

Version:

This is **Version 2014** of the Ladoga Ordinance Book, published on October 3, 2014. It includes materials through July 30, 2014.

There are two *Compiled Help Metafiles* (chm files) for this version:

LADOGA.chm	Contains all of the <i>captured</i> ordinances and resolutions, indexed by topic and in chronological order. Inactive (void, expired, matured, replaced) ordinances and bond ordinances are available as digital images.
LADOGA_small.chm	Contains the same materials as LADOGA.chm - without the images. As a result, this version is MUCH smaller - suitable for a website, email, or - in most cases - everyday usage.

THE TOWN CODE
OF
LADOGA, INDIANA

1995 Edition
With Revisions Through November, 1995

Town Council:
William Cloud
Terry H. Brown
Harold L. Lowe

Clerk-Treasurer:
Sandra E. Powers

Town Attorneys:
Young, Harris & Harvey
100 West Main Street
Crawfordsville, Indiana 47933

TABLE OF CONTENTS

TO CHAPTER & SECTION

[Chapter 1.](#) GENERAL PROVISIONS

1-1	Town Code
1-2	Definitions
1-3	Repeal of Ordinances
1-4	Ordinances Repealed Not Reenacted
1-5	Jurisdiction

1-6	General Penalty Provisions
1-7	Penalty Not Less Than Statutory Penalty
1-8	Reference To Penalty Sections
1-9	Separability of Provisions
1-10	Effective Date
1-11	Code in Printed Form
 Chapter 2.	 CONCEPT OF CODE AND MATTERS NOT CONTAINED HEREIN
 2-1	 Concept of Code
2-2	Ordinance Not a Part of The Code
 Chapter 3.	 BOARD OF TRUSTEES
 3-1	 Organization of Board of Trustees
3-2	Quorum and Meetings
3-3	Passage of Ordinances
3-4	Publication and Recording of Ordinances
3-5	Rules of Procedure
 Chapter 4.	 TOWN ADMINISTRATION
 4-1	 Town Marshal
4-2	Additional Responsibilities of Town Marshal
4-3	Department of Utilities
4-4	Department of Law
4-5	Clerk-Treasurer
4-6	Town Council
4-7	Compensation of Officials and Employees
4-8	Park Supervision Committee
4-9	Town Marshal Reserves
 Chapter 5.	 GENERAL
 5-1	 Regulation of Fireworks
5-2	Retail Liquor Sales
5-3	Alcoholic Beverages in the Park
5-4	Building Standards and Unsafe Buildings

[5-5](#) Discharge of Firearms

[Chapter 6.](#) WATER UTILITY

[6-1](#) General

[6-2](#) Water Rates and Charges

[6-3](#) Reserved

[6-4](#) Miscellaneous Rules

[App. I](#) Schedule of Water Rates and Charges

[Chapter 7.](#) ELECTRIC UTILITY

[7-1](#) Establishment of Electric Utility Department

[7-2](#) Electric Utility Board

[7-3](#) Definitions

[7-4](#) General Rules For Sale of Electric Energy

[7-5](#) Adoption and Promulgation of Rules and Regulations

[7-6](#) Types and Availability of Service

[7-7](#) Character of Service

[7-8](#) Minimum Charge

[7-9](#) Collection Charges and Applicability Thereof

[7-10](#) Discontinuance of Service

[7-11](#) Reconnection charge

[7-12](#) Reserved

[7-13](#) Water Heater Requirements

[7-14](#) Meter Deposits

[7-15](#) Special Services and Conditions

[7-16](#) Fuel Cost Adjustment

[7-17](#) Wholesale Power Cost Adjustment

[7-18](#) Fuel Cost Recovery-Computation

[7-19](#) Reserved

[7-20](#) Reserved

[7-21](#) Reasonable Return on Investment

[7-22](#) Payment to Town in Lieu of Taxes and Rent

[App. I](#) Appendix 1995A to the Electric Utility Rate Tariffs

[Appendix](#) Schedule of Electric Rates and Charges

[Chapter 8.](#) STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC WAYS AND PUBLIC NUISANCES

<u>8-1</u>	Snow Emergency
<u>8-2</u>	Protection of Asphaltic Pavements
<u>8-3</u>	Excavations
<u>8-4</u>	Public Nuisances and Littering
<u>8-5</u>	Congregating in Public Places or Interfering with Officials
<u>8-6</u>	Curfew Violations
<u>8-7</u>	Burning or Incineration of Trash

[Chapter 9.](#) ANIMAL CONTROL

<u>9-1</u>	Definitions
<u>9-2</u>	Animals Running at Large
<u>9-3</u>	Domestic Pet Care Standards
<u>9-4</u>	Animal Waste
<u>9-5</u>	Keeping Dangerous or Wild Animals
<u>9-6</u>	Offensive Smells or Conditions
<u>9-7</u>	Removal of Dead Animals
<u>9-8</u>	Barking Dogs
<u>9-9</u>	Name Tags Required
<u>9-10</u>	Rabies
<u>9-11</u>	Impoundment and Violation Notice
<u>9-12</u>	Impoundment of Dangerous Animals
<u>9-13</u>	Proof of Violation and Enforcement
<u>9-15</u>	Penalties, Appeals and Disputes

