

TITLE I: STRUCTURE, ADMINISTRATION AND FINANCE

CHAPTER I: BOARDS, COMMISSIONS AND OFFICIALS

ARTICLE I: TOWN COUNCIL

SECTION 1. DESIGNATION OF TOWN LEGISLATIVE BODY. The legislative body of the Town shall be known as the Town Council and shall consist of five members elected at large by the voters of the whole Town.

SECTION 2. TERMS OF COUNCIL MEMBERS. Each member of the Town Council shall serve a four-year term, beginning at noon on January 1, after his/her election and continuing until his/her successor is elected and qualified.

SECTION 3. SELECTION OF COUNCIL PRESIDENT. The Town Council shall select one of its members to be its President and one of its members to be its Vice President for a definite term. The term shall not exceed the term of the office as a member of the legislative body. The President of the Town Council is the Town Executive. In the absence of the President the Vice President shall preside at meetings and shall act as the ex-officio Town Executive in the absence of the President.

SECTION 4. QUORUM. A majority of all the elected members' (3) of the Town Council constitutes a quorum.

SECTION 5. WHEN MAJORITY VOTE REQUIRED. A majority vote of the Town Council is required to pass an ordinance, unless a greater vote is required by statute. A majority vote means at least a majority vote of all the elected members.

SECTION 6. WHEN TWO-THIRDS VOTE REQUIRED. A two-thirds vote, (4) with unanimous consent of the members present, is required to pass an ordinance on the same day or at the same meeting at which it is introduced. A two-thirds vote means at least a two-thirds vote of all the elected members.

SECTION 7. TOWN CLERK-TREASURER AUTHORIZED TO BREAK TIES. The Town Clerk-Treasurer is the Clerk of the Town Council. Whenever the membership of the Town Council shall consist of an even number of members for any reason, such as death, resignation or removal from office, the Clerk-Treasurer shall become an ex-officio member for the purpose of casting the deciding vote to break a tie.

SECTION 8. WHEN ORDINANCE TAKES EFFECT. An ordinance, order, or resolution passed by the Town Council becomes effective when signed by the President of the Council unless the ordinance, order or resolution by its own terms establishes the date upon which it takes effect. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

SECTION 9. MEETINGS

9.1 Regular meetings of the Town Council shall be held monthly at a time and date approved by resolution during the first meeting of the Town Council each year and such other meetings as may be necessary for the transaction of the business of the Town.

9.2 All meetings of the Town Council shall be announced and conducted in accordance with the Indiana Open Door statutes.

SECTION 10. COMPENSATION. The Town Council shall, by ordinance, fix the compensation of its own members, the Town Clerk-Treasurer, and the Town Marshal. The Council shall provide reasonable compensation for other Town officers and employees. The compensation of an elected Town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the year 1980.

ARTICLE II: TRUSTEE ELECTION, DISTRICTS

SECTION 1. ELECTION OF COUNCIL MEMBERS. The legislative body of the Town of North Manchester, Indiana, shall be composed of five (5) Council members, to be known collectively as the Town Council. Candidates for Town Council shall reside within the election district for which they seek the office and shall be nominated by the voters of the same election district. Council members shall be elected at large by a plurality of the votes cast for the office within the entire Town. One member of the Council shall be elected from each election district, as hereinafter defined, commencing in 1993, under and as provided for by the Election Code of the State of Indiana.

SECTION 2. COUNCIL MEMBER DISTRICTS. The five legislative body election districts of the Town of North Manchester, Indian, shall be as follows:

2.1 DISTRICT 1. The entire area embraced within the corporate boundaries of the Town. District 1 includes all of Chester Township Precincts 3, 4, 5 and 6 as now established by the Wabash County Board of Commissioners.

2.2 DISTRICT 2. Beginning at the intersection of Westchester Drive and Indiana Highway 13; thence north along Indiana Highway 13 and Meridian Street to the intersection of Meridian Street and the Conrail right-of-way; thence southeasterly, east and southerly, following the north corporate limits of the Town, so as to include Clear Creek Estates, to Indiana Highway 13; thence east along said highway to its intersection with Market Street; thence south on Market Street to its intersection with Ninth Street; thence west on Ninth Street to its intersection with Maple Street; thence south on Maple Street to its intersection with Fourth Street; thence west on Fourth Street, and vacated Fourth Street, to its intersection with Kech Street; thence south on Kech Street to its intersection with Westchester Drive; thence west on Westchester Drive to the place of beginning. District 2 shall be co-extensive with Chester Township Precinct 6, as now established by the Wabash County Board of Commissioners.

2.3 DISTRICT 3. The area within the corporate limits of the Town lying south of the following boundary: Beginning at the intersection of Indiana Highway 13 and Westchester Drive; thence east on Westchester Drive to Kech Street; thence north on Kech Street to Fourth Street; thence east on Fourth Street to Sycamore Street; thence south on Sycamore Street to Main Street; thence east on Main Street (and Indiana Highway 114) to the east corporate limits of the Town. District 3 shall be co-extensive with Chester Township Precinct 3, as now established by the Wabash County Board of Commissioners

2.4 DISTRICT 4. Commencing at the intersection of Main and Sycamore Street; thence north on Sycamore Street to Kohser Street; thence east on Kohser Street to Wayne Street; thence north on Wayne Street to Indiana Highway 13; thence northeasterly along said highway to the point of its intersection with Blickenstaff Road (on the north) and East Street on the south; thence south on East Street to the point where the corporate limit runs east; thence east along the corporate limit to the northeast corner of Hilsamer Addition; thence south along the east corporate limit to

Second Street Extended; thence east on Second Street Extended to its intersection with State Highway 114; thence westerly along Indiana Highway 114 (and Main Street) to its intersection with Sycamore Street, the place of beginning. District 4 shall be co-extensive with Chester Township Precinct 4, as now established by the Wabash County Board of Commissioners.

2.5 DISTRICT 5. Beginning at the intersection of Maple and Fourth Streets; thence north on Maple Street to Ninth Street; thence east on Ninth Street to its intersection with Market Street; thence north on Market Street to Indiana Highway 13; thence easterly and northeasterly along said highway to its intersection with East Street (on the South) and Blickenstaff Road (on the north); thence following the courses and distances set forth in Exhibit A to Special Ordinance No. 6, 1988, being an ordinance effecting an annexation of land to the Town, so as to include that annexed land in District 5. District 5 shall be co-extensive with Chester Township Precinct 5, as now established by the Wabash County Board of Commissioners.

2.6 SUBSEQUENT ANNEXATIONS. Any territory annexed by the Town of North Manchester subsequent to the enactment of this ordinance shall be and become a part of the election district to which such annexed territory is APPURTENANT.

ADOPTED July 11, 2002.

ARTICLE III: CLERK-TREASURER

SECTION 1. CLERK-TREASURER. The Clerk-Treasurer is both the Town Clerk and the Town Fiscal Officer.

SECTION 2. POWERS AND DUTIES. The Clerk-Treasurer shall have the powers and duties as prescribed by Indiana Code 36-5-6-6.

SECTION 3. DEPUTIES AND EMPLOYEES. The Clerk-Treasurer may appoint the number of deputies and employees authorized by the Town Council, each of whom shall serve at the pleasure of the Clerk-Treasurer.

ARTICLE IV: APPOINTED OFFICIALS

SECTION 1. The Town Council shall appoint the Town Marshal, Town Attorney, Building Commissioner, Fire Chief, Town Manager, and members of the Boards and Commissions authorized by law or ordinance.

SECTION 2. The Town Council may combine the duties of Marshal, Street and Utilities Commissioner and Chief of the Fire Department in one appointee.

SECTION 3. Appointed officials shall have the duties as prescribed by the Town Council and as provided by law.

ARTICLE V: TOWN MANAGER

SECTION 1. DESIGNATION OF TOWN MANAGER. The administrative head of the government of the Town of North Manchester, Indiana, shall be the Town Manager.

SECTION 2. TERM OF OFFICE. The Town Manager shall serve at the pleasure of the Town Council which shall fix the compensation and determine terms of employment.

SECTION 3. PERFORMANCE BOND. The Town Manager shall execute a bond for the faithful performance of his duties in the sum of \$12,000 payable to the Town.

SECTION 4. POWERS AND DUTIES. The Town Manager shall exercise the powers and duties enumerated in IC 36-5-5-8 and such other powers and duties as may from time to time be authorized by ordinance or written order of the Town Council.

ARTICLE VI: COURT

SECTION 1. COURT ESTABLISHED. The Town Court of North Manchester is hereby continued for a period of four (4) years to and including December 31, 1987, as permitted in Indiana Code 33-10.5-1-3a (P.L. 141, Acts 1978, Section 9), but said Court shall be continued for such period of time only if it shall have jurisdiction at least as broad as the jurisdiction now possessed by said Court, as prescribed by I.C. 18-1-14-3. "See I.C. 33-10.1-1-3 for authority to establish or abolish city and town courts."

