- Sec. 2-277. Equal opportunity.
- Sec. 2-278. Drug and alcohol free workplace.
- Secs. 2-279—2-304. Reserved.

ADMINISTRATION

Article VI. Procedures

- Sec. 2-305. Change of procedural rules.
- Sec. 2-306. Ordinances and resolutions.
- Sec. 2-307. Passing by unanimous consent.
- Sec. 2-308. Reading of ordinance.
- Sec. 2-309. Recommitting of proposed ordinance.
- Sec. 2-310. Signing of ordinance.
- Sec. 2-311. Casting of tie-breaking vote.
- Sec. 2-312. Recordation of ordinances.
- Sec. 2-313. Proof of publication.
- Sec. 2-314. Effective date of ordinances.
- Sec. 2-315. Repeal or modification of ordinances.
- Sec. 2-316. Repeal not to revive former ordinance.
- Secs. 2-317—2-335. Reserved.

Article VII. Council Meetings

- Sec. 2-336. Regular Council meetings.
- Sec. 2-337. Order of business.
- Sec. 2-338. Presentation of motions.
- Sec. 2-339. Speaking by Council Member.
- Sec. 2-340. Roberts Rules of Order.
- Sec. 2-341. Violation of rules of meeting procedure.
- Sec. 2-342. Special meetings.
- Secs. 2-343—2-363. Reserved.

Article VIII. Ordinance Violations Bureau

- Sec. 2-364. Establishment of violations bureau.
- Sec. 2-365. Provisions subject to jurisdiction; court costs.

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. ADMINISTRATIVE ORGANIZATION**Sec. 2-19. Town election timing.**

Town elections shall be held in odd years in which election for county, state, and national elections are not held.

(Code 1959, ch. 1, pg. 1)

Sec. 2-20. Wards.

Wards are established by the Town Council and may not number more than seven or less than three.

(Code 1959, ch. 1, pg. 1)

State law reference—Town legislative body districts, changes, IC 36-5-2-4.2.

Sec. 2-21. Elected officers.

The elected officers of the Town are one Council Member from each ward and a Clerk-Treasurer for the Town at large.

(Code 1959, ch. 1, pg. 1)

Sec. 2-22. Nomination of officers.

Nominations for Town officers are made at the Town political conventions which must be held before the last Saturday in August in the year in which the Town officials are to be elected.

(Code 1959, ch. 1, pg. 1)

Sec. 2-23. Town Council election.

One Council Member shall be elected from each district but shall be chosen by vote of the entire Town.

(Code 1959, ch. 1, pg. 1)

State law reference—Representation by district, at large or both, IC 36-5-2-5.

Sec. 2-24. Town Council length of term.

Council Members are elected for four-year terms.

(Code 1959, ch. 1, pg. 1)

State law reference—Term of office of members, IC 36-5-2-3.

Sec. 2-25. Powers of Town Council.

The powers of the Town Council include the power to:

- (1) Elect a Town Council President;

- (2) Purchase and hold real estate necessary for carrying out Town functions;
- (3) Organize fire companies and provide equipment;
- (4) Determine what constitutes a public nuisance and provide for its abatement;
- (5) Provide for a Town animal control facility;
- (6) Prohibit gambling and other conduct the Town Council deems disorderly;
- (7) Regulate salesmen, merchants, itinerant vendors, street auctions, and rummage sales;
- (8) Establish and regulate markets, and build market houses;
- (9) Lay, open, pave, and maintain streets, alleys, sewers, and sidewalks;
- (10) Build and repair municipal structures;
- (11) Appoint a Street Commissioner and Fire Chief, or assign such duties to a Town Marshal of the Town Council's choosing;
- (12) Regulate rail travel within the Town;
- (13) Regulate travel upon streets and thoroughfares;
- (14) Require lighting of railroad crossings;
- (15) Insure public property of the Town;
- (16) Purchase and maintain cemeteries;
- (17) Plant trees and acquire and maintain land for public park purposes;
- (18) Levy taxes within statutory limitations, subject to review by the County Board of Tax Adjustment and the state Board of Tax Commissioners;
- (19) Build and maintain schools and educational facilities;
- (20) Appoint a Town Attorney who serves at the pleasure of the Town Council;
- (21) Appoint a Marshal who serves at the pleasure of the Town Council;
- (22) Provide recreational facilities for the Town;
- (23) Codify and publish Town ordinances;
- (24) Establish a Town drainage district upon petition;
- (25) Establish a Board of Recreation to conduct playgrounds and recreational centers;
- (26) Rent or lease parklands to individuals or organizations for the purposes of constructing, maintaining, and operating a public swimming pool;
- (27) Create a plan commission to promote orderly development of its governmental units and environs;
- (28) Contract with owners of real estate for the construction of storm, sanitary, or combination sewers within the Town or within four miles of its corporate limits;