[Chapter 10.](#) LAND USE

<u>10-1</u>	Residential Property
<u>10-2</u>	Mobile Homes
<u>10-3</u>	Manufactured Homes
<u>10-4</u>	Administration

[Chapter 11.](#) ECONOMIC DEVELOPMENT COMMISSION

<u>11-1</u>	Creation and Purposes
<u>11-2</u>	Membership and Term of Office
<u>11-3</u>	Nomination and Appointment

11-4	Vacancies
11-5	Qualifications
11-6	Meetings
11-7	Rules and Regulations
11-8	Remuneration of Commissioners
11-9	Powers

[Chapter 12.](#) PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

12-1	License Requirement
12-2	Definitions
12-3	Exemptions
12-4	License Application
12-5	Investigation
12-6	Fees
12-7	Bond
12-8	Revocation of License

[Chapter 13.](#) VEHICLES AND TRAFFIC

13-1	Definitions
13-2	Authority of Town Marshal
13-3	Stop and Yield Intersections
13-4	Speed Limit
13-5	Parking
13-6	Traffic Study
13-7	Off Street Operation
13-8	Truck Routes
13-9	Penalty
13-10	Golf Carts

[Chapter 14.](#) SEWAGE UTILITY

14-1	Establishment Sewage Works
14-2	Sewage Works Board
14-3	Definitions
14-4	Prohibited Waste Disposal Practices
14-5	Obligation to Connect to System

<u>14-6</u>	Private Sewage Disposal System
<u>14-7</u>	Building Sewer Permits
<u>14-8</u>	Separate Sewer For Each Building
<u>14-9</u>	Old Sewers
<u>14-10</u>	Regulations for Sewer Connection
<u>14-11</u>	Prohibited Discharges Into Sanitary Sewer
<u>14-12</u>	Enforcement of Prohibited Discharges and Other Regulations
<u>14-13</u>	Inspection of Private Properties By The Board
<u>14-14</u>	Enforcement Procedures and Penalties
<u>14-15</u>	Severability of Provisions
<u>14-16</u>	Sewerage Works Service Rates
<u>App. I</u>	Sewage Works Rates

[Chapter 15.](#) FAIR HOUSING

<u>15-1</u>	Policy Statement
<u>15-2</u>	Definitions
<u>15-3</u>	Unlawful Practice
<u>15-4</u>	Discrimination in the Sale or Rental of Housing
<u>15-5</u>	Discrimination in Residential Real Estate-Related Transactions
<u>15-6</u>	Discrimination in the Provision of Brokerage Services
<u>15-7</u>	Interference, Coercion or Intimidation
<u>15-8</u>	Prevention of Intimidation in Fair Housing Cases
<u>15-9</u>	Exemptions
<u>15-10</u>	Administrative Enforcement of Ordinance
<u>15-11</u>	Separability of Provisions

CHAPTER 1

GENERAL PROVISIONS

1-1. TOWN CODE. (a) Title. This compilation and arrangement of ordinances is hereby designated, titled and to be known as "The Town Code Ladoga, Indiana."

(b) Completeness of Code. Any additions or amendments to this code shall be incorporated in this code so that a reference to "The Town of Ladoga, Indiana" includes them.

(c) Numbering of Sections. Each section number of this code shall consist of multiple component parts separated by a hyphen. The first numeral shall designate the Chapter hereof; the second numeral shall designate the section of the Chapter; subsequent numerals or letters shall designate, in order, sub-sections, sub-section paragraphs and the like.

(d) Additions or Amendments. Additions or amendments to this code shall be adopted as individual ordinances and physically incorporated herein, so any reference to the code includes such additions or amendments.

1-2. DEFINITIONS. (a) Terms used in this code, unless otherwise specifically defined, have the meanings prescribed by the statutes of the State of Indiana for the same terms.

(b) Other terms used in this code have the following meanings:

County: County of Montgomery

State: State of Indiana

Town: Town of Ladoga

Board: Board of Trustees, Town of Ladoga

Person: Any natural individual, firm, trust, partnership, association, or corporation. Whenever the word "person" is used in any section of this code prescribing a penalty or fine as applied to partnerships or associations the word includes the partners, or members thereof, and as applied to corporations includes officers, agents or employees thereof who are responsible for any violations of the section. The singular includes the plural. The masculine gender includes the feminine and neuter genders.

Ordinances: The ordinances of the Town of Ladoga and all amendments thereto.

Code: The Town Code of Ladoga, Indiana.

1-3. REPEAL OF ORDINANCES. All ordinances heretofore adopted by the Board of Trustees of the Town of Ladoga, of a general nature and relating to the subject matter herein contained, except

ordinances relating to the districts, or ordinances of a temporary or special nature and all other ordinances which relate to subject matter not herein contained are repealed. The provisions of this code, so far as they are the same in substance as those of existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time of such repeal are not affected by such repeal, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

1-4. ORDINANCES REPEALED NOT REENACTED. No ordinance or part of any ordinances heretofore repealed shall be considered reordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinances does not impair or affect any cure or validation already effected thereby.

1-5. JURISDICTION. Unless otherwise provided in this code, this code shall apply to all acts performed within the corporate limits of the Town of Ladoga. Provisions of this code shall also apply to acts performed outside the corporate limits of the Town and up to the limits provided by law, where the law confers power on the Town to regulate such particular acts outside the corporate limits.