SECTION 2. CLERK AND BAILIFF. The Judge of this Court shall act as the Clerk of this Court, and the Town Marshal or his deputy shall act as Bailiff.

SECTION 3. SEAL. This Court shall have a seal which shall be a circular cylinder on which will be impressed the following: TOWN OF NORTH MANCHESTER, INDIANA.

SECTION 4. JURISDICTION. This Court shall have original jurisdiction of all violations or ordinances of the Town of North Manchester and such other jurisdiction as prescribed by law.

SECTION 5. ELECTION OF JUDGE. QUALIFICATION. The Judge shall be elected by the legal voters of such Town, at the time and in the same manner as the other Town officers are elected, for a term of four (4) years and until his successor is elected and qualified. Before entering upon the discharge of his duties he shall take and subscribe to the same oath of office as Judges of Circuit Courts and execute a bond, payable to such Town, in the penal sum of Five Thousand Dollars (\$5,000) conditioned upon the faithful performance of the duties of his office with good and sufficient surety, to be approved by the Town Council of the Town and filed in the office of the Clerk-Treasurer.

SECTION 6. SESSIONS AND COMPENSATION. The Judge shall hold such sessions of the Court as the business demands at a place to be provided and designated by the Town Council and shall receive such compensation as the Town Council may prescribe.

ARTICLE VII: PARK AND RECREATION BOARD

SECTION 1. PARK AND RECREATION BOARD ESTABLISHED. There is hereby established a Park and Recreation Board under I.C. 36-10-3-3.

SECTION 2. MEMBERSHIP. The Board shall be composed of four (4) members and an ex-officio member from the members of the Board of School Trustees of the Manchester Community Schools.

SECTION 3. APPOINTMENTS. The Town Council shall select the members on the basis of their Interest in and knowledge of parks and recreation but not more than two (2) members shall be of the same political party. The ex-officio member shall be appointed by the members of the Manchester Community Board of School Trustees and shall have all the rights of a member including the right to vote.

SECTION 4. TERMS OF MEMBERS. The original appointments to the Board by the Town Council of the Town of North Manchester, Indiana, shall be for staggered terms of one (1), two (2), three(3) and four (4) years. Thereafter as a term expires, each new appointment should be for a four (4) year term. All terms shall expire on the first Monday in January but the appointee shall continue in office until his successor is appointed.

SECTION 5. OFFICERS. At its first regular meeting in each year, the Board shall elect a President and a Vice President. The Vice President shall have authority to act as a President of the Board during the absence or disability of the President.

SECTION 6. JURISDICTION. The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions, including the powers and duties prescribed by I.C. 36-10-3-1 et seq.

SECTION 7. FUNDS AND BUDGETS. The Board shall prepare and submit an annual budget as other departments of the Town. The Board may accept gifts, donations and subsidies for park and recreation purposes.

SECTION 8. LIMITATION ON POWERS. The Board shall have the power and shall exercise the functions given to it by the Laws as the same now exist or may hereafter be amended or enacted, but subject to such limitations and restrictions as the Town Council of the Town of North Manchester may, From time to time by ordinance establish.

SECTION 9. SUPERINTENDENT. The Board shall appoint a Superintendent of Parks and Recreation and fix his compensation, commensurate with his qualifications.

ARTICLE VIII:

ARTICLE IX:

ARTICLE X:

ARTICLE XI: PLAN COMMISSION

SECTION 1. There is hereby established an Advisory Town Plan Commission under I.C. 36-7-4-200 Et seq.

SECTION 2. The membership of the North Manchester Plan Commission shall be provided by I.C. 36-7-4-207 and 36-7-4-214. The Town Council shall appoint one of its own members to serve as a member of the Plan Commission, and the Street Commissioner and Town Marshal of the Town of North Manchester shall complete the membership from the municipal government.

SECTION 3. Four (4) citizen members residing within the Town of North Manchester, shall be appointed by the President of the Town Council for initial terms of two (2) years and two (2) members for four (4) years, in accordance with the provisions of said statute, no more than two of whom shall be of the same political party.

SECTION 4. The President of the Wabash County Commissioners shall appoint two (2) additional citizen members who reside in the unincorporated area over which the Plan Commission exercises jurisdictional authority and be of opposite political parties, which appointments shall be for terms of four (4) years.

SECTION 5. The North Manchester Plan Commission shall exercise in behalf of the Town all of the powers and duties as prescribed by I.C. 36-7-4-100 et seq.

ARTICLE XII. DEPARTMENT OF ECONOMIC DEVELOPMENT

SECTION 1. DEPARTMENT OF ECONOMIC DEVELOPMENT CREATED. Pursuant to authority granted by I.C. 36-7-12-1 et seq., there is hereby created the North Manchester Department of Economic Development, to be controlled by a commission known as the North Manchester Economic Development Commission.

SECTION 2. ECONOMIC DEVELOPMENT COMMISSION APPOINTMENTS. The members of the North Manchester Economic Development Commission shall be appointed by the Town Executive. One (1) of the members shall be selected by the Town Executive; one (1) shall be nominated by the County Council of Wabash County, and one (1) shall be nominated by the Town Council of the Town of North Manchester, Indiana.

SECTION 3. COMMISSIONER TERMS OF OFFICE. Terms of members of the North Manchester Economic Development Commission shall run from February 1 after their original appointment for a period of three (3) years, if selected by the Town Executive; two (2) years, if nominated by the Town Council; and one (1) year, if nominated by the Wabash County Council.

SECTION 4. POWERS AND DUTIES. The powers and duties of the North Manchester Economic Development Commission shall be as prescribed by I.C. 36-7-12-1 et seq.

ARTICLE XIII: TRAFFIC COMMISSION

SECTION 1. TRAFFIC COMMISSION. There is hereby created and established a commission to be known and designated as the North Manchester Traffic Commission.

SECTION 2. DUTIES AND RESPONSIBILITIES OF THE COMMISSION. The Commission shall be responsible for developing and implementing coordinated traffic safety programs which meet local needs; acting in an advisory capacity to the Town Council in the coordination of traffic safety activities, including the initiation and formulation of recommendations to the Town Council regarding new traffic safety ordinances and amendment of existing traffic ordinances; establishing traffic safety priorities for the Town; reviewing and approving project applications for funding; serving in a liaison capacity between the Town of North Manchester and the Indiana Department of Traffic Safety in developing state highway safety programs and in meeting the National Highway Safety Program standards; promoting public acceptance of official programs proposed or instigated by the Town; fostering public knowledge and support of traffic law enforcement and traffic engineering problems; cooperating with schools in promoting educational traffic safety aids; educating the public in traffic safety; and generally aiding the over-all reduction of traffic accidents, injuries and deaths on Town streets.

SECTION 3. ORGANIZATION OF THE COMMISSION

3.1 MEMBERSHIP. The Commission shall consist of nine (9) official members as follows: Town Marshal and Town Manager, ex-officio; a member of the Town Council; and a student representative of Manchester Community Schools and Manchester College, each of whom shall be appointed by the Town Council to serve for a term of one (1) calendar year or until his successor is appointed; and four (4) other members who are determined to be representative of the North Manchester community, each of whom shall be appointed by the Town Council, for a term to two (2) years and until their respective successors are appointed; provided, that two (2) of the initial four (4)

appointees shall be for a term of one (1) calendar year. All appointive terms shall expire December 31.

3.2 UNOFFICIAL MEMBERS. The Commission is hereby authorized to appoint an unofficial members of said Commission at any meeting where a quorum is present. Unofficial members shall not have voting privileges.

3.3 CHAIRMAN. The Chairman of the Commission shall be selected annually in the January meeting, upon nomination by a member of the Commission and election by majority.

3.4 SECRETARY. The Chairman of the Commission shall appoint the Secretary of the Commission, whose duty it shall be to send all notices for special meetings of the Commission; keep and preserve the minutes; place all documents and papers of the Commission for safekeeping with the Clerk-Treasurer of the Town of North Manchester; advise and consult with the Town Council as to the work and recommendations of said Commission; work with said Commission and its sub-committees, if any; work with organized community groups and others to carry forward all plans and policies of the Commission as to accident prevention which may be approved by the Commission; and to perform such other duties as may be prescribed by said Commission.

3.5 MEETINGS. The Commission shall meet once each month at a predetermined time and shall meet on the call of the Chairman or on call by the majority of its members.

3.6 QUORUM. Five (5) official members shall constitute a quorum for the transaction of any business or the making of any recommendation.

