

## **CHAPTER 2: TOWN ADMINISTRATION**

### Article

- 1. TOWN CLERK-TREASURER**
- 2. TOWN ADMINISTRATOR**
- 3. SPECIFIC DEPARTMENTS, COMMISSIONS,  
OFFICES, AND BOARDS**
- 4. EMPLOYEE BENEFITS AND EMPLOYEE POLICIES**
- 5. PERSONNEL POLICY FOR THE UTILITY  
DEPARTMENTS**
- 6. POLICE DEPARTMENT RULES AND REGULATIONS**
- 7. FUNDS ESTABLISHED AND FUND PROCEDURES**
- 8. OTHER FISCAL PROCEDURES**



**ARTICLE 1: TOWN CLERK-TREASURER**

Section

- 2-1 Term of office of Clerk-Treasurer
- 2-2 Powers and duties
- 2-3 Compensation of Clerk-Treasurer
- 2-4 Deputies of Clerk-Treasurer
- 2-5 Clerk-Treasurer authorized to pay continuing expenses and obligations
- 2-6 Clerk-Treasurer's role regarding maintaining documents
- 2-7 Clerk-Treasurer's role in maintaining town accounts

**§ 2-1 TERM OF OFFICE OF CLERK-TREASURER.**

(A) The Town Clerk-Treasurer is an elected position whose term of office is for four years, beginning at 12:00 noon on January 1 after his or her election and continuing until a successor is elected and qualified.

(B) The Town Clerk-Treasurer shall be elected by the voters of the whole town.  
(1995 Code, § 2-1)

***Statutory reference:***

- Clerk-Treasurer's term of office, see I.C. 36-5-6-3*
- Election of the Clerk-Treasurer, see I.C. 36-5-6-4*

**§ 2-2 POWERS AND DUTIES.**

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

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

- (1) Receive and care for all town monies, and pay them out upon order of the Town Council;
- (2) Keep accounts of all town monies;

## Hope - Town Administration

(3) File monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;

(4) Maintain records which are open for inspection by the Town Council;

(5) Collect fines resulting from ordinance violations;

(6) Issue all licenses; and

(7) Attend all Town Council meetings and maintain a recording of its proceedings.

(C) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to I.C. 36-5-6-2. (1995 Code, § 2-2)

***Statutory reference:***

*Clerk-Treasurer's role to the legislative body (Town Council), see I.C. 36-5-2-8*

*Powers and duties of the Town Clerk-Treasurer, see I.C. 36-5-6-6*

*Clerk-Treasurer to administer oaths and related powers, see I.C. 36-5-6-5*

### § 2-3 COMPENSATION OF CLERK-TREASURER.

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

(1995 Code, § 2-3)

***Statutory reference:***

*Compensation for the Town Clerk-Treasurer, see I.C. 36-5-3-2*

### § 2-4 DEPUTIES OF CLERK-TREASURER.

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

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

(1995 Code, § 2-4)

***Statutory reference:***

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

**§ 2-5 CLERK-TREASURER AUTHORIZED TO PAY CONTINUING EXPENSES AND OBLIGATIONS.**

The Clerk-Treasurer is authorized to pay the following continuing expenses and obligations of the town previously approved by the Town Council without the necessity of processing claims for payment of each expense:

(A) Wages, social security, payroll taxes, pension, postage, scavenger fees, utility obligations, and other payroll related expenses, authorized and payable pursuant to the wage and salary ordinance and amendments thereto;

(B) Insurance premiums on insurance contracts entered into by the Town Council; and

(C) Rental payments due on leases executed by the Town Council.

(1995 Code, § 2-5) (Ord. 1995-09, passed 12-18-1995)

**§ 2-6 CLERK-TREASURER'S ROLE REGARDING MAINTAINING DOCUMENTS.**

The Clerk-Treasurer, as the legal keeper of all records of the town, shall be provided all original documents including, but not limited to, ordinances, resolutions, contracts, grants, consultant agreements, reports, studies, and shall also be provided with a copy of all correspondence pertaining to financial, budgetary, treasury, debt management, purchasing, and personnel matters. All of the above shall be retained in the office of the Clerk-Treasurer.

(1995 Code, § 2-6) (Ord. 1995-09, passed 12-18-1995)

**§ 2-7 CLERK-TREASURER'S ROLE IN MAINTAINING TOWN ACCOUNTS.**

The Clerk-Treasurer is authorized to place the town accounts in financial depositories located in Bartholomew County that are on the state's approved list.

(Ord. 2014-02, passed 4-7-2014)



## ARTICLE 2: TOWN ADMINISTRATOR

### Section

2-8 Town Administrator position established

2-9 Duties of the Town Administrator

### **§ 2-8 TOWN ADMINISTRATOR POSITION ESTABLISHED.**

(A) There is created the position of Town Administrator.

(B) The salary of the Town Administrator shall be established by ordinance of the Town Council.  
(1995 Code, § 2-8)

***Statutory reference:***

*Town Manager, see I.C. 36-5-5-1 through 36-5-5-9*

### **§ 2-9 DUTIES OF THE TOWN ADMINISTRATOR.**

This section is reserved for future legislation.  
(1995 Code, § 2-9)





**ARTICLE 3: SPECIFIC DEPARTMENTS, COMMISSIONS, OFFICES, AND BOARDS**

Section

*Division I: Generally*

2-15 Departments of the town

*Division II: Commissions*

2-20 Town Economic Development Commission

2-21 Plan Commission

*Division III: Board of Zoning Appeals*

2-28 Board of Zoning Appeals established

2-29 Qualifications of Board members

2-30 Terms of office

2-31 Vacancies

2-32 Conflict of interest

2-33 Quorum

2-34 Official action

2-35 Powers and duties

***DIVISION I: GENERALLY***

**§ 2-15 DEPARTMENTS OF THE TOWN.**

The following departments are recognized as part of the town governmental system:

(A) Department of Parks and Recreation;

(B) Police Department; and

**Hope - Town Administration**

(C) Utility Department.  
(1995 Code, § 2-15) (Ord. 1990-2, passed 9-5-1990; Ord. 1992-10, passed 7-20-1992; Ord. 1992-11, passed 7-20-1992)

***DIVISION II: COMMISSIONS*****§ 2-20 TOWN ECONOMIC DEVELOPMENT COMMISSION.**

(A) The Hope Economic Development Commission is created as authorized by I.C. 36-7-12.

(B) This section shall be in full force and effect from and after its passage.

(C) The members of the Commission shall have the authority and power, and shall conduct themselves in accordance with the aforesaid statute, as amended and supplemented from time to time.  
(1995 Code, § 2-20) (Ord. 1987-1, passed 4-20-1987)

**§ 2-21 PLAN COMMISSION.**

(A) There is established a Town Plan Commission for the town, under the authority provided in Chapter 174 of the Acts of 1947 of the State General Assembly, being I.C. 36-7-4-1 et seq., as amended.

(B) Chapter 10 of this Code addresses the Plan Commission in further detail.  
(1995 Code, § 2-21) (Ord. 1965-4, passed 10-20-1965)

***DIVISION III: BOARD OF ZONING APPEALS*****§ 2-28 BOARD OF ZONING APPEALS ESTABLISHED.**

There is established a Board of Zoning Appeals to consist of five members appointed by the President of the Town Council.  
(1995 Code, § 2-28)

**§ 2-29 QUALIFICATIONS OF BOARD MEMBERS.**

All members of the Board of Zoning Appeals must be residents of the town and two members must be members of the Town Plan Commission. No member may hold other elective or appointive office, except as permitted by this section, in municipal, county, or state government.  
(1995 Code, § 2-29)

**§ 2-30 TERMS OF OFFICE.**

(A) Members of the Board shall initially be appointed for the following terms of office:

- (1) One for a term of one year;
- (2) One for a term of two years;
- (3) One for a term of three years; and
- (4) Two for a term of four years.

(B) When an initial term of office expires, each new appointment shall be for a term of four years. Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.  
(1995 Code, § 2-30)

**§ 2-31 VACANCIES.**

If a vacancy occurs among the members of the Board, the President of the Town Council shall appoint a member for the unexpired term of the vacating member.  
(1995 Code, § 2-31)

**§ 2-32 CONFLICT OF INTEREST.**

A member of the Board of Zoning Appeals may not participate in a hearing or decision of the Board concerning a zoning matter in which he or she has a direct or indirect financial interest.  
(1995 Code, § 2-32)

**§ 2-33 QUORUM.**

A quorum consists of a majority of the entire membership of the Board of Zoning Appeals.  
(1995 Code, § 2-33)

**§ 2-34 OFFICIAL ACTION.**

Action of the Board of Zoning Appeals is not official unless it is authorized by a majority of the entire membership of the Board.

(1995 Code, § 2-34)

**§ 2-35 POWERS AND DUTIES.**

The Board of Zoning Appeals shall be subject to the requirements of and perform all of the duties and responsibilities of Boards of Zoning Appeals as set out in the Advisory Planning Law, being I.C. 36-7-4, of the state.

(1995 Code, § 2-35)

**ARTICLE 4: EMPLOYEE BENEFITS AND EMPLOYEE POLICIES**

Section

- 2-40 Compensation and salary
- 2-41 Official bonds of officers
- 2-42 Town appointments
- 2-43 Employee benefits and personal days
- 2-44 Random drug test policy

**§ 2-40 COMPENSATION AND SALARY.**

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

(1995 Code, § 2-40)

***Statutory reference:***

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

**§ 2-41 OFFICIAL BONDS OF OFFICERS.**

(A) Official bonds of officers required by I.C. 5-4-1-18, as it may be amended from time to time, shall be provided by the town.

(B) A blanket bond may be obtained to cover the faithful performance of all other employees, commission members, and persons acting on behalf of the town, so required to be covered.

(C) The bond of the Clerk-Treasurer shall be approved by the Town Council.  
(1995 Code, § 2-41)

**§ 2-42 TOWN APPOINTMENTS.**

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

**Hope - Town Administration**

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

- (1) Town Manager;
- (2) Town Attorney;
- (3) Town Engineer;
- (4) Town Marshal;
- (5) Volunteer Fire Chief; and
- (6) Other officers and employees deemed necessary.

(C) Duties shall be set forth for each position by the Town Council and applicable state law.  
(1995 Code, § 2-42)

***Statutory reference:***

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

**§ 2-43 EMPLOYEE BENEFITS AND PERSONAL DAYS.**

(A) Full time employees shall receive a paid (with the exception of \$9 per year per employee, \$13.50 for employee and dependent, \$15 for employee and spouse and \$17.50 for family) medical and dental package.

(B) Full time employees shall be allowed one paid personal day per quarter per year to be taken before the end of the following quarter in which it was earned.

(C) Salaries are set with a maximum and a minimum limit and employees may be compensated at an amount less than the maximum but not less than the minimum amount at the discretion of the supervisor and/or the Town Council. A copy of the salaries established by Ord. 1996-01 are on file in the office of the Clerk-Treasurer and available for public inspection during regular business hours.  
(1995 Code, § 2-43) (Ord. 1996-01, passed 6-19-1995)

**§ 2-44 RANDOM DRUG TEST POLICY.**

(A) (1) *Purpose.* The Town of Hope is firmly committed to the principles of public service and public safety. Substance abuse demoralizes and destroys mental thought processes and the job performance of town personnel. In order to maintain the highest level of public trust, confidence, and respect, the town must safeguard the integrity of its employees by ensuring that all personnel are free from drug use or dependence. The goal is zero tolerance.

(2) All town employees, and in particular supervisors, should be sensitive to substance abuse and be aware that other health problems also can have a debilitating effect on the employee, as well as the town. Erratic behavior may indicate a physical or neurological problem inclusive or exclusive of substance abuse indicators. All should be dealt with honestly, compassionately, and effectively.

(B) (1) *Policy.* The town's random drug testing program has been established to provide initiatives aimed at employee substance abuse prevention and employee rehabilitation as required. As a condition of continued employment, all employees must abide by the terms of this policy.

(2) A drug program manager (DPM) appointed by the Town Council will be responsible for managing the substance abuse program in a fair and impartial manner.

(3) All references to the President of the Town Council shall also include his or her designee.

(C) *Procedure.*

(1) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DRUG(S).*** Chemical agents that interact with the central or peripheral nervous system of the body to produce changes that alter the body chemistry, behavior, or thinking of the person taking the drug (includes alcohol and controlled as well as legal drugs).

***EMPLOYEE.*** All employees of the town, including merit employees and reserves. Volunteers are excluded. (Reserves are not volunteers for the purposes of this directive.)

***EMPLOYEE ASSISTANCE PROGRAM (EAP).*** A program sponsored by the town that provides confidential assessment, counseling, and referral if necessary, at no cost to employees whose personal problems, including substance abuse, are interfering with job performance.

***ILLEGAL DRUGS.*** Drugs that are not legally obtainable because they are controlled by federal or state laws; or drugs that may be legally obtainable but have been obtained illegally; or drugs that are used in a manner or for a purpose other than that allowed by law or prescribed by medical practitioners.

***SUBSTANCE ABUSE.*** The use of illegal drugs or misuse of alcohol by town employees.

***SUBSTANCE TESTING.*** An analysis by scientifically accepted procedures of a sample of blood, urine, or breath to determine the presence of chemical byproducts of drugs ingested or used by a person. Testing may be used to determine the presence of alcohol, amphetamines, phencyclidine (PCP), cannabinoids, cocaine, opiates, or their derivatives, but this listing does not limit the scope of the testing.

**Hope - Town Administration**

(2) *Scope of problem.* While this program is more concerned with the use of illegal drugs, (which includes the misuse of legal drugs), it is also recognized that employees may suffer from a problem with alcohol misuse.

(a) Employees must advise their supervisor if they are unexpectedly called to duty and feel any impairment from prescription medication or off-duty social use of alcohol. They will not be allowed to report for duty in an impaired state.

(b) As part of its substance abuse policy, the town reserves the right to conduct reasonable searches of its premises, property, workplaces, and workstations if there is reasonable suspicion to believe that an illegal substance is being stored in any of its sites.

(c) Any employee arrested and/or convicted of a criminal drug statute violation in any jurisdiction must report it within 24 hours to the President of the Town Council.

(3) *Mandatory drug testing.*

(a) *Candidates for appointment.* All candidates selected for employment with the town will undergo a substance abuse test before being offered a position. Any applicant who tests positive without a valid explanation will not be hired.

(b) *Promotions* Employees who are considered for merit promotion or appointment to higher supervisory positions are required to submit to a substance abuse test before the promotion.

(c) *Impaired employees.* Employees who report for work visibly impaired are presumed unable to perform their assigned duties and will not be allowed to work. If, in the reasonable judgment of a supervisor the person is impaired, he or she must immediately be taken to an approved medical facility by a supervisor for substance abuse testing. The person will be placed on administrative leave status pending the test results. An impaired person will not be permitted to drive. Supervisors must document such incidents and referrals and the reasons to the President of the Town Council.

(d) *Reasonable suspicion.* The President of the Town Council or his/her designee will require substance abuse tests in any case where evidence amounting to reasonable suspicion indicates substance abuse. Factors to consider include frequent absenteeism or tardiness, decline in productivity, unusual or inappropriate work related behavior, or unusual changes in behavior or performance.

(e) *Annual random testing.* Annually, 25% of all employees will be randomly selected for substance abuse testing. The tests will be conducted periodically throughout the year.