- (29) Determine the salaries of the Council Members, the Clerk-Treasurer, and Town Marshal;
 - (30) Censure or otherwise punish any Council Member who violates provisions of this Code or other laws;
 - (31) Appoint a Cemetery Superintendent;
 - (32) Appoint a Poundmaster for the impoundment of animals within a Town-funded or Town-run facility;
 - (33) Erect stop signs, yield signs, and parking signs;
 - (34) Any and all other powers pursuant to state and federal law.
- (Code 1959, ch. 1, pgs. 1, 2)

State law references—Town council; president, IC 36-5-2-2; powers of legislative body, IC 36-5-2-9.

Sec. 2-26. Election of Town Council President.

At the first meeting of the Town Council after the annual election, the Town Council Members-elect shall elect by majority vote one of their members as Town Council President.

(Code 1959, ch. 2, art. I, § 2-1)

State law reference—President of legislative body, selection, IC 36-5-2-7.

Sec. 2-27. Quorum.

Not less than two members of the Town Council shall constitute a quorum.

(Code 1959, ch. 2, art. I, § 2-2)

State law reference—Quorum determined, IC 36-5-2-9.2.

Sec. 2-28. Appointment of special committees.

The Town Council President may appoint committees for special purposes. These committees shall expire when the purpose for which they were appointed has been accomplished, or at such time as the Town Council deems appropriate.

(Code 1959, ch. 2, art. I, § 2-5)

Sec. 2-29. Legislative authority of Town Council.

The Town Council shall have the power to make and establish such bylaws, ordinances, and regulations as are not repugnant to the laws of the state and as are necessary to carry into effect the statutes of the state and the necessary governmental functions, and to repeal, alter, or amend the same as they shall seem to require.

(Code 1959, ch. 2, art. I, § 2-6)

Sec. 2-30. Authority of Town Council to determine salaries.

The Town Council shall determine the salaries of the officers and employees of the Town and may by majority vote of all the members change said salaries at any time, consistent with state statute.

(Code 1959, ch. 2, art. II, § 2-14)

State law reference—Compensation for officers and employees, IC 36-5-3-2.

Sec. 2-31. Management and direction.

(a) Any and all persons appointed to office by the Town Council shall serve strictly at the pleasure of the Town Council.

(b) Said appointees shall serve under the Town Council's general management and direction.

(Code 1959, ch. 1, pg. 1, ch. 2, art. I, § 2-4)

Secs. 2-32—2-50. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Secs. 2-51—2-73. Reserved.

DIVISION 2. TOWN CLERK-TREASURER

Sec. 2-74. Election.

The Clerk-Treasurer shall be elected for the Town at large and shall be chosen by vote of the entire Town.

(Code 1959, ch. 1, pg. 1)

State law reference—Election of Town Clerk-Treasurer, IC 36-5-6-4.

Sec. 2-75. Term of office.

The Clerk-Treasurer is elected for a four-year term.

State law reference—Residency, term of office, IC 36-5-6-3.

Sec. 2-76. Duties.