SECTION 4. DEFINITIONS

4.1 The terms "Police", "Officers", "Police Department", and "Traffic Division" as used in General Ordinance No. 6, 1983, shall be deemed to mean and refer to the Marshal of the Town of North Manchester, Indiana.

4.2 The term "Traffic Engineer" and "Traffic Commissioner" as used in General Ordinance No. 6, 1983, shall be deemed to mean and refer to the Town Manager of the Town of North Manchester, Indiana, who shall, by virtue of appointment as Town Manager, be the Traffic Engineer and Traffic Commissioner.

ARTICLE XIV: POLICE RESERVE

SECTION 1. POLICE RESERVE CREATED. Pursuant to provisions of I.C. 36-8-3-20, there is hereby authorized and created a Police Reserve of the Town of North Manchester, Indiana, as follows:

1.1 MAXIMUM. The number of Police Reserves shall not exceed twelve (12).

1.2 APPOINTMENT. Police Reserves shall be appointed by the Town Council, upon recommendation.

1.3 QUALIFICATIONS. Police Reserves may not be members of the regular police force but shall have all of the same police powers of such Marshal and Deputy Marshals except as limited by the rules of the department. The department is hereby authorized to adopt rules to limit the authority of Police Reserves, provided that before such rules

shall take effect they shall have been approved by the Town Council and filed with the Clerk-Treasurer.

1.4 INELIGIBLE FOR PENSION. Police Reserves may not participate in any pension program provided for regular members of the department.

SECTION 2. FUNDING AND BENEFITS. To the extent that the funds for benefits are appropriated by ordinance of the Town Council, Police Reserves may:

2.1 Receive a uniform allowance;

2.2 Receive compensation for time lost from other employment because of Court appearances; and

2.3 Be insured for life, accident and sickness coverage.

SECTION 3. TRAINING AND PROBATION. No Police Reserves shall be appointed until completing the training and probationary period to be specified by rule of the department, which rule shall, prior to its implementation, be approved by the Town Council and filed with the Clerk-Treasurer.

ARTICLE XV: TREE ADVISORY COMMISSION

SECTION 1. TREE ADVISORY COMMISSION. There is hereby created and established a commission to be known and designated as the North Manchester Tree Advisory Commission.

SECTION 2. ORGANIZATION OF THE COMMISSION.

2.1 Membership. The Commission shall consist of five (5) official members, as follows: Town Manager, who shall serve ex-officio; a member of the Town Council or another designated resident of the Town, as selected by the presiding officer of Town Council; and three citizen members each such appointee to be designated by majority vote of the Town Council. Each member shall serve until a successor is appointed and assumes the responsibilities of the position. From among the members of the Commission, the Commission members shall designate a Chairman. Citizen members of the Commission appointed by the Town Council shall serve for a term of two (2) years and until a successor has been appointed; provided that the initial appointees shall serve for terms of two (2), three (3) and four (4) years, the term of each initial appointee to be fixed by the appointing authority.

2.2 Advisory Members. The Commission is authorized to appoint advisory members to the Commission at any meeting of the Commission at which a quorum is present. Advisory members shall not have the right to vote.

2.3 Chairman. The Chairman of the Commission shall be selected at its first meeting and annually thereafter in the month of January, upon nomination by a member of the Commission and election by a majority of the Commission membership.

2.4 Secretary. The Chairman of the Commission shall appoint the Secretary of the Commission, whose duty it shall be to deliver written notices to members for special meeting of the Commission; keep and preserve its minutes; and to place all documents and papers of the Commission for safekeeping with the Clerk-Treasurer of the Town of North Manchester.

2.5 Meetings. The Commission shall meet during the month of January and not less frequently than quarter annually at predetermined times and places and shall convene in special meetings on the call of the Chairman or on call by a majority of its membership, upon 48 hours written notice.

2.6 Quorum. Three (3) members of the Commission shall constitute a quorum for the transaction of any business or the making of any recommendation, and actions shall be deemed authorized if carried by a majority of a quorum. Voting by proxy shall not be authorized.

SECTION 3. RESPONSIBILITIES AND JURISDICTION OF THE COMMISSION. The Commission shall be responsible for advising the Town Council:

3.1 In matters concerning the maintenance, removal and replacement of trees in tree lawns;

3.2 In matters relating to the collection and disposal of fallen leaves;

3.3 Providing educational information to residents regarding the value and care of trees;

3.4 Of means and methods of improving the overall aesthetic appearance of North Manchester by recommending plans for visually appealing tree canopies and town entrance ways;

3.5 Means and methods of enhancing the quality of air for persons in North Manchester and to assist in the recycling of natural resources;

3.6 Means and methods of removing the danger from trees in poor condition while improving the Town's visual appearance.

ARTICLE XVI: NORTH MANCHESTER INDUSTRIAL GROWTH POLICY

SECTION 1. PURPOSE. Economic growth provides an essential element of a community's lifestyle. Quality jobs and stable employment are necessary for the growth and enhancement of a community. The purpose of this enactment is to establish goals by defining objectives and outlining standards for economic growth, with controls on the impact of that development on the quality of life in the North Manchester community.

SECTION 2. GOALS. The goals of the North Manchester Industrial Growth Policy are as follows:

2.1 Encourage diversified industrial growth which contributes to the quality of life of the community by enriching its physical, social, and economic environments.

2.2 Provide an atmosphere in the community which will encourage investment by enterprises which meet these criteria.

2.3 Encourage the expansion of present enterprises within the community, in recognition of the existing firms' contributions to and investment in the community.

2.4 Encourage the development and expansion of agribusiness industries, historically at the heart of economic development of the community.

2.5 Encourage the growth and development of new and innovative industries. With long-standing community ties to higher education and research, we seek new investment in technological, communications, and informational enterprises.

2.6 Encourage expansion of service industries which respond innovatively to the needs of older citizens, which needs are a traditional concern of this community.

SECTION 3. OBJECTIVES. The North Manchester Industrial Growth Policy shall encourage investment by enterprises which complement our present accepted physical, social, and economic environments, and which meet the following criteria:

3.1 Compare favorably in size of employment to existing enterprises.

3.2 Provide jobs for the higher skilled worker.

3.3 Enhance the physical environment through their production processes.

3.4 Commit to responsible citizenship in the community.

SECTION 4. ADMINISTRATION. There is hereby created and established a Commission, to be known and designated as Manchester's Economic Growth Advocacy (MEGA).

4.1 Membership. The Commission shall consist of the following members: Two members nominated by the North Manchester Chamber of Commerce, approved by the Town Council; two members from the North Manchester community-at-large, one of whom may be a member of the Town Forum Steering Committee, nominated by MEGA and approved by the Town Council; the Town Manager of the Town of North Manchester; not more than two members of the Town Council of the Town of North Manchester, whose appointment by its Presiding Officer shall be ratified by the Town Council; and the Executive Officer of the Town's contracted marketing group. All members of the Commission, except ex-officio members, shall be appointed and, where ratification is required, ratified annually.

4.2 Advisory Members. MEGA is authorized to appoint advisory members to the Commission at any meeting of the Commission at which a quorum is present. Advisory members may serve for so long as the Commission shall determine and shall not have the right to vote.

4.3 Chair. The Chair of MEGA shall be elected at its first meeting and annually thereafter at its meeting in the month of January, upon nomination by a member of the Commission and election by a majority of the Commission membership. The Chair shall preside at meetings and shall be the executive officer of the Commission.

4.4 Secretary. The Chair of the Commission shall appoint the Secretary of the Commission, whose duty it shall be to deliver written notices to members for special meetings of the Commission; keep and preserve its minutes; transmit its reports and recommendations to the Town Council; and to place all documents and official papers of the Commission for safekeeping with the Clerk-Treasurer of the Town of North Manchester.

4.5 Meetings. The Commission shall meet during the month of January and not less frequently than quarter annually at predetermined times and places and shall convene in

special meetings on the call of the Chair or on call by a majority of its membership, upon 48 hours written notice.

4.6 Quorum. Five (5) members of the Commission shall constitute a quorum for the transaction of any business or the making of any recommendation, and all actions of the Commission except the election of a Chair shall be deemed authorized if carried by a majority of a quorum. Voting at Commission meetings shall not be permitted by proxy.

SECTION 5. RESPONSIBILITIES OF THE COMMISSION. The Commission shall bear primary responsibility for the following activities and recommendations:

5.1 The Commission shall maintain a database of jobs, pay rates, skills, etc., to be used in targeting specific enterprises for solicitation, and for measuring the long-term success of economic development initiatives.

5.2 The Commission shall use the database to encourage growth conforming to standards which it perceives to be desirable to the community increase, but not at a rate which suddenly and adversely diminishes the existing job-wage base. The database should be designed to permit measurement and documentation of expansion of existing enterprises.