(4) *Testing procedure.*

(a) *Illegal drugs.*

1. The substance abuse tests required by this directive and chain of possession procedures will be administered as directed based on recognized standards. A copy of these guidelines will be kept on file in the Town Clerk's office.



2. Privacy and confidentiality will be assured. Test results and attendant information will be considered confidential medical records, consistent with the requirements of the Public Records Act.

3. Test results must be interpreted by a certified medical review officer (MRO). All positive results will be confirmed by an outside laboratory from the testing site. Follow-up tests at appropriate intervals will be required of employees with confirmed positive tests.

4. After testing, employees will be notified by the MRO and given an opportunity to explain a positive test result for drugs.

5. Notification of random testing will be made by the DPM. Testing will take place within the work period when notified. Persons being selected will have one hour to report to the testing site. Scheduling conflicts must and will be resolved with the President of the Town Council. The President will reconfirm the availability of those directed to the testing laboratory to avoid scheduling conflicts. (Only departmental photo ID or photo driver's license will be accepted to ensure accurate information. Other information requested by the testing laboratory will be submitted by the person to be tested.)

6. Positive test results for illegal drugs will be given only to the President. Such results will also be made available to the person tested.

(5) *Alcohol.*

(a) Employees will be required to submit to a test for alcohol when there is evidence amounting to reasonable suspicion that he or she is under the influence.

(b) The odor of an alcoholic beverage on the breath can be used as evidence to require an alcohol screening test. A follow-up Breathalyzer test must be given to confirm results of a field screening test.

(6) *Employee Assistance Program.*

(a) *Use of the EAP.* It is the responsibility of employees to seek assistance before alcohol or other substance abuse leads to job-related problems or disciplinary actions. This may be done through the Town's Employee Assistance Program (EAP) or other programs. Any supervisor may inform employees of the purpose and benefits of the EAP. The supervisor may also suggest that a person seek a voluntary referral to the EAP.

(b) *Voluntary self-referral.* Town employees may voluntarily contact the EAP or any other program for treatment. The expense for programs other than the EAP is the responsibility of the employee. If the EAP must refer an employee to another provider for treatment, it may be at the employee's expense. Medical insurance benefits may partially cover treatment. Details of the Town's

EAP program may be acquired from the Town Clerk-Treasurer. Contacts and subsequent discussions with EAP staff are confidential. After being ordered to take a substance test by the department, either for cause or as a random sample, an employee may not use a voluntary self-referral as a means to escape detection.

(c) *Formal referral.* A supervisor who has knowledge or a reasonable belief that an employee is abusing alcohol or illegal drugs must, with the approval of the president, direct the employee to the EAP for evaluation. This referral may be based on job performance related problems observed, discovered, or discussed during the supervisor's review of performance, or disciplinary counseling. Supervisors will document such referrals and the reasons. Any employee voluntarily acknowledging an alcohol or other substance abuse problem will be given a reasonable opportunity to deal with the problem. However, should an employee use, or be under the influence of an illegal drug, the employee may be terminated pursuant to the applicable procedures as required by law.

(d) *Confirmed positive.* Employees with confirmed positive tests will be directed to the EAP for assistance and be required to follow other recommendations or requirements aimed at resolving a substance abuse problem. In addition to the above, employees may face disciplinary action.

(7) *Disciplinary process.*

(a) Merit employees with a confirmed test result showing an illegal substance (e.g., cannabinoids, cocaine, or opiates) may be subject to dismissal proceedings before the Town Safety Board.

(b) Civilian employees with a confirmed test result showing an illegal substance (e.g., cannabinoids, cocaine, or opiates) may be subject to dismissal proceedings before the supervisor and Town Council.

(c) Merit employees with a confirmed test result showing a legal drug used illegally (e.g., Tylenol 3 or another person's prescription) may be suspended or dismissed as permitted by Indiana law.

(d) Civilian employees with a confirmed test result showing a legal drug used illegally (e.g., Tylenol 3 or another person's prescription) may be subject to dismissal proceedings before the supervisor and Town Council.

(e) All employees are also subject to discipline up to and including termination for any of the following:

1. Violation of the criminal drug statutes in any jurisdiction;
2. Failing to appear for drug testing as instructed;
3. Attempting to provide a false test sample; or

4. Failure to follow recommended or required treatments, or failing to successfully complete the EAP program as directed.

(8) *Information and training.*

(a) Supervisors will receive formal training and orientation about the substance abuse policy and program. The purpose of the training is to ensure fair and consistent implementation of the policy and program.

(b) All employees will receive written notice about the substance abuse policy and program. New employees will be given written notices about this policy and program as part of the employment process.

(c) Employees must read and sign an agreement form which attests that they have received a copy of the substance abuse policy and program. This completed and signed form will become part of their personnel file.

(Ord. 2013-06, passed 8-19-2013; Ord. 2013-09, passed 9-16-2013)



**ARTICLE 5: PERSONNEL POLICY FOR THE UTILITY DEPARTMENTS**

Section

*Division I: Application of Policy; Policy #1*

- 2-50 Discrimination
- 2-51 Adoption of rules and regulations

*Division II: Employee Status; Policy #2*

- 2-52 Definitions
- 2-53 Dismissal and recall rights
- 2-54 Availability of benefits
- 2-55 Residency requirements

*Division III: Employee Standards of Conduct; Policy #3*

- 2-56 Nepotism
- 2-57 Bonding
- 2-58 Other employment
- 2-59 Political campaigning
- 2-60 Gift and gratuity
- 2-61 Public relations
- 2-62 Rules and regulations
- 2-63 Documentation
- 2-63.5 Comprehensive uniform service

*Division IV: Compensation, Schedule, and Attendance; Policy #4*

- 2-64 Overtime
- 2-65 Breaks
- 2-66 Tardiness and absenteeism
- 2-66.5 Supervisor absence

*Division V: Leave of Absence; Policy #5*

- 2-67 Death
- 2-68 Jury duty
- 2-69 Military training
- 2-70 Sick leaves

*Division VI: Vacations and Holidays; Policy #6*

- 2-71 Vacations granted
- 2-72 Number of weeks
- 2-73 Accumulated vacation
- 2-74 Paid legal holidays
- 2-75 Request for vacation

*Division VII: Safety and Conduct Rules; Policy #7*

- 2-76 Violations
- 2-77 Major violations
- 2-78 Minor violations
- 2-79 Disciplinary action

***DIVISION I: APPLICATION OF POLICY; POLICY #1*****§ 2-50 DISCRIMINATION.**

(A) The Town Utility Department will not discriminate against any employee or applicant for employment because of race, sex, age, creed, or disability. All matters relating to recruitment, hiring, training, compensation, benefits, promotion, and all treatment of the job will be free from discriminatory practices.

(B) Further, the Town Utility Department recognizes the need for effective and efficient management in the delivery of municipal services for all its citizens. To achieve this level of management, the town shall seek out quality human resources and obtain the maximum effectiveness. (1995 Code, § 2-50) (Ord. 1992-10, passed 7-20-1992)

**§ 2-51 ADOPTION OF RULES AND REGULATIONS.**

(A) To accomplish this, the Town Utility Department adopts the personnel policies contained in this document. The personnel policies shall be followed and practiced by all employees of the Town Utility Department, except those specifically exempted herein.

(B) All newly hired employees shall be advised of these personnel policies and of the general conditions of their employment including administrative regulations, pay, hours of work, insurance benefits, and the responsibilities of the position during employment. (1995 Code, § 2-51) (Ord. 1992-10, passed 7-20-1992)

***DIVISION II: EMPLOYEE STATUS; POLICY #2***

**§ 2-52 DEFINITIONS.**

(A) *Permanent full-time.* Any employee who works an average of 40 hours or more per week and not considered a temporary employee will be considered a full-time employee.

(B) *Permanent part-time.* Any employee who works an average of less than 40 hours or more per week will be considered a part-time employee.

(C) *Temporary.* Any person hired to fulfill a full-time or part-time position will be considered a temporary employee until a time as a probationary period of 90 days has lapsed.  
(1995 Code, § 2-52) (Ord. 1994-11, passed 12-5-1994)

**§ 2-53 DISMISSAL AND RECALL RIGHTS.**

(A) If a full-time employee is laid off due to a reduction in force due to lack of work, completion of a project(s), or for budgetary reasons, the employee shall have recall rights to that job for a period equal to the amount of time the employee was on the job.

(B) Any employee who quits or is dismissed loses any claims to that job, any accumulated benefits and all continuous service.  
(1995 Code, § 2-53) (Ord. 1994-11, passed 12-5-1994)

**§ 2-54 AVAILABILITY OF BENEFITS.**

(A) Health care insurance shall be provided to permanent full-time employees and their dependents upon acceptance by the insurance carrier of the town.

(B) Upon completion of 90 days continuous employment with the town, permanent full-time employees will be entitled to five paid sick days per calendar year. (The days will be prorated as the calendar year runs from January 1 through December 31.)  
(1995 Code, § 2-54) (Ord. 1994-11, passed 12-5-1994)

**§ 2-55 RESIDENCY REQUIREMENTS.**

Upon becoming permanent employees of the Utility/Street Department of the town, the employees shall have 45 days to establish a legal residence within a five-mile radius of the town. It shall be the responsibility of the employee to notify the Clerk-Treasurer and his or her respective supervisor within three calendar days of any change of address or telephone number.

(1995 Code, § 2-55) (Ord. 1994-11, passed 12-5-1994)

***DIVISION III: EMPLOYEE STANDARDS OF CONDUCT; POLICY #3*****§ 2-56 NEPOTISM.**

(A) In no event will the department head employ or cause to be employed in his or her department his or her father, mother, spouse, child, brother, sister, sister-in-law, son-in-law, daughter-in-law, brother-in-law, mother-in-law, father-in-law, niece, nephew, uncle, or aunt.

(B) Relatives employed prior to the appointment of the department head shall not be subject to this section.

(1995 Code, § 2-56) (Ord. 1992-10, passed 7-20-1992)

**§ 2-57 BONDING.**

Certain positions in the town may require that an employee be bonded. If so, the town will pay the fee for the bonding.

(1995 Code, § 2-57) (Ord. 1992-10, passed 7-20-1992)

**§ 2-58 OTHER EMPLOYMENT.**

(A) If other employment is interfering with the town adversely affecting performance on the job, the employee shall be asked to resign from one place of employment.

(B) Employees having financial interest in a company or substantial investment in a corporation that conducts business or is attempting to conduct business with the town will report the holding to the Clerk-Treasurer.

(C) The financial interest on the part of an employee in a business may jeopardize future dealings with the business.

(1995 Code, § 2-58) (Ord. 1992-10, passed 7-20-1992)



**§ 2-59 POLITICAL CAMPAIGNING.**

No employee will use his or her position and/or time during normal working hours to assist in the campaign of any political candidate or issues voted on by public ballot.  
(1995 Code, § 2-59) (Ord. 1992-10, passed 7-20-1992)

**§ 2-60 GIFT AND GRATUITY.**

No employee shall accept a gift or gratuity from any individual, company, or corporation that conducts business or is attempting to conduct business with the town with the intent to control the performance of an act related to their employment or functions as a public servant.  
(1995 Code, § 2-60) (Ord. 1992-10, passed 7-20-1992)

**§ 2-61 PUBLIC RELATIONS.**

Town Utility Department employees shall be courteous and act professionally when dealing with members of the public.  
(1995 Code, § 2-61) (Ord. 1992-10, passed 7-20-1992)

**§ 2-62 RULES AND REGULATIONS.**

(A) Rules for proper conduct of employees have been established to provide a safe, orderly, and efficient place in which to work.

(B) All Town Utility Department employees will receive a copy of the conduct and safety rules of the town (contained in these personnel policies). These rules may be modified at any time to conform with current practice and legal requirements.  
(1995 Code, § 2-62) (Ord. 1992-10, passed 7-20-1992)

**§ 2-63 DOCUMENTATION.**

Any disciplinary and/or separation procedures shall be accurately documented at the time of occurrence in triplicate. The supervisor shall give a copy to the employee and the Town Clerk-Treasurer and shall retain a copy for his or her files. This documentation will protect the town and the Town Utility Department from inappropriate application of this policy.  
(1995 Code, § 2-63) (Ord. 1992-10, passed 7-20-1992)

**§ 2-63.5 COMPREHENSIVE UNIFORM SERVICE.**

(A) *Purpose.* To maintain a standardized and comprehensive uniform service, which will promote positive customer perception.

(B) *Guidelines.*

(1) All employees (except utility clerk) will be expected to wear uniforms in a safe and professional manner.

(2) All employees must wear their approved uniforms during working hours unless otherwise approved/authorized by management.

(3) Employees will keep their uniforms clean, pressed, and in good repair. Uniforms that become excessively worn or irreparable must be replaced. The town will provide services for cleaning, repair, and replacement. Place and times for drop-off and pick-up will be designated.

(4) Failure to turn in soiled uniforms for cleaning does not negate employee responsibility to wear clean pressed uniform.

(5) No uniform will be adorned with/by buttons, pins, or non-town accessory unless authorized by the Town Council.

(6) T-shirts, tank tops, and the like may not be worn over uniform shirts.

(7) Sweaters, sweatshirts, jackets, or coats may be worn over uniform shirts when weather conditions warrant. There should be no advertisements or inappropriate emblems, cartoons, slogans, and the like. No cut-off sleeves or waists on sweatshirts.

(8) Size changes will be limited to every six months.

(9) Boots/shoes (steel toe) will be furnished once a year, unless otherwise authorized by the Town Council.

(C) *Proposed process for enforcing Town Uniform Policy.*

(1) The first time that an employee is out of uniform, he or she should receive a formal counseling by his or her manager. This should be documented and dated. The employee should be notified that a future violation of the uniform policy would result in the starting of the formal correction policy. The employee should also get a recommendation to correct whatever may have caused him or her not to wear a uniform.

(2) The second time the employee is out of uniform, he or she should receive a formal counseling with his or her supervisor.

(3) The third time the employee is out of uniform, he or she should receive a written warning.

(4) The fourth time the employee is out of uniform, he or she should receive a three-day suspension.

(5) The fifth time the employee is out of uniform, he or she will be terminated from the town.

(D) *Responsibility*. It is the responsibility of the employee to ensure guidelines are met.  
(Ord. 2003-04, passed - -2003)

***DIVISION IV: COMPENSATION, SCHEDULE, AND ATTENDANCE; POLICY #4***

**§ 2-64 OVERTIME.**

(A) One and one-half times the full-time employee's regular straight-time hourly rate of pay will be paid for all hours worked over 40 in a work week and for hours worked on Saturday and Sunday if the employee has worked all regularly scheduled hours during the work week.

(B) Employees who have worked an excessive amount of overtime may be granted days off with pay at the discretion of the Council President.  
(1995 Code, § 2-64) (Ord. 1992-10, passed 7-20-1992)

***Statutory reference:***

*Fair Labor Standards Act, see 29 U.S.C. § 201*

**§ 2-65 BREAKS.**

(A) Employees of the Town Utility Department are expected to be working at their respective job during all regularly scheduled hours, or overtime hours, as directed by their supervisor and are to perform all tasks designated unless otherwise excused as provided in these rules and regulations.

(B) The length of the lunch period shall not exceed 60 minutes and shall not be compensated. The employee's supervisor shall determine when lunch break is to be taken so as not to interfere with the efficient operation of the Department.  
(1995 Code, § 2-65) (Ord. 1992-10, passed 7-20-1992)

**§ 2-66 TARDINESS AND ABSENTEEISM.**

(A) An employee unable to report to work at the scheduled starting time of his or her shift shall notify his or her immediate supervisor, prior to the start of the work day, of the reason for the tardiness and the expected time of arrival.

