

TITLE 1
ADMINISTRATION

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Chapter 1.01

**GENERAL PROVISIONS OF THE CODIFICATION OF ORDINANCES,
ENGLISH, INDIANA**

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1.01.010 Title. The title and citation of this ordinance shall be “CODIFICATION OF ORDINANCES, ENGLISH, INDIANA,” and will be also referred to herein as this “code”.

1.01.020 Scope. All general ordinances of the town of English are herewith repealed and the CODIFICATION OF ORDINANCES, ENGLISH, INDIANA is enacted to supersede and supplement said ordinances; provided, however, that certain ordinances herein designated are specifically excepted from such repeal. The CODIFICATION OF ORDINANCES, ENGLISH, INDIANA shall constitute a single, original and comprehensive ordinance embodying the general regulations of the town of English, Indiana, except those types of ordinances designated in 1.01.050.

1.01.030 Interpretation. This code shall be interpreted and construed as a reenactment of the existing general ordinance which are hereinabove repealed, excepting the types of ordinances which are designated as saved and listed in section 1.01.050.

1.01.040 Continuity. To ensure continuity without interruption, this code provides that:

- A. Any appropriation, including any unencumbered balance of funds on hand, at the time this code takes effect, shall continue as an appropriation and shall continue to be available, unless otherwise noted herein, under the same ordinance conditions as existed prior to the enactment of the code.

- B. Any employment position, including its title, fringe benefits and any personnel related regulations set forth in this code shall continue without interruption or change and incumbent personnel shall continue without re-appointment.
- C. Any act or thing done pursuant to any existing ordinance repealed and also in substantial compliance with this code, shall require no further performance except as prescribed.

1.01.050 Repeal with exceptions. All former general ordinances shall be deemed repealed at the time said code takes affect except as they are included in this code. Said repeal shall not affect ordinance provisions pertaining to the following:

- A. the fixing of any tax levy;
- B. the appropriation, transferring, or re-appropriation of funds;
- C. the authorization to issue any bonds, the making of any temporary loans or appropriations or the approval of bonds;
- D. the creation or definition of municipal corporate boundaries or any municipal surveys;
- E. the purchase, acquisition or disposition of any real or personal property;
- F. the naming, renaming, platting, replatting, or vacating of any street, alley, or public place;
- G. the granting of franchises or contract rights;
- H. the authorization for public improvements or contracts to which the town is a party;
- I. the acceptance or the making of any gift, bequest, or donation or the authorization for the same;
- J. the authorization of interlocal agreements with other units of local government;
- K. salaries and personnel administration; and
- L. matters of a temporary or special nature (such as: proclamations, etc.)

Such repeal shall not affect any offense committed, penalty incurred or right established prior to the effective date of this code.

1.01.060 Form of code. This code has been constructed to consist of separate titles, chapters and sections. Each section number shall consist of a title number separated by a decimal point and followed by the number of the chapter and section also separated by a decimal point.

1.01.070 Amendments. Any additions or amendments to this code shall be made a part hereof and shall be incorporated in this code.

Preceding the introduction of an ordinance to the Town Council which would amend, repeal or add to this code, said ordinance shall be properly written and numbered as to follow the form of this code. If an amendment or addition is passed in a form inappropriate for inclusion in this code, the Clerk-Treasurer, with the assistance of the Town Attorney if needed, shall revise said ordinance into proper form. It is the intent that by putting ordinances which are to be included in this code into proper form, said additions, amendments and repeals can be made easily accessible for reference and can be easily incorporated into this code.

1.01.080 Reference to maps, plats and plans. Any maps, plats, plans, diagrams and illustrations which are deemed impractical to publish and include in the loose-leaf binder form of this code shall be construed and held to be a part of this code where reference is made thereto. Said maps, plats, plans, diagrams and illustrations shall be available for public inspection in the town hall.

1.01.090 Publication and maintenance. This code shall be printed and published in loose-leaf binder form under the direction of the Town Attorney. The Clerk-Treasurer shall preserve two copies of this code in such form as it considered sufficient, so that said two copies will show all general ordinances enacted to date at any time.

The Clerk-Treasurer shall be aided by the Town Attorney in determining whether an ordinance or provisions of an ordinance shall be included in the code and inserted into the town's copies or whether a portion of the code has been repealed and should be removed from the code.

1.01.100 Distribution and sale. Following the enactment of this code and its publication in loose-leaf binder form, the Clerk-Treasurer shall deliver one copy to each Town Council member; one copy to the Town Attorney; two copies to the Clerk-Treasurer; one copy to the Crawford County Library; one copy to the clerk of the Crawford County Circuit Court; one copy to the Recorder of Crawford County; and one copy to the Auditor of Crawford County.

Additional copies shall be available for sale to the public at a cost price per volume as determined by the Town Council or the Clerk-Treasurer.

1.01.110 Invalidation and severability. It is not the intent of the town of English, Indiana to reinstate any ordinance provisions, by their inclusion in this code, which were previously repealed, superseded, held invalid or expired.

If any chapter, section, sentence or clause of this code shall be declared repealed or invalid, the remaining provisions of this code shall remain valid and retain such force as they had before the enactment of this code.

1.01.120 Intent. All provisions, terms and phrases included in this code shall be construed in a liberal sense so that the true intentions and meanings implied by the Town Council may be enforced.

1.01.130 Adoption and recording of code. After this code has been duly adopted by the Town Council in accordance with the procedures prescribed by Indiana statutes, the Clerk-Treasurer shall record a copy of said code with the Recorder of Crawford County and shall, additionally file a copy with the Clerk of the Circuit Court and the Auditor of Crawford County.

1.01.140 Effective date. The date of publication of this ordinance shall be the date of its recording with the Crawford County Recorder and, thirty days from the date of publication the code shall be in full force and effect.