1-6. GENERAL PENALTY PROVISIONS. (a) Any person, firm, corporation or agent or employee who violates any ordinance of the Town of Ladoga, including any provision of this code, for which no penalty is specifically prescribed shall, upon conviction, be fined a sum not exceeding \$2,500.00.

(b) Notwithstanding any other provision herein, any person adjudged guilty of violating any provision of this code may also be adjudged to pay the cost of the prosecution including attorney fees, and any actual damages sustained by the Town by virtue of such violation.

(c) Any person adjudged guilty of violating this code who fails to promptly pay the fine and costs shall be subject to such proceedings for collection as provided by law.

(d) Each day a violation occurs or continues constitutes a separate and distinct offense.

(e) Failure of a Town officer to perform a duty prescribed by this code shall not subject such officer to any penalty under this code, unless a penalty is specifically provided.

(f) All fines assessed for violation of these ordinances shall be deposited in the general fund of the Town.

1-7. PENALTY NOT LESS THAN STATUTORY PENALTY. Notwithstanding the provisions of any section of this code setting forth a penalty, the maximum penalty which may be imposed for any violation shall not be less than the penalty prescribed by statutes for the same offense.

1-8. REFERENCE TO PENALTY SECTIONS. (a) Reference to any section of this code includes the penalty section relating thereto unless otherwise expressly provided.

(b) In case of the amendment of this code, any penalty provided in this code shall be held to relate to the amendment whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed or amended therein.

1-9. SEPARABILITY OF PROVISIONS. Each section, paragraph, sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, other than that part affected by such decision.

1-10. EFFECTIVE DATE. This code of ordinances shall take effect thirty (30) days after publication in book form under the authority of the Board, and filing in the office of the Clerk-Treasurer, except §1-6 providing general penalties shall not be effective until the expiration of thirty (30) days following publication thereof in a newspaper of general circulation in the Town.

1-11. CODE IN PRINTED FORM. This code is prepared in printed form, and two (2) copies thereof shall at all times be maintained and available for inspection at the Town Hall during the regular business hours thereof.

Copies of the Code may be purchased from the Clerk-Treasurer of the Town at a charge of \$_____ per copy.

CHAPTER 2

CONCEPT OF CODE AND MATTERS NOT CONTAINED HEREIN

2-1. CONCEPT OF CODE. The concept of the Code is to include herein all ordinances regulating the activity of the citizens, residents, visitors or other persons, firms or corporations of or coming to the Town, as that activity relates to the governmental powers of the Town to regulate such activity.

2-2. ORDINANCE NOT A PART OF THE CODE. The following matters and subjects are not incorporated into this Code, but nevertheless Ordinances adopted in relation thereto are hereby confirmed to be in full force and effect, unless repealed or altered by separate Ordinance, to-wit: and similar

- (a) Town and Ward Boundaries.
- (b) Salaries of Town Officials.
- (c) Utility Rates.
- (d) Additional Appropriations, budget adoptions, financial matters.
- (e) Franchises and other contracts.
- (f) Bond or other financing proceedings.

CHAPTER 3

BOARD OF TRUSTEES

3-1. ORGANIZATION OF BOARD OF TRUSTEES. At the first meeting of the Board after December 31, but in no event later than January 15 in any given year, the Board shall convene for purposes of organizing the same for the ensuing calendar year as follows:

- (a) The Board shall elect from its membership a President, Vice-President and Secretary to serve for a term of one year commencing January 1 of the year of such organization. The results of such election shall be made a part of the official Minutes of the organizational meeting.
- (b) The Board may elect such additional officers from among its membership as the Board shall deem convenient to the conduct of its business.
- (c) At such time as any office shall become vacated, for whatever reason, the Board shall conduct an election at its next regular meeting to fill such vacancy.

3-2. QUORUM AND MEETINGS. (a) A majority of the Board of Trustees constitutes a quorum for the transaction of business.

- (b) Except as otherwise provided by statute, the Board shall meet in regular session at 9:00 o'clock a.m., on the 2nd Saturday of each month at the Town Hall in the Town, and at such other times and places as the Board may from time to time determine by motion, or upon special call by the President of the Board, as hereinafter provided.
- (c) The annual meeting for adoption of the annual budget and tax rates shall be held on the 2nd Saturday of August of each year.
- (d) The President, on his own initiative, may at any time call a special meeting of the Board upon the following terms and conditions:
 - (1) If, in the judgment of the President, the purpose of the meeting is to meet an immediate emergency of the Town, such meeting may be called by verbal contact with the other members of the Board and the Clerk-Treasurer, with further verbal notice to the news media as required by the Indiana Open Door Law.
 - (2) If the purpose of such meeting is not an immediate emergency, such meeting may be called by giving the other members of the Board and the Clerk-Treasurer, and the news media forty-eight hours verbal or written notice prior to the convening of such meeting.
- (e) All meetings shall be conducted in accordance with the Indiana Open Door Law as follows:

- (1) Notices as required by the Open Door Law shall be given to the Crawfordsville Journal Review and Messenger Crier, newspapers of general circulation in the Town, together with Radio Station WCVL, all at Crawfordsville, Indiana.

(2) With the adoption of this code, the foregoing news media shall be notified of the regular sessions of the Board, and shall thereafter be notified annually of such regular sessions, not later than January 15. In the event of special meetings of the Board, the same notice shall be given to the news media as shall be applicable to the notice given members of the Board.