(B) An employee who will be absent any part of a work day due to illness or other reason shall notify his or her immediate supervisor of the reason for the absence. The supervisor will note the absence on the employee's time sheet.

(C) Failure to report according to this policy will be considered absence without authorization. Supervisors may excuse the failure to report or the absence without notification if the absence or failure to report is caused by circumstances beyond the employee's control.  
(1995 Code, § 2-66) (Ord. 1992-10, passed 7-20-1992)

#### **§ 2-66.5 SUPERVISOR ABSENCE.**

In the event that a supervisor is absent from work for any reason, it is the responsibility of the supervisor to notify the Town Council in advance of said absence.  
(Ord. 2013-07, passed 8-19-2013)

### ***DIVISION V: LEAVE OF ABSENCE; POLICY #5***

#### **§ 2-67 DEATH.**

(A) Upon the death of a full-time employee's spouse or child, an employee will receive a maximum of five calendar days pay for work lost for the purpose of attending the funeral.

(B) Upon the death of members of the full-time employee's family (mother, father, stepchildren, stepmother, stepfather, foster parents, brother, or sister), the employee shall receive a maximum of three days pay for work lost for the purpose of attending the funeral.

(C) Upon the death of the following relatives (grandparents, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, nephew, aunt, or uncle), the employee shall receive one working day paid leave for work lost for the purpose of attending the funeral.  
(1995 Code, § 2-67) (Ord. 1992-10, passed 7-20-1992)

#### **§ 2-68 JURY DUTY.**

All employees shall receive leave to serve on a jury in any federal or state court without loss of pay. An employee will be paid his or her regular salary less jury pay while serving on a jury upon delivery of the jury pay voucher to the Clerk-Treasurer's office.  
(1995 Code, § 2-68) (Ord. 1992-10, passed 7-20-1992)

**§ 2-69 MILITARY TRAINING.**

Any full-time employee who is a member of the Reserve Unit of the State National Guard or any of the Armed Forces of the United States shall be entitled to a leave of absence. This leave shall be limited to a single absence and will not exceed 15 calendar days annually.

(A) The employee shall submit a written request for the leave of absence to the Utility Supervisor and Town Council along with a copy of the military orders.

(B) An employee will not forfeit his or her regular vacation allowance to participate in part-time military training.

(C) An employee will be reimbursed for time lost because of absence for military training.  
(1995 Code, § 2-69) (Ord. 1992-10, passed 7-20-1992)

**§ 2-70 SICK LEAVES.**

(A) (1) A medical leave of absence shall be granted to any employee who becomes disabled so as to be unable to properly perform the duties of his or her job.

(2) This includes temporary medical disabilities caused by pregnancy.

(B) Full-time employees will receive five paid sick days per calendar year.

(1) Employee must notify his or her supervisor of the absence at least 30 minutes prior to his or her starting time.

(2) Sick leave can be carried forward to a maximum of 30 days.

(3) If an employee is absent from work for more than three consecutive days due to illness, a doctor's certification may be required, although a supervisor can request the certification at any time if sick leave abuse is suspected.

(1995 Code, § 2-70) (Ord. 1992-10, passed 7-20-1992)

***DIVISION VI: VACATIONS AND HOLIDAYS; POLICY #6***

**§ 2-71 VACATIONS GRANTED.**

(A) The vacation year shall be January 1 to December 31 of a calendar year.

**Hope - Town Administration**

(B) Vacations shall be paid in accordance with the following:

(1) The eligibility date for determining weeks of vacation shall be December 31 of the vacation year;

(2) An employee who is considered a full-time employee shall be eligible for vacation pay proportionally to that employee's pay and hours scheduled to work; and

(3) Part-time employees shall be considered eligible for vacation pay proportionally to that employee's pay and hours scheduled to work.

(1995 Code, § 2-71) (Ord. 1992-10, passed 7-20-1992)

**Statutory reference:**

*Vacations and compensation procedures, see I.C. 36-5-4-7*

**§ 2-72 NUMBER OF WEEKS.**

The schedule by which vacation shall be paid is:

<i>Years of Continuous Service</i>	<i>Number of Work Days Off for Vacation</i>
1	5
2	10
5	15
10	20
15	25

(1995 Code, § 2-72) (Ord. 1992-10, passed 7-20-1992)

**§ 2-73 ACCUMULATED VACATION.**

Vacations may not be waived by the employee to receive extra pay for that period, except any employee entitled to five weeks of vacation may waive the fifth week of vacation and receive the extra pay for that week. All vacation must be taken annually and cannot be accumulated from year to year.

(1995 Code, § 2-73) (Ord. 1992-10, passed 7-20-1992)

**§ 2-74 PAID LEGAL HOLIDAYS.**

(A) Full-time employees shall be paid for and not required to work the following legal holidays:

- (1) New Year's Day;
- (2) Good Friday;
- (3) Memorial Day;
- (4) Fourth of July;
- (5) Labor Day;
- (6) Thanksgiving Day;
- (7) Friday after Thanksgiving Day;
- (8) December 24; and
- (9) Christmas Day.

(B) When the above holidays fall on a Saturday, the Friday before will be observed as the holiday. When the above holidays fall on a Sunday, Monday will be observed as the holiday.

(C) When one of the above holidays falls within an eligible employee's approved vacation period and he or she are absent from work during this regularly scheduled holiday because of the vacation, he or she shall be paid for the holiday in addition to vacation pay, and may have a day off without pay adjacent to the vacation period or at a later date if approved by his or her supervisor.

(D) All of the aforementioned holiday benefits are for all eligible full-time employees.  
(1995 Code, § 2-74) (Ord. 1992-10, passed 7-20-1992)

**§ 2-75 REQUEST FOR VACATION.**

An employee must inform his or her supervisor at least one month in advance of his or her intent to take vacation or holiday leave.

(1995 Code, § 2-75) (Ord. 1992-10, passed 7-20-1992)

***DIVISION VII: SAFETY AND CONDUCT RULES; POLICY #7*****§ 2-76 VIOLATIONS.**

(A) All offenses which lead to discipline are not of the same degree of seriousness. Violations are either of a major or minor type. Major violations are of such a nature that immediate suspension or discharge is warranted even for a first offense. Minor violations must be repetitious and cumulative before time off or discharge is appropriate.

(B) In order for any group of people to work together efficiently and safely, it is necessary to have a reasonable code of personal conduct and safety. The specific objective of these rules is not to penalize or discharge employees, but to correct violations of rules and regulations, working instructions, and working habits.

(C) The following rules and regulations are noted for purposes of guidance only and are not intended to be all inclusive of the required discipline, proper standards of conduct, or obligations of town employees.

(1995 Code, § 2-76) (Ord. 1992-10, passed 7-20-1992)

**§ 2-77 MAJOR VIOLATIONS.**

(A) Major violations are violations for which immediate suspension or discharge is warranted even for a first offense.

(B) Major violations are:

- (1) Fighting, assaulting, or threatening assault on another person;
- (2) Unauthorized possession of explosives, firearms, or other weapons on town premises;
- (3) Theft of town property or the property of any person engaged in services for the town;
- (4) Possession, use, or consumption of controlled substances or intoxicants during working hours or while operating town equipment;
- (5) Intentional damage or destruction of tools, machinery, equipment, products, or other property belonging to the town;
- (6) Insubordination, including the refusal to follow a direct order to perform assigned work or to encourage others to refuse to follow a direct order to perform assigned work;
- (7) Immoral conduct, indecency, or sexual harassment;



- (8) Promotion of organized gambling, money lending schemes, or loan sharking;
  - (9) Health or safety violations and horseplay which do or could result in serious loss, damage, or personal injury;
  - (10) Carelessness or negligence which does or could result in serious loss, damage, or personal injury;
  - (11) Falsification of official records including time sheets, accident reports, and the like;
  - (12) Giving false information in making application for employment or working under an assumed name;
  - (13) Violation of laws which affect the town;
  - (14) Reporting to work in a condition unfit to perform the duties required in an alert, safe, and conscientious manner;
  - (15) Failure to report an accident resulting in damage to equipment, vehicle, or personal injury;
  - (16) Absence for three consecutive working days without notifying supervisor;
  - (17) Unauthorized sleeping during working hours;
  - (18) Conviction of a felony;
  - (19) Report off work under false or deceptive pretenses;
  - (20) Deliberate defacing of town property;
  - (21) Unauthorized use of materials, supplies, and the like; and
  - (22) Unauthorized disclosure of any confidential town information.
- (1995 Code, § 2-77) (Ord. 1992-10, passed 7-20-1992)

**§ 2-78 MINOR VIOLATIONS.**

(A) Minor violations are violations for which time off or discharge would not be appropriate on the first offense. The penalty for minor violations shall be progressive and proceed through written reprimand, disciplinary layoff, and/or discharge as appropriate.

(B) Some, but not all, of the minor violations are:

- (1) Failure to follow work instructions;
  - (2) Carelessness or negligence;
  - (3) Absenteeism, including tardiness, leaving early, and extension of lunch time or break time;
  - (4) Engaging in unauthorized activity during working hours that is not related to the employee's regular job;
  - (5) Failure to follow established procedures;
  - (6) Violation of safety rules or failure to use required safety equipment as required by O.S.H.A. standards;
  - (7) Gambling; and
  - (8) Use of abusive language.
- (1995 Code, § 2-78) (Ord. 1992-10, passed 7-20-1992)

### **§ 2-79 DISCIPLINARY ACTION.**

- (A) In the application to discipline under these rules, there shall be no distinction between offenses. Discipline shall proceed from one level to the next higher level.
- (B) The initial discipline will be a written warning with instructions.
- (C) A written warning to a disciplinary suspension.
- (D) A disciplinary suspension to a further disciplinary suspension or discharge.
- (E) Discipline shall proceed from the last disciplinary action taken against the employee.
- (1995 Code, § 2-79) (Ord. 1992-10, passed 7-20-1992)

**ARTICLE 6: POLICE DEPARTMENT RULES AND REGULATIONS**

Section

*Division I: Code of Professional Ethics*

- 2-90 Law enforcement code of ethics
- 2-91 Introduction

*Division II: Application of Policy; Policy #1*

- 2-92 Discrimination
- 2-93 Adoption of rules and regulations
- 2-94 Appointment to the Police Department

*Division III: Employee Status; Policy #2*

- 2-95 Definitions
- 2-96 Dismissal and recall rights
- 2-97 Availability of benefits

*Division IV: Administration; Policy #3*

- 2-98 Chain of command

*Division V: Responsibilities; Chapter 3; Policy #1*

- 2-99 Responsibility, officer, and civilians
- 2-100 Equal responsibility
- 2-101 Discharge of duties
- 2-102 Hours off duty
- 2-103 Relief of duty
- 2-104 Availability when on duty
- 2-105 Neighborhood disputes

*Division VI: Compensation, Scheduling, and Attendance; Chapter 3; Policy #2*

- 2-106 Overtime for civilian employees
- 2-107 Breaks
- 2-108 Tardiness and absenteeism

*Division VII: Leave of Absence; Chapter 3; Policy #3*

- 2-109 Death
- 2-110 Jury duty
- 2-111 Military training
- 2-112 Sick leaves

*Division VIII: Vacations and Holidays; Chapter 3; Policy #4*

- 2-113 Vacations granted
- 2-114 Number of weeks
- 2-115 Accumulated vacation
- 2-116 Floating holidays
- 2-117 Request for vacation
- 2-118 On leave without pay status

*Division IX: Uniform, Equipment, Appearance; Chapter 4; Policy #1*

- 2-119 Conformity
- 2-120 Wearing the uniform
- 2-121 Personal appearance
- 2-122 Physical fitness
- 2-123 Registration of equipment
- 2-124 Uniform and personal equipment damage
- 2-125 Appearance of impropriety or instability

*Division X: Employees; Standards of Conduct; Chapter 4; Policy #2*

- 2-126 Personal conduct
- 2-127 Nepotism
- 2-128 Residency
- 2-129 Bonding
- 2-130 Other employment
- 2-131 Political campaigning
- 2-132 Gift and gratuity
- 2-133 Public relations
- 2-134 Rules and regulations
- 2-135 Documentation

*Division XI: Safety and Conduct Rules; Chapter 4; Policy #3*

- 2-136 Violations
- 2-137 Major violations
- 2-138 Minor violations

2-139 Disciplinary action

*Division XII: Firearms; Chapter 5; Policy #1*

- 2-140 Purpose
- 2-141 Use of firearms
- 2-142 Procedure to be followed when a firearm is discharged (except at approved range)
- 2-143 Firearms responsibility
- 2-144 Authorized firearms and ammunition
- 2-145 Qualifications; training

*Division XIII: Vehicle Operation; Chapter 6; Policy #1*

- 2-146 Operation of vehicles
- 2-147 Violation of driving regulations
- 2-148 General use of siren/emergency lights
- 2-149 Use of siren and emergency lights when responding to a crime in progress
- 2-150 When responding to accidents
- 2-151 When blocking traffic or parking
- 2-152 Definitions; sirens and emergency lights
- 2-153 Use of siren and right-of-way conduct
- 2-154 Leaving vehicles unattended
- 2-155 Maintenance of Department vehicles
- 2-156 Use of safety belts
- 2-157 Headlights

*Division XIV: Death or Injury; Chapter 7; Policy #1*

2-158 Actions in case of death or injury

*Division XV: Complaints Against Department Members; Chapter 8; Policy #1*

- 2-161 Immediate action
- 2-162 Serious complaints
- 2-163 Failure to take proper action

*Division XVI: Communication and Correspondence; Chapter 9; Policy #1*

- 2-164 Notices
- 2-165 False reports
- 2-166 Correspondence
- 2-167 Telephone
- 2-168 Use of communication facilities

*Division XVII: Transmission of Information; General Information; Chapter 10; Policy #1*

- 2-169 Meals
- 2-170 Residential address
- 2-171 Department property and equipment
- 2-172 Surrender of Department property
- 2-173 Recovered property
- 2-174 Prisoners who need medical attention
- 2-175 Loyalty
- 2-176 Intoxicants
- 2-177 Membership in organizations
- 2-178 Political activity
- 2-179 Patriotic courtesies
- 2-180 National anthem
- 2-181 Damage to Department property or equipment by a person or persons in custody
- 2-182 Cooperation with other criminal justice agencies
- 2-183 Utilization of resources
- 2-184 Press relations
- 2-185 Prevention of crime
- 2-186 Annual public auction
- 2-187 Vacations
- 2-188 Confidential information
- 2-189 Department files and information

*Division XVIII: Acceptance of Gifts Policy; Chapter 11; Policy #1*

- 2-190 Gifts, gratuities, fees, and the like
- 2-191 Other transactions
- 2-192 Disposition of unauthorized gifts, gratuities, and the like
- 2-193 Kickbacks

*Division XIX: Other Provisions*

- 2-197 Police overtime pay for special projects

***DIVISION I: CODE OF PROFESSIONAL ETHICS*****§ 2-90 LAW ENFORCEMENT CODE OF ETHICS.**

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for members of the Town Police Department.

“As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men, women, and children to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint and be constantly mindful of the welfare of others. I will be honest in thought and deed in both personal and official life. I will be exemplary in obeying laws of the land and the regulations of the Department. Whatever I see or hear of a confidential nature of that confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise of crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without the fear of violence and never accepting gratuities.