5.3 The Commission shall work with, and aggressively supplement, the marketing efforts of the Town's contractual industrial development agency. A Town Council designated contractual industrial development agency shall serve as the official community contact for industrial growth prospects.

5.4 The Commission shall identify and recommend to the Town Council such measures and actions including, but not limited to, zoning, taxes, tax relief and benefits, regulatory relief, infrastructure improvements, capital loans, and work training, by which the Town of North Manchester can encourage economic development within the stated objectives. The Commission shall also recommend different mixes of the options available to the Town as in its judgment are designed to create incentive packages to meet specific needs of individual enterprises, both existing and prospective.

ARTICLE XVII: DEPARTMENT OF STORM WATER MANAGEMENT

SECTION 1. Chapter 5 of Article 1.5 of Title 8 of the Indiana Code (IC 8-1.5-5.1, et seq.) authorizing ways and means for municipalities to effectively address storm water management is hereby adopted as the law of the Town of North Manchester, Indiana.

SECTION 2. A Department of Storm water Management is hereby established.

SECTION 3. The Department of Storm water Management shall be controlled by a Board of Directors, consisting of three directors, each of whom shall be appointed by the Town Executive, and not more than two of whom may be of the same political party. Not more than two of the directors may be appointed from among the Town Manager, Superintendent of the Wastewater Treatment Plant and duly elected member of the Town Council. The initial terms of the first directors appointed shall be one year, two years and three years, as fixed by the Town Executive. The term of each appointee commences on the first day of the calendar month following the appointment. All subsequent appointments shall be for a term of three years subject to earlier removal of a director from office by the Town Executive when in the judgment of the Executive, such removal is for the best interest of the department.

SECTION 4. The Board of Directors has general supervisory powers over the Department of Storm water Management and the specific powers prescribed (for a municipally owned utility board) by IC 8-1.5-3-4 (a). In addition to the foregoing, the Board may hold hearings following public notice; make findings and determinations; install, maintain, and operate a storm water collection and disposal system; make all necessary or desirable improvements of the grounds and premises under its control; and issue and sell bonds of the district in the name of the municipality for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the Board. The Board has exclusive jurisdiction over the collection and disposal of storm water within the district.

SECTION 5. The Superintendent of the Wastewater Treatment Plant shall act as Superintendent of the Storm water Management Department, and shall have and possess the powers and duties, prescribed by IC 8-1.5-3-5 (a), as well as the powers specifically set forth in IC 8-1.5-5-6; provided, however, compensation of the Superintendent shall be fixed by the Town Council.

SECTION 6. There is hereby created a special taxing district for the purpose of providing for the collection and disposal of storm water to the district which includes all territory within the corporate boundaries of the Town of North Manchester.

SECTION 7. The fiscal officer for the Department of Storm water Management shall be the Clerk-Treasurer of the Town of North Manchester who shall receive and disburse all funds of the department. The Clerk-Treasurer shall be custodian of all department records and shall designate a Deputy Clerk to act as secretary for the Board.

SECTION 8. The Board may not issue any bonds authorized by IC 8-1.5-5 until it has secured the approval for the issuance of the bonds from the Town Council.

SECTION 9. All other provisions of Chapter 5 of Article 1.5 of Title 8 of the Indiana Code not inconsistent with the specific provisions of this Ordinance are adopted and incorporated herein by reference.

ADOPTED 10-7-92

ARTICLE XVIII. DEPARTMENT OF REDEVELOPMENT AND THE REDEVELOPMENT COMMISSION

SECTION 1. There is hereby created the Department of Redevelopment of the Town of North Manchester, Indiana, which shall be entitled to exercise all the rights, powers, privileges and immunities accorded to such department by the Act.

SECTION 2. Such Department of Redevelopment of the Town of North Manchester, Indiana, shall be under the control of the Board of five (5) members to be known as the North Manchester Redevelopment Commission.

SECTION 3. NORTH MANCHESTER REDEVELOPMENT COMMISSION.

3.1 There is hereby created a Board to be known as the North Manchester Redevelopment Commission. Three (3) of said Commissioners shall be appointed by the President of the Town Council of the Town of North Manchester, Indiana and two (2) members of said Commission shall be appointed by the Town Council of the Town of North Manchester. Each Redevelopment Commissioner shall serve for one (1) year from the first day of January after his or her appointment and until his or her successor is appointed and has qualified, except that the original Commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment. If a vacancy occurs, a successor shall be appointed in the same manner

as the original Commissioner, and the successor shall serve for the remainder of the vacated term.

3.2 Each Redevelopment Commissioner, before beginning his or her duties, shall take and subscribe an oath of office, to be endorsed on the certificate of his or her appointment, which shall be promptly filed with the Clerk-Treasurer of the Town of North Manchester, Indiana.

3.3 Each Redevelopment Commissioner, before beginning his or her duties, shall execute a bond payable to the State, with surety to be approved by the President of the Town Council of the Town of North Manchester, Indiana. The bond must be in a penal sum of Fifteen Thousand Dollars (\$15,000.00) and must be conditioned on the faithful performance of the duties of his or her office and the accounting for all moneys and property that may come into his or her hands or under his or her control. The cost of the bond shall be paid by the Redevelopment District.

SECTION 4. Such Commissioners shall have the qualifications prescribed by the laws of the State of Indiana as from time to time amended and shall qualify as therein provided; and shall exercise and enjoy the rights and powers and assume the duties and obligations conferred and imposed by said Act, including but not limited to the following qualifications:

4.1 A Redevelopment Commissioner must be at least 18 years of age and must be a resident of the Town of North Manchester, Indiana. If a Commissioner ceases to be qualified under this Section, he or she forfeits his or her office.

4.2 No Redevelopment Commissioner of the Town of North Manchester shall receive a salary; but such Redevelopment Commissioners are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

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

4.4 The President of the Town Council or the Town Council that appointed a Commissioner may summarily remove that Commissioner from office at any time.

SECTION 5. The Redevelopment Commission shall hold a meeting for the purpose of organization not later than thirty (30) days after the Commissioners are appointed, and, after that, each year on the first day in January that is not a Saturday, Sunday, or legal holiday. The Commissioners shall choose one of their members as president, another as vice president, and another as secretary. These officers shall perform the duties usually pertaining to their offices and shall serve from the date of their election until their successors are elected and qualified. In addition to the annual meeting, the Commissioners may, by resolution or in accordance with their rules and by-laws, prescribe the date and manner of notice of other regular or special meetings.

5.1 The Redevelopment Commissioners may adopt the rules and by-laws they consider necessary for the proper conduct of their proceedings and carrying out their duties. Three (3) of the Commissioners constitute a quorum, and the concurrence of three (3) Commissioners is necessary to authorize any action.

SECTION 6. If any part of this ordinance shall be adjudged to be invalid by a Court of proper jurisdiction, it shall be conclusively presumed that the Town Council of the Town of North

Manchester, Indiana, would have passed the remainder of this ordinance without such invalid part.

~~ARTICLE XIX: OFFICE OF DIRECTOR OF PUBLIC SAFETY~~

~~SECTION 1. Creation of Office. There is hereby created the office of Director of Public Safety.~~

~~SECTION 2. Term of Office. The Director of Public Safety shall serve at the pleasure of the Town Council which shall fix the compensation and determine terms of employment.~~

~~SECTION 3. Performance Bond. The Director of Public Safety shall execute a bond for the faithful performance of his duties in the sum of \$10,000 payable to the Town.~~

~~SECTION 4. Supervision. The Director of Public Safety shall perform his duties and responsibilities under the direct supervision and control of the Town Manager.~~

~~SECTION 5. Consolidation of Duties. Pursuant to the provisions of Article IV, Section 2 of the North Manchester Municipal Code the duties of Town Marshal, Dire Chief and Code Enforcement Officer are hereby combined and vested in the Director of Public Safety.~~

~~SECTION 6. Powers and Duties. The Director of Public Safety shall have those powers and duties formerly possessed by the Town Marshal, Fire Chief and Code Enforcement Officer, to be included in a job description to be prepared by the Town Manager and approved by the Town Council.~~

~~SECTION 7. Effective Date. This ordinance shall be in full force and effect from and after its passage. Adopted December 22, 1998. Repealed August 6, 2003.~~

TITLE I: STRUCTURE, ADMINISTRATION AND FINANCE

CHAPTER II: ADMINISTRATION

ARTICLE I: SEAL, OFFICIAL

SECTION 1. The official seal of the Town of North Manchester shall be of circular form 1 1/2 inches in diameter with the numbers in the center -- 1837-1874 -- encircled by a scroll with the inscription, "The Town of North Manchester, Indiana."