(3) Normally, the meetings of the Board will not be the subject of a written agenda, but will be governed by the general order of business as hereinafter set out; however, in the event any particular meeting shall be convened or held upon the basis of a written agenda, a copy thereof shall be furnished the news media in accordance with the Indiana Open Door Law.

3-3. PASSAGE OF ORDINANCES. (a) The requirement that an Ordinance, Resolution or other action of the Board be passed by a majority means at least a majority of all of the elected members. The requirement that action be passed by two-thirds vote means at least two-thirds vote of all the elected members.

(b) A majority vote of the Board is required to pass an Ordinance unless a greater vote is required by state statute.

(c) A two-thirds vote together with unanimous consent of the members present is required in order for the Board to pass an Ordinance on the same day or at the same meeting which it is introduced.

3-4. PUBLICATION AND RECORDING OF ORDINANCES. (a) An Ordinance, Order or Resolution passed by the Board of Trustees is adopted when it is signed by the President of the Board. Where required by state statute an adopted Ordinance, Order or Resolution must be promulgated before it takes effect. An Ordinance prescribing a penalty for a violation must be published as required by IC 5-3-1 before it takes place unless:

(1) Two copies of this printed code are on file in the Town Office for public inspection and the same is included therein as provided in IC 36-1-15; or

(2) The Ordinance declares an emergency requiring its immediate effectiveness and is posted in one (1) public place in each District in the Town under IC 36-5-2-10.

(b) The Clerk-Treasurer shall record each Ordinance duly adopted by the Board in a book kept for that purpose which record must show:

(1) The signature of the President of the Board of Trustees.

(2) The attestation of the Clerk-Treasurer.

(3) The date of each recorded item.

(c) The record or a certified copy of it constitutes presumptive evidence of the adoption of the Ordinance.

3-5. RULES OF PROCEDURE. The following rules shall govern all meetings and actions of the Board:

(a) Order of Business. The order of business shall be as follows:

- (1) Roll Call
- (2) Reading of Minutes
- (3) Publication of Claims
- (4) Roll Call For Presentation of Matters to be Considered as New Business
- (5) Reports of Department Heads
- (6) Reports of Committees
- (7) Reports of Official Boards
- (8) Old Business
- (9) New Business
- (10) Adjournment

(b) Presentation of Business. When the roll is called for the presentation of business, members of the Board or their representative shall present to the Board all old or new business, which the member wishes to present to the Board at that meeting. Any business not presented on such roll call may be placed before the Board by majority approval of the Board.

(c) Procedural Conduct of Business. All procedures, motions or conduct of meetings of the Board shall be governed by Robert's Rules of Order, unless otherwise suspended by a majority vote of the Board.

(d) Adoption of Ordinance. No Ordinance shall be adopted at the same meeting at which it is first presented, except upon unanimous, affirmative vote of all members of the Board in attendance at such meeting.

(e) General Rules.

(1) The President may reasonably limit debate upon any issue before the Board, and when so limited, his ruling shall be final.

(2) Any member of the general public shall be permitted to address the Board upon any subject properly before the Board for discussion, only after all members of the Board have presented all comments or debate they may wish to offer.

(3) Any member of the public shall be permitted to address the Board on any matter pertaining to the Town or Town business, whether or not a member of the Board has presented the same before the

Board for consideration, but only after all other business of the meeting has been concluded.

(4) At all meetings of the Board, the Clerk-Treasurer shall secure a written roll call of all persons present at such meeting, indicating thereon whether such persons appear at the meeting as officials of the Town, employees of the Town, agents of the Town or members of the public, and in the latter case the specific purpose or purposes of such attendance.

CHAPTER 4

TOWN ADMINISTRATION

4-1. TOWN MARSHAL. There is hereby created the office of Town Marshal of the Town of Ladoga. The Town Marshal shall be employed and appointed by the Board as provided by law. Upon the appointment of the Town Marshal, he shall be presented with a certificate and contract of terms of employment, which terms shall be those as may from time to time be negotiated between the Board and the Town Marshal, otherwise consistent with the powers and duties of a Town Marshal as provided by law. The Town Marshal shall be paid such compensation as shall be determined by the Board annually, on or before December 31, to take and be in effect for the next succeeding calendar year. In the event of the resignation or other termination of the employment of the Town Marshal during the year, his salary shall be deemed payable on a monthly basis, shall be pro-rated to the end of the month during which such termination of employment occurs, and he shall not be paid for any month in which no services are performed. The salary of the Town Marshal shall be in addition to any allowance for expenses included in his contract of employment.

4-2. ADDITIONAL RESPONSIBILITIES OF TOWN MARSHAL. Notwithstanding any provisions in the contract of employment of the Town Marshal, he shall be available for and obligated upon request of the Board to attend all Board meetings and submit such reports, written or verbal to the Board as may be requested by it.

4-3. DEPARTMENT OF UTILITIES. All Municipal Utilities now owned by or hereafter acquired by the Town shall be operated and administered by and through the Board. The Board shall hire such employees or administrators to conduct the business of the Utilities, as the Board may from time to time deem necessary or convenient. Such employees may include any elected official of the Town, and such elected official shall be entitled to additional compensation for such employment as the Board may from time to time determine, as hereinafter set out.

