

## **CHAPTER 3: TOWN LEGISLATIVE BRANCH**

Article

### **1. TOWN COUNCIL**



## ARTICLE 1: TOWN COUNCIL

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### ***Statutory reference:***

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

*Division of towns into districts, see I.C. 36-5-2-4.1*

*Legislative districts, see I.C. 36-5-2-4.1*

*Town Council, see I.C. 36-5-2-2*

*Town legislative body and executive, see I.C. 36-5-2-1 through 36-5-2-11*

### **§ 3-1 FIVE-MEMBER COUNCIL.**

The Town Council shall be composed of five members.  
(1995 Code, § 3-1)

**§ 3-2 THREE COUNCIL DISTRICTS (WARDS).**

The town shall be redistricted into three districts (wards) with each respective district being described as follows.

(A) District (Ward) 1: starting at a point where the center line of County Road 775 East intersects the center line of the old railway right-of-way; then following the old railway west to a point where the center line of that railway right-of-way intersects with the center line of State Road 9; then following the center line of State Road 9 to a point where it intersects with the south line of the Goshen Meadows Subdivision; then following the south line of the subdivision to a point which will be the southeast corner of the subdivision; then following the east line of the subdivision north to the northeast corner of the subdivision; then following west to a point where the north line intersects with the center line of County Road 775 East; then following the center line of County Road 775 East north to the point of beginning.

(B) District (Ward) 2: starting at a point where the center line of County Road 775 East intersects with the center line of the old railway right-of-way; then following the center line of the railway right-of-way east to a point where it intersects with the center line of South Street in the town; then following the center line of South Street east to a point where it intersects with the east corporation line of the town; then following the east corporation line north until it intersects with the north corporation line of the town; then following the north corporation line west to a point where it intersects with the center line of the alley west of Walnut Street in the town; then following the center line of the alley south to a point where it intersects with the center line of Washington Street west to a point where it intersects with the extension of the center line of Maple Street in the town; then following the line south to a point where it intersects with the center line of South Street in the town; then following the center line of South Street east to a point where it intersects with the center line of County Road 775 East; then following the center line of County Road 775 East to the point of beginning.

(C) District (Ward) 3: starting at a point where the center line of County Road 775 East intersects with the center line of the old railway right-of-way; then following the center line of the old railway right-of-way west to a point where it intersects with the center line of State Road 9; then west to a point where it intersects the west corporation line; then following the west corporation line north to a point where it intersects with the north corporation line; then following the north corporation line east to a point where it intersects with the center line of an alley east of Walnut Street in the town; then following the center line of the alley south to a point where it intersects with the center line of Washington Street west to a point where it intersects a line extended from the center line of Maple Street in the town; then following the center line of Maple Street south to a point where it intersects with the center line of South Street in the town; then following the center line of South Street east to a point where it intersects with the center line of County Road 775 East; then following the center line of County Road 775 East to the point of beginning.

(1995 Code, § 3-2) (Ord. 1992-8, passed 12-21-1992)

**§ 3-3 ELECTIONS; VOTING.**

(A) Each primary or general election conducted for purposes of electing officers for the town shall hereafter be held in accordance with the above-described districts (wards).

(B) Eligible residents of the entire town shall be entitled to vote for each of the five Town Council members, including those representing districts (wards).  
(1995 Code, § 3-3) (Ord. 1992-8, passed 12-21-1992; Ord. 2011-03, passed 12-29-2011)

**§ 3-4 DESIGNATION OF TOWN LEGISLATIVE BODY.**

The legislative body of the town shall be known as the Town Council, and shall consist of five members.  
(1995 Code, § 3-4)

**§ 3-5 TERM OF COUNCIL MEMBERS.**

Each member of the Town Council shall serve a four-year term, beginning at noon on January 1, after his or her election and continuing until his or her successor is elected and qualified.  
(1995 Code, § 3-5)

**§ 3-6 RESIDENCY REQUIREMENTS.**

Council members shall reside in the district in which he or she seeks election except at large members.  
(1995 Code, § 3-6)

**§ 3-7 AT LARGE MEMBERS.**

(A) There shall be two Council members to be elected at large by the entire population of the town.