Chapter 1.04

ELECTIVE OFFICERS

Sections:

1.04.010	Elective officers
1.04.030	Town Council
1.04.031	Election of Town Council members
1.04.032	President of the Town Council
1.04.033	Town Clerk-Treasurer as Town Council Clerk
1.04.034	Powers
1.04.035	Vote requirements to pass ordinances
1.04.036	Adoption and publication of ordinances
1.04.037	Recording of adopted ordinances
1.04.040	Clerk-Treasurer
1.04.041	Oaths, depositions and duties
1.04.042	Powers and duties

1.04.010 Elective officers. The elective officers of the Town shall be:

- A. Town Council; and
- B. Clerk-Treasurer

The officers shall be elected in accordance with state election laws. (IC 36-5-2-5 and IC 36-5-6-4)

1.04.030 Town Council. The Town Council is the town legislative body. The term of office of a member of the Town Council shall be four (4) years, beginning on January 1, after his or her election and shall continue until his successor is elected and qualified. The number of Town Council members shall increase to five members, effective January 1, 1997. (Ord. 1996-02, May 18, 1996)

1.04.031 Election of Town Council members. Elections for the positions of Town Council of English, Indiana shall be on an At Large basis and shall begin as of the time for municipal elections beginning with those had in November 5, 1991. All future elections for Town Council of English, Indiana shall be decided on an At Large basis. Terms shall be as provided in accordance with appropriate statues and ordinances controlling same. (Ord. 1996-02, S7, May 18, 1996) (Ord. 1990-02, S2 and 3, December 26, 1990)

1.04.032 President of Town Council. The Town Council shall select one (1) of its members to be its President for a definite term, which may not exceed his term of office as a member of the legislative body. The President is the town executive.

1.04.033 Town Clerk-Treasurer as Town Council Clerk. The town Clerk-Treasurer is the clerk of the Town Council.

1.04.034 Powers. The Town Council may:

- A. Adopt ordinances and resolutions for the performance of functions of the town;
- B. purchase, hold, and convey any interest in property, for the use of the town;
- C. adopt and use a common seal; and
- D. issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for payment of town debts. However, the town may not issue bonds to procure money to pay current expenses. Bonds issued are subject to the provisions of IC 5-1 and IC 6-1.1-20.

1.04.035 Vote requirements to pass ordinances. The following are the requirements to pass an ordinance:

- A. A majority vote of the legislative body is required to pass an ordinance, unless a greater vote is required by statute.
- B. To pass an ordinance on the same day or at the same meeting at which it is introduced, a two-thirds (2/3) vote, with unanimous consent of the council members present, is required.
- C. Whenever the Town Council has an even number of members for any reason the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.

1.04.036 Adoption and publication of ordinances. An ordinance, order or resolution passed by the legislative body is considered adopted when it is signed by the executive. If required by statute, an adopted ordinance, order, or resolution must be promulgated or published before it takes effect.

An ordinance prescribing a penalty for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

- A. it is published under IC 36-1-5; or
- B. it declares an emergency requiring its immediate effectiveness and is posted in one (1) public place in each district in the town.

1.04.037 Recording of adopted ordinances. Within a reasonable time after an ordinance of the Town Council is adopted, the Clerk-Treasurer shall record it in a book kept for that purpose. The record must include:

- A. the signature of the President of the Town Council;
- B. the attestation of the Clerk-Treasurer; and
- C. the date of each recorded item.

The record of a certified copy of it constitutes presumptive evidence of the adoption of the ordinance.

1.04.040 Clerk-Treasurer. The Clerk-Treasurer is both the town clerk and the town fiscal officer. The Clerk-Treasurer, who shall be elected by the qualified voters of the whole town, shall serve a four (4) year term. Said term shall begin at noon on January 1 after his or her election and continue until his or her successor is elected and qualified.

1.04.042 Powers and duties. The Clerk-Treasurer shall:

- A. receive and care for all town monies, and pay them out only on order of the Town Council;
- B. keep accounts showing when and from what sources he has received town monies, and when and to whom he has paid out town monies;
- C. file each month with the Town Council a statement showing the receipts and disbursements of the town treasury for the preceding month and the balance remaining in each town fund;
- D. keep his records open for inspection by the Town Council or a person appointed by the Town Council for that purpose;
- E. maintain custody of the town seal and the records of the Town Council;
- F. issue all licenses authorized by statute;
- G. serve as clerk of the Town Council by attending its meetings and recording its proceedings; and
- H. perform all other duties prescribed by law.

Chapter 1.08

TOWN ATTORNEY

Sections:

1.08.010 Compensation

1.08.010 Compensation. The compensation of the Town Attorney shall be fixed at \$500.00 payable annually and an hourly rate of \$85.00 per hour as needed from the appropriate funds. (Ord. 1999-01, S6, January 14, 1999) (Ord. 1997-03, S10, March 13, 1997) (Ord. 1996-01, S1, April 16, 1996) (Ord. 1995-01, S1, December 6, 1994) (Ord. 1993-10, S1, July 29, 1993) (Ord. 1988-5, July 5, 1988)

Chapter 1.10

PRE-PAYMENT OF CLAIMS AUTHORIZATION

Sections:

1.10.005 Payment of Invoices and Bills prior to Town Council Meeting **1.10.010 Certain Types of Expenses Allowed**

1.10.005 Payment of Invoices and Bills prior to Town Council Meeting. The occasion may arise when it becomes necessary to make payment of Invoices and bills prior to a Town Council meeting. (Ord. 2004-05, Whereas, Sept. 13, 2004) (Ord. 1999-03, Whereas, July 15, 1999)

1.10.010 Certain Types of Expenses Allowed. Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over allowance of the claim, the town fiscal officer may make claim payments in advance of a council allowance for the following types of expenses:

- A. Property or services purchased or leased from:
 - 1. the United States government; or
 - 2. an agency or a political subdivision of the United States government.
- B. License fees or permit fees.