The duties of the Clerk-Treasurer are to:

- (1) Maintain custody of the records, books, and papers of the Town Council;
- (2) Issue and maintain records of licenses;
- (3) Record the actions and proceedings of the Town Council;

- (4) Maintain custody of the Town seal;
 - (5) Administer oaths and take depositions;
 - (6) Maintain custody and record of the Town funds, including but not limited to funds derived from the sale of cemetery lots, etc.;
 - (7) Maintain records of all permits.
- (Code 1959, ch. 1, pg. 2)

State law references—Duties of Town Clerk-Treasurer, IC 36-5-2-8; clerk and fiscal officer, IC 36-5-6-2; powers and duties, IC 36-5-6-6.

Secs. 2-77—2-95. Reserved.

DIVISION 3. TOWN MARSHAL

Sec. 2-96. Appointment.

The Town Marshal (hereinafter "the Marshal") is appointed by the Town Council to enforce the bylaws and ordinances of the Town. The Marshal shall serve at the pleasure of the Town Council.

(Code 1959, ch. 1, pgs. 1, 2)

State law reference—Appointment, compensation, IC 36-5-7-2.

Sec. 2-97. Appointment of Deputy Marshal.

The Marshal may appoint deputy marshals upon authorization by the Town Council.
(Code 1959, ch. 1, pg. 2)

State law reference—Deputy Marshals, IC 36-5-7-6.

Sec. 2-98. Duties of Marshal.

The duties of the Marshal are to:

- (1) Enforce the Town and state traffic regulations;
 - (2) Investigate all traffic accidents and prepare reports thereabout;
 - (3) Assist the Town Council in the development and administration of traffic laws;
 - (4) Enforce and assist in the enforcement of all other Town, state, and federal laws and regulations;
 - (5) Impound cats, dogs, and ferrets found running at large.
- (Code 1959, ch. 5, art. VI, § 5-13, ch. 15, art. II, §§ 15-2, 15-3, 15-5)

State law reference—Powers and duties, IC 36-5-7-4.

Sec. 2-99. Powers of Marshal.

The powers of the Marshal are to:

- (1) Issue tickets and make arrests for violations of any Town, state, and federal law or regulation;
- (2) Impound vehicles as necessary;
- (3) Slay any cat, dog, or ferret that cannot be safely impounded because of its fierce, vicious, or dangerous behavior;
- (4) Monitor permits issued by the Clerk-Treasurer;
- (5) Enforce permit and license requirements;
- (6) Serve as the Town's primary peacekeeping official, as directed by the Town Council.

(Code 1959, ch. 1, pg. 2, ch. 5, art. V, § 5-12, ch. 11, art. II, § 11-12)

State law reference—Powers and duties, IC 36-5-7-4.

Secs. 2-100—2-126. Reserved.

DIVISION 4. TOWN SUPERINTENDENT

Sec. 2-127. Appointment.

The Town Superintendent is appointed by the Town Council to manage the public facilities that make up the Town. The Town Superintendent shall serve at the pleasure of the Town Council.

(Ord. No. 5-1992, 5-8-1992)

Sec. 2-128. Duties.

The duties of the Town Superintendent shall include:

- (1) Responsibility and direct control, operation, and maintenance of the municipal water and sewer facilities;
- (2) Responsibility and direct control, operation, and maintenance of all other Town property, improvements, and equipment;
- (3) Duties customarily assumed by a Town Superintendent of a similarly sized and situated community.

(Ord. No. 5-1992, 5-8-1992)

Sec. 2-129. Salary.

The Town Superintendent's salary shall be in an amount as set from time to time by the Town Council.

(Ord. No. 5-1992, 5-8-1992)

Secs. 2-130—2-156. Reserved.

ARTICLE IV. BOARDS; COMMISSIONS; DEPARTMENTS

DIVISION 1. GENERALLY

Secs. 2-157—2-180. Reserved.