ARTICLE II: PENALTY, GENERAL

SECTION 1. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the Ordinances of the Town of North Manchester, Indiana, shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinance of the Town of North Manchester, any person convicted of an offense shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

ARTICLE III: PUBLIC PURCHASING

SECTION 1. The North Manchester Park and Recreation Board and the Common Council of the Town of North Manchester, Indiana are each constituted as purchasing agencies.

SECTION 2. The purchasing agent for the North Manchester Park and Recreation Board is its Executive Director appointed by its Board, and the purchasing agent for the Town of North Manchester is the Town Manager; provided, however, prior to the solicitation of bids or proposals for the purchase of supplies by the Park and Recreation Board the "Request for Proposals" (or "RFP") as defined by I.C. 5-22-2-28, shall be approved by the Town Manager.

SECTION 3. Each "RFP" for the purchase of supplies shall be prepared by the head of the department in which the supplies will be used or consumed and shall be submitted to the Town Manager for approval before "solicitation" as defined by I.C. 5-22-2-32, is commenced.

SECTION 4. Prior to approving a "RFP" the Town Manager shall make a reasonable effort to determine that the RFP is complete, does not contain a requirement that excludes a potentially qualified contractor and, with the assistance of the Clerk-Treasurer, determine that sufficient appropriated and unexpended funds are available to fund the "RFP".

SECTION 5. The purchasing agent may purchase supplies with an estimated cost of less than \$25,000.00 on the open market without inviting or receiving quotes or bids provided the purchasing agent first determines that such supplies purchased will be of higher quality and for lesser cost than the same supplies available from a competing contractor. Each purchasing agent shall review proposals for purchase of supplies available through cooperative purchasing organizations and with approval of the Town Council, may purchase from or through such organizations.

SECTION 6. Each designated purchasing agent shall comply with the provisions of I.C. 5-22-5-1 with regard to specifications.

SECTION 7. All other provisions of Article 22 of Title 5 of the Indiana Code are adopted as applicable to the purchase of supplies by purchasing agencies of the Town of North Manchester. ADOPTED JULY 1, 1998.

CHAPTER II: ADMINISTRATION

ARTICLE IV: CREDIT CARD POLICY

SECTION 1. The Clerk-Treasurer and President of the Town Council are authorized to apply for and establish a credit card (hereinafter called "card") account in the name of North Manchester, Indiana.

SECTION 2. A sufficient number of duplicate cards shall be obtained to provide one card for use and control by each of the Clerk-Treasurer, Town Manager, Directors of the Departments of Parks and Recreation and Public Safety, Superintendent of Public Works and, collectively, members of the Town Council, the latter of which cards shall be in custody of the Clerk-Treasurer. Each named official, except members of the Town Council, is vested with discretion to entrust the use of his or her card to full-time employees working under his or her direct or indirect supervision, to incur credit for goods and services authorized and appropriated in the budget of the Town of North Manchester; PROVIDED, HOWEVER, no materials, equipment, tools or supplies shall be purchased by use of a card. The card shall not be used for food or beverages except when expressly authorized by the Town Manager. When authorization is given by the Town Manager employees shall be permitted to purchase food or beverages only in an amount which does not exceed the per diem amount as set by the Town Council. The word "beverages" does not include alcoholic beverages. Employees shall provide receipts for the authorized purchase of food and beverages as required by Section 3. Part-time employees are not authorized to use a card of North Manchester, but shall be reimbursed for authorized

expenditures by filing a claim with the Clerk-Treasurer in accordance with procedures approved by the State Board of Accounts and the Clerk-Treasurer.

SECTION 3. Within 72 hours of a card account purchase, or return to work assignment, the person authorized to use the card shall return the card to the custody of the official authorized to hold the card, along with a copy of all card use receipts identifying the creditor from whom the purchase was made, the purpose of the purchase, identification of the budget and line item(s) appropriating funds for the purchase, an itemized listing of all charges incurred and such other information as may be required by the Clerk-Treasurer in order to fully comply with rules and regulations of the State Board of Accounts.

SECTION 4. The Clerk-Treasurer shall pay authorized card charges promptly so that no interest or carrying charges or penalties will be incurred due to late payment. An official or employee who causes interest, carrying charges or a pecuniary penalty to be added to the card account by a failure to timely provide the information required by Section 3 shall be personally liable for payment of the interest, carrying charges or pecuniary penalty.

ADOPTED April 12, 2000.

TITLE I: STRUCTURE, ADMINISTRATION AND FINANCE

CHAPTER III: FINANCE

ARTICLE I: CUMULATIVE CAPITAL IMPROVEMENT FUND

SECTION 1. CUMULATIVE CAPITAL IMPROVEMENT FUND CREATED. Under I.C. 6-7-31.1 there is hereby created a Cumulative Capital Improvement Fund, moneys from which shall be used solely for purchase of land, easements or rights-of-way; purchase of buildings; construction or improvement of Town-owned property; and to retire general obligation bonds issued by the Town, for one of the preceding purposes.

SECTION 2. APPROPRIATION. Money in the Cumulative Capital Improvement Fund does not revert to the Town's General Fund, but by ordinance or resolution, the legislative body may transfer funds to the Town General Fund.

ARTICLE II: SANITATION REVENUE FUND

SECTION 1. There is hereby established a Sanitation Revenue Fund on the books and accounts of the Town of North Manchester, Indiana.

SECTION 2. All user charges imposed and collected by the Town of North Manchester, Indiana for collection, receipt, acceptance and disposal of garbage and rubbish under the provisions of General Ordinance No. 2, 1980, as well as any other user charges imposed and collected for sanitation services rendered by the Town, other than for those charged and collected for operation of the North Manchester Sewage Works shall be deposited into the Sanitation Revenue Fund.

SECTION 3. Revenues in the Sanitation Revenue Fund shall be dedicated to the furnishing and providing of sanitation services, and administration expenses in connection therewith, including but not limited to the funding of the costs of any agreement between said Town and any person for the collection, receipt, acceptance and disposal of garbage and rubbish produced within the corporate limits of the Town of North Manchester, Indiana.

SECTION 4. The Sanitation Revenue Fund shall be subject to all of the provisions of Indiana law with respect to the deposit of funds, the filing of claims for payments therefrom and funds therefrom shall be paid by the Clerk-Treasurer only upon the appropriation and approval for payment of said funds by the Town Council.

SECTION 5. This ordinance shall be in full force and effect from and after its approval by the Town Council. REPEALED

ARTICLE III: TAX ABATEMENT

~~SECTION 1. ECONOMIC REVITALIZATION AREA DEFINED. All lands and improvements on land, and new manufacturing equipment located within Districts classified Industrial 1, Industrial 2, Business 1 and Business 2 are conditionally designated as "economic revitalization areas" of the Town of North Manchester, Indiana. Lands and improvements on land located within district classified Industrial 1, Industrial 2, Business 1 and Business 2 shall be determined by reference to Title II, Chapter II, Article I, of the Town of North Manchester Municipal Code, adopted September 5, 1984, as now or hereafter amended.~~

~~SECTION 2. QUALIFICATION FOR TAX ABATEMENT. "Rehabilitation" of "property" and "new manufacturing equipment" within the "economic revitalization area" is eligible for deductions for tax abatement subject to qualification under the following provisions of this ordinance.~~

~~2.1 APPLICATION. An owner who desires to obtain tax abatement shall file with the Clerk-Treasurer a certified deduction application on forms prescribed by the State Board of Tax Commissioners. The Clerk-Treasurer shall refer the application to the Tax Abatement Review Committee, as such Committee is constituted and empowered by the Town Council.~~

~~2.2 REVIEW, HEARING, FINDINGS AND APPEAL. The Tax Abatement Review Committee shall review each application. If the Committee determines that the application pertains to land located within districts classified Industrial 1, Industrial 2, Business 1 or Business 2, the Committee shall conduct a public hearing on the application after giving such notice of hearing as the Town Council shall by general rule prescribe. The Committee shall hear evidence to determine whether or not the application, if granted, would, (a) provide expansion of the existing tax base, (b) maintain or improve current employment levels, and (c) maintain or enhance the environment of the community. If the Committee finds the ultimate facts to be in the affirmative, the Secretary of the Committee shall endorse the approval of the Committee on the application and return the application to the applicant for filing with the Auditor of Wabash County, Indiana; provided, however, if the application relates to districts classified Business 1 or Business 2, the application and findings shall be referred to and reviewed by the Town Council for the sole purpose of determining that the findings are supported by substantial evidence before returning the application to the applicant for filing with the Auditor of Wabash County, Indiana. If the Committee finds the ultimate facts are not shown or fails to make the required findings, the applicant may request referral of the application to the Town Council. The Town Council shall thereafter fulfill the duties of the Committee as to the application and shall render a decision de novo.~~
REPEALED