I recognize the Badge of my office as a symbol of the law, and public faith, and I accept it as a privilege to be held as long as I am true to the ethics of the Police Service. I will constantly strive to achieve the objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.”

(1995 Code, § 2-90) (Ord. 1992-11, passed 7-20-1992)

## **§ 2-91 INTRODUCTION.**

(A) The following are the rules and regulations of the Town Police Department. These rules and regulations were formulated both upon policy of the Town Council and upon the existing state statutes at the time of their promulgation. These rules and regulations are intended to comply in all ways and manner with the statutes of the state. If after the promulgation, additional statutes are amended which contradict the rules and regulations contained herein, these rules and regulations contradicted are intended to immediately be amended to reflect the changes in state law and comply with them.

(B) In addition, these rules and regulations may be supplemented by additional rules and regulations determined to be appropriate at the discretion of the Town Marshal. Any additional rule and regulation shall be posted by the Town Marshal and all members shall be notified of it and expected to comply with it. If the rule and regulation is determined by the Town Marshal to amend or change the rules and regulations contained herein, the Town Marshal shall, as soon as reasonably available, propose to the Town Council the change and the change shall only operate until confirmed or denied by the Town Council at its next regular Council meeting.

(1995 Code, § 2-91) (Ord. 1992-11, passed 7-20-1992)

***DIVISION II: APPLICATION OF POLICY; POLICY #1*****§ 2-92 DISCRIMINATION.**

(A) The Town Police Department will not discriminate against any employee or applicant for employment because of race, sex, age, creed, or disability. All matters relating to recruitment, hiring, training, compensation, benefits, promotion, and all treatment of the job will be free from discriminatory practices.

(B) Further, the Town Police Department recognizes the need for effective and efficient management in the delivery of municipal services for all its citizens. To achieve this level of management, the town shall seek out quality human resources and obtain the maximum effectiveness. (1995 Code, § 2-92) (Ord. 1992-11, passed 7-20-1992)

**§ 2-93 ADOPTION OF RULES AND REGULATIONS.**

(A) To accomplish this, the Town Police Department adopts the rules and regulations contained in this document. The rules and regulations shall be followed and practiced by all employees of the Town Police Department except those specifically exempted herein.

(B) All newly hired employees shall be advised of these rules and regulations and of the general conditions of their employment including administrative regulations, pay, hours of work, insurance benefits, and the responsibilities of the position during employment. (1995 Code, § 2-93) (Ord. 1992-11, passed 7-20-1992)

**§ 2-94 APPOINTMENT TO THE POLICE DEPARTMENT.**

The applicant for appointment to the Town Police Department, excluding dispatchers, shall meet the following requirements.

(A) The applicant must be at least 21 years of age.

(B) The applicant must be a high school graduate as evidenced by a diploma issued by a high school accredited by the Department or agency of the state authorized to accredit high schools, or have certification of an equivalent formal education.

(C) The applicant shall possess a valid Indiana driving license within 45 days of appointment.



(D) An applicant must submit to and pass a physical examination performed by a licensed physician or surgeon. The applicant must possess an acuity of vision correctable to 20-30 or better in each eye and must have normal color vision. If applicant is appointed, he or she must submit and pass the examinations before employment commences.

(E) The applicant must be of good moral character as determined by a thorough background investigation, and, if having been a member of the armed forces, must not possess dishonorable discharge.

(F) The applicant must submit to written examination and an oral interview before the Marshal for the purpose of determining such characteristics as the applicant's appearance, background, and ability to communicate.

(G) Meet all other requirements as provided by state and federal law.

(H) State Law Enforcement Academy Town Marshal Program: an individual appointed by the Town Police Department must, as prescribed by state law, attend and graduate from the State Law Enforcement Academy. Graduation from the academy must be accomplished within a period of one year from date of appointment as per state statute.

(I) Any member who resigns from the Town Police Department for any reason shall not be reinstated at the rank and level at which he or she left. Should a former member desire to again affiliate with the Town Police Department, he or she must meet the basic requirements for appointment and go through screening and investigation procedures as stated above, in competition with all other applicants.

(J) Any individual who is appointed to the Town Police Department must read these rules and regulations and sign a verified statement that same has been read and understood prior to beginning work on the Town Police Department. Any successful applicant is charged with the knowledge and understanding of all the rules and regulations contained herein.

(1995 Code, § 2-94) (Ord. 1992-11, passed 7-20-1992)

***DIVISION III: EMPLOYEE STATUS; POLICY #2***

**§ 2-95 DEFINITIONS.**

(A) *Permanent full-time.* Any employee who works an average of 40 hours or more per week and not considered a temporary employee will be considered a full-time employee.

(B) *Permanent part-time.* Any employee who works an average of less than 40 hours or more per week will be considered a part-time employee.

(C) *Temporary*. Any person hired to fulfill a full-time or part-time position will be considered a temporary employee until a time as a probationary period of 90 days has lapsed.  
(1995 Code, § 2-95) (Ord. 1994-11, passed 12-5-1994)

#### § 2-96 DISMISSAL AND RECALL RIGHTS.

(A) If a full-time employee is laid off due to a reduction in force due to lack of work, completion of a project(s), or for budgetary reasons, the employee shall have recall rights to that job for a period equal to the amount of time the employee was on the job.

(B) Any employee who quits or is dismissed loses any claims to that job, any accumulated benefits and all continuous service.  
(1995 Code, § 2-96) (Ord. 1994-11, passed 12-5-1994)

#### § 2-97 AVAILABILITY OF BENEFITS.

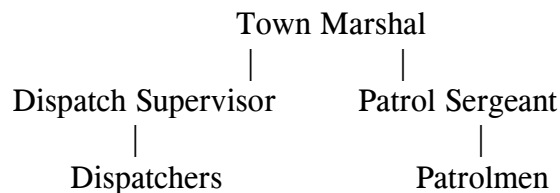
(A) Health care insurance shall be provided to permanent full-time employees and their dependents upon acceptance by the insurance carrier of the town.

(B) Upon completion of 90 days continuous employment with the town, permanent full-time employees will be entitled to five paid sick days per calendar year. (The days will be prorated as the calendar year runs from January 1 through December 31.)  
(1995 Code, § 2-97) (Ord. 1994-11, passed 12-5-1994)

### *DIVISION IV: ADMINISTRATION; POLICY #3*

#### § 2-98 CHAIN OF COMMAND.

(A) The chain of command of the Town Police Department is:



(B) In general, orders and information are expected to flow up and down the chain of command.

(C) Exceptions:

(1) In the event of the absence or unavailability of a person in a particular rank due to days off, vacation, and the like, that rank may be skipped to the next higher or lower rank to allow for functional operation of the Department.

(2) In the event of the absence or temporary unavailability of a ranking officer in a situation requiring supervision, the patrol officer with the highest seniority will assume command until relieved by a superior officer.

(3) Civilian personnel are part of the chain of command of the Police Department and will normally receive directives or instructions from a supervisor designated by the Marshal. In the event of the absence of that supervisor, the civilian member will report to a supervisor of either higher or lower rank assuming the responsibilities of the absent supervisor.  
(1995 Code, § 2-98) (Ord. 1992-11, passed 7-20-1992)

***DIVISION V: RESPONSIBILITIES; CHAPTER 3; POLICY #1***

**§ 2-99 RESPONSIBILITY, OFFICER, AND CIVILIANS.**

It shall be the responsibility of every officer and civilian to thoroughly familiarize themselves with the rules, regulations, orders, and policies of the Department and to conform to and abide by same. Each officer must have a working knowledge of all laws and ordinances in force. Officers shall observe all the laws and ordinances and render service to the town with enthusiasm, courage, discretion, and loyalty. In the event of improper action or breach of discipline, it will be presumed that the officer or civilian was familiar with the law, rule, or policy in question.  
(1995 Code, § 2-99) (Ord. 1992-11, passed 7-20-1992)

**§ 2-100 EQUAL RESPONSIBILITY.**

A civilian or officer, when assigned to duty with other officers or civilians of the Department, shall be jointly responsible for compliance with rules and regulations and the proper performance of duty.  
(1995 Code, § 2-100) (Ord. 1992-11, passed 7-20-1992)

**§ 2-101 DISCHARGE OF DUTIES.**

Officers shall discharge duties in a firm and efficient manner. Officers shall act together and assist and protect each other in the maintenance of law and order. All officers or civilians of the Department who are reluctant to properly perform their assigned duties or who act in a manner to bring discredit to

themselves or the Department, or who fail to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of duties, or whose actions or performance in a position rank or assignment are below acceptable standards may be deemed incompetent and shall be subject to dismissal from the Department.

(1995 Code, § 2-101) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-102 HOURS OFF DUTY.**

Officers and civilians of the Department shall have regular hours assigned to them for active duty by the Town Marshal subject to the approval of the Town Council, and when not engaged shall be considered "off duty"; however, they shall always be subject to duty as needed. While technically off duty, officers shall not be relieved from the responsibility of taking proper police action on any matter coming to their attention at any time. This is not to imply that off-duty officers shall concern themselves with minor regulatory or traffic ordinances and laws. Officers and civilians of the Department shall be punctual in reporting for duty at the time and place designated by superior officers. Habitual failure to report promptly at the time directed shall be deemed neglect of duty.

(1995 Code, § 2-102) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-103 RELIEF OF DUTY.**

All officers and civilians of the Department shall remain at their assignment and on duty until properly relieved by another officer or civilian or until dismissed by the Town Marshal or on-duty supervisor.

(1995 Code, § 2-103) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-104 AVAILABILITY WHEN ON DUTY.**

(A) Officers on duty shall not conceal themselves except for the furtherance of police objectives. They shall immediately respond to the lawful orders of superior officers.

(B) Although emergency calls take precedence, all calls shall be answered as soon as possible, consistent with normal safety precautions and vehicle laws.

(C) Failure to promptly answer a call for police assistance without justification shall constitute cause for disciplinary action.

(D) Except under extraordinary circumstances, or when otherwise directed by ranking officers, no officer shall fail to answer any radio call directed to him or her.

(1995 Code, § 2-104) (Ord. 1992-11, passed 7-20-1992)

**§ 2-105 NEIGHBORHOOD DISPUTES.**

Officers shall not intentionally become involved in neighborhood quarrels or disputes when off-duty. The Town Marshal's Department shall be called if police action becomes necessary.  
(1995 Code, § 2-105) (Ord. 1992-11, passed 7-20-1992)

***DIVISION VI: COMPENSATION, SCHEDULING, AND ATTENDANCE;  
CHAPTER 3; POLICY #2***

**§ 2-106 OVERTIME FOR CIVILIAN EMPLOYEES.**

(A) One and one-half times the full-time employee's regular straight-time hourly rate of pay will be paid for all hours worked over 40 in a work week and for hours worked on Saturday and Sunday if the employee has worked all regularly scheduled hours during the work week. This excludes paid Marshals or Deputies.

(B) Employees who have worked an excessive amount of overtime may be granted days off with pay at the discretion of the Town Marshal.  
(1995 Code, § 2-106) (Ord. 1992-11, passed 7-20-1992)

**§ 2-107 BREAKS.**

(A) Employees of the Town Police Department are expected to be working at their respective job during all regularly scheduled hours, or overtime hours, as directed by their supervisor or the Town Council and are to perform all tasks designated unless otherwise excused as provided in these rules and regulations.

(B) The length of the lunch period shall not exceed 60 minutes and shall not be compensated. The employee's supervisor shall determine when lunch break is to be taken so as not to interfere with the efficient operation of the Department.  
(1995 Code, § 2-107) (Ord. 1992-11, passed 7-20-1992)

**§ 2-108 TARDINESS AND ABSENTEEISM.**

(A) An employee unable to report to work at the scheduled starting time of his or her shift shall notify his or her immediate supervisor, prior to the start of the work day, of the reason for the tardiness and the expected time of arrival.

(B) An employee who will be absent any part of a work day due to illness or other reason shall notify his or her immediate supervisor of the reason for the absence. The supervisor will note the absence on the employee's time sheet.

(C) Failure to report according to this policy will be considered absence without authorization. Supervisors may excuse the failure to report or the absence without notification if the absence or failure to report is caused by circumstances beyond the employee's control.  
(1995 Code, § 2-108) (Ord. 1992-11, passed 7-20-1992)

***DIVISION VII: LEAVE OF ABSENCE; CHAPTER 3; POLICY #3***

**§ 2-109 DEATH.**

(A) Upon the death of a full-time employee's spouse or child, an employee will receive a maximum of five calendar days pay for work lost for the purpose of attending the funeral.

(B) Upon the death of members of the full-time employee's family (mother, father, stepchildren, stepmother, stepfather, foster parents, brother, or sister), the employee shall receive a maximum of three days pay for work lost for the purpose of attending the funeral.

(C) Upon the death of the following relatives (grandparents, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, nephew, aunt, or uncle), the employee shall receive one working day paid leave for work lost for the purpose of attending the funeral.  
(1995 Code, § 2-109) (Ord. 1992-11, passed 7-20-1992)

**§ 2-110 JURY DUTY.**

(A) All employees shall receive leave to serve on a jury in any federal or state court without loss of pay.

(B) An employee will be paid his or her regular salary less jury pay while serving on a jury upon delivery of the jury pay voucher to the Clerk-Treasurer's office.  
(1995 Code, § 2-110) (Ord. 1992-11, passed 7-20-1992)

**§ 2-111 MILITARY TRAINING.**

(A) Any full-time employee who is a member of the Reserve Unit of the State National Guard or any of the armed forces of the United States shall be entitled to a leave of absence.

(B) This leave shall be limited to a single absence and will not exceed 15 calendar days annually.

(1) The employee shall submit a written request for the leave of absence to the Police Supervisor and Town Council along with a copy of the military orders.

(2) An employee will not forfeit his or her regular vacation allowance to participate in part-time military training.

(3) An employee will be reimbursed for time lost because of absence for military training.  
(1995 Code, § 2-111) (Ord. 1992-11, passed 7-20-1992)

**§ 2-112 SICK LEAVES.**

(A) A medical leave of absence shall be granted to any employee who becomes disabled so as to be unable to properly perform the duties of their job. This includes temporary medical disabilities caused by pregnancy.

(B) Sick leave is to be used only for absence due to illness of the employee or illness in the immediate family of the employee requiring the employee's assistance or attention, or to avoid jeopardizing the health and welfare of other employees.

(C) Full-time employees will receive five paid sick days per calendar year.

(1) Employees must notify their supervisor of the absence at least 30 minutes prior to their starting time.

(2) Sick leave can be carried forward to a maximum of 30 days.

(3) If an employee is absent from work for more than three consecutive days due to illness, a doctor's certification may be required, although a supervisor can request the certification at any time if sick leave abuse is suspected.

(1995 Code, § 2-112) (Ord. 1992-11, passed 7-20-1992)

***DIVISION VIII: VACATIONS AND HOLIDAYS; CHAPTER 3; POLICY #4*****§ 2-113 VACATIONS GRANTED.**

The vacation year shall be January 1 to December 31 of a calendar year. Vacations shall be paid in accordance with the following.

(A) The eligibility date for determining weeks of vacation shall be December 31 of the vacation year.

(B) An employee who is considered a full-time employee shall be eligible for vacation pay proportionally to that employee's pay and hours scheduled to work.