DIVISION 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

*Subdivision I. In General***Sec. 2-181. Creation of department.**

A Department of Economic Development is hereby created as a department in the Town, which shall be known as the North Judson Department of Economic Development, which department shall be controlled and governed by the commission known as the North Judson Economic Development Commission.

(Ord. of 1-19-1976)

State law reference—Economic development departments and commissions, IC 36-7-12-4.

Sec. 2-182. Issuance of bonds; fees.

Any person whose request for the issuance of Economic Development Commission Revenue Bonds has been successful and for whom such bonds have been issued, shall pay a fee, according to a schedule of fees, as shall be modified, from time to time, by the Town Council, and made available for public inspection, in the Clerk-Treasurer's office, payable from bond proceeds, to the Town. Such fee shall be in addition to the reimbursement of any costs incurred by the Town in the issuance of bonds.

(Ord. of 1-19-1976)

State law reference—Commission bonding powers, IC 36-7-12-18.5.

Sec. 2-183. Representation leading to attorney conflict of interest.

(a) If an attorney represents an economic development commission, neither he nor a member of his firm or professional corporation may also represent an applicant for a bond issue from the commission.

(b) A person who violates this section commits a misdemeanor.

State law reference—Limitations on legal representative, IC 36-7-12-27.5.

Secs. 2-184—2-200. Reserved.

*Subdivision II. Commission***Sec. 2-201. Members.**

The North Judson Economic Development Commission shall consist of three members as follows:

- (1) One commission member shall be appointed by the President of the Town Council.
- (2) One commission member shall be nominated by the Town Council.
- (3) One commission member shall be nominated by the County Council.

(Ord. of 1-19-1976)

State law reference—Towns, commission members, appointment, IC 36-7-12-6.

Sec. 2-202. Term of members.

Appointees shall serve terms of four years with each term to expire on February 1 of the appropriate years.

(Ord. of 1-19-1976)

State law reference—Commission members, successors in office, IC 36-7-12-9.

Sec. 2-203. Filling vacancies.

Any vacancies occurring on the commission shall be filled by appointment by the authority having made the appointment in which the vacancy occurs and such appointment shall be made for the completion of any unexpired term.

(Ord. of 1-19-1976)

State law reference—Commission members, vacancies, IC 36-7-12-10.

Sec. 2-204. Compensation.

Commissioners shall serve without compensation but the Town Council may provide in the Economic Development Department budget for reimbursement of travel, telephone, and other expenses incurred by the commissioners in the performance of their duties.

(Ord. of 1-19-1976)

State law reference—Commission members, expenses and per diem, IC 36-7-12-15.

Sec. 2-205. Annual organization.

The commission shall hold reorganization meetings during February of each year and the commission and its members shall have all the powers and duties imposed by statute and this division and by amendments to either such statute or ordinance. The commission shall at the reorganization meeting elect a President, Vice-President and Secretary who shall immediately undertake the duties imposed upon such commissioners by law.

(Ord. of 1-19-1976)

State law reference—Commission members, organizational meetings, IC 36-7-12-12.

Sec. 2-206. Adoption of bylaws.

The commission may adopt such bylaws and rules as are not prohibited by law and as are found desirable to facilitate the conduct of its business and the accomplishment of its purpose. (Ord. of 1-19-1976)

State law reference—Commission members, rules, meetings, IC 36-7-12-13.

Sec. 2-207. Conflict of interest.

Any commissioner having a financial interest in, or having been employed by, any firm or corporation contracting or negotiating with the commission shall disclose his interest to the commission and such disclosures shall be made a part of the records of the commission. Any contract or agreement in which a commissioner has a financial interest or any contract or agreement with any firm or corporation in which a commissioner has direct financial interest shall be void from its inception unless the nature of that financial interest has been made a part of the record of the commission. No commissioner shall vote on any matter in which he has a financial interest.

(Ord. of 1-19-1976)

State law reference—Commission members, pecuniary interests, IC 36-7-12-16.

Secs. 2-208—2-219. Reserved.