(B) At large members shall be residents of the town.  
(1995 Code, § 3-7)

**§ 3-8 SELECTION OF COUNCIL PRESIDENT.**

(A) The Town Council shall select one of its members to be its President for a definite term, which may not exceed his or her term of office as a member of the legislative body.

(B) The President of the Town Council is the town executive.

(1995 Code, § 3-8)

**Statutory reference:**

*Selection of a President, see I.C. 36-5-2-7*

*Town Executive, see I.C. 36-5-2-2*

**§ 3-9 QUORUM.**

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

(1995 Code, § 3-9)

**Statutory reference:**

*Definition of quorum of the Council, see I.C. 36-5-2-9.2*

**§ 3-10 WHEN MAJORITY VOTE REQUIRED.**

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

(1995 Code, § 3-10)

**§ 3-11 WHEN TWO-THIRDS VOTE REQUIRED.**

(A) A two-thirds vote, with unanimous consent of the members present, is required to pass an ordinance on the same day or at the same meeting at which it is introduced.

(B) A two-thirds vote means at least a two-thirds vote of all the elected members.

(1995 Code, § 3-11)

**Statutory reference:**

*Votes of the Council, see I.C. 36-5-2-9.8*

**§ 3-12 TOWN CLERK-TREASURER AUTHORIZED TO BREAK TIES.**

The Town Clerk-Treasurer is the Clerk of the Town Council. Whenever the Town Council has an even number of members for any reason, the Clerk-Treasurer is an ex-officio member for the purpose of casting the deciding vote to break a tie.

(1995 Code, § 3-12)

**Statutory reference:**

*Authorization of Clerk-Treasurer to vote in case of a tie, see I.C. 36-5-2-8*

**§ 3-13 WHEN ORDINANCE TAKES EFFECT.**

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

(1995 Code, § 3-13)

***Statutory reference:***

*Adoption of ordinances, orders, resolutions, and their publication, see I.C. 36-5-2-10*

**§ 3-14 REGULAR AND SPECIAL MEETINGS OF THE TOWN COUNCIL.**

(A) The regular meetings of the Town Council shall be held at the Town Hall, 404 Jackson Street, Hope, Indiana, on the first and third Mondays of the month at 7:30 p.m.

(B) In all cases where a special meeting or called meeting is called, at least 48 hours' written notice shall be given to the Town Council, Clerk-Treasurer, and the public, pursuant to I.C. 5-14-1.5.

(C) Special or called meetings may be called by the President of the Council, or in his or her absence, sickness, inability, or refusal to make the call, by the Vice-President of the Council, and in his or her absence, sickness, inability, or refusal to make the call, then by a majority of the Council when deemed necessary.

(1) The President and Vice President may by verbal notice at the public meeting, when all members of the Council are present, call a special meeting of the Council, and in all cases where the provisions of the statutes of the state regulating the calling of the special meeting do not forbid the action by prescribing differently.

(2) In all cases where provisions of the statute prescribe the method of the call, the provisions must be strictly followed.

(D) Executive sessions shall be conducted in strict compliance with I.C. 5-14-1.5-6.

(1995 Code, § 3-14)

***Statutory reference:***

*Indiana Open Door Law, see I.C. 5-14-1.5-1 et seq.*

**§ 3-15 POWERS OF THE TOWN COUNCIL.**

The Council may:

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

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

(C) Adopt and use a common seal; and

(D) Exercise all powers that are needed for the effective operation of local governmental affairs.  
(1995 Code, § 3-15)

**Statutory reference:**

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

**§ 3-16 ORDER OF BUSINESS AT TOWN COUNCIL MEETINGS.**

The following order of business shall be followed at Town Council meetings:

(A) Call to order;

(B) Pledge of allegiance;

(C) Roll call;

(D) Minutes;

(E) Claims;

(F) Announcements;

(G) Correspondence;

(H) Ordinances and resolutions;

(I) Old business;

(J) New business;

(K) Citizen input; and

(L) Adjournment.