- C. Insurance premiums.
- D. Utility payments or utility connection charges.
- E. Federal grant programs if:
 - 1. advance funding is not prohibited; and
 - 2. the contracting party provides sufficient security for the amount advanced.
- F. Grants of state funds authorized by statute.
- G. Maintenance expenses or service agreements.
- H. Lease agreements or rental agreements.
- I. Principal and interest payments on bonds.
- J. Payroll.
- K. Federal, state or county tax.
- L. Expenses that must be paid because of emergency circumstances.
- M. Expenses described in an ordinance.

Each payment of expenses must be supported by a fully itemized invoice or bill and certified by the fiscal officer. The Town Council has jurisdiction over the allowance of the claim and shall review and allow claim at its next regular or special meeting following the preapproved payment of expense. (IC 36-5-4-12)

All other ordinances that are inconsistent herewith are hereby repealed. (Ord. 2004-05, S1, Sept. 13, 2004) (Ord. 1999-03, S1, July 15, 1999)

Chapter 1.12

DUES AND TRAVELING EXPENSES

Sections:

- 1.12.010** **Membership in organizations and dues**
- 1.12.020** **Mileage payments**

1.12.010 Membership in organizations and dues. The town of English, Indiana may maintain membership in the following organizations:

- Indiana Association of Fire Chiefs
- American Water Works Association
- Water Pollution Control Association
- Indiana League of Municipal Clerks and Treasurers
- Indiana Association of Cities and Towns

The Clerk-Treasurer of the town of English, Indiana is authorized to pay such dues and membership fees as may be required by such organizations. (Ord. 139, S1, Aug. 2, 1977)

1.12.020 Mileage payments. Mileage, while traveling in their own motor vehicles on official business of the town, not to include travel to and from home and office, may be paid at the rate paid by the state, currently \$.22 per mile. Speedometer readings may be used only when the distance between points cannot be determined by fixed mileage or official highway map. Prior approval must be given by the Town Council before anyone can claim mileage under this chapter and sufficient funds must have been appropriated to cover the expenses. (Ord. 139, S2, Aug. 2, 1977)

Chapter 1.15

INDIANA PUBLIC EMPLOYERS' PLAN

Sections:

- 1.15.010** **Group Self-funded program**
- 1.15.020** **Membership Agreement Authorization**
- 1.15.030** **Named Authority to execute**
- 1.15.040** **Payments made by Town fiscal officer**

1.15.010 Group Self-funded program. Pursuant to IC 36-1-7 and IC 23-7-1.1, the TOWN OF ENGLISH desires to combine with other governmental entities of the State of Indiana in a group self-funded program to be known as the "Indiana Public Employers' Plan, Inc.", an Indiana not-for-profit corporation, (hereinafter referred to as "I-PEP" or the "Plan") for the purpose of paying and administrating their respective obligations to their employees and dependents under the Indiana Worker's Compensation Act (IC 22-3-2 through IC 22-3-7), the Indiana Employers' Liability Act (IC 22-3-9), hereinafter referred to as the "Acts". (Res. 2001-16, Whereas, Nov. 27, 2001)

1.15.020 Membership Agreement Authorization. The governing body of the aforesaid governmental entity of the State of Indiana, as defined by IC 34-4-16.5-2 (c), we desire to give and grant authority the below-named person to execute for and on behalf of this body a Membership Agreement with the Plan and to provide and execute such other documents as are necessary to affect membership in and the purposes of the Plan. (Res. 2001-16, Whereas, Nov. 27, 2001)

1.15.030 Named Authority to execute. Mike Benham, Council President, is hereby authorized to execute for and on behalf of this body a Membership Agreement in the Indiana Public Employers' Plan, Inc., ("Plan") and provide and execute such other documents as may be necessary to affect membership in and the purposes of the Plan. (Res. 2001-16, S1, Nov. 27, 2001)

1.15.040 Payments made by Town fiscal officer. The fiscal officer of TOWN OF ENGLISH is hereby authorized to pay or cause to be paid any and all amounts required of the Plan in order to affect membership in and the purposes of the Plan, subject to the prior appropriation of such amounts by the body. (Res. 2001-16, S2, Nov. 27, 2001)

Chapter 1.20

DEPARTMENT OF PARKS AND RECREATION

Sections:

1.20.010	Established
1.20.020	Board members
1.20.030	Terms
1.20.040	Election of officers
1.20.050	Powers and duties
1.20.060	Budget

1.20.010 Established. Under the provisions of the I.C. 36-10-3, there is hereby established a Department of Parks and Recreation composed of the Board of Parks and Recreation, a superintendent, and such other personnel as the Town Council may determine. (Ord. 02-84, S1, August 7, 1984)

1.20.020 Board members. The Board shall be composed of four (4) members, and a member of the Board of School Trustees, and the Library Board ex officio. The Present of the Town Council shall select the regular members on the basis of their interest in and knowledge of parks and recreation, but no more than two (2) members shall be of the same political party. The ex officio members shall be of the same political party. The ex officio members shall be selected by their respective Boards, and said Boards shall also fill any vacancy that may occur in the ex officio members. (Ord. 02-84, SII, August 7, 1984)

1.20.030 Terms. Upon the establishment of a Board, the terms of the members initially appointed shall be one (1), two (2), three (3), and four (4) years. The President of the Town Council, shall make his initial appointments within ninety (90) days of the adoption of this ordinance. Thereafter as a term expires, each new appointment shall be made by the President for a four (4) year term. All terms shall expire on the first Monday in January, but an appointee shall continue in office until his successor is appointed. All reappointments to the Board shall be made by the President by the first Monday in April of each year or the incumbent shall continue to serve another (4) year term. If a vacancy on the Board occurs, the President shall appoint a member for the unexpired term. (Ord. 02-84, SIII, August 7, 1984)