DIVISION 3. PARK AND RECREATION DEPARTMENT

Sec. 2-220. Creation of Park and Recreation Department.

Under the provisions of the Indiana Code there is hereby created a Department of Park and Recreation.

(Ord. No. 86-3, 5-21-1986)

State law reference—Municipal board, membership, IC 36-10-3-4.

Sec. 2-221. Composition of Park and Recreation Board.

A Park and Recreation Board shall be composed of four members appointed by the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two members shall be on the same political party.

(Ord. No. 86-3, 5-21-1986)

State law reference—Municipal board, membership, IC 36-10-3-4.

Sec. 2-222. Terms of Park and Recreation Board members.

Each new appointment shall be made by the Town Council for a term of four years. All terms expire on the first Monday in January, but a member shall continue in office until his successor

is appointed. If an appointment for a new term is not made by the Town Council by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the Town Council shall appoint a new member for the remainder of the unexpired term.

(Ord. No. 86-3, 5-21-1986)

State law reference—Board of park and recreation, IC 36-10-3-5.

Sec. 2-223. Election of Park and Recreation Board officers.

At its first regular meeting in each year, the board shall elect a President and Vice-President. The board may select a secretary either from within or without its own membership.

(Ord. No. 86-3, 5-21-1986)

State law reference—Board of park and recreation, meetings, IC 36-10-3-8.

Sec. 2-224. Authority of Vice-President.

The Vice-President shall have authority to act as the President of the Park and Recreation Board during the absence or disability of the President.

(Ord. No. 86-3, 5-21-1986)

State law reference—Board of park and recreation, meetings, IC 36-10-3-8.

Sec. 2-225. Authority of Park and Recreation Board.

The Park and Recreation Board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Park and Recreation Board shall have all the powers and duties available under the Indiana Code.

(Ord. No. 86-3, 5-21-1986)

State law references—Board of park and recreation, duties, IC 36-10-3-10; powers, IC 36-10-3-11.

Sec. 2-226. Park and Recreation Board budget.

The Park and Recreation Board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the state board of accounts. The Park and Recreation Board may accept gifts, donations, and subsidies for park and recreation purposes.

(Ord. No. 86-3, 5-21-1986)

State law reference—Board of park and recreation, duties, IC 36-10-3-10.

Secs. 2-227—2-245. Reserved.

DIVISION 4. EMERGENCY MANAGEMENT AND DISASTER PREPAREDNESS
COUNCIL

Sec. 2-246. Creation of council.

The North Judson Emergency Management and Disaster Preparedness Council is hereby created.

(Ord. of 9-16-1963)

State law reference—Emergency Management and Disaster Law, IC 10-14-3-1 et seq.

Sec. 2-247. Council membership.

The North Judson Emergency Management and Disaster Preparedness Council shall consist of the Town Council.

(Ord. of 9-16-1963)

Sec. 2-248. Council powers and duties.

The North Judson Emergency Management and Disaster Preparedness Council is hereby empowered to review and recommend for adoption emergency management and mutual aid plans and agreements and such resolutions, rules and regulations as are necessary to implement such plans and agreements. The Town Council is hereby empowered and directed to:

- (1) Prepare an emergency management operating plan for the Town conforming to the county and state emergency management plan and program.
- (2) Control and direct the effort of the emergency management organization of the Town for the accomplishment of the purposes of this division.
- (3) Direct coordination and cooperation between divisions, services and staff of the emergency management organization of the Town, and to resolve questions of authority and responsibility that may arise between them.
- (4) Represent the emergency management organization of the Town in all dealings with public and private agencies pertaining to emergency management and disaster planning.

(Ord. of 9-16-1963)

Sec. 2-249. Times for meetings.

The North Judson Emergency Management and Disaster Preparedness Council shall meet upon call of a member of the Town Council.

(Ord. of 9-16-1963)

Secs. 2-250—2-276. Reserved.

ARTICLE V. EMPLOYMENT POLICIES

Sec. 2-277. Equal opportunity.