4-4. DEPARTMENT OF LAW. There is hereby created and established for the Town the Department of Law, which shall consist of the Town Attorney.

(a) The Town Attorney shall be a person holding an unlimited license to practice law within the State of Indiana, and the residence of such attorney shall not be a condition of employment.

(b) The Town Attorney shall be employed by the Board by virtue of a contract of employment, either oral or written, but in no event shall such contract of employment be for a term longer than a calendar year, but shall be renewable from year to year unless terminated by action of the Board, with reasonable notice of termination communicated to the Town Attorney.

(c) Compensation of the Town Attorney shall be determined annually as are the salaries of other Town Officials, as hereinafter set out.

(d) In the event of the termination of employment of the Town Attorney, whether voluntary or involuntary, he shall be deemed to be paid on a semi-annual basis and compensation to the Town Attorney shall be pro-rated to the end of the payment period in which such employment is terminated.

(e) The annual compensation of the Town Attorney shall be in such amount and for the sole purpose of the general retaining of the services of the Town Attorney, his attendance at and participation in Board Meetings for general town purposes as may be requested by the Board, his services in preparation of general Town ordinances and resolutions, and the rendering of routine legal advice, whether in person or by telephone; further that, the Town Attorney shall be entitled to additional payment, over and above such annual compensation, for actual expenses advanced on behalf of the Town, postage, xerox, long distance telephone or other unusual office expenses advanced or assumed by the attorney's private law office; further that, the services of the attorney in performance of functions on behalf of the Town Utilities, conduct of litigation, negotiation of disputes and the like shall be the subject of separate compensation agreements.

4-5. CLERK-TREASURER. The Clerk-Treasurer shall perform the duties of the office as provided by the laws of the State of Indiana.

(a) The Clerk-Treasurer shall attend the meetings of the Board and shall keep an official record of its proceedings; shall keep and preserve the papers of the Town, receive all monies due and owing the Town; shall make and execute all warrants disbursing the funds of the Town; and shall make an accounting monthly to the Board of the financial condition of the Town.

(b) The Clerk-Treasurer shall be the keeper of the official records of the Town.

(c) The Clerk-Treasurer shall issue all licenses or permits provided for by this code, and shall collect all license fees therefor, which shall be deposited to the general fund of the Town.

(d) The Clerk-Treasurer shall receive such compensation as is provided by ordinance of the Board, annually, as hereinafter provided, and in addition thereto shall receive such compensation as may be provided by the Board for his services on behalf of the Town Utilities.

4-6. TOWN COUNCIL.

(a) All legislative body districts heretofore defined are abolished.

(b) The Town Council, as the legislative body of the Town, shall be composed of three (3) members, each of whom shall be residents of the Town of Ladoga, and each shall be elected by the voters at large.

(Ed. Note: [Resolution #2000-3](#), adopted 8/12/2000, proposed expanding the Town Council to five (5) members. Apparently, that measure failed to pass a voter referendum.)

4-7. COMPENSATION OF OFFICIALS AND EMPLOYEES. Annually, on or before December 31, the Board shall enact an ordinance fixing, for the coming calendar year, the wages, salaries or other compensation of all officials and employees of the Town. Such annual compensation ordinance need not be printed as a part of this code, but shall be of the same full force and effect as if made a part hereof. In the event that the Board shall fail to timely enact such an ordinance, compensation for the coming year shall remain the same as for the year last past.

4-8. PARK SUPERVISION COMMITTEE. There is hereby established and created a Park Supervision Committee, the members of which shall be appointed by the Board. The Park Supervision Committee shall consist of three (3) members, each of whom shall serve for terms of two (2) years and until otherwise replaced.

(a) It shall be the duty and responsibility of the Park Supervision Committee to confer with the Board of Trustees to help establish and promulgate rules for the regulation and use of the Park facilities, so as to allow the maximum benefits to the citizens of the Town of Ladoga, and to otherwise defray expenses for use of the facilities to those persons using the facilities, and more particularly those persons who may not be citizens of the Town of Ladoga, and to supervise the activities in the Park so as to insure compliance with any such promulgated rules. It shall also be the duty and responsibility of the members of the Committee to see that all fees are collected for Park facility use, and to pay the same to the Clerk-Treasurer of the Town. All diamond use fees shall be paid into the General Fund of the Town. All light use fees shall be paid into the Town Electric Utility Fund.

(b) The following rules are hereby promulgated, and it shall be the responsibility of the Park Supervision Committee to see as to their enforcement:

1. The Park Supervision Committee will be in charge of scheduling the use of the softball diamond and the lighting facilities thereof.
2. Youth baseball will have first choice in scheduling games during daylight hours, Monday through Friday, and on Saturday mornings, during their season from June 1 to July 15. Under special circumstances, which shall be held to a minimum, youth baseball shall be allowed to schedule games to be played under the lights.
3. The lights may be used from 8:00 p.m. to 10:00 p.m. on Sundays, without charge, at the discretion of the Park Committee, for unorganized adult-children recreational play.
4. Effective in 1984, non-resident members of the Men's Sunday Softball League will pay \$2.50 per person per year for diamond rental use. The League Commissioner will be responsible for collecting and payment of rental for such facility use.
5. Each team participating in a weekend tournament shall pay a use rental fee of \$10.00; provided, however, Town of Ladoga charitable organizations or organizations raising funds for charitable purposes shall be exempt from such payment.
6. Anyone desiring to use the softball diamond lights shall pay the sum of \$10.00 per hour for usage fee, which payment shall be made in advance. The lights will not be turned on after 9:00 p.m., and they will be turned off at 10:00 p.m. The minimum charge for turning the lights on will be \$10.00. The provisions of this sub-section shall not be applied to the Men's Sunday Softball League under special circumstances, which shall be held to a minimum, when they shall be allowed to turn on the lights to finish a long-running game.