(C) Part-time employees shall be considered eligible for vacation pay proportionally to that employee's pay and hours scheduled to work.

(1995 Code, § 2-113) (Ord. 1992-11, passed 7-20-1992)

**§ 2-114 NUMBER OF WEEKS.**

The schedule by which vacation shall be paid is:

<i>Years of Continuous Service</i>	<i>Number of Work Days Off for Vacation</i>
1	5
2	10
5	15
10	20
15	25

(1995 Code, § 2-114) (Ord. 1992-11, passed 7-20-1992)

**§ 2-115 ACCUMULATED VACATION.**

(A) Vacations may not be waived by the employee to receive extra pay for that period, except any employee entitled to three or more weeks of vacation may waive the third, fourth, and fifth week of vacation and receive the extra pay for those weeks.

(B) All vacation must be taken annually and cannot be accumulated from year to year.



(C) Waived vacation must be turned in for the pay following the pay period after November 25 of that year.

(1995 Code, § 2-115) (Ord. 1994-05, passed 4-18-1994)

**§ 2-116 FLOATING HOLIDAYS.**

Full-time Town Police Department employees shall receive nine floating holidays, to be scheduled with the approval of the Marshal.

(1995 Code, § 2-116) (Ord. 1992-11, passed 7-20-1992)

**§ 2-117 REQUEST FOR VACATION.**

An employee must inform his or her supervisor at least one month in advance of his or her intent to take vacation or holiday leave.

(1995 Code, § 2-117) (Ord. 1992-10, passed 7-20-1992)

**§ 2-118 ON LEAVE WITHOUT PAY STATUS.**

(A) Upon attaining at least 15 years of continuous employment with the town, any employee who becomes disabled so as to be unable to properly perform the duties of his or her job may be eligible, upon the written request of the employee and the approval of the Town Council, to be placed “on leave without pay” pursuant with the provisions of I.C. 5-10-8-2.2 and subsequent amendments thereof.

(B) An employee placed “on leave without pay” will continue to receive health insurance benefits for the employee and the employee’s family through the town’s group health insurance program while the employee continues “on leave without pay”.

(C) An employee placed “on leave without pay” shall have the status reviewed monthly by the Town Council to determine whether to continue the employee “on leave without pay”. In connection therewith, the employee shall, when requested, provide the Town Council with medical records or reports from the employee’s physician or health care provider.

(D) An employee who is placed “on leave without pay” may be replaced in the town’s work force and there shall be no requirement that the person be re-employed by the town, if and when the person’s disability would terminate to the extent that the person could work.

(E) The status of any employee placed “on leave without pay” shall terminate upon the happening of one of the following events:

- (1) A determination by the Town Council to discontinue the “on leave without pay” status;

**Hope - Town Administration**

- (2) A refusal by the employee to provide the Town Council with medical records or reports;
  - (3) The employee becoming employed on either a full or part-time basis with any other employer, or the employee becoming self-employed;
  - (4) The employee obtaining medicare or other health insurance benefits covering the employee and the employee's family;
  - (5) The employee obtaining a release from the employee's physician to return to his or her former employment or any other type of employment;
  - (6) In the event that the town terminates the group health insurance program for active employees; or
  - (7) The expiration of one year from the date the employee was placed "on leave without pay".
- (F) The town shall comply with all reporting requirements to the Internal Revenue Service and the State Department of Revenue with respect to all amounts expended by the town for insurance benefits for any employee placed "on leave without pay".  
(1995 Code, § 2-118) (Ord. 1995-03, passed 2-16-1995)

***DIVISION IX: UNIFORM, EQUIPMENT, APPEARANCE; CHAPTER 4; POLICY #1*****§ 2-119 CONFORMITY.**

- (A) Officers shall maintain in good order their regulation uniform.
- (B) All articles of the uniform shall conform to the uniform specifications of the Town Police Department.
- (C) The uniform is subject to inspection and approval without prior notice.
- (D) Unless otherwise directed, the uniform shall be worn by persons assigned to uniform duty when in attendance at court, inquest, hearings, and while engaging in other official police business.
- (E) The Marshal will have full discretion in prescribing the uniform for duty and special details.  
(1995 Code, § 2-119) (Ord. 1992-11, passed 7-20-1992)

**§ 2-120 WEARING THE UNIFORM.**

(A) Officers of the Department shall wear the official uniform during their tour of duty, unless otherwise directed by the Town Marshal.

(B) Civilian clothing will not be worn with any distinguishable part of the uniform.

(1) Uniform shall be kept clean, neat, and well-pressed at all times. While wearing the uniform, officers shall avoid mannerisms such as slouching, shuffling, and hand-in-the-pockets. The uniform hat shall be worn whenever out of doors, unless otherwise directed by the Town Marshal.

(2) During a period of suspension, an officer of the Department shall not wear the official uniform either in whole or in part.

(3) The wear of summer or winter uniforms shall be to each officer's choice, unless otherwise directed by the Town Marshal.

(1995 Code, § 2-120) (Ord. 1992-11, passed 7-20-1992)

**§ 2-121 PERSONAL APPEARANCE.**

(A) It shall be the duty of every officer and civilian of the Department to maintain a neat and clean appearance.

(B) Uniforms shall be kept pressed and as neat as possible at all times; leather accessories shall be kept dyed and polished, metal parts shall be shined, firearm and handcuffs kept clean and in serviceable condition.

(1) *Hair cuts.* Hair cuts shall be neat, clean and trimmed to present a groomed appearance. It shall not be of a length that it prevents the uniform hat from fitting securely on the head. Hair on the back of the head may touch but shall not extend over the shirt collar. The hair shall be groomed so that when the head is covered, the hair does not fall below the eyebrows, bunch out to the front, side, or rear of the headgear. The acceptability of a police officer's hair style will be based upon the style in which he or she chooses to wear his or her hair.

(2) *Sideburns.* Sideburns will be neatly trimmed. Sideburns will not extend below the bottom of the ear lobe, will be even width, and will end with a clean shaven horizontal line.

(3) *Moustaches.* A neatly trimmed moustache may be worn, but shall not extend over the top of the upper lip or below the corners of the mouth.

(4) *Beards.* The face will be clean shaven, other than the wearing of the acceptable moustache, sideburns, or beards. Beards will be neatly trimmed and will not be more than one inch in length. Beards must be started while on vacation.

(C) Special exceptions to these rules by the Marshal for officers on special assignments.  
(1995 Code, § 2-121) (Ord. 1992-11, passed 7-20-1992; Ord. 1994-05, passed 4-18-1994)

#### **§ 2-122 PHYSICAL FITNESS.**

Members of the Town Police Department shall, to the best of their ability, maintain themselves in good physical condition and agility sufficient to the fulfillment of their responsibilities.  
(1995 Code, § 2-122) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-123 REGISTRATION OF EQUIPMENT.**

Officers are required to register with the Department the description and serial number of all privately owned firearms, handcuffs, and other items so specified which are carried on the person.  
(1995 Code, § 2-123) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-124 UNIFORM AND PERSONAL EQUIPMENT DAMAGE.**

Any claim for damage to clothing, eyeglasses, and other personal equipment incurred in the performance of duty shall be made in accordance with Department rules.  
(1995 Code, § 2-124) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-125 APPEARANCE OF IMPROPRIETY OR INSTABILITY.**

(A) Department personnel shall avoid actions which give the appearance of impropriety.

(B) Activities on- or off-duty engaged in by Department personnel which indicate instability of character personality shall subject the officer or civilian to disciplinary action.  
(1995 Code, § 2-125) (Ord. 1992-11, passed 7-20-1992)

### ***DIVISION X: EMPLOYEES; STANDARDS OF CONDUCT; CHAPTER 4; POLICY #2***

#### **§ 2-126 PERSONAL CONDUCT.**

(A) Officers and civilians shall conduct themselves in their private and professional lives in a manner so as to avoid bringing themselves or the Department in disrepute.

(B) Officers and civilians shall treat superior officers, subordinates and associates with respect, being courteous and civil in their relationships with one another at all times.

(C) When on duty and in the presence of other officers, civilians, and the public, officers shall conform to the normal standards of courtesy.

(1995 Code, § 2-126) (Ord. 1992-11, passed 7-20-1992)

**§ 2-127 NEPOTISM.**

(A) In no event will the Department head employ or cause to be employed in his or her Department his or her father, mother, spouse, child, brother, sister, sister-in-law, son-in-law, daughter-in-law, brother-in-law, mother-in-law, father-in-law, niece, nephew, uncle, or aunt.

(B) Relatives employed prior to the appointment of the Department head shall not be subject to this section.

(1995 Code, § 2-127) (Ord. 1992-11, passed 7-20-1992)

**§ 2-128 RESIDENCY.**

(A) Upon employment, Marshals and Deputy Marshals shall have 45 days after completion of the academy and a six-month probation period to establish a legal residence within a two-mile radius of the town.

(B) These residency requirements do not apply to police dispatchers.

(C) It shall be the responsibility of the employee to notify the Clerk-Treasurer and his or her respective supervisor within three calendar days of any change of address or telephone number.

(1995 Code, § 2-128) (Ord. 1992-11, passed 7-20-1992)

**§ 2-129 BONDING.**

Certain positions in the town may require that an employee be bonded. If so, the town will pay the fee for the bonding.

(1995 Code, § 2-129) (Ord. 1992-11, passed 7-20-1992)

**§ 2-130 OTHER EMPLOYMENT.**

If other employment is interfering with the town adversely affecting performance on the job, the employee shall be asked to resign from one place of employment. Employees having financial interest in a company or substantial investment in a corporation that conducts business or is attempting to conduct

business with the town will report the holding to the Clerk-Treasurer. The financial interest on the part of an employee in a business may jeopardize future dealings with the business.

(1995 Code, § 2-130) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-131 POLITICAL CAMPAIGNING.**

No person will use his or her position and/or time during normal working hours to assist in the campaign of any political candidate or issues voted on by public ballot.

(1995 Code, § 2-131) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-132 GIFT AND GRATUITY.**

No employee shall accept a gift or gratuity from any individual, company, or corporation that conducts business or is attempting to conduct business with the town with the intent to control the performance of an act related to their employment or function of the public.

(1995 Code, § 2-132) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-133 PUBLIC RELATIONS.**

Town Police Department employees shall be courteous and act professionally when dealing with members of the public.

(1995 Code, § 2-133) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-134 RULES AND REGULATIONS.**

(A) Rules for proper conduct of employees have been established to provide a safe, orderly, and efficient place in which to work.

(B) All Town Police Department employees will receive a copy of the conduct and safety rules of the town. These rules may be modified at any time to conform with current practice and legal requirements.

(1995 Code, § 2-134) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-135 DOCUMENTATION.**

(A) Any disciplinary and/or separation procedures shall be accurately documented at the time of occurrence in triplicate.

(B) This documentation will protect the town and the Town Police Department from inappropriate application of this policy.  
(1995 Code, § 2-135) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XI: SAFETY AND CONDUCT RULES; CHAPTER 4; POLICY #3***

**§ 2-136 VIOLATIONS.**

(A) All offenses which lead to discipline are not of the same degree of seriousness. Violations are either of a major or minor type. Major violations are of such a nature that immediate suspension or discharge is warranted even for a first offense. Minor violations must be repetitious and cumulative before time off or discharge is appropriate.

(B) In order for any group of people to work together efficiently and safely, it is necessary to have a reasonable code of personal conduct and safety. The specific objective of these rules is not to penalize or discharge employees, but to correct violations of rules and regulations, working instructions, and working habits.

(C) The following rules and regulations are noted for purposes of guidance only and are not intended to be all inclusive of the required discipline, proper standards of conduct, or obligations of town employees.  
(1995 Code, § 2-136) (Ord. 1992-11, passed 7-20-1992)

**§ 2-137 MAJOR VIOLATIONS.**

(A) Major violations are violations for which immediate suspension or discharge is warranted even for a first offense.

(B) Major violations are:

- (1) Fighting, assaulting, or threatening assault on another person;
- (2) Unauthorized possession of explosives, firearms, or other weapons on town premises;
- (3) Theft of town property or the property of any person engaged in services for the town;
- (4) Possession, use, or consumption of controlled substances or intoxicants during working hours or while operating town equipment;

**Hope - Town Administration**

- (5) Intentional damage or destruction of tools, machinery, equipment, products, or other property belonging to the town;
  - (6) Insubordination, including the refusal to follow a direct order to perform assigned work or to encourage others to refuse to follow a direct order to perform assigned work;
  - (7) Immoral conduct, indecency, or sexual harassment;
  - (8) Promotion of organized gambling, money lending schemes, or loan sharking;
  - (9) Health or safety violations and horseplay which do or could result in serious loss, damage, or personal injury;
  - (10) Carelessness or negligence which does or could result in serious loss, damage, or personal injury;
  - (11) Falsification of official records including time sheets, accident reports, and the like;
  - (12) Giving false information in making application for employment or working under an assumed name;
  - (13) Violation of laws which affect the town;
  - (14) Reporting to work in a condition unfit to perform the duties required in an alert, safe, and conscientious manner;
  - (15) Failure to report an accident resulting in damage to equipment, vehicle, or personal injury;
  - (16) Absence for three consecutive working days without notifying supervisor;
  - (17) Unauthorized sleeping during working hours;
  - (18) Conviction of a felony;
  - (19) Report off work under false or deceptive pretenses;
  - (20) Deliberate defacing of town property;
  - (21) Unauthorized use of materials, supplies, and the like; and
  - (22) Unauthorized disclosure of any confidential town information.
- (1995 Code, § 2-137) (Ord. 1992-11, passed 7-20-1992)



**§ 2-138 MINOR VIOLATIONS.**

(A) Minor violations are violations for which time off or discharge would not be appropriate on the first offense. The penalty for minor violations shall be progressive and proceed through written reprimand, disciplinary layoff, and/or discharge as appropriate.

(B) Some, but not all, of the minor violations are:

(1) Failure to follow work instructions;

(2) Carelessness or negligence;

(3) Absenteeism, including tardiness, leaving early, and extension of lunch time or break time;

(4) Engaging in unauthorized activity during working hours that is not related to the employee's regular job;

(5) Failure to follow established procedures;

(6) Violation of safety rules or failure to use required safety equipment as required by O.S.H.A. standards;

(7) Gambling; and

(8) Use of abusive language.

(1995 Code, § 2-138) (Ord. 1992-11, passed 7-20-1992)

**§ 2-139 DISCIPLINARY ACTION.**

(A) In the application to discipline under these rules, there shall be no distinction between offenses.

(B) Discipline shall proceed from one level to the next higher level.

(C) The initial discipline will be a written warning with instructions. A written warning to a disciplinary suspension. A disciplinary suspension to a further disciplinary suspension or discharge.

(D) Discipline shall proceed from the last disciplinary action taken against the employee.

(1995 Code, § 2-139) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XII: FIREARMS; CHAPTER 5; POLICY #1*****§ 2-140 PURPOSE.**

The purpose of this chapter is to provide a reference to all departmental policies concerning the use, type, care, and handling of firearms by officers of the Town Police Department.  
(1995 Code, § 2-140) (Ord. 1992-11, passed 7-20-1992)

**§ 2-141 USE OF FIREARMS.**

Officers are permitted to draw/display firearms under circumstances which would cause the officer to reasonably believe that the use of the firearms is justified. The safety of citizens and fellow officers shall always be a consideration in any decision to use a firearm.  
(1995 Code, § 2-141) (Ord. 1992-11, passed 7-20-1992)

**§ 2-142 PROCEDURE TO BE FOLLOWED WHEN A FIREARM IS DISCHARGED (EXCEPT AT APPROVED RANGE).*****(A) Notification and report by member involved.***

(1) Whenever a member discharges his or her firearm, either: accidentally; or in the performance of police duty, he or she shall verbally notify the Town Marshal as soon as time and circumstances permit, but in no event later than the conclusion of his or her current tour of duty. If the Town Marshal is not on duty in his or her division at the time of the discharge, the member shall verbally notify the senior officer, follow chain of command.