(a) All persons shall receive equal treatment and opportunity from the Town regardless of race, color, creed, national origin, age, religion, handicap or sex in all areas of employment, housing, education, and business.

(b) The Town shall cause all federal, state, and local law concerning equal opportunity to be enforced and utilized by its residents.

(Res. of 11-24-1978)

State law reference—Public works projects, IC 36-1-12-1 et seq.

Sec. 2-278. Drug and alcohol free workplace.

The Town of North Judson's Drug and Alcohol Free Workplace Policy is hereby incorporated by reference and made a part of this Code as if it physically appeared herein. At least two copies of this document are on file in the Clerk-Treasurer's office and available there for public inspection.

(Ord. of 12-2-1991)

Secs. 2-279—2-304. Reserved.

ARTICLE VI. PROCEDURES

Sec. 2-305. Change of procedural rules.

The Town Council at its discretion and by majority vote may change, alter, or amend any procedural rule contained herein, except that the same shall not occur at the same meeting during which said change, amendment, or alteration is submitted to the Town Council for consideration.

(Code 1959, ch. 2, art. II, § 2-12)

Sec. 2-306. Ordinances and resolutions.

All ordinances, orders, or resolutions shall be introduced by a member of the Town Council, or by any committee of the Town Council, or by any officer or member of an administrative department created by the Town Council, and all ordinances upon introduction shall be consecutively numbered.

(Code 1959, ch. 2, art. IV, § 2-19)

Sec. 2-307. Passing by unanimous consent.

No ordinance shall be passed on the same day or at the same time that it is introduced, except in specific emergency cases and by unanimous consent accompanied by a motion to suspend the rules, and then only in case there are present and voting at least two-thirds of all Town Council Members-elect.

(Code 1959, ch. 2, art. IV, § 2-20)

State law references—Majority vote, two-thirds vote, IC 36-5-2-9.4; unanimous consent of members present, IC 36-5-2-9.8.

Sec. 2-308. Reading of ordinance.

Every proposed ordinance shall receive three separate readings by the Town Council previous to passage.

- (1) The first reading shall be for information purposes but may be read by title only. Said title shall clearly set forth the nature of the contents and the proposed ordinance shall be immediately referred to the proper committee or taken up by the entire Town Council.
- (2) The second reading shall be of all sections of the proposed ordinance. At said reading, a majority of all of the Town Council may commit, amend, postpone, or lay the proposed ordinance on the table. Alternatively, the Town Council by a majority vote of all of the Town Council may pass the proposed ordinance to its third reading. Any proposed ordinance failing to be passed to a third reading by a majority vote of all Town Council Members-elect shall be considered lost. A proposed ordinance may be stricken from the files by a vote of two-thirds of all the Town Council Members-elect before or after it has passed its second reading.
- (3) On the third reading of any proposed ordinance, no amendment shall be in order, except by a vote of two-thirds of the Town Council Members-elect. On the third reading, any and all proposed ordinances shall be read by section. Any proposed ordinance failing to be passed on its third reading by a majority vote of all Town Council Members-elect shall be considered lost and shall be stricken from the files.

(Code 1959, ch. 2, art. IV, §§ 2-21—2-24)

Sec. 2-309. Recommitting of proposed ordinance.

A proposed ordinance may be recommitted at any time before passage.

(Code 1959, ch. 2, art. IV, § 2-24)

Sec. 2-310. Signing of ordinance.

Every ordinance, order, or resolution of the Town Council shall upon its passage, be enrolled, attested, and signed by the Clerk-Treasurer and presiding officer, and a record shall be signed by all Town Council Members present.

(Code 1959, ch. 2, art. IV, § 2-25)

Sec. 2-311. Casting of tie-breaking vote.

The Clerk-Treasurer shall cast the tie-breaking vote when the vote cast by the Town Council Members results in a tie.

(Code 1959, ch. 2, art. IV, § 2-26)

State law reference—Ex officio member for casting tie-breaking vote, IC 36-5-2-8.