ARTICLE III. TAX ABATEMENT OF RESIDENTIALLY DISTRESSED AREA

Whereas, the Town Council of the Town of North Manchester, Indiana, recognizes a need exists for affordable housing which meets generally accepted standards of habitability; and,

Whereas, the Town Council now finds that a significant number of dwelling units within the area hereinafter described are not permanently occupied; a significant number of parcels in the area are vacant land; a significant number of dwelling units within the area are evidencing significant building deficiencies; the area has experienced a net loss in the number of dwelling units as documented by census information and certificates of occupancy; and the area hereinafter described does not exceed ten percent (10%) of the total area within the Town of North Manchester; and

Now, therefore, be it ordained by the Town Council of the Town of North Manchester, Indiana, that:

SECTION 1. RESIDENTIALLY DISTRESSED AREA DEFINED. All lands and improvements on land located in the area bounded as follows:

Commencing at the intersection of Wabash Road and South Street; thence east on the centerline of South Street to the point where South Street would intersect the centerline of Maple Street, if South Street were projected east and Maple Street were projected south to a point where the streets would intersect; thence north on the projected centerline of Maple Street to the centerline of South Street; thence east on the centerline of South Street to the centerline of Elm Street; thence north east on the centerline of South Street to the centerline of Elm Street; thence north on the centerline of Elm Street to the centerline of Fifth Street; thence west on the center of Fifth Street to the centerline of Beckley Street; thence south on the centerline of Beckley Street to the centerline of Fourth Street; thence west on the centerline of vacated portion of Fourth Street and Fourth Street to the centerline of Weimer Street; thence south on the centerline of Weimer Street to the centerline of Main Street; thence east and southeasterly on the centerline of Main Street to the centerline of the intersection of Main Street and Wabash Road; thence southerly on the centerline of Wabash Road to the centerline of its intersection with South Street, the place of beginning.

is determined to be a residentially distressed area within which redevelopment and rehabilitation of habitable property is conditionally qualified for the deduction available for a maximum term of five (5) years under I.C. 6-1.1-12.1-4.1,

SECTION 2. ADDITIONAL CONDITIONS FOR RESIDENTIALLY DISTRESSED ARE DESIGNATION. The deduction conditionally available under Section 1 shall be approved only if the Town Council finds that the property which is the subject of an application is redeveloped or rehabilitated, meets such code standards for habitability as shall from time to time be designated by the Town Council and only if the redevelopment or rehabilitation is completed within such reasonable period of time as is specified by the Council in its approval of a specific application.

SECTION 3. APPLICATION. An owner who desires to obtain a deduction for redevelopment or rehabilitation of property within the residentially distressed area shall file with the Clerk-Treasurer an application for the deduction on forms prescribed by the State Board of Tax Commissioners and shall submit such additional information as may be requested by the Town Council. The Clerk-Treasurer shall refer the application to the Town Council at the appropriate time after the applicant has published notice of a hearing before the Town Council on the application as required by I.C. 6-1.1-12.1-2.5.

SECTION 4. ACTION BY TOWN COUNCIL. The Town Council shall consider and act upon completed applications for the deduction for redevelopment or rehabilitation of habitable

property within the residentially distressed area and may impose standards of habitability and other conditions which may apply to a specific application.

SECTION 5. OTHER ORDINANCES. This ordinance shall not be deemed to modify or amend any provision of the North Manchester Zoning Ordinance and, after its approval, shall be identified, and may be cited, as Article IV, Tax Abatement, of Chapter 3, Finance of Title I, Structure, Administration, and Finance of the North Manchester Municipal Code. Adopted August 8, 1997.

ARTICLE IV: TAX ABATEMENT REVIEW COMMITTEE

SECTION 1. TAX ABATEMENT REVIEW COMMITTEE. There is hereby established a Tax Abatement Review Committee for the Town of North Manchester, Indiana. The committee shall consist of five (5) members, each of whom shall be appointed by the President of the Town Council, to serve at the pleasure of a majority of the Town Council and until a successor is appointed and qualified by the taking of an oath of office. One committee appointment shall be made from the membership of each of the Economic Development Commission, the Plan Commission and Town Council. The remaining two (2) members of the committee shall be appointed from the membership of the North Manchester Chamber of Commerce Executive Board, one of whom shall represent the Industrial Division thereof. All committee members shall reside within the corporate limits of the Town of North Manchester.

SECTION 2. Within thirty (30) days after its appointment, the Tax Abatement Review Committee shall be convened in meeting by call of the President of the Town Council, at which meeting the committee shall organize by its selection of a chairman and secretary. The chairman shall thereafter preside at meetings of the committee, and the proceedings of the committee shall be reduced to writing by the secretary and filed with the Clerk-Treasurer of the Town of North Manchester. The committee shall thereafter organize annually at its first regular meeting on or after January 1 of each calendar year.

SECTION 3. Jurisdiction of the Tax Abatement Review Committee shall be as defined in Article III, Tax Abatement, of Chapter III, Finance, of Title I, Structure, Administration, and Finance of the Town of North Manchester Municipal Code.

SECTION 4. Proceedings of the Tax Abatement Review Committee shall be subject to the provisions of I.C. 5-14-1.5-1 et seq., commonly known as "The Indiana Open Door Law," as now or hereafter amended. Each applicant for tax abatement shall publish notice of the public hearing thereon by publishing notice thereof one (1) time, at least ten (10) days before the date of the hearing in a newspaper, as required and as defined in I.C. 5-3-1-1 et seq. The cost of publication of notice shall be borne by the applicant, proof of payment of which shall be submitted to the secretary of the committee prior to the commencement of the hearing on the tax abatement application.

ARTICLE V. CUMULATIVE CAPITAL DEVELOPMENT FUND

SECTION 1. There is hereby established a North Manchester Cumulative Capital Development Fund.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the North Manchester Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 will not exceed:

- a. \$.05 per \$100 assessed valuation for 1985.

- b. \$.10 per \$100 assessed valuation for 1986.
- c. \$.15 per \$100 assessed valuation for 1987.
- d. \$.15 per \$100 assessed valuation for 1988.
- e. \$.15 per \$100 assessed valuation for 1989.
- f. \$.15 per \$100 assessed valuation for 1990.
- g. \$.15 per \$100 assessed valuation for 1991.
- h. \$.15 per \$100 assessed valuation for 1992.
- i. \$.15 per \$100 assessed valuation for 1993.
- j. \$.15 per \$100 assessed valuation for 1994.
- k. \$.15 per \$100 assessed valuation for 1995.
- l. \$.15 per \$100 assessed valuation for 1996.

SECTION 4. The funds accumulated in the North Manchester Cumulative Capital Development Fund will be used for Cumulative Building Fund as described in I.C. 36-9-15.5-2 subject only to expenditures in emergency situations as prescribed by I.C. 36-9-15.5-8.

SECTION 5. Notwithstanding Section 4, funds accumulated in the North Manchester Cumulative Capital Development Fund may be spent for purposed other than the purpose stated in Section 4, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this section only after the Town Council President issued a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

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

ARTICLE VI: SPECIAL VEHICLE INSPECTION FUND

SECTION 1. SPECIAL VEHICLE INSPECTION FUND CREATED. Under I.C. 9-1-2-1 there is hereby created a Special Vehicle Inspection Fund, moneys from which shall be used solely for law enforcement purposes.

SECTION 2. APPROPRIATION. Money in the Special Vehicle Inspection Fund does not revert to the Town's General Fund, but by ordinance or resolution, the legislative body may appropriate and transfer funds to the General Fund of the Town of North Manchester to defray expenses incurred for law enforcement purposes.

SECTION 3. FEE. There is hereby fixed a fee of Five Dollars (\$5.00) to be charged and collected for motor vehicle inspections performed by the Town Marshal or Deputy Town Marshals.

SECTION 4. PROCEDURES. The Special Vehicle Inspection Fund shall be subject to all of the provisions of Indiana law with respect to the deposit of funds, issuance of receipts for fees collected, appropriations from the funds and filing of claims for payments therefrom, and funds therefrom shall be paid by the Clerk-Treasurer only upon the appropriation and approval for payment of said funds by the Town Council. The Town Marshal shall remit fees collected to the fund to the Clerk-Treasurer not less frequently than weekly.

ARTICLE VII: COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION

SECTION 1. COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION. There is hereby created a Community Development Block Grant Commission to consist of three members, to be selected by majority vote of the Town Council from among bonafide residents of

the Town of North Manchester, Indiana, not less than one of whom shall be a member of the Town Council, and who shall serve at the pleasure of the Town Council and until their respective successors have been appointed by action of the Town Council.