1.20.040 Election of Officers. At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as president of the Board during the absence or disability of the president. The Board may select a secretary either from within or without its own membership. (Ord. 02-84, SIV, August 7, 1984)

1.20.050 Powers and duties. The Board shall have the general power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are

generally understood to be park and recreation functions. In addition to all other powers necessary to achieve the general objectives of the Board, the Board shall have, for park and recreation purposes, all the powers and duties listed in I.C. 36-10-3-10 and I.C. 36-10-3-11. (Ord. 02-84, SV, August 7, 1984)

1.20.060 Budget. The Board shall prepare and submit an annual budget in the same manner as other departments of the Town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes. (Ord. 02-84, SVI, August 7, 1984)

Chapter 1.40

FAIR HOUSING

Sections:

1.40.010	Policy Statement
1.40.020	Definitions
1.40.030	Unlawful Practice
1.40.040	Discrimination in the sale or rental of housing
1.40.050	Discrimination in residential real estate related transaction
1.40.060	Discrimination in the provision of brokerage services
1.40.070	Interference, coercion, or intimidation
1.40.080	Prevention of intimidation in fair housing cases
1.40.090	Exemptions
1.40.100	Administrative enforcement of ordinances
1.40.110	Separability of provisions

1.40.010 Policy Statement. It shall be the policy of the Town of English to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and (Indiana Code 22-9.5-1 et. Seq.) (Ord. 1997-02, S1, February 13, 1997) (Ord. 1994-unnumbered, March 10, 1994)

1.40.020 Definitions. The definitions set forth in this section shall apply throughout this Chapter:

- A. “Dwelling” means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for this construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. “Family” includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection H. of this section.
- C. “Person” (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

- D. “To Rent” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- E. “Discriminatory Housing Practice” means an act that is unlawful under sections 1.40.040, 1.40.050, 1.40.060, 1.40.070, or 1.40.080 of this Chapter or (I.C. 22-9.5-5).
- F. “Handicap” means, with respect to a person:
1. A physical or mental impairment which substantially limits one or more of such person’s major life activities.
 2. A record of having such an impairment, or
 3. Being regarded as having such an impairment,
 4. An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990.
 5. Any other impairment defined under (I.C. 22-9.5-2-10).

The term “Handicap” shall not include current illegal use of or addiction to a controlled substance as defined in section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-20 (b)); nor does the term “Handicap” include an individual solely because that individual is transvestite (I.C. 22-9.5-2-10(c)).

- G. “Aggrieved Person” includes any person who (I.C. 22-9.5-2-2):
1. Claims to have been injured by a discriminatory housing practice;
or
 2. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- H. “Familial Status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
1. A parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

- I. “Commission” (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to (I.C. 22-9-1-4, et. Seq.)
- J. “Complainant” (I.C. 22-9.5-2-4) means a person including the commission, who files a complaint under (I.C. 22-9.5-6.) (Ord. 1997-02, S2, February 13, 1997) (Ordinance 1994-unnumbered, March 10,1994)

1.40.030 Unlawful Practice. Subject to the provisions of Subsection B. of this section, section 1.40.090 of this Chapter and Title (22-9.5-5-3) of Indiana Code, the prohibitions of this Chapter and Title (22-9.5-5-3) of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth title (22-9.5-5-1) of Indiana Code in Section 1.40.040 of this Chapter shall apply to:

- A. All dwellings except as exempted by Subsection B. and title (22-9.5-5-3) of Indiana Code.
- B. Other than the provisions of Subsection C. of this Section, nothing in Section 1.40.040 shall apply to:
 - 1. Any single-family house sold or rented by an owners where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:
 - (a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - (b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 1.40.040 (C.) of this Chapter but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- C. For the purposes of Subsection B., a person shall be deemed to be in the business of selling or renting dwellings if:
1. He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 3. He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families. (Ord. 1997-02, S3, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

1.40.040 Discrimination in the Sale or Rental of Housing. As made applicable by Section 1.40.030 and except as exempted by Sections 1.40.030 B. and 1.40.090 it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representatives regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

F.

1. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

- (a) that buyer or renter;
- (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (c) any person associated with that person.

2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

- (a) that person; or
- (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- (c) any person associated with that person.

3. For purposes of this subsection, discrimination includes:

- (a) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- (b) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations

may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

- (c) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that:
 - (1) The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (2) All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (3) All premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathroom walls to allow later installation of grab bars; and
 - iv. usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- 4. Compliance with the appropriate requirements Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as “Ansi A117.1”) suffices to satisfy the requirements of paragraph 3 (c) (3).
- 5. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others. (Ord. 1997-02, S4, February 13, 1997) (Ordinance 1994-unnnumbered, March 10, 1994)

1.40.050 Discrimination in residential real estate related transactions:

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- B. As used in this section, the term “residential real estate-related transaction” means any of the following:
 - 1. The making or purchasing of loans or providing other financial assistance:
 - (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (b) secured by residential real estate.
 - 2. The selling, brokering, or appraising of residential real property.
- C. Nothing in this Chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

1.40.060 Discrimination in the provision of brokerage services. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin. (Ord. 1997-02, S6, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

1.40.070 Interference, coercion, or intimidation. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 1.40.030, 1.40.040, 1.40.050 or 1.40.060 of this Chapter. (Ord. 1997-02, S7, February 13, 1997) (Ord. 1994-unnumbered, March 10, 1994)

1.40.080 Prevention of intimidation in fair housing cases. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with:

- A. Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing,

renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

- B. Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. Participating without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or
 - 2. Affording another person or class of persons opportunity or protection so to participate; or

- C. Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection A, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be penalized as provided by Federal and Indiana Statutes. (Ord. 1997-02, S8, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

1.40.090 Exemptions:

- A. Exemptions defined or set forth under Title (22-9.5-3 et. seq.) of Indiana Code shall be exempt from the provisions of this ordinance to include those activities or organizations set forth under Subsections B. and C. of this section.