Sec. 2-312. Recordation of ordinances.

All ordinances passed by the Town Council shall be recorded within a reasonable time by the Clerk-Treasurer in a book of ordinances.

(Code 1959, ch. 1, § 1-5, ch. 2, art. IV, § 2-27)

State law reference—Recording of adopted ordinance, presumptive evidence, IC 36-5-2-10.2.

Sec. 2-313. Proof of publication.

The original shall be filed in the Clerk-Treasurer's office and due proof of publication of all ordinances requiring publication, by the affidavit of the printer or publisher, shall be procured by the Clerk-Treasurer and attached thereto, or written and attested thereto, or written and attested upon the face of such ordinance.

(Code 1959, ch. 1, § 1-5)

State law reference—Adoption of ordinance, order or resolution, publication, IC 36-5-2-10.

Sec. 2-314. Effective date of ordinances.

All ordinances passed by the Town Council and requiring publication shall take effect from and after the due publication thereof, unless therein otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage and upon being signed and attested to, unless otherwise expressly provided.

(Code 1959, ch. 1, § 1-6)

State law reference—Adoption of ordinance, order or resolution, publication, IC 36-5-2-10.

Sec. 2-315. Repeal or modification of ordinances.

Wherever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, a part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying same, when such publication shall be required to give effect thereto. When such publication is not required, the repealing or modifying ordinance shall take effect immediately upon passage, unless therein otherwise expressly provided; but no suit, proceeding, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued, under any ordinance previous to its repeal, shall in any

way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered, as fully as if such ordinance had continued in force unless it shall be therein otherwise expressly provided.

(Code 1959, ch. 1, § 1-7)

Sec. 2-316. Repeal not to revive former ordinance.

When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause, or provision unless therein so expressly provided.

(Code 1959, ch. 1, § 1-8)

Secs. 2-317—2-335. Reserved.

ARTICLE VII. COUNCIL MEETINGS

Sec. 2-336. Regular Council meetings.

(a) The regular meeting time for the Town Council shall be the first and third Mondays of each month, at such hours as the Town Council may direct from time to time. Notice of regular meetings shall be posted consistent with federal and state statute.

(b) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.

(c) Public notice shall be given by the Town Council by:

- (1) Posting a copy of the notice at the principal office of the Town Council or, if no such office exists, at the building where the meeting is to be held; and
- (2) Delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the Town Council. The Town Council shall give notice by one of the following methods:
 - a. Depositing the notice in the United States mail with postage prepaid.
 - b. Transmitting the notice by electronic mail.
 - c. Transmitting the notice by facsimile (fax).

(Code 1959, ch. 2, art. II, § 2-13)

State law reference—Public notice of meetings, IC 5-14-1.5-5.

Sec. 2-337. Order of business.

The Town Council shall take up the following line of business in the order hereinafter mentioned, unless the Town Council by a majority vote suspends the rules:

- (1) Roll call;
- (2) Reading of the minutes of previous meetings;

- (3) Reception of petitions and remonstrances;
 - (4) Miscellaneous;
 - (5) Reports from standing and special committees;
 - (6) Unfinished business;
 - (7) New business;
 - (8) Reading and referring claims and bills;
 - (9) Adjournment.
- (Code 1959, ch. 2, art. II, § 2-7)

Sec. 2-338. Presentation of motions.

When a motion has been made and seconded, the President shall state it, or if in writing cause it to be read by the Clerk aloud, before debate shall be allowed.

(Code 1959, ch. 2, art. II, § 2-8)

Sec. 2-339. Speaking by Council Member.

When a Council Member speaks, he shall first address the President. Upon being recognized, he shall confine himself to the question before the Town Council.

(Code 1959, ch. 2, art. II, § 2-9)

Sec. 2-340. Roberts Rules of Order.

The rules contained in Roberts Rules of Order Revised, 1915 (Fourth) Edition, as amended shall govern except where inconsistent with standing rules, Town Code or state statute.