SECTION 2. RIGHTS, POWERS, DUTIES AND RESPONSIBILITIES OF THE COMMISSION. The Commission shall administer and prescribe the terms and conditions of Community Development Block Grants received by the Town of North Manchester in accordance with all requirements prescribed by law of the United States of America and of the State of Indiana in accordance with procedures prescribed by law and in accordance with the instructions contained in the Grantee Implementation Manual prepared by the Division of Internal Audit of the Indiana Department of Commerce, revised February, 1988, which manual is incorporated herein by reference. The Commission shall screen applicants for loans of recaptured funds and shall recommend to the Town Council those applicants selected by the Commission to receive loans from recaptured funds. Loans of recaptured funds shall meet all requirements for loans of original grant funds as prescribed by applicable federal and state law and in accordance with the additional standards as may from time to time be prescribed by the Town Council. Meetings of the Community Development Block Grant Commission shall be convened and held as needed and as determined by the Commission, or on call by the President of the Town Council, and shall be subject to the requirements of IC 5-14-1.5 et seq.

SECTION 3. RECAPTURED FUNDS. Subject to the requirements of federal and state law, proceeds of loans shall be held and accounted for as miscellaneous revenues of the Town of North Manchester, dedicated to economic development of the community and such other lawful purposes as may be prescribed by applicable state law, as may from time to time be prescribed by the Town Council.

ARTICLE VIII: CUMULATIVE BUILDING AND EQUIPMENT FUND

SECTION 1. This is hereby created a Cumulative Building and Equipment Fund for the purchase, construction, renovation or addition to buildings used by the Fire Department and for the purchase of firefighting equipment, including making the required payments under a lease rental with option to purchase agreement made to acquire the equipment, and to purchase police radio equipment, as now and as may hereafter be authorized by Indiana Code 36-8-14-2.

SECTION 2. The Clerk-Treasurer is directed to submit this ordinance and proofs of publication of the notice of hearing hereon to the State Board of Tax Commissioners for approval of the establishment of the Cumulative Building and Equipment Fund for fire safety purposes under Indiana Code 36-8-14-2.

SECTION 3. The Cumulative Building and Equipment Fund as authorized by IC 36-8-14-2 shall be effective upon final approval of this ordinance by the Town Council and approval by the State Board of Tax Commissioners. {Adopted by Town Council August 16, 1989 - Approved by State Board of Tax Commissioners December 11, 1989}

ARTICLE IX: SIDEWALK REPLACEMENT FUND

SECTION 1. There is hereby established a Sidewalk Replacement Fund. From and after the effective date of this Ordinance, the Clerk-Treasurer shall receipt into the Sidewalk Replacement Fund all payments received pursuant to the agreement between the Town of North Manchester, Indiana and Triax Associates, I, L.P., dated February 7, 1990, the same being a non-exclusive franchise for operation of a CATV signal distribution plant in the Town of North Manchester, authorized by Resolution Number 1, 1990.

SECTION 2. Revenues in the Sidewalk Replacement Fund are dedicated to the payment of the cost of concrete used by owners of taxable real property located within the limits of the Town for costs of sidewalk replacement made by owners of taxable real property located within the limits of the Town of North Manchester.

SECTION 3. Funds may be disbursed from the Sidewalk Replacement Fund by the Clerk-Treasurer in the same manner and under the same procedures as are required for payment of funds from the General Fund; provided, however, no payment shall be made from the Sidewalk Replacement Fund until and unless it has been determined that the criteria set forth in Section 4 have been satisfied. No appropriation of moneys in the Sidewalk Replacement Fund is required, and unexpended moneys in the Fund at calendar year end shall remain in the fund for expenditure during the following calendar year.

SECTION 4. Owners of taxable property who replace sidewalk which abuts their property on public streets and ways may apply at the office of the Clerk-Treasurer for payment of the cost of concrete used in replacing sidewalks up to fifty percentum (50%) of the cost of replacement sidewalks. Sidewalks shall be constructed and completed in accordance with, and shall meet the specifications for, sidewalk construction established by the Public Works Superintendent. The Clerk-Treasurer is directed to design a form of application for use by owners of taxable property. Funding for the cost of concrete used in sidewalk replacement shall be made available to applicants on a first entitlement basis, based on date of approval of the application., up to a maximum of 10 cubic yards of concrete per owner-applicant in a calendar year. Applications shall be time stamped by the Clerk-Treasurer upon receipt and be referred by the Clerk-Treasurer to the Building Commissioner, Town Manager and Public Works Superintendent, in that order, for approval, each of whom shall endorse approval or disapproval on the application, subject to final inspection and approval by the Public Works Superintendent of the base, forms and alignment with connecting sidewalks prior to pouring of the concrete of the completed sidewalk. It is the responsibility of the owner-applicant to notify the Public Works Superintendent that the site of the replacement is ready to be poured inspected. The applicant shall submit with the application a diagram showing the property and the square footage of sidewalk to be replaced. Each application shall include the estimated cost of concrete required to complete the sidewalk replacement. No vendor claim for the cost of concrete in excess of 5% of the amount of the estimate shall be paid; provided, up to 5% in excess of the estimate may be paid if the applicant and concrete vendor justify the cost overrun and certify that the concrete materials and work was were required to complete the sidewalk replacement as approved. Payments from the Fund shall be made only when the sidewalk replacement has been completed and claim therefore made during the same calendar year in which the application was approved. Claims for concrete shall be paid directly to the vendor and contractor who, along with the property owner, shall make and certify the claim to the Clerk-Treasurer. Approved applications for funding shall lose all priority if the work is not completed by September 15 and the claim for cost of concrete materials and labor submitted by October 1 of the calendar year in which the application was approved. Applications for funding of approved projects not completed and paid for during the calendar year as hereinabove provided, may be submitted as new applications during the following calendar year. Funds uncommitted on September 16 of each year may be used by the Town for replacement of sidewalks abutting or on municipally owned property. {Amended June 5, 1996.}

SECTION 5. The phrase "Sidewalk Replacement" includes replacement of existing sidewalk and new sidewalk on public streets, but shall not include curbs and gutters unless the sidewalk replacement includes curbing and gutters as an integral component of the sidewalk and is included in the approved application.

ARTICLE X: TACTICAL EQUIPMENT FUND

SECTION 1. There is hereby established a Tactical Equipment Fund for purchase of firearms and tactical equipment, maintenance and operating costs. From and after May 5, 1993, (the effective date of this ordinance) the Clerk-Treasurer shall receipt into the Tactical Equipment Fund all payments received pursuant to the agreement between the Town of North Manchester, Indiana and Lifemed, Inc., for the provision of dispatching services through the offices of the Town Marshal, date March 1, 1993, approved by the Town Council February 3, 1993.

SECTION 2. Revenues in the Tactical Equipment Fund are dedicated to the costs of firearms and tactical equipment, their maintenance and operation in the Town's exercise of its police powers through the office of the Town Marshal.

SECTION 3. No expenditure of funds from the Tactical Equipment Fund shall be made without an appropriation of the funds by the Town Council, and funds may be disbursed from the Tactical Equipment Fund by the Clerk-Treasurer in the same manner and under the same procedures as are required for the payment of other Town funds.

SECTION 4. Firearms and ammunition owned by the Town of North Manchester shall not be used or in the possession of any person or entity except a duly authorized officer or employee of the Town Marshal's office. The Town Marshal shall bear primary responsibility for the safe use, handling and storage of firearms and associated equipment and the dissemination of information on those subjects among officers and employees.

ARTICLE XI: STREET CUT DEPOSIT FUND

SECTION 1. No person shall cut the surface of any public way without first having obtained a street cut permit.

SECTION 2. Application for a street cut permit shall be made on forms provided by the Superintendent of Public Works and filed in the Office of the Town Manager, accompanied by a non-refundable fee of \$25.00.

SECTION 3. The Superintendent of Public Works shall proceed with due diligence to measure the proposed cut and estimate, in writing, the cost of labor and materials necessary to restore the public way to the same condition in which it existed prior to the cut proposed to be made by the applicant. The Superintendent of Public Works shall return the estimate to the Clerk-Treasurer.

SECTION 4. The Clerk-Treasurer shall issue the street cut permit to the applicant if the applicant shall pay to the Clerk-Treasurer a security deposit equal to One Hundred Twenty-five percent (125%) of the estimated restoration costs as determined by the Superintendent of Public Works. The security deposit shall be placed in the Street Cut Fund and shall be refunded to the applicant when, within a reasonable time after the permit has been exercised, the applicant shall restore the street to the condition in which it existed prior to the cut and the Superintendent of Public Works shall sign a claim authorizing the refund. If the applicant shall not restore the cut, the costs of restoration may be paid from the applicant's security deposit on claim made by the applicant and approved by the Superintendent of Public Works. No appropriation need be made of street cut funds. Street cut permit fees shall be paid into the General Fund.