(1995 Code, § 3-16)

**Statutory reference:**

*Home Rule Powers, see I.C. 36-1-3-1 through 36-1-3-9*

**§ 3-17 RULES OF ORDER.**

The most recent version of *Robert's Rules of Order* shall govern all meetings of the Town Council, unless ordinance or statute provide otherwise.

(1995 Code, § 3-17)



**§ 3-18 COMPENSATION OF THE TOWN COUNCIL.**

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

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year.

(1995 Code, § 3-18)

**Statutory reference:**

*Compensation for Town Council members and other town employees, see I.C. 36-5-3-2*

**§ 3-19 REIMBURSEMENT FOR MILEAGE FOR COUNCIL MEMBERS.**

The Town Council members shall be reimbursed for mileage for out-of-town meetings at the rate of \$0.24 per mile, which sum includes any parking expenses. Council members shall maintain the records as designated by the Town Clerk-Treasurer for reimbursement of the expenses.

(1995 Code, § 3-19) (Ord. 1989-10, passed 7-24-1989)

**§ 3-20 ORDINANCES WHICH AMEND THE TOWN CODE.**

All ordinances which are of a general and permanent nature, and which would amend the town code, shall be in the form depicted below.

Ord. No. \_\_\_\_\_

*(Include the last two digits of the calendar year followed by a dash and the chronological number of the Ordinance: Ex. 95-1)*

**(Short Title)**

An Ordinance of the Town Council of the Town of Hope, Indiana, Amending Chapter \_\_\_\_, Article \_\_\_\_\_, SECTION(s) \_\_\_\_\_, of the HOPE TOWN CODE by the inclusion/deletion of section(s) \_\_\_\_\_, entitled \_\_\_\_\_.

Whereas, (background statements setting forth the purpose or background of the ordinance where appropriate)

Whereas, \_\_\_\_\_  
\_\_\_\_\_

Whereas, \_\_\_\_\_  
\_\_\_\_\_

**Hope - Town Legislative Branch**

Be it ordained by the Town Council of the Town of Hope, Indiana, as follows:

Section I. Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section(s) \_\_\_\_\_, of the Hope Town Code, is/are hereby amended to read as follows:

*(set forth specific amendatory language)*

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Hope, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Town Council Member  
\_\_\_\_\_  
Town Council Member  
\_\_\_\_\_  
Town Council Member  
\_\_\_\_\_  
Town Council Member

\_\_\_\_\_  
Clerk-Treasurer

(1995 Code, § 3-20)

**Statutory reference:**

*Publication of ordinances in the town code, see I.C. 36-4-6-14*

**§ 3-21 GROUNDS FOR EXPULSION.**

The Town Council shall have the power to expel any of its members for violation of official duty, including gross neglect, and it may declare the seat of any member vacant by reason of disability to perform official duties.

(1995 Code, § 3-21)

**§ 3-22 PROCEDURE.**

The Town Council shall, by resolution, direct the Town Attorney to draw up a bill of impeachment setting forth the charges or alleged conditions of disability, after which the Town Council shall, in special session, try the charges. A vote of two-thirds of the members of the Council shall be required to expel a member or vacate a member's seat.

(1995 Code, § 3-22)

**§ 3-23 BOUNDARIES OF THE TOWN.**

The geographical boundaries of the town are set forth in a diagram which is on file in the office of the Clerk-Treasurer.

(1995 Code, § 3-23)

***Statutory reference:***

*Requiring the County Surveyor to set forth legal description of the municipality,  
see Pub. L. No. 5-1989, § 124*