7. The use of steel cleats on the Park ball diamonds is prohibited, unless the participating teams furnish their own base marking bags.

4-9. TOWN MARSHAL RESERVES. There is hereby created the Ladoga Town Marshal Reserves, pursuant to IC 36-8-3-20.

(a) Members of the Reserves shall be appointed by the Town Board of Trustees, in such numbers as the Board may from time to time determine necessary to support the Town Marshal in his duties and responsibilities, but which number of Reserves shall consist of a maximum complement of seven (7) members at any one time.

(b) Appointment to the Reserves shall be for a period of one (1) calendar year renewable January 2 of each year hereafter.

(c) Initial appointment to the Reserves shall be for a probationary period of six (6) months, during which time the probationary Reservist must complete a minimum of forty (40) hours training under the direction of the Ladoga Town Marshal. After the initial probationary period and upon the recommendation of the Town Marshal, there shall be a regular appointment as a Reserve. Successive annual re-appointments thereafter shall be as a Reserve and without probation.

(d) The following shall not be eligible for appointment to the Reserves: The Town Marshal, Deputy Town Marshals.

(e) Reserves shall serve without compensation or benefits, except to the extent that funds are appropriated by the Town Board. Members may receive a uniform allowance, compensation for time lost from other employment because of court appearances, and be insured for life, accident and sickness coverage. This shall not, however, imply any duty by the Town to appropriate any funds for such purposes.

(f) Reserves shall be identified in their official capacity by an identification card provided by the Town of Ladoga, which card shall be the property of the Town of Ladoga. Upon termination of the appointment as a member of the Reserves, by expiration of the term without renewal or at the will of the Board of Trustees, a Reservist shall immediately surrender his member's identification card and any equipment or other property in his possession issued by the Town of Ladoga for his use.

(g) A Reserve shall not make an arrest, conduct a search or a seizure of a person or property or carry a firearm unless the reserve officer successfully completes a pre-basic course under Indiana Code §5-2-1-9(f), the pre-basic course defined and offered by the Indiana Law enforcement Training Board.

(Amended by [Ordinance #1997-1](#), adopted 5/10/1997)

(h) Reserves shall, at all times, be under the direct control and supervision of the Ladoga Town Marshal, who shall establish such rules and regulations and requirements of training and duty as he determines necessary. All such rules, regulations and requirements of training shall be reduced to writing and the same, together with any amendments thereto, shall be effective only upon the approval of the Town Board.

CHAPTER 5

GENERAL

5-1. REGULATION OF FIREWORKS. (a) No person shall possess, sell, discharge or display any fireworks as defined in IC 22-11-14-1 within the limits of the Town except as provided by IC 22-11-14-2 upon grant of a permit for supervised display by the Indiana State Fire Marshal and as provided in IC 22-11-14-4.

(b) Any person seeking a permit for discharge or display of fireworks issued by the State Fire Marshal shall notify the Town Board at least fifteen (15) days in advance of the date of the proposed display, and furnish a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount not less than One Hundred Thousand (\$100,000.00) Dollars and to property in an amount of not less than One Hundred Thousand (\$100,000.00) Dollars.

(c) Any person violating this provision for which no penalty is otherwise provided shall be fined not more than One Thousand (\$1,000.00) Dollars for each offense. A separate offense shall be deemed committed on each day that a violation occurs or continues.

5-2. RETAIL LIQUOR SALES. No person shall establish within the limits of the Town any retail establishment engaged in the business of selling alcoholic beverages or spirits for consumption or sale without the prior consent of and subject to such regulations as the Board may hereby and hereafter lawfully impose.

5-3. ALCOHOLIC BEVERAGES IN THE PARK. No person shall possess or consume any alcoholic beverage on or about the premises of the Ladoga Town Park. Any person violating this section shall be subject to a fine of One Hundred (\$100.00) Dollars for each violation.

5-4. BUILDING STANDARDS AND UNSAFE BUILDINGS.

5-4.1. INDIANA CODE ADOPTION. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted and incorporated herein in its entirety by reference. All proceedings within the Town of Ladoga for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.

5-4.2. DECLARATION OF PUBLIC NUISANCE. All buildings or portions thereof within the Town of Ladoga which are determined after inspection by the Building Safety Inspector to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

5-4.3. ADMINISTRATION. The provisions of this ordinance shall be administered by the Ladoga Town Board. The Chief of Ladoga Volunteer Fire Department and/or the Town Marshal and/or the Town Utility Superintendent is hereby designated as the Building Safety Inspector, who shall be

authorized to carry out the inspections and proceed on behalf of the Town Board of Trustees under the provisions of this ordinance, to order or otherwise procure the repair or removal of any buildings found to be unsafe as specified under this ordinance.

(Section 5-4.3 was amended by [Ordinance #2011-3](#), adopted 9/10/2011.)