SECTION 5. This ordinance shall not apply to persons whose business operations are subject to the jurisdiction of the Indiana Utility Regulatory Commission; provided, however, this exemption may be withdrawn for cause by the Superintendent of Public Works for repeated failure to restore the surface of cuts, as documented and filed with the Clerk-Treasurer.

ARTICLE XII: FIRE FIGHTING EQUIPMENT DONATIONS FUND

SECTION 1. There is hereby established a Fire Fighting Equipment Donations Fund to be created on the books and records of the Town of North Manchester. Funds from the Fire Fighting Equipment Donations Fund shall be used solely for the purchase of fire fighting equipment in the interest of public safety, for use by the North Manchester Volunteer Fire Department.

SECTION 2. The Clerk-Treasurer shall receipt into the Fire Fighting Equipment Donations Fund all amounts received by the Town of North Manchester as donations for the purchase of fire equipment.

SECTION 3. Funds in the Fire Fighting Equipment Donations Fund shall be expended by the Clerk-Treasurer on recommendation of the Chief of the North Manchester Volunteer Fire Department and approval of the Town Council. Expenditures from this fund shall not be subject to the budgeting procedures required otherwise for tax revenues.

ARTICLE XIII: STORM WATER MANAGEMENT FUND

SECTION 1. There is hereby established a Storm Water Management Fund on the books and records of the Town of North Manchester.

SECTION 2. The Clerk-Treasurer shall receipt into the Storm Water Management Fund all amounts received by the Town of North Manchester pursuant to the fund raising provisions of IC 8-1.5-1-1 et seq, implemented under General Ordinance No. 10, 1992, of the Town of North Manchester.

SECTION 3. Funds in the Storm Water Management Fund shall be expended by the Clerk-Treasurer on authorization of the Board of Directors of the Department of Storm Water Management and approval of the Town Council. Expenditures from this fund shall not be subject to the budgeting procedures required for tax revenues but shall conform to all requirements of IC 8-1.5-1-1 et seq. This ordinance will be in full force and effect from and after its passage by the Town Council of the Town of North Manchester, Indiana, on this sixth day of July, 1994.

ARTICLE XIV: REVOLVING CONCESSION FUND

SECTION 1. There is hereby created within the Department of Parks & Recreation a revolving concession fund to include all moneys received through sales of goods from vending machines owned and stocked by the Department.

SECTION 2. Moneys in the revolving concession fund may be used without appropriation for purchases of goods to be sold by the Department through its vending machines, for the payment of sales taxes of the Department and for the repair, replacement and acquisition of vending machines by the Department, subject to such restrictions and procedures as the Park and Recreation Board may establish.

SECTION 3. Each December 31 the unencumbered balance of Moines in the revolving concession fund in excess of a sum equal to one-twelfth of the prior calendar years' total goods purchases and sales tax payments shall revert to the general fund of the Park and Recreation Department.

SECTION 4. This ordinance shall take effect on January 1, 1995.

ARTICLE XV: DRUG FORFEITURE FUND

SECTION 1. There is hereby created within the office of the Town Marshall a Drug Forfeiture Fund to include all Moneys received through confiscation and sale of property in connection with controlled substances violations and Town funds appropriated for purchase of controlled substances, if any.

SECTION 2. Moneys in the drug forfeiture fund may be used without appropriation for purchase of controlled substances in connection with criminal investigations on authorization of the Town Marshall, each such expenditure to be evidenced by a statement from the deputy of person making the expenditure, affirmed under the penalties of perjury, identifying the person to whom the money was given, the purpose for which the money was delivered and the date of the transaction. The statement shall be countersigned by and retained as a permanent record by the Town Marshall.

2.1 Upon recommendation of the Marshal, and approval of the Town Council, monies in the fund may also be expended for purchase of criminal surveillance equipment and supplies related thereto. (Adopted December 3, 1997)

SECTION 3. Not less frequently than annually the Drug Forfeiture Fund shall be audited by the Clerk-Treasurer, to whom all records shall be made available by the Town Marshall and who shall file with the Town Council a report of such audit within 30 days following the completion thereof.

SECTION 4. This ordinance shall take effect immediately upon its adoption.

ADOPTED by the Town Council of the Town of North Manchester, Indiana on this 2nd day of November, 1994.

ARTICLE XVI: POLICE DONATIONS FUND

SECTION 1. There is hereby established a Police Donations Fund to be created on the books and records of the Town of North Manchester. Funds from the Police Donations Fund shall be used for traffic safety.

SECTION 2. The Clerk-Treasurer shall receipt into the Police Donations Fund all amounts received by the Town of North Manchester as donations for promoting traffic safety.

SECTION 3. Funds in the Police Donations Fund shall be expended by the Clerk-Treasurer on recommendation of the Town Marshal and approval of the Town Council. Expenditures from this fund shall not be subject to the budgeting procedures required otherwise for tax revenues.

This ordinance will be in full force and effect from and after its approval by the Town Council. ADOPTED by the Town Council of the Town of North Manchester, Indiana, on the 4th day of March 1998.

ARTICLE XVII. RIVERBOAT FUND

SECTION 1. There is hereby created on the books and accounts of the Town of North Manchester, Indiana, a "Riverboat Fund" to hold and disburse funds received and spent in accordance with the provisions of Indiana Code 4-33-13-1 *et seq.*

SECTION 2. The "Riverboat Fund" shall be subject to the same appropriation process by the Clerk-Treasurer and Town Council as other funds, which receive and hold tax distributions. Before making an appropriation from the "Riverboat Fund", the Town Council shall make a finding that the proposed expenditure of monies from the "Riverboat Fund" is consistent with the authorized by the Indiana Code provisions which define appropriate uses of the monies in the fund.

SECTION 3. The State Board of Tax Commissioners may not reduce the actual or maximum permissible tax levies of the Town of North Manchester as a result of a balance in the "Riverboat Fund".

SECTION 4. The "Riverboat Fund" shall be subject to the same accounting and reporting requirements by the Clerk-Treasurer as are required for other Town of North Manchester accounts.

ADOPTED August 6, 2003.

ARTICLE XVIII. ORDINANCE ENFORCEMENT EXPENSE FUND

SECTION 1. There is hereby created on the books and accounts of the Town of North Manchester, Indiana, an "Ordinance Enforcement Expense Fund" to hold and disburse all funds collected by North Manchester Town Court for violation of Articles II (Abandoned Vehicles) and (Junk Vehicles) of Chapter I, Title III (Traffic Safety) (of the North Manchester Municipal Code) and, effective January 1, 2006, Five Dollars (\$5.00) from each fine collected for a violation of parking regulations and restrictions of the Town of North Manchester.

SECTION 2. The "Ordinance Enforcement Expense Fund" shall be subject to the same budgeting, appropriation, expenditure and reporting processes by the Clerk-Treasurer and Town Council as other funds which receive and hold tax distributions. The purpose of the "Ordinance Enforcement Expense Fund" is to pay all expenses implicit in or incidental to the enforcement of ordinances of the Town of North Manchester which require expenditures for printing, giving notice sufficient to meet due process and ordinance requirements, identifying property, taking possession of and storing property, disposing of property and such other specific purposes as the Town Council may authorize and shall identify in its appropriation of funds.

SECTION 3. The Indiana Department of Local Government Finance may not reduce the actual or maximum permissible tax levies of the Town of North Manchester as a result of a balance in the "Ordinance Enforcement Expense Fund." *Adopted December 1, 2004.*

ARTICLE XIX. EMERGENCY TELEPHONE SYSTEM FUND

SECTION 1. There is hereby created on the books and accounts of the Town of North Manchester, Indiana, an Emergency Telephone System Fund, into which all enhanced emergency telephone system fees received by the Town of North Manchester under I.C. 36-8-16-12 shall be deposited, in accordance with I.C. 36-8-16-13, and, from which all lawful expenditures shall be made, in accordance with I.C. 36-8-16-14.

SECTION 2. To correct improper deposits heretofore made, the Clerk-Treasurer is authorized and directed to effect a transfer of all enhanced emergency telephone system fees presently held in the Tactical Equipment Fund, plus that portion of the accumulated earnings of the Tactical Equipment Fund which is equal to the ratio that enhanced emergency telephone

system fees now in the Tactical Equipment Fund bears to the total funds therein, to the Emergency Telephone System Fund. *Adopted December 15, 2004.*

ARTICLE XX. LAW ENFORCEMENT CONTINUING EDUCATION FUND

This fund established by directive of State Board of Accounts in 1987 based on Acts of 1986. See Town Council Minutes of 02/04/87 for fund waivers by Town Court and Clerk-Treasurer.

It is now ordered that all fees and charges collected for the preparation and furnishing of Local Criminal History Reports shall be deposited in the Law Enforcement Continuing Education Fund on the books and accounts of the Town of North Manchester, Indiana.

Adopted May 4, 2005.