(2) The member who discharged his or her firearm shall file a written report of the incident through established channels with the Marshal within 24 hours of the incident.

(3) If a member who discharged his or her firearm is hospitalized or fatally injured during the tour of duty and incapable of filing the report required in division (A)(2) above, his or her supervisor is responsible for filing as complete a report as possible pending further departmental investigation.

***(B) Investigation by a command officer.*** Each discharge of firearms shall be investigated personally by the Town Marshal. If the discharge occurs when the Town Marshal is not on duty, the ranking command officer then on duty shall personally conduct the investigation when notified that the discharge of firearms has taken place.

(1995 Code, § 2-142) (Ord. 1992-11, passed 7-20-1992)

**§ 2-143 FIREARMS RESPONSIBILITY.**

(A) *Security.*

(1) Officers are responsible for the safe and secure retention of all firearms.

(2) Officers shall ensure that firearms are safely secured away from all persons when not in use.

(B) *Lost or stolen firearms.* Officers who lose their firearms must:

(1) Initiate an incident report with a description of the firearm, serial number, and brief summary of the incident concerning the loss;

(2) Prepare a detailed inter-departmental memo to the Marshal; and

(3) The Town Marshal shall initiate an investigation concerning the loss. The findings shall be reduced to writing and forwarded to the Town Council if requested.

(C) *Altering firearms.*

(1) All officers are strictly prohibited from altering any duty or off-duty firearm in any manner, except for sight adjustment.

(2) Any modification must be approved by the Town Marshal.

(3) Only persons authorized to work on-duty or off-duty firearms shall make any type of adjustment or repair.

(D) *Shotguns; rifles.* The only shotguns and rifles authorized to be carried by members of this Department are those approved by the Town Marshal.

(1995 Code, § 2-143) (Ord. 1992-11, passed 7-20-1992)

**§ 2-144 AUTHORIZED FIREARMS AND AMMUNITION.**

(A) *On duty.*

(1) Uniform officers shall carry the departmental issued or approved revolver or automatic weapon and ammunition.

(2) Investigative and administrative personnel may carry either departmental issued or personal firearms while on duty, providing the firearm is departmentally approved, registered, and with permission of the Town Marshal.

(B) *Off duty.*

(1) The carrying of a firearm by officers is at the officer's discretion while off duty.

(2) Off-duty officers, when deciding to carry a firearm, shall be armed with a departmental issued firearm, or approved firearm, and carry it in a discrete manner.

(3) Officers must be qualified with off-duty weapon by an official range officer.

(C) *Personal firearms.*

(1) Officers wanting permission to carry an additional firearm on duty shall submit an inter-department memo to the Town Marshal with the following information:

(a) Make;

(b) Model;

(c) Caliber;

(d) Barrel length; and

(e) Serial number.

(2) Semi-automatic pistols are authorized if they meet the following qualifications:

(a) Must be quality manufactured;

(b) Must be capable of firing the first shot double action or single action;

(c) Must have a loaded capacity of not less than six rounds to include one round in the chamber; and

(d) Must have external safety that can be engaged to prevent the weapon from being fired.

(D) *Ammunition.*

(1) *Departmental firearms.*

(a) Ammunition carried by personnel of this Department shall be that ammunition issued by the Town Marshal or approved by the Town Marshal.

(b) Officers are permitted to carry extra ammunition, provided that it compares in bullet weight and configuration with the ammunition issued by the Town Marshal.

(2) *Authorized personal firearms.*

(a) Department issued or approved weapon.

(b) Officers shall use ammunition which compares in bullet weight and configuration with the ammunition issued by the Town Marshal, except for approved weapons.  
(1995 Code, § 2-144) (Ord. 1992-11, passed 7-20-1992)

**§ 2-145 QUALIFICATIONS; TRAINING.**

(A) *Shooting requirements.*

(1) Each officer be required to fire one qualifying score each year with his or her issued service weapon.

(2) Each officer be required to fire one qualifying score with his or her authorized off-duty weapon each year.

(3) Minimum qualification score is to be 210.

(4) Each officer must qualify with a duly authorized state firearms instructor.

(B) *Method of achieving requirement.* All officers will report to the range for pistol qualification or proficiency testing.

(1) Only the Town Marshal may grant an excused absence.

(2) Excused absence will be made up at a later date.

(3) Failure to fire the required number of times may result in disciplinary action.

(4) Firearms Instructor shall be considered the ranking officer while on the range.

(C) *Officer failing to fire minimum qualifications score.*

(1) Upon failure of an officer to pass the proficiency test qualifying, the range personnel shall schedule the officer to a retraining session within 30 days.

(2) Continued failure to qualify after 30 days:

(a) Officer shall be immediately suspended by the Marshal;

(b) Officer may submit a letter to Marshal showing why he or she should not be dismissed for incompetence; and

(c) Officer must prove competence or be allowed to resign, or be dismissed.

(3) All members of the Town Police Department shall meet the minimum standard of marksmanship as established by the State Law Enforcement Training Board.

(D) *Chemical agent.* An officer may carry chemical agent while on duty. The officer must be qualified and trained in this area before he or she can carry the chemical agent. The type of mace must be approved by the Marshal.

(E) *Baton.* An officer may carry a baton while on duty. The officer must be qualified and trained in this area before he or she can carry the baton. The type of baton must be approved by the Marshal. (1995 Code, § 2-145) (Ord. 1992-11, passed 7-20-1992)

### ***DIVISION XIII: VEHICLE OPERATION; CHAPTER 6; POLICY #1***

#### **§ 2-146 OPERATION OF VEHICLES.**

(A) Department vehicles shall never be used outside the county, except in accordance with duty or direct orders of the Town Marshal. No officer shall operate a departmental vehicle unless he or she has a valid operator's or chauffeur's license.

(B) Every officer of the Town Police Department is responsible for the proper use and care of the vehicle, and all accessories, equipment, and tools assigned to the vehicle. Standard equipment of vehicle is not to be changed, interchanged, altered, or removed from the vehicle unless directed by the Town Marshal.

(C) At the beginning of duty, the officer shall carefully inspect the vehicle to assure that it is in serviceable condition and is not damaged. If any defect or damage is discovered, the officer shall report it on a memo and forward it to the Town Marshal.

(D) Officers of the Town Police Department, while on duty and operating any departmental vehicle, shall not consider themselves strictly as drivers, but shall perform and assist in performing any and all police duties whenever the occasion arises.

(E) When any departmental officer is not on an emergency call, all normal safe driving practices must be observed, including rigid obedience to all traffic laws and basic rules of courtesy and safety. Courteous, intelligent driving practices are to be adopted by all Department officers. (1995 Code, § 2-146) (Ord. 1992-11, passed 7-20-1992)

**§ 2-147 VIOLATION OF DRIVING REGULATIONS.**

(A) Violations of driving regulations, whether the violations result in an accident or not, will be treated as infractions of Department regulations.

(B) Safe arrival is always to be considered paramount to reckless and hazardous response.

(C) A vehicle may never be operated in a manner or speed which is a violation of safe and prudent driving practices.

(1995 Code, § 2-147) (Ord. 1992-11, passed 7-20-1992)

**§ 2-148 GENERAL USE OF SIREN/EMERGENCY LIGHTS.**

(A) The siren will be used only in those situations where a true emergency exists or is reasonably thought to exist.

(B) Emergency lights will be used whenever the siren is used.

(C) Officers should remember that state law does not grant exemptions of vehicles using emergency lights only.

(D) The use of emergency lights without siren is a recognized means of gaining attention of other drivers and requesting right-of-way when the use of a siren is impractical or otherwise inadvisable.

(E) Since state law does not explicitly grant right-of-way to emergency vehicles using emergency lights only, the officer should exercise due caution when he or she uses this method.

(F) The officer must keep in mind that a siren can be heard by a crime perpetrator several blocks away and warn him or her off. The same is true of emergency lights at night; they may be seen several blocks away and give a criminal a chance to escape.

(1995 Code, § 2-148) (Ord. 1992-11, passed 7-20-1992)

**§ 2-149 USE OF SIREN AND EMERGENCY LIGHTS WHEN RESPONDING TO A CRIME IN PROGRESS.**

(A) When an officer is responding to an active alarm or a holdup or burglary in progress, he or she should use sound judgment in the use and operation of the siren. If the officer is tied up in traffic, he or she should exercise caution in the use of the siren and clear himself or herself of any traffic congestion. After he or she has safely cleared any traffic problem, the siren should be turned off at least five blocks from the scene of the crime activity. The emergency lights may still be used at the option of the responding officer.

(B) When responding to a crime in progress that could result or is resulting in personal injury to an individual or fellow officer, the responding officer should remember that the continued use of the siren may warn the criminal away from the scene. The officer must weigh the possibility of apprehending the suspect in the act with the need for stopping the violent act as soon as possible.  
(1995 Code, § 2-149) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-150 WHEN RESPONDING TO ACCIDENTS.**

An officer may use emergency lights and siren when his or hers is the first or second unit responding to a personal injury accident or a fatality. When responding to an accident of unknown classification, the officer should use sound judgment and weigh all the facts known to him or her, location of the accident, his or her distance from the scene, and the like, in deciding whether or not to run signal ten.  
(1995 Code, § 2-150) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-151 WHEN BLOCKING TRAFFIC OR PARKING.**

(A) Whenever an officer is using his or her unit to block traffic, the emergency light should be in use.

(B) If the vehicle is not equipped with overhead emergency lights, the emergency flashers should be used.

(C) If an officer is required to park his or her unit in a no parking zone or in a fashion that otherwise creates a hazard, the officer should use his or her emergency lights or emergency flashers as the situation dictates.  
(1995 Code, § 2-151) (Ord. 1992-11, passed 7-20-1992)

#### **§ 2-152 DEFINITIONS; SIRENS AND EMERGENCY LIGHTS.**

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACTIVE ALARM.** Any alarm, hold-up, or burglary, reported to the dispatcher either directly or through an alarm/security agency.

**MAJOR CRIME IN PROGRESS.** Any report of crime in progress that could, with some likelihood, result in injury to a citizen or officer, or in a major loss of property.

**PERSONAL INJURY ACCIDENT.** Any accident that involves injury to any person or any facility.



*SIGNAL TEN.* Responding to a call for service with emergency lights and siren on.  
(1995 Code, § 2-152) (Ord. 1992-11, passed 7-20-1992)

**§ 2-153 USE OF SIREN AND RIGHT-OF-WAY CONDUCT.**

(A) The siren will be used only in those situations where a true emergency exists or is reasonably thought to exist or where the officer is so directed by the radio dispatcher or the Town Marshal.

(B) Improper use of the siren will result in disciplinary action.

(C) Operators of Department vehicles shall give right-of-way to Fire Department apparatus, ambulances, and other life-saving equipment on emergency runs.  
(1995 Code, § 2-153) (Ord. 1992-11, passed 7-20-1992)

**§ 2-154 LEAVING VEHICLES UNATTENDED.**

(A) When it is necessary to leave a vehicle unattended and unoccupied, the vehicle should be secured, except in a case of an emergency.

(B) During inclement weather, an officer may leave his or her vehicle running. The vehicle should be secured; a spare key may be made for this purpose.  
(1995 Code, § 2-154) (Ord. 1992-11, passed 7-20-1992)

**§ 2-155 MAINTENANCE OF DEPARTMENT VEHICLES.**

Preventative maintenance shall be obtained for each unit on a systematic basis and as prescribed by current departmental practices. Each unit shall be washed on a regular basis.  
(1995 Code, § 2-155) (Ord. 1992-11, passed 7-20-1992)

**§ 2-156 USE OF SAFETY BELTS.**

Operators of departmental vehicles shall make use of lap belts and shoulder restraints while the vehicles are in motion where it does not impair their performance on duty. Operators are responsible for securing all passengers with proper restraints before vehicle is put in motion.  
(1995 Code, § 2-156) (Ord. 1992-11, passed 7-20-1992)

**§ 2-157 HEADLIGHTS.**

Headlights should be used during routine patrols between sunset and sunrise.  
(1995 Code, § 2-157) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XIV: DEATH OR INJURY; CHAPTER 7; POLICY #1*****§ 2-158 ACTIONS IN CASE OF DEATH OR INJURY.**

(A) When an officer or civilian within the Department is killed or seriously injured, requiring hospitalization, either on- or off-duty, immediate verbal notification will be made through channels to the Town Marshal and Town Council. The verbal notification shall be followed by a written report which must be submitted within 24 hours following the incident.

(B) Any officer or civilian within the Department, receiving notice of the death of an officer, civilian, or retired member, shall post it accordingly. All Town Police Department employees will be notified.

(C) The family of an officer or civilian within the Department seriously injured or killed while on duty shall be notified immediately. Notification shall be made in person unless a telephone must be used because of urgency. Notification shall be made in those instances by the Town Marshal.

(D) In cases where the injured are other than serious in nature, a written report shall be submitted within 24 hours following the incident in accordance with Department directives.

(E) Where officer and civilians within the Department involved cannot submit the required notices due to their injuries or hospitalization, all required reports shall be prepared by the investigating officer.

(F) In cases of death or injury to the Town Marshal, the Town Council President will appoint a Deputy to assume command and file the necessary reports until the Town Marshal may assume duty or be replaced.

(1995 Code, § 2-158) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XV: COMPLAINTS AGAINST DEPARTMENT MEMBERS;  
CHAPTER 8; POLICY #1***

**§ 2-161 IMMEDIATE ACTION.**

The Town Marshal shall take any immediate action as would be appropriate depending upon the nature of the complaint and current Department procedures. (No administrative action will be taken on anonymous complaints.)

(1995 Code, § 2-161) (Ord. 1992-11, passed 7-20-1992)

**§ 2-162 SERIOUS COMPLAINTS.**

If the complaint is of a serious nature, such as an officer under arrest, suspected, or charged with a crime, and the like, the officer in charge shall immediately notify the Town Marshal.

(1995 Code, § 2-162) (Ord. 1992-11, passed 7-20-1992)

**§ 2-163 FAILURE TO TAKE PROPER ACTION.**

Failure to obey the Department rules and procedures regarding the receipt and handling of complaints will be considered a serious violation of Department regulations.

(1995 Code, § 2-163) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XVI: COMMUNICATION AND CORRESPONDENCE; CHAPTER 9; POLICY #1***

**§ 2-164 NOTICES.**

Officers and civilians shall not mark, deface, or alter any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without the permission of the Town Marshal. No notices of any inflammatory or derogatory nature shall be posted at any time. Notices shall not be placed anywhere on Department property except on bulletin boards established for those purposes, unless specified by Town Marshal.