- B. Nothing in this ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

C.

1. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
2. As used in this section, "Housing for older persons" means housing:
 - (a) provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (b) intended for, and solely occupied by, persons 62 years of age or older; or
 - (c) intended and operated for occupancy by at least one person 55 years of age or older per unit. (Ordinance 1997-02, S9, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

1.40.100 Administrative enforcement of ordinance.

- A. The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the commission as set forth in Subsection B. hereof shall be vested in the chief elected official of the Town of English, Indiana.
- B. Notwithstanding the provisions of (I.C. 22-9.5-4-8), the Town of English, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this ordinance, herein elects to refer all formal complaints of violation of the articles of this ordinance by complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title (22-9.5-6) of Indiana Code and the chief elected official of the Town of English, Indiana, shall refer all said complaints to the Commission as provided for under Subsection A. of this section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title (22-9.5-6) of Indiana Code.
- C. All executive departments and agencies of the Town of English, Indiana, shall administer their departments, program and activities relating to housing and urban development in a manner affirmatively to further the

purposes of this ordinance and shall cooperate with the chief elected official and the commission to further such purposes.

- D. The chief elected official of the Town of English, Indiana, or the chief elected official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information. (Ordinance 1997-02, S10, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

1.40.110 Separability of provisions. If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby. (Ordinance 1997-02, S11, February 13, 1997) (Ordinance 1994-unnumbered, March 10, 1994)

Chapter 1.42

PLAN FOR DISPERSAL OF SURPLUS LOTS

Sections:

- 1.42.010 Dispersal Plan**
- 1.42.020 Applications for land distribution**
- 1.42.030 Dwelling Construction Standards**
- 1.42.040 Land not suitable for development**
- 1.42.050 Intentions and accomplishments of the Dispersal Plan**
- 1.42.060 Exhibit A – What type of Structure are you planning to erect?**
- 1.42.070 Exhibit B – Non-Metropolitan County Income Limits**

1.42.010 Dispersal Plan. The Town of English has been holding several lots located in the Hartford Addition in the New Addition of English. It now has been 7 years since the June 7, 1990 flood which resulted in the town of English receiving a grant to purchase this property.

Several plans have been discussed to relocate persons and businesses. Since that time several different plans have been announced, changed, modified and changed again. The result at present leaves several lots that have been deeded to parties and have been left idle, not maintained and apparently no intentions of much of anything. Other lots remain in the town's name.

Leaving these lots idle does not help in the promotion of English, from either side, the private or public sector. A review of past documentation for the property results in a great maze of written and unwritten plans. To review the intent of this property one must review a meeting of July 17, 1990. Bill Powers of the Federal Emergency Management Agency prepared a goals and policies format for the Town of English. Within this memo a line item is title "Incentives for the relocation in English, Indiana", whereas Mr. Powers listed the following:

The continued existence and economic viability of the Town of English depends to a large extent on the relocation of the displaced property owners as well as location by others, to new, flood-free areas within the expanded city limits of English. It is, therefore, the policy of this program to encourage the establishment of incentives to attract both old and new residents and businesses. This may be by requiring adherence to an attractive design, adequate infrastructure, or by subsidizing of offering free lots to displaced residents.

All remaining property is to be disbursed in the Curl & Hartford Addition which was received through the original grant funds which allowed this purchase shall be disbursed subject to the following restrictions:

- A. All remaining land shall be deeded, subject to a restriction which shall require that a dwelling be constructed on the lot issued. Construction shall start within 18 months of issuance of deed and construction shall be completed within an additional 6 months.
 - 1. Manufactured Home Zoned lots, shall be restricted to a new Manufactured Home with a minimum size of 14' wide by 65' long.
- B. Prior to issuance of a restrictive deed the prospective deedholder at his/her own expense shall pay for the following expenses and shall provide the following photo copies to the Town of English:
 - 1. Prospective deed holders shall submit a photo copy of current IRS 1040 (or W 2 form only if a 1040 is not required to be filed) to the designated official, with such documents to be kept in a confidential file.
 - 2. Prospective deed holder shall have property appraised by a licensed property appraiser and shall have the appraisal reviewed by a licensed property appraiser both of which shall be licensed in the State of Indiana. Copy of appraisal and review appraisal shall be submitted to the Town of English.
 - 3. All expenses of appraiser and review appraisal shall be paid by the prospective deedholder.
 - 4. Town shall have a deed of property prepared by a licensed attorney in the State of Indiana. Within said deed will be a "Restrictive Covenant", stating construction of dwelling shall start within 18 months of the signing of property deed; failure to start construction and or complete construction within an additional 6 months shall automatically, result in the property reverting to the Town of English.
- C. All construction shall comply with the local municipal, state and federal codes, including the local zoning restrictions.
- D. Land applicant shall pay a \$250 per lot plus \$50 deed preparation fee non-refundable, management fee, which shall be deposited in the Town of English General Fund, which shall be to pay for the expenses for attorney review and management expense, etc. Management fee shall be paid by certified check or money order.
- E. Upon determination of low to moderate income status based on the Non-Metropolitan County Income limits as set annually by the U.S. Department of Housing and Urban Development, the low to moderate income

person/family shall have the cost of acquisition waived. For persons/families above the aforementioned income levels, they shall have to pay no less than the review appraisals value, and shall have the expenses of the title opinion, and appraisals, exclusively, credited against the acquisition value as set by the review appraisal value.