(Code 1959, ch. 2, art. II, § 2-11)

Sec. 2-341. Violation of rules of meeting procedure.

(a) If any Town Council Member in speaking or any other manner violates the rules of the Town Council, the President shall immediately call that member to order.

(b) Upon being called to order, that member shall immediately stop said violation and not be at liberty to proceed unless by consent of a majority of the remaining Town Council Members.

(c) Any Town Council Member who is standing upon being called to order shall immediately take his seat.

(d) The remaining Town Council Members by majority vote may censure or otherwise punish a member who violates a meeting procedure.

(Code 1959, ch. 2, art. II, § 2-10)

Sec. 2-342. Special meetings.

- (a) *Generally.*
- (1) Special meetings may be convened at any time other than the time fixed for regular meetings upon call of the Town Council President or a majority of the Town Council Members.
 - (2) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event, then the time requirements of notice under state statute shall not apply, but:
 - a. News media which have requested notice of meetings must be given the same notice as is given to the members of the Town Council; and
 - b. The public must be notified by posting a copy of the notice according to state statute.
- (b) *Notice of call.*
- (1) The call for a special meeting shall be in the form of a written or printed notice and sealed with the Town seal.
 - (2) The notice of call shall be signed by the Town Council President when made by him and signed by the Town Council Members when made by them. In either case, the notice shall be countersigned by the Clerk-Treasurer.
 - (3) The notice of call shall clearly set forth the nature of the business to be transacted at the special meeting.
- (c) *Service of notice of call.* The notice of call for a special meeting shall be served by the Town Council President, the Town Marshal, or the Marshal's deputy as follows:
- (1) By reading same to and within the hearing of all the Town Council Members present in the Town at the time such call is made;
 - (2) By leaving a copy thereof at any Town Council Member's last known and usual place of residence;
 - (3) By acknowledgment thereof by the Town Council Member of said notice; or
 - (4) The notice shall be served a reasonable time before the hour set for such meetings so that by reasonable diligence the Town Council Members can reach the meeting place at the time set.
- (d) *Scope of business.* At any special meeting the Town Council shall be limited to transact business set forth in the notice of call, unless it is business of which notice by publication is not required.

(Code 1959, ch. 2, art. III, §§ 2-15—2-18)

State law reference—Public notice of meetings, IC 5-14-1.5-5.

Secs. 2-343—2-363. Reserved.

ARTICLE VIII. ORDINANCE VIOLATIONS BUREAU

Sec. 2-364. Establishment of violations bureau.

(a) There is hereby established an Ordinance Violations Bureau for the Town pursuant to IC 33-36-2-1 et seq. and IC 33-36-3-1 et seq., as amended.

(b) The Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who shall administer the Ordinance Violations Bureau.

(c) The Clerk-Treasurer and his staff, as his agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as found in the schedule referenced in section 2-365 subject to the jurisdiction of the Ordinance Violations Bureau.

(d) All fines collected from the Ordinance Violations Bureau shall be placed in the General Fund for any expenditure which is normally paid out of the General Fund.

(e) The fines set forth shall apply only in the event of a first violation. Any subsequent violations shall be subject to the general penalty provisions as prescribed in section 1-13.

(f) This article provides and declares that the civil penalty scheduled herein to be the specific civil penalty for the violation of the code provision.

(Ord. No. 2006-10, § 1, 6-5-2006)

Sec. 2-365. Provisions subject to jurisdiction; court costs.

(a) The schedule subject to the jurisdiction of the Ordinance Violations Bureau, is incorporated by reference and made a part of this Code as if it physically appeared herein. At least two copies of this document are on file in the Clerk-Treasurer's office and available there for public inspection.

(b) Any fine not paid to the Town within 30 days shall be referred to the Town's Attorney for processing in the appropriate court. The offender shall be responsible for all court costs associated with prosecuting any violations in court.

(Ord. No. 2006-10, § 2, 6-5-2006)

Chapters 3—5

RESERVED