(1995 Code, § 2-164) (Ord. 1992-11, passed 7-20-1992)

**§ 2-165 FALSE REPORTS.**

No officer or civilian of the Department shall knowingly make false official reports or enter or cause to be entered in any Department book, record, or report any inaccurate, false, or improper information. (1995 Code, § 2-165) (Ord. 1992-11, passed 7-20-1992)

**§ 2-166 CORRESPONDENCE.**

Officers and civilians shall not use the Department or any Department facility as a mailing address for private or any personal purposes. The Department address shall not be used on any personal motor vehicle registration or operator's or chauffeur's license. (1995 Code, § 2-166) (Ord. 1992-11, passed 7-20-1992)

**§ 2-167 TELEPHONE.**

(A) Department telephones shall be answered promptly and conversations carried on in accordance with current procedure and courtesy. Officers and civilians shall be bound by departmental orders in conveying official Department communications by telephone outside of town.

(B) Officers and civilians are required to have telephones in the place where they reside. It is the officer's responsibility to see to it that this phone number is recorded in the Police Department and in the radio room.

(C) Changes in telephone numbers shall be reported to the Police Department's office within 24 hours of the change. (1995 Code, § 2-167) (Ord. 1992-11, passed 7-20-1992)

**§ 2-168 USE OF COMMUNICATION FACILITIES.**

No officer or civilian shall use communication facilities, including telephone, teletype, and radio of the Department for personal, social, or unofficial purposes. Use of slang, profanity, obscenity, or derogatory remarks is prohibited over Department Communications Facilities. (1995 Code, § 2-168) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XVII: TRANSMISSION OF INFORMATION; GENERAL INFORMATION;  
CHAPTER 10; POLICY #1***

**§ 2-169 MEALS.**

Officers and civilians may suspend their duties for a brief meal period to be taken as close as possible to their assigned duty areas, subject to modification by the Town Marshal. Meals shall be taken with reasonable dispatch. Meals and food or beverages shall not be obtained or consumed in private areas of back rooms or restaurants, stores, or eating establishments.

(1995 Code, § 2-169) (Ord. 1992-11, passed 7-20-1992)

**§ 2-170 RESIDENTIAL ADDRESS.**

Officers and civilians are required to report changes in address in writing to the Town Marshal, the radio room, and the Clerk-Treasurer (no later than the day the change occurs).

(1995 Code, § 2-170) (Ord. 1992-11, passed 7-20-1992)

**§ 2-171 DEPARTMENT PROPERTY AND EQUIPMENT.**

(A) Officers and civilians are responsible for the proper care of Department property and equipment assigned to them.

(B) Damaged or lost property and equipment may subject the responsible person to reimbursement charges and appropriate disciplinary action at the discretion of the Town Marshal or Town Council.

(1995 Code, § 2-171) (Ord. 1992-11, passed 7-20-1992)

**§ 2-172 SURRENDER OF DEPARTMENT PROPERTY.**

(A) Upon separation from the Department, all officers and civilians are required to surrender all Department property in their possession.

(B) Failure to return non-expendable items shall cause the individual to reimburse the Department for the fair market value of the article or articles.

(1995 Code, § 2-172) (Ord. 1992-11, passed 7-20-1992)

**§ 2-173 RECOVERED PROPERTY.**

Officers and civilians taking any property into custody in connection with their official duties shall, as soon as possible, record the property in the Department property room and place it in the designated location for the property in accordance with current Department regulations.

(1995 Code, § 2-173) (Ord. 1992-11, passed 7-20-1992)

**§ 2-174 PRISONERS WHO NEED MEDICAL ATTENTION.**

Whenever there is visible or reasonable evidence of the need for medical attention or where the prisoner claims that he or she is in need of attention, emergency medical personnel shall be contacted.

(1995 Code, § 2-174) (Ord. 1992-11, passed 7-20-1992)

**§ 2-175 LOYALTY.**

Because loyalty to the Department and to associates is an important factor in departmental morale and efficiency, officers and civilians shall maintain a loyalty to the Department and their associates which is consistent with the law and one's personal ethics.

(1995 Code, § 2-175) (Ord. 1992-11, passed 7-20-1992)

**§ 2-176 INTOXICANTS.**

No officer or civilian shall consume chemical intoxicants eight hours prior to duty, unless prescribed by a physician.

(1995 Code, § 2-176) (Ord. 1992-11, passed 7-20-1992)

**§ 2-177 MEMBERSHIP IN ORGANIZATIONS.**

Officers may participate in organizations or activities that are concerned with the improvement of law enforcement working conditions and standards. Officers may hold membership in and engage in the activity of fraternal, community, or religious organizations which do not bring disrespect upon the officer or the Department.

(1995 Code, § 2-177) (Ord. 1992-11, passed 7-20-1992)

**§ 2-178 POLITICAL ACTIVITY.**

Members of the Police Department may seek public office pursuant to the dictates of state law.

(1995 Code, § 2-178) (Ord. 1992-11, passed 7-20-1992)

**§ 2-179 PATRIOTIC COURTESY.**

During formal ceremonies, on approach of the flag, officers in uniform with hat on will face the flag and stand silently. Officers and civilians in civilian dress shall render the proper civilian honors.  
(1995 Code, § 2-179) (Ord. 1992-11, passed 7-20-1992)

**§ 2-180 NATIONAL ANTHEM.**

When the National Anthem is played, officers and civilians shall stand at attention and those in uniform shall stand silently.  
(1995 Code, § 2-180) (Ord. 1992-11, passed 7-20-1992)

**§ 2-181 DAMAGE TO DEPARTMENT PROPERTY OR EQUIPMENT BY A PERSON OR PERSONS IN CUSTODY.**

Officers and civilians are to report any damage to department property or equipment to the Town Marshal. An itemized list is to be made along with the approximate cost to replace and the list sent to the prosecutor. In the event restitution is not made for the damage through the criminal process, then the report is to be given to the Town Marshal to file with the Town Council.  
(1995 Code, § 2-181) (Ord. 1992-11, passed 7-20-1992)

**§ 2-182 COOPERATION WITH OTHER CRIMINAL JUSTICE AGENCIES.**

The Department is to maintain a close working relationship with other law enforcement agencies, and make available to them information concerning techniques and procedures developed or used by the Department. Any requests within the ability of the Town Police Department will be performed to assist any other law enforcement agency.  
(1995 Code, § 2-182) (Ord. 1992-11, passed 7-20-1992)

**§ 2-183 UTILIZATION OF RESOURCES.**

Law enforcement is one of the most expensive and complex services provided by the town. The quality and extent of services provided is necessarily limited by available resources which are, to a large extent, dependent upon the revenue sources of the community. To ensure that the highest level of services is obtained from the resources at its disposal, the Department must make use of the most efficient management and budgeting techniques available.  
(1995 Code, § 2-183) (Ord. 1992-11, passed 7-20-1992)

**§ 2-184 PRESS RELATIONS.**

Crime, its results, and efforts to combat it are matters of continuing public concern. The Department is to strive for a cooperative climate in which the news media may obtain information on matters of public interest in a manner which does not hamper police operations; however, certain information must be withheld from the news media to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

(A) Accredited members of the press are entitled to information concerning police incidents and investigations. Officers and civilians of the Department shall cooperate with newsmen by referring them to the Town Marshal. The Town Marshal is responsible for release of all information.

(B) No officer or civilian without the consent of the Town Marshal shall offer or allow his or her opinion to be utilized by the press, nor shall he or she verbally formulate Department policy which has not been issued by the Town Marshal. Any discussion with members of the press shall be confined only to the referral of the press to the Town Marshal for comment.

(1995 Code, § 2-184) (Ord. 1992-11, passed 7-20-1992)

**§ 2-185 PREVENTION OF CRIME.**

Peace and order in a free society can be achieved only through voluntary compliance with the law. Therefore, the primary responsibility for upholding the law rests not with the police, but rather with the people. That society which employs full-time professional police to deal with crime does not diminish or deny each citizen's obligation of crime prevention.

(1995 Code, § 2-185) (Ord. 1992-11, passed 7-20-1992)

**§ 2-186 ANNUAL PUBLIC AUCTION.**

The Town Marshal shall hold an annual auction each June for the purpose of disposal at public auction all confiscated and/or unclaimed articles, and the like, held by the Town Marshal's Department. All funds received from the auction shall be given to the Town Clerk-Treasurer and deposited in the General Fund. The auction shall be conducted in compliance with state law.

(1995 Code, § 2-186) (Ord. 1992-11, passed 7-20-1992)

**§ 2-187 VACATIONS.**

All vacation schedules shall be the responsibility of the Department head. A vacation request can be denied if it can be shown that a leave at that time would be overly detrimental to the efficiency of the Department. All vacation time earned must be taken during the calendar year in which it is earned.

(1995 Code, § 2-187) (Ord. 1992-11, passed 7-20-1992)



**§ 2-188 CONFIDENTIAL INFORMATION.**

(A) Officers and civilians shall treat as confidential the official business of the Department and shall not reveal police information outside the Department without the permission of the Town Marshal.

(B) Information contained in police records, other information ordinarily accessible only to officers and civilians of the Department, and names of informants, complainants, witnesses, and other persons known to the police are considered confidential and silence shall be maintained to safeguard the information.

(C) Except in the strict discharge of duty, officers or civilians shall not reveal the existence of, or any information regarding Department projects, investigations, or operations aimed at the apprehension of criminals or the control or suppression of illegal activities.

(D) Officers and civilians shall not reveal the identity, presence, activities, or description of undercover or plainclothes officers except in the strict discharge of duty.  
(1995 Code, § 2-188) (Ord. 1992-11, passed 7-20-1992)

**§ 2-189 DEPARTMENT FILES AND INFORMATION.**

Officers and civilians shall not obtain or attempt to obtain any information from Department files, sources, or reports except for official police business. Information from Department records, files, or sources obtained in the course of duty shall not be passed on to other parties outside the Department unless required by law, duty, assignment, or at the direction of the Town Marshal, after consulting with Town Attorney.  
(1995 Code, § 2-189) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XVIII: ACCEPTANCE OF GIFTS POLICY; CHAPTER 11; POLICY #1***

**§ 2-190 GIFTS, GRATUITIES, FEES, AND THE LIKE.**

Officers and civilians shall not under any circumstances solicit any gift, services, gratuity, loan, discount, fee, or anything of value where there is any connection whatsoever between the solicitation and their Department membership or duty.  
(1995 Code, § 2-190) (Ord. 1992-11, passed 7-20-1992)

**§ 2-191 OTHER TRANSACTIONS.**

Every officer and civilian is prohibited from buying or selling any service or thing of value from or to a complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to the attention or which arose out of his or her departmental employment except as may be specifically authorized by the Town Marshal. Also prohibited is entering into any financial or business transaction whatsoever with any arrestee, person under investigation or any person acting on behalf of those parties.

(1995 Code, § 2-191) (Ord. 1992-11, passed 7-20-1992)

**§ 2-192 DISPOSITION OF UNAUTHORIZED GIFTS, GRATUITIES, AND THE LIKE.**

Any unauthorized gifts, gratuities, loan, fee, reward, service, or any other thing falling into any of these categories coming into the possession of any officer or civilian shall be forwarded immediately to the Town Marshal for return or disposal.

(1995 Code, § 2-192) (Ord. 1992-11, passed 7-20-1992)

**§ 2-193 KICKBACKS.**

Officers and civilians shall not solicit or accept so-called kickbacks from individual or companies receiving business because of Department activities.

(1995 Code, § 2-193) (Ord. 1992-11, passed 7-20-1992)

***DIVISION XIX: OTHER PROVISIONS*****§ 2-197 POLICE OVERTIME PAY FOR SPECIAL PROJECTS.**

(A) Full-time paid police officers of Town Police Department and full-time administrative staff of the town will be paid at the overtime rate of \$15 per hour for special projects, when the funds are available. These funds originate from local, state, and federal grants or donations.

(B) Each project must be approved in writing by the Town Marshal and submitted to the Town Council for final approval.

(1995 Code, § 2-197) (Ord. 1994-09, passed 11-7-1994)

**ARTICLE 7: FUNDS ESTABLISHED AND FUND PROCEDURES**

Section

*Division I: General Fund Procedures*

- 2-200 Application for Promote Hope; appropriations; required
- 2-201 Town Council action required
- 2-202 Council hearing procedures
- 2-203 Decision by Town Council
- 2-204 Amount determined by Council
- 2-205 Application information
- 2-206 Council decision final
- 2-207 Waiting period for denied applications
- 2-208 Role of Clerk-Treasurer

*Division II: Non-Reverting Operating Fund for Park Purposes*

- 2-215 Non-Reverting Operating Fund for Park Purposes created
- 2-216 Expenditure procedures
- 2-217 Transfer procedures

*Division III: Special Park Non-Reverting Capital Improvement Fund*

- 2-225 Special Park Non-Reverting Capital Improvement Fund created
- 2-226 Fund procedures

*Division IV: Special Vehicle Inspection Fund*

- 2-228 Special Vehicle Inspection Fund created
- 2-229 Expenditures from Fund

*Division V: Cumulative Capital Development Fund*

- 2-231 Cumulative Capital Development Fund re-established
- 2-232 Ad valorem property tax levy
- 2-233 Maximum rate of levy

- 2-234 Term of Fund
- 2-235 Statutory authority
- 2-236 Fund purposes

***Division VI: Cash Reserve Fund for Water Utility***

- 2-238 Cash Reserve Fund
- 2-239 Surplus earnings defined
- 2-240 Authorization for loans to other utilities
- 2-241 Loan terms
- 2-242 Restrictions

***Division VII: Other Funds***

- 2-244 Motor Vehicle Highway Fund (MVH)
- 2-245 Local Road and Street Fund (LRS)
- 2-246 Miscellaneous funds continued
- 2-247 Law Enforcement Continuing Education Fund
- 2-248 Rainy Day Fund

***Cross-reference:***

*Unsafe Building Fund, see § 7-113*

***DIVISION I: GENERAL FUND PROCEDURES***

**§ 2-200 APPLICATION FOR PROMOTE HOPE; APPROPRIATIONS; REQUIRED.**

Any person, corporation, or other legal entity may, by written application to the Town Council request monies from the Promote Hope Appropriations for any activity, project, or endeavor intended for the promotion of the town, or its citizens, organizations, or activities.

(1995 Code, § 2-200) (Ord. 1994-06, passed 7-5-1994)

**§ 2-201 TOWN COUNCIL ACTION REQUIRED.**

Written applications requesting proceeds from the Promote Hope appropriations will be considered by the Town Council within 30 days of the date of receipt of the application. The Town Clerk-Treasurer shall advise the applicant of the date and time of the Town Council meeting at which the application will be considered. The applicant may appear before the Town Council on that date and time to address the merits of the applicant's request.

(1995 Code, § 2-201) (Ord. 1994-06, passed 7-5-1994)

**§ 2-202 COUNCIL HEARING PROCEDURES.**

At the hearing of the Town Council on the applicant's request, the applicant may supplement his, her, or its application by means of verbal testimony, written exhibits or other information as it deems appropriate. The Town Council may, in its discretion, request that the applicant provide additional information concerning the applicant's request and may continue the hearing until a time as it, in its sole discretion, believes that it has received adequate information to enable it to reach a decision on the applicant's request.

(1995 Code, § 2-202) (Ord. 1994-06, passed 7-5-1994)

**§ 2-203 DECISION BY TOWN COUNCIL.**

Following the hearing, the Town Council, in its sole discretion, shall determine whether the applicant's request should be approved in whole or in part, or denied.