- F. Proceeds from the sale of said lots shall be exclusively deposited into the English Relocation/CDBG Account currently #0008-348-8 at the English State Bank and shall be utilized exclusively for CDBG-eligible activities.
- G. Approval of chosen lot will be based on the submitted written preliminary application and payment of the applicable fees. Approval will be given for the recipient to proceed with any necessary legal survey, and appraisals by the Advisory Planning Commission. Upon completion of all documentation, a deed will be signed and delivered. Once the application and preliminary plan have been approved, the management fee is non-refundable.
- H. After the initial close of the application round, for the applicants not chosen, their application fees shall be refunded within 5 days of the Planning Commission meeting. After application for land is approved and applicant is notified, the applicant shall have 10 days to withdraw application for a full refund of application management fees.
- I. The Advisory Planning Commission shall have the right to reject any proposal that is not specific and does not conform to the local ordinances and plans of the Commission as established. (Ord. 1998-07, May 14, 1998)

1.42.020 Applications for land distribution. A notice shall be published in the Clarion News and posted in 5 public places that the Town of English will accept completed applications for the provision of surplus real estate subject to deed restrictions and the establishment of residency, and shall specify the application date, time, and place.

All applications will be divided into three groups as follows:

- A. Property owners within the 100 year flood plain/flood hazard area of the Town of English, as well as residents of properties within the 100 year flood plain of the Ohio River counties wishing to relocate into the Hartford Addition, Town of English.
- B. Any resident of the Town of English wishing to relocate into the Hartford Addition.
- C. All others wishing to relocate into the Hartford Addition.

All applications shall be divided into the above mentioned three groups. Priority will be given to group A application first, group B second, and group C third. Application per group shall be lottery drawn and reviewed in accordance with the established guidelines.

Applications shall be reviewed by the English Advisory Planning Commission and awards tentatively offered. The offer shall expire after 60 days of said offer. At any time after the requirements have been met and approved by the English Planning Commission a Deed may be processed and signed by the English Town Board President with an Attestation of the Clerk-Treasurer to expedite this process.

Said deed shall be recorded by the English Clerk Treasurer at the Crawford County Court House and then the Original deed may be given to the recipient applicant. (Ord. 1998-07, May 14, 1998)

1.42.030 Dwelling construction standards.

- A. Dwelling lots shall be awarded according to the following construction standards:

Dwelling Square Footage/Maximum lot size award

- 1. Construction dwelling 1500 to 1800 square feet of living space. (Garages, 2nd story and basements are to be excluded from square footage)

1 lot Maximum
 - 2. Construct dwelling of 1800 square feet of living space. (Garages, 2nd story and basements excluded from the square footage)

1 ½ lot Maximum
 - 3. Construct dwelling cover 2000 square feet of living space.

2 lot Maximum
- B. The English Advisory Planning Commission shall serve as the review and award committee.
- C. The Clerk-Treasurer, Town Manager, Town Building Inspector, and the Indiana 15 Regional Planning Commission, English Town Council members shall serve as advisors to the committee.
- D. Application form – See Attachment “A” titled “What type of Structure are you Planning to Erect?”

- E. Non-Metropolitan County Income Limits – See Attachment “B”. (Ord. 1998-07, May 14, 1998)

1.42.040 Land not suitable for development. Whereas the Town of English owns property within the recently annexed area of English and such land has terrain that prohibits building construction of normal standards for this area; additionally said property may also be limited to no construction due to under ground utilities; and whereas the Town of English does not have the means to maintain said property. The only benefit properties could have would possibly be to owners of adjoining property owners in said Hartford and Curl Additions of English.

Whereas if ownership was allowed to transfer, the Town of English eliminates exposures of liability and maintenance expenses. The Town of English, County, and State would benefit through additional property assessed valuation.

Any person interested in obtaining such property shall submit offer in writing and said offer shall be subject to the same terms and conditions of this aforementioned land distribution plan with the exception of restrictive deed covenant. However, such property will still be subject to all local and state regulations and ordinances, as well as existing easements. (Ord. 1998-07, May 14, 1998)

1.42.050 Intentions and accomplishments of the Dispersal Plan. This disbursal plan will accomplish a number of things among them being:

- A. Give incentive for relocating, locating and residing in English.
- B. Increase the tax base revenue for the Town of English.
- C. Add additional water & sewer customers for the town’s utilities, (currently there are 23-25 lots the town owns; calculate that to an average water bill of \$20 and sewer bill of \$37.00 results in a yearly income of \$5,520 for the water company and \$10,212 for the sewer; an economic boost for the financially pressed utilities)

Our obligations are for the whole Town of English, not just the relocation; therefore to continue to hold this land in the town’s name is irresponsible on our part, to the residents of English, and the State of Indiana taxpayers whom contributed to the grant funds from which this was awarded.

The true intentions of anyone wishing to relocate have been evident. Those whom have received property have attempted to utilize them or are making plans. If someone who is entitled to relocation property truly wants one will make the effort to acquire. (they have had plenty of chances). Maybe we can’t go back and change what has been done, but we can certainly move forward in an efficient and responsible manner for English residents both now and years into the future. (Ord. 1998-07, May 14, 1998)

1.42.060 Exhibit "A" - What type of structure are you planning to erect? (be specific as possible, you may attach plans, blueprints or etc. or submit drawings on back of this form or as attachments)

Brick _____ Frame _____ Other _____
 Mobile Home _____ Modular Home _____ Year _____
 Basement _____ 1 Story _____ 1 ½ Story _____
 2 Story _____ Attached Garage _____

Other pertinent information:

Estimated Cost of Construction:

Lot(s) Desired: (please indicate lot number)

1st Choice _____
 2nd Choice _____

I (we) certify I (we) have read the guidelines for the distribution of surplus real estate property and the facts stated herein are true and accurate to the best of my (our) knowledge. I (we) do intend to follow the guidelines and fulfill my (our) obligations within the specified time period and have submitted our application/management fee of \$250 per lot requested plus a \$50 deed preparation fee, by certified check or money order payable to the Town of English. I (we) understand the fees will be refunded if I (we) are not awarded any real estate. I (we) further acknowledge that if awarded our fees are non-refundable after 10 days of notification by the Local Plan Commission.