 { *view archive* }

5-4.4. LIMITATION OF POWERS. Wherever in the building regulations applicable to the Town of Ladoga, whether by state statute, regulations or county or town ordinance, it is provided that anything must be done to the approval of or subject to the direction of the Building Safety Inspector, or any other officer of the Town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any office discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

5-4.5. STANDARDS. The description of an unsafe building contained in Indiana Code 36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Ladoga, Indiana, by adding the following definition:

UNSAFE BUILDING: Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- (a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- (c) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- (d) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (e) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.

- (f) Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (g) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- (h) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (i) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- (j) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- (k) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, of (2) freely accessible to persons for the purpose of committing unlawful acts.
- (l) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Town, or of any law or ordinance of this state or Town relating to the condition, location, or structure of buildings.
- (m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six (66%) percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- (n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the Montgomery County Health Officer to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Safety

Inspector to be a fire hazard.

(p) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

5-4.6. SUBSTANTIAL PROPERTY INTEREST. The definition of "substantial property interest" set forth in IC 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

5-4.7. CONSTRUCTION REQUIREMENTS. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical, and one and two family dwellings, promulgated by the Administrative Building Council of Indiana and the Montgomery County ordinances pertaining to building standards, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Safety Commissioner of the Town of Ladoga, Indiana.

5-4.8. CERTIFICATION OF INSPECTION. All work for the reconstruction, alteration, repair or demolition of buildings shall be subject to the Montgomery County ordinances pertaining to building inspection, and no building subject to the jurisdiction of the Montgomery County Building Inspector shall be occupied except upon inspection and certification of approval by the Montgomery County Building Inspector.

5-4.9. UNSAFE BUILDING FUND. An Unsafe Building Fund is hereby established in the operating budget of the Town in accordance with the provisions of IC 36-7-9-14.

5-4.10. INFRACTIONS-PENALTY. No person, firm, or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this ordinance or any order issued by the Town. Any person violating the provisions of this ordinance or IC 36-7-9-28 shall commit a Class C infraction for each day such violation continues.

5-4.11. SEPARABILITY. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.

5-5. DISCHARGE OF FIREARM. No person shall discharge a firearm within the limits of the Town, except police officers in the discharge of their official duties, and for burial or other ceremonial purposes wherein blank cartridges only are used. Any person violating this section shall be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, for each violation.

CHAPTER 6

WATER UTILITY

6-1. GENERAL. The Water Works Utility shall be governed by the Town Board of Trustees, which Board shall have the duties and responsibilities of making all decisions of a policy making nature relating to the ownership, operation and management of the said Water Works. The Board is hereby empowered to hire such employees as it shall deem necessary and convenient to the operation and maintenance of the Water Works System, including but not limited to a superintendent of Water Works, bookkeeper or controller, meter reader, attorney, accountants, engineers, maintenance personnel, and independent contractors, or such other persons, firms or corporations that shall be necessary to the rendering of adequate potable water service to the Town of Ladoga and its environs.

6-2. WATER RATES AND CHARGES. There shall be maintained in full force and effect at all times such rates and charges for water service as will maintain the Water Works in a sound financial condition and to enable the Water Works to render reasonably adequate, potable water service to the Town and its environs. The schedule of rates and charges as approved by the Town Council after public hearing thereon shall be of immediate force and effect, and so continue until altered or amended as shown in Appendix I to this Chapter.

6-3. *This section reserved for future use*

6-4. MISCELLANEOUS RULES. Hereafter follow the miscellaneous rules applicable to the operation of the municipal water works and binding contractual agreement with the users of the system.

(a) There is hereby established for the municipal water works of the Town a water meter deposit in the amount of Fifty (\$50.00) Dollars, which each customer upon being connected to the system shall deposit with the said utility. The deposit shall be refunded to the customer after discontinuance of that customer's service and all bills for that service having been theretofore paid, or the balance of the deposit shall be credited on any unpaid balance.

Section (a) was amended by [Ordinance #2004-4](#), adopted 12/11/2004.

 { view archive }

(b)(1) A contract for service shall exist between the owner of property receiving water service and the Ladoga Water Utility, and that property owner shall be responsible for payment for all water service through that meter or to that property. For purposes of this ordinance, the "property owner" shall be the person or entity responsible for payment of property tax assessed on that property as shown in the records of the Montgomery County Auditor.

(2) From time to time, additional contracts for service may be made between the Utility and other persons or occupants of the premises; however, those contracts shall not relieve the property owner from primary liability for billing and charges related to service to that property; and

Section 6.4(b) was amended by [Ordinance #2011-4](#), adopted 9/10/2011.

 { *view archive* }

(c) Previous customers who have moved from the utility's service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit if and when that customer returns to the utility's service area.

Section 6.4(c) was amended by [Ordinance #2011-4](#), adopted 9/10/2011.

 { *view archive* }

(d) The water utility shall not render service to any applicant therefore who shall be indebted to the utility.

(e) Each user of the Water Works shall, prior to connecting to the system, pay a connection or tap on charge in the sum of Two Hundred Fifty (\$250.00) Dollars, plus any actual charge in excess thereof. (12/97)

(f) *Reserved for future use.*

(g) The superintendent of the Water Works shall approve all connections or tap ons before any construction shall begin.