(1995 Code, § 2-203) (Ord. 1994-06, passed 7-5-1994)

**§ 2-204 AMOUNT DETERMINED BY COUNCIL.**

In the event that the application is approved, the Town Council, in its sole discretion, shall determine the amount of money which should be granted to the applicant from the Promote Hope Appropriations.

(1995 Code, § 2-204) (Ord. 1994-06, passed 7-5-1994)

**§ 2-205 APPLICATION INFORMATION.**

In order to be eligible to receive funds from the Promote Hope appropriations, an application should involve an idea, activity, event, or concept which promotes the town by providing for the development of the town; providing assistance to its organizations or citizens; providing for improvement of the environment or quality of life; promoting the protection of the health, safety, and general welfare of the town and its citizens, or other areas which would provide a direct economic or other benefit to the town and its citizens.

(1995 Code, § 2-205) (Ord. 1994-06, passed 7-5-1994)

**§ 2-206 COUNCIL DECISION FINAL.**

The Town Council shall be the sole authority regarding the approval or disapproval of applications and any decision in that regard by the Town Council shall be final and non-appealable.

(1995 Code, § 2-206) (Ord. 1994-06, passed 7-5-1994)

**§ 2-207 WAITING PERIOD FOR DENIED APPLICATIONS.**

Any application which is denied by the Town Council may not be resubmitted for consideration by the Council for a period of 12 months from the date of its original submission.  
(1995 Code, § 2-207) (Ord. 1994-06, passed 7-5-1994)

**§ 2-208 ROLE OF CLERK-TREASURER.**

In the event that an application is approved, in whole or in part, no warrant or check may be drawn in payment of the application until the request has been itemized and properly certified to the Town Clerk-Treasurer by the claimant and approved for final payment by the Town Council.  
(1995 Code, § 2-208) (Ord. 1994-06, passed 7-5-1994)

***DIVISION II: NON-REVERTING OPERATING FUND FOR PARK PURPOSES*****§ 2-215 NON-REVERTING OPERATING FUND FOR PARK PURPOSES CREATED.**

There is created a Special Non-Reverting Operating Fund for Park Purposes, as authorized by I.C. 36-10-3-22.

(A) Monies in the form of fees from various activities from major facilities shall be deposited once per month into a local financial institution and shall be receipted at least once each month with the Town Clerk-Treasurer.

(B) Monies received in the form of fees other than from major facilities or received from the sale of surplus property shall be deposited at least once per month in a local financial institution and shall be receipted at least once each month with the Town Clerk-Treasurer.  
(1995 Code, § 2-215) (Ord. 1993-04, passed 8-23-1993)

**§ 2-216 EXPENDITURE PROCEDURES.**

(A) Expenditures may be made from this fund to pay approved claims.

(B) Expenditures may only be made if previously appropriated by the Town Council.

(C) For purposes of this section, a claim, to be approved, must have been reviewed and allowed by the Town Council and signed by the President and Secretary, or Council member(s) authorized to act on behalf of the President and/or Secretary of the Council.  
(1995 Code, § 2-216) (Ord. 1993-04, passed 8-23-1993)

**§ 2-217 TRANSFER PROCEDURES.**

At the end of the year, the Clerk-Treasurer shall, if directed by the Town Council, transfer all or a portion of any surplus monies in this fund to the Town General Fund.  
(1995 Code, § 2-217) (Ord. 1993-04, passed 8-23-1993)

***DIVISION III: SPECIAL PARK NON-REVERTING CAPITAL IMPROVEMENT FUND***

**§ 2-225 SPECIAL PARK NON-REVERTING CAPITAL IMPROVEMENT FUND CREATED.**

Under the provisions of I.C. 36-10-3-20, there is created a special Park Non-Reverting Capital Improvement Fund for the purpose of making capital improvements in the parks located within the town.  
(1995 Code, § 2-225) (Ord. 1991-12, passed 10-7-1991)

**§ 2-226 FUND PROCEDURES.**

The fund shall be cumulative fund and all of the monies deposited in the fund shall be appropriated and used solely for that purpose, and none of the money shall revert to the General Fund or be used for any purposes other than same without additional ordinance of the Town Council.  
(1995 Code, § 2-226) (Ord. 1991-12, passed 10-7-1991)

***DIVISION IV: SPECIAL VEHICLE INSPECTION FUND***

**§ 2-228 SPECIAL VEHICLE INSPECTION FUND CREATED.**

(A) There is established a Special Vehicle Inspection Fund, into which the revenues of motor vehicle inspection fees shall be deposited by the Town Clerk-Treasurer.

(B) A separate depository account is not required for the deposit of the fees.  
(1995 Code, § 2-228) (Ord. 1988-7, passed 9-6-1988)

**§ 2-229 EXPENDITURES FROM FUND.**

(A) The Special Vehicle Inspection Fund may only be expended, after appropriation, for law enforcement purposes.

(B) All expenditures from the Special Vehicle Inspection Fund shall be processed, appropriated, claimed, and allowed in the same manner as other claims of the town.  
(1995 Code, § 2-229) (Ord. 1988-7, passed 9-6-1988)

***DIVISION V: CUMULATIVE CAPITAL DEVELOPMENT FUND***

**§ 2-231 CUMULATIVE CAPITAL DEVELOPMENT FUND RE-ESTABLISHED.**

There is re-established the Town Cumulative Capital Development Fund.  
(1995 Code, § 2-231) (Ord. 1993-02, passed 7-19-1993)

**§ 2-232 AD VALOREM PROPERTY TAX LEVY.**

An ad valorem property tax levy will be imposed, and the revenues from the levy will be retained in the Hope Cumulative Capital Development Fund to be used for those purposes described herein.  
(1995 Code, § 2-232) (Ord. 1993-02, passed 7-19-1993)

**§ 2-233 MAXIMUM RATE OF LEVY.**

The maximum rate of levy as provided in § 2-74 will not exceed \$0.15 per \$100 assessed valuation.  
(1995 Code, § 2-233) (Ord. 1993-02, passed 7-19-1993)

**§ 2-234 TERM OF FUND.**

The Hope Cumulative Capital Development Fund is re-established for the years 1994, 1995, and 1996.  
(1995 Code, § 2-234) (Ord. 1993-02, passed 7-19-1993)

**§ 2-235 STATUTORY AUTHORITY.**

The funds accumulated in the Hope Cumulative Development Fund will be used for those purposes authorized by I.C. 36-8-4, Cumulative Firefighting, Building, Equipment, Police Radio Fund; I.C. 36-9-16, Cumulative Building or Sinking Fund, Cumulative Capital Improvement Fund; I.C. 36-9-16.5, Cumulative Street Fund; I.C. 36-9-17, General Improvement Fund; I.C. 36-9-26, Cumulative Building Fund for Municipal Sewers; I.C. 36-9-27-100, Cumulative Drainage Fund; I.C. 36-10-3-21, Cumulative Building Fund for Parks and for other purposes as may be authorized by I.C. 36-9-15.5-2.  
(1995 Code, § 2-235) (Ord. 1993-02, passed 7-19-1993)



**§ 2-236 FUND PURPOSES.**

(A) Notwithstanding § 2-77, funds accumulated in the Hope Cumulative Development Fund may be spent for purposes other than stated in § 2-77 if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or if the purpose is to make a contribution to a multiple county infrastructure authority established under I.C. 36-7-23.

(B) Money may be spent under the authority under this section only after the Town Council President approves the same.

(1995 Code, § 2-236) (Ord. 1993-02, passed 7-19-1993)

***DIVISION VI: CASH RESERVE FUND FOR WATER UTILITY*****§ 2-238 CASH RESERVE FUND.**

It is established that the town water utilities shall maintain a Cash Reserve Fund and the Clerk-Treasurer shall provide for monthly contributions and transfers to the Cash Reserve Fund from surplus earning of the town water utility.

(1995 Code, § 2-238) (Ord. 1989-8, passed 7-24-1989)

**§ 2-239 SURPLUS EARNINGS DEFINED.**

***SURPLUS EARNINGS*** are those cash earnings remaining after provision has been made to take care of current obligations, including: operating expenses; depreciation or replacement fund; bond and interest sinking fund; retirement fund; or any other priority fund requirements fixed by law.

(1995 Code, § 2-239) (Ord. 1989-8, passed 7-24-1989)

**§ 2-240 AUTHORIZATION FOR LOANS TO OTHER UTILITIES.**

The Town Council is authorized to make loans from the Cash Reserve Fund to other municipal utilities owned by the town pursuant to I.C. 8-1.5-3-11.

(1995 Code, § 2-240) (Ord. 1989-8, passed 7-24-1989)

**§ 2-241 LOAN TERMS.**

(A) Loans made to other municipal utilities owned by the town from the Cash Reserve Fund of the town water utility may be made for a period of time not to exceed five years, at any interest rate established by the Town Council at the time the loan is made.

(B) Any repayment of a loan made hereunder with interest shall be returned to the Cash Reserve Fund of the town water utility.

(1995 Code, § 2-241) (Ord. 1989-8, passed 7-24-1989)

#### **§ 2-242 RESTRICTIONS.**

Any restrictions on transfers of funds from the Cash Reserve Fund to the town, General Fund or to other municipal utilities owned by the town shall be governed by any bond ordinance, resolution, indenture, contract under I.C. 8-1-2.2 or similar instrument binding upon the town water utility and any other regulations established by state statute.

(1995 Code, § 2-242) (Ord. 1989-8, passed 7-24-1989)

### ***DIVISION VII: OTHER FUNDS***

#### **§ 2-244 MOTOR VEHICLE HIGHWAY FUND (MVH).**

The Motor Vehicle Highway Fund (MVH) shall receive state funds and be used for expenditures authorized by I.C. 8-14-1-1 et seq.

(1995 Code, § 2-244)

#### **§ 2-245 LOCAL ROAD AND STREET FUND (LRS).**

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

(I.C. 8-14-2-1 et seq.) (1995 Code, § 2-245)

#### **§ 2-246 MISCELLANEOUS FUNDS CONTINUED.**

The following funds are continued in effect. Each shall be funded and operated in accordance with all statutory requirements:

(A) Abandoned Vehicle Fund;

(B) Cumulative Capital Improvement Fund Cigarette Taxes; I.C. 36-9-16-1 et seq.;

(C) Depreciate Funds;

(D) Economic Development Revitalization Fund;

(E) General Fund; and

(F) Water Utility Cash Reserve Fund.  
(1995 Code, § 2-246)

**§ 2-247 LAW ENFORCEMENT CONTINUING EDUCATION FUND.**

(A) There is established a fund known as the Law Enforcement Continuing Education Fund for the purpose of purchases made by the Town Marshal for equipment, supplies, continuing education, and law enforcement training for the Town Marshal.

(B) This fund shall be comprised of fees collected from the following activities:

- (1) Vehicle inspections;
- (2) Accident reports;
- (3) Handgun licenses and transfers; and
- (4) Proceeds from the sale of confiscated weapons.

(C) Before any money from this fund is spent, same must be first appropriated according to state statute.

(D) The funds accumulated in the Local Law Enforcement Continuing Education Fund established shall be used for the purpose of continuing education and training of law enforcement officers employed by the town. All expenditures must comply with the terms and provisions of the statute by the authority of which the Fund is created, and must be approved by the Town Marshal.

(E) The funds placed in the Local Law Enforcement Continuing Education Fund may not be withdrawn, except for the purposes set forth herein, so long as this article remains in full force and effect.

(1995 Code, § 2-247) (Ord. 1995-09, passed 12-18-1995)

**§ 2-248 RAINY DAY FUND.**

(A) There is established a fund known as the Rainy Day Fund, whose purpose is to provide funds to be used for any lawful purpose to benefit the town.

(B) This fund shall be comprised of funds that are distributed to the town through CAGIT (County Adjusted Gross Income Tax).

**Hope - Town Administration**

(C) This fund is subject to the appropriation process as other funds that receive tax money.

(D) Transfers to this fund are subject to I.C. 36-1-8-5.1(d).  
(Ord. 2009-01, passed 4-20-2009)

## ARTICLE 8: OTHER FISCAL PROCEDURES

### Section

#### *Division I: Warrants*

- 2-255 Appropriations of funds
- 2-256 Issuance of warrant
- 2-257 Approval of claim
- 2-258 Prerequisites for approval of claim

#### *Division II: Membership in Associations*

- 2-265 Appropriation of funds
- 2-266 Participation in associations

#### *Division III: Miscellaneous Regulations*

- 2-270 Borrowing through grant anticipation notes
- 2-271 Interlocal cooperation

### **DIVISION I: WARRANTS**

#### **§ 2-255 APPROPRIATIONS OF FUNDS.**

(A) Unless provided otherwise by state statute, the town monies may be disbursed only after an appropriation made by ordinance of the Town Council and recorded in a book kept for that purpose by the Town Council.

(B) Each appropriation must be made from the fund against which the expenses arose.  
(1995 Code, § 2-255)

***Statutory reference:***

*Appropriations, warrants, claims, and other administrative matters, see I.C. 36-5-4-1 through 11*  
*Appropriations by ordinance, see I.C. 36-5-4-2*

**§ 2-256 ISSUANCE OF WARRANT.**

(A) The Town Council or a board of the town may order the issuance of warrants for payment of money by the town only at a meeting of the Town Council or a board.

(B) A town officer who violates this section forfeits his or her office pursuant to the provisions of I.C. 36-5-4-3.

(1995 Code, § 2-256)

***Statutory reference:***

*Issuance of warrants, see I.C. 36-5-4-3*

**§ 2-257 APPROVAL OF CLAIM.**

(A) The Town Council or a board of the town may allow a claim:

(1) Only at a meeting of the Town Council or a board; and

(2) Only if the claim was filed in the manner prescribed by I.C. 5-11-10-2, at least five days before the meeting.

(B) A town officer who violates this section forfeits his or her office pursuant to the provisions of I.C. 36-5-4-4.

(1995 Code, § 2-257)

**§ 2-258 PREREQUISITES FOR APPROVAL OF CLAIM.**

A warrant for payment of a claim against a town may be issued only if the claim is:

(A) Itemized and certified under I.C. 5-11-10-1;

(B) Filed with the Town Clerk-Treasurer; and

(C) Allowed by the Town Council or the board of the town having jurisdiction over allowance of the claim.

(1995 Code, § 2-258)

***DIVISION II: MEMBERSHIP IN ASSOCIATIONS***

**§ 2-265 APPROPRIATION OF FUNDS.**

The Town Council is authorized to appropriate necessary funds to provide membership for the town in state and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal operations.  
(1995 Code, § 2-265)

**§ 2-266 PARTICIPATION IN ASSOCIATIONS.**

The town is authorized to participate through duly designated representatives in the meetings and activities of the associations and the Town Council is authorized to appropriate necessary funds to defray the expenses of the representatives in connection therewith.  
(1995 Code, § 2-266)

***DIVISION III: MISCELLANEOUS REGULATIONS***

**§ 2-270 BORROWING THROUGH GRANT ANTICIPATION NOTES.**

An ordinance passed by the Town Council will be required when the town desires to borrow money through grant anticipation notes pursuant to I.C. 5-19-1.5.  
(1995 Code, § 2-270)

***Editor's note:***

*Ord. 1987-8, passed 7-6-1987, followed this procedure*

**§ 2-271 INTERLOCAL COOPERATION.**

The town is authorized pursuant to I.C. 36-1-7-1 through 36-1-7-12, as it may be amended from time to time, to enter into joint agreements for the purchase or exchange of property and services with other governmental bodies.  
(1995 Code, § 2-271)