Signature _____

Signature _____

Clerk-Treasurer acknowledgement of fees paid:

Date _____ Amount _____

Signature _____

 PLANNING COMMISSION USE ONLY

Approved _____ Denied _____ Held for Further Review _____ Date Reviewed _____
 Date Contacted _____ Survey Date _____ Appraisal _____ Delivery to Att. _____ Attorney _____
 Deed Sign by Pres. _____ Delivery to Owner _____ Date of Recording _____
 Building Permit _____ Start Construction _____ Completion Date _____

1.42.070 Exhibit “B” - Non-Metropolitan County Income Limits.

County	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Bartholomew	27,250	31,150	35,050	38,950	42,100	45,200	48,300	51,450
Benton	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Blackford	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Brown	25,400	29,050	32,700	36,300	39,200	42,150	45,050	47,950
Carroll	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Cass	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Crawford	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Daviess	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Decatur	23,050	26,350	29,650	32,950	35,600	38,250	40,850	43,500
Dubois	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Fayette	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Fountain	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Franklin	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Fulton	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Gibson	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Grant	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Greene	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Henry	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Jackson	23,400	26,750	30,100	33,450	36,100	38,800	41,450	44,150
Jasper	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Jay	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400
Jefferson	23,000	26,300	29,600	32,900	35,500	38,150	40,750	43,400

Chapter 1.45

FIXED ASSET POLICY

Sections:

- 1.45.010 Fixed Asset Limit \$5,000**
- 1.45.020 Ledger of Fixed Assets**
- 1.45.030 Items less than \$5,000**

1.45.010 Fixed Asset Limit \$5,000. The fixed asset limit is set at \$5,000. (Res. 2005-02, S1, Feb. 21, 2005)

1.45.020 Ledger of Fixed Assets. All items in excess of \$5,000 will be recorded in the appropriate Fixed Asset ledgers of the Town. (Res. 2005-02, S2, Feb. 21, 2005)

1.45.030 Items less than \$5,000. The town may its discretion list items less than \$5,000 if the items are deemed appropriate. (Res. 2005-02, S3, Feb. 21, 2005)

Chapter 1.48

HOUSING CREATION REVOLVING LOAN FUND

Sections:

- 1.48.010** **Establishment**
- 1.48.020** **Deposits**
- 1.48.030** **Expenditure of Funds**

1.48.010 Establishment. The Town of English hereby establishes an account at the English State Bank, entitled “Housing Creation Revolving Loan Fund” (HCRLF) (Resolution 1996-06, July 11, 1996)

1.48.020 Deposits. The Clerk-Treasurer is hereby authorized to establish said account and is to deposit receipts from the sale/disposition of the houses created under HD-102-014 into said account. (Resolution 1996-06, July 11, 1996)

1.48.030 Expenditure of Funds. Prior to the expenditure of any funds deposited in the HCRLF account, that the Town of English will adopt a Housing Creation Revolving Loan Fund Plan for approval by the Indiana Housing Finance Authority. (Resolution 1996-06, July 11, 1996)

Chapter 1.50

ECONOMIC DEVELOPMENT INCOME TAX (EDIT) PLAN

Sections:

- 1.50.010** **Receipt of County Economic Development Income Tax (CEDIT) dollars**
- 1.50.020** **Plan for utilization of monies**
- 1.50.030** **Repeal of previous plans**

1.50.010 Receipt of County Economic Development Income Tax (CEDIT) dollars. The Town of English receives County Economic Development Income Tax (CEDIT) dollars for local economic development activities. (Res. 2003-04, Whereas, Sept. 17, 2003) (Res. 2000-04, Whereas, May 18, 2000) (Res. 1999-16, Whereas, Dec. 30, 1999)

1.50.020 Plan for utilization of monies. The Town Council of English wishes to update its plan for furthering economic development activities and opportunities within the Town of English by utilizing the CEDIT Fund as follows:

- A. 50% of all current monies and future monies will be designated for the upgrade and improvements to the Water Utility and/or Sewage Utility.
- B. 40% of all current monies and future monies will be designated for improvements and expansion of local roads and streets to further Economic Development opportunities.
- C. 10 % of all current monies and future monies is hereby designated for recruiting and acquiring property for economic development. (Res. 2003-04, S1, Sept. 17, 2003) (Res. 2000-04, May 18, 2000) (Res. 1999-16, Dec. 30, 1999)

1.50.030 Repeal of previous plans. All previous plans and resolutions relating to the CEDIT Fund are hereby repealed and updated by the reading, approval and adoption of this resolution. (Res. 2003-04, S2, Sept. 17, 2003)

Chapter 1.55

CUMULATIVE CAPITAL DEVELOPMENT FUND

Sections:

1.55.010	Establishment of Fund
1.55.020	Property Tax Levy
1.55.030	Rate of Levy
1.55.040	Time Period of Fund
1.55.050	Use of Funds
1.55.060	Other Uses of Funds
1.55.070	Effective Date

1.55.010 Establishment of Fund. There is hereby established the English Cumulative Capital Development Fund. (Ord. 2000-06, S1, July 13, 2000)

1.55.020 Property Tax Levy. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the English Cumulative Capital Development Fund. (Ord. 2000-06, S2, July 13, 2000)

1.55.030 Rate of Levy. The maximum rate of levy under SECTION 1.55.020 will not exceed:

- A. .05 per \$100 Assessed Valuation for 2001
- B. .10 per \$100 Assessed Valuation for 2002
- C. .15 per \$100 Assessed Valuation for 2003 and thereafter. (Ord. 2000-06, S3, July 13, 2000)

1.55.040 Time Period of Fund. The English Cumulative Capital Development Fund is established until such time as the fund is rescinded. (Ord. 2000-06, S4, July 13, 2000)

1.55.050 Use of Funds. The funds accumulated in the English Cumulative Capital Development Fund will be used for capital improvements as described in IC-36-9-16-3. (Ord. 2000-06, S5, July 13, 2000)

1.55.060 Other Uses of Funds. Notwithstanding SECTION 1.55.050, funds accumulated in the English Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in SECTION 1.55.050, 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 this section only after the Town Council President issues a declaration that the public health, welfare or safety is in immediate danger that requires expenditure of money in the fund. (Ord. 2000-06, S6, July 13, 2000)

1.55.070 Effective Date. This fund takes effect upon approval of the State Board of Tax Commissioners. (Ord. 2000-06, S7, July 13, 2000)

Chapter 1.60

RAINY DAY FUND

Sections:

- 1.60.010** **Established**
- 1.60.020** **Receipt of Funds**
- 1.60.030** **Purpose**
- 1.60.040** **Subject to Appropriation Process**

1.60.010 Established. There is hereby established a English Rainy Day Fund beginning in the year 2004. (Ord. 2004-06, S1, Sept. 13, 2004)

1.60.020 Receipt of Funds. The English Rainy Day Fund may receive transfer of unused and unencumbered funds under IC 36-1-8-5 in respect to funds raised by tax levies. (Ord. 2004-06, S2, Sept. 13, 2004)

1.60.030 Purpose. The purpose of the Rainy Day Fund shall be to provide such funding as may be determined reasonable and necessary by the Town Council for the uses and purposes for which funds from the General Fund and County Economic Development Income Tax may otherwise be expended, and other purposes that may be allowed by law. (Ord. 2004-06, S3, Sept. 13, 2004)

1.60.040 Subject to Appropriation Process . The English Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax monies. Before making an appropriation, the Town Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund as required by IC 36-1-8-5.1(b). (Ord. 2004-06, S4, Sept. 13, 2004)

Chapter 1.65

NONSUFFICIENT FUNDS POLICY AND PENALTY

Sections:

- 1.65.010** **Nonsufficient Funds (Bad) Checks Prohibited**
- 1.65.020** **Penalty**

1.65.010 Non Sufficient Funds (Bad) Checks Prohibited. It shall be a violation of this for a person to issue or deliver a check, draft or an order on a credit institution for the payment of or to acquire money or other property to the Town of English knowing that it will not be paid or honored by the credit institution upon presentment in the usual course of business. (Ord. 2000-05, S1, May 18, 2000)

1.65.020 Penalty. Whoever violates any provision of this ordinance for which no specific penalty is otherwise provided, shall pay a Non-Sufficient Funds check fee to the Town of English of \$20.00 per check. Further, whoever violates any provision of this ordinance shall be prohibited from presenting any further checks to the Town of English and the Town of English may refuse to accept a check from the violator thereafter. (Ord. 2000-05, S2, May 18, 2000)

Chapter 1.75

LAW ENFORCEMENT CONTINUING EDUCATION FUND

Sections:

- 1.75.010** **Establishment**
- 1.75.020** **Disbursements**

1.75.010 Establishment. A Law Enforcement Continuing Education Fund, pursuant to IC 5-8-2, ETAL, is hereby established. (Ord. 2004-10, S1, Oct. 11, 2004)

1.75.020 Disbursements. Funds pursuant to IC 5-8-2 and IC 35-47-2-3(b), ETAL, are hereby authorized to be deposited into said Law Enforcement Continuing Education Fund. Disbursements from fund will be authorized the Town Council pursuant to IC 35-47-2-3-(B) for the continuing education of law enforcement personnel, training and education material necessary. (Ord. 2004-10, S2, Oct. 11, 2004)

Chapter 1.77

ENGLISH REUNION FESTIVAL FUND

Sections:

1.77.010	Establishment of Fund
1.77.020	Maintenance of Fund/Appropriations
1.77.030	Committee established
1.77.040	Authorized to make payments
1.77.050	Effective date

1.77.010 Establishment of Fund. An English Reunion Festival Fund is hereby established for the purpose of establishing and continuing the English Reunion Festival. (Ord. 2004-11, S1, Oct. 4, 2004)

1.77.020 Maintenance of Fund/Appropriations. The fund shall be maintained to provide for an annual Festival, with funds to be appropriated or designated for certain expenses of the festival. Appropriations shall be made from the proceeds of the General Fund and from any funds received or designated on behalf of the English Reunion Festival. (Ord. 2004-11, S2, Oct. 4, 2004)

1.77.030 Committee established. An English Reunion Festival Committee shall be established and composed of members of the English Civic Club and 3 members appointed by the town council. The Clerk-Treasurer shall serve as one member appointed by the council and serve as secretary and fiscal officer of the committee. (Ord. 2004-11, S3, Oct. 4, 2004)

1.77.040 Authorized to make payments. The Clerk-Treasurer is hereby authorized to make payments from the fund as authorized and shall make a record of all monies received and expended. (Ord. 2004-11, S4, Oct. 4, 2004)

1.77.050 Effective date. The aforementioned fund and committee is effective January 1, 2005. (Ord. 2004-11, S5, Oct. 4, 2004)