(h) Extensions of all distribution or transmission lines shall be made in accordance with the "Rules and Standards of Service for Water Utilities of Indiana", as now in effect and on file with the Public Service Commission of Indiana, or as hereafter amended.

(i) Each single family residence shall be separately metered, whether such residences shall be located within one structure or a number of structures, and even though located on multiple lots or within the boundaries of a single lot, and no meter installation or tap on charge shall be made for any customer now receiving service, whether now metered or not.

(j) Bills shall be due monthly, on or before the due date printed on the bill. If a Customer's bill is paid after the due date printed on the bill, then the Customer shall also owe a collection fee of 10% of the delinquent amount, plus reimbursement for the Utility's postage expenses for sending delinquency notices.

Editor's Note: See also [Ordinance #2-2013](#), adopted 4/24/2013, regarding Waivers of Utility Late Payent Penalties.

(Section (j) was amended by [Ordinance #2005-6](#), adopted 9/3/2005.)

 { *view archive* }

(Further amended by [Ordinance No. 2009-5](#), adopted 8/8/2009.)

 { *view archive* }

(k) At such time as any customer shall have two (2) bills delinquent and unpaid, the Water Works, without notice, may discontinue service to such customer.

Editor's Note: See also [Resolution #9-2013](#), adopted 12/14/2013, regarding Procedures for Utility Shut-Off.

(l) When service is interrupted for nonpayment or some other reason attributable to the Customer and not the Utility, a reconnection fee must be paid in advance before service is restored. That reconnection fee is:

a. if service is requested on a business day for reconnection on the next business day or any business day thereafter, the sum of \$40.00.

b. If service is requested by 3:30 p.m. on a business day for reconnection that same business day before 4:00 p.m., the sum of \$40.00 to be paid in cash only.

c. If service is requested at any time for reconnection after business hours, on a weekend, or on a holiday, the additional sum of \$80.00 for such after-hours reconnection, in addition to the standard \$40.00 reconnection fee, all to be paid in cash only.

Nothing in this section shall guarantee to any Customer that Utility personnel will be available to reconnect service at the date and time of the Customer's choosing. This reconnection fee paid in advance is in addition to all other deposits, fees, and charges that the Customer may owe.

(Amended by [Ordinance No. 2009-5](#), adopted 8/8/2009.)

 { *view archive* }

(m) No customer shall cause or allow the construction or maintenance of a cross-connection, or cause or allow the installation or maintenance of a booster pump, except as provided in 327 IAC 8-10, which Administrative Rules are adopted hereby and incorporated herein by reference. A copy as adopted, effective 1990, is hereby attached for convenience of reference. (This sub-paragraph (m) added by Ordinance #6-90.)

Editor's Note: See also [Ordinance #3-2013](#), adopted 4/24/2013, which Regulates Water Use in Emergencies.

Chapter 6. Appendix

Schedule of Water Rates and Charges

METERED USAGE PER MONTH

For use of and service rendered by the waterworks system of the Town, based on the use of water supplied by said waterworks system:

Consumption Per Month

Rate Per 1000 Gallons

First 5,000 Gallons	\$6.28
Next 15,000 Gallons	\$5.24
Over 30,000 Gallons	\$3.93

METERED USER MINIMUM CHARGE

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.

	<u>Meter Size</u>	<u>Minimum Charge</u>
5/8	Inch Meter	\$ 7.85
3/4	Inch Meter	\$ 13.09
1	Inch Meter	\$ 18.33
1 1/4	Inch Meter	\$ 29.04
1 1/2	Inch Meter	\$ 39.27
2	Inch Meter	\$ 52.36
3	Inch Meter	\$130.90
4	Inch Meter	\$209.44
6	Inch Meter	\$314.16

CONNECTION FEE

Each new connection of the Water Works shall, prior to connecting to the system, pay a connection or tap on charge in the sum of any actual costs, but not less than the sum of Two Hundred Fifty (\$250.00) Dollars.

<u>Fire Protection Annual Charge</u>	<u>Old Rate</u>	<u>New Rate</u>
Public hydrants, per hydrant	\$410.58/yr.	\$ 50.00
Private hydrants, per hydrant	\$410.58/yr.	\$ 50.00

Amended by [Ordinance #2008-1](#), adopted 3/15/2008. Note that hydrant rates were also reset by [Ordinance #2006-5](#), adopted 8/12/2006.

+/-

 { *view archive* } (Previous Fire Protection Rates)

Entire Appendix was amended by [Ordinance #2005-6](#), adopted 9/3/2005.

Editor's Note: See also [Ordinance #2006-1](#) for changes to the "specially metered" or "contractor's rate".

Editor's Note: See also [Ordinance #2010-2](#) for addition of Stormwater Sinking Fund charges.

CHAPTER 7

ELECTRIC UTILITY

7-1. ESTABLISHMENT OF ELECTRIC UTILITY DEPARTMENT. There is hereby created the Electric Utility Department, for the purpose of operating the Electric Utility distribution system (or "Electric Utility") owned by the Town.

7-2. ELECTRIC UTILITY BOARD. The Electric Utility Board shall be the governing body of the department of Electric Utility, and shall consist of the duly elected or appointed members of the Board of Trustees, which Board shall have the duties and responsibilities of making all decisions relating to the ownership, operating and management of the said Electric Utility. The Electric Utility Board is hereby empowered to hire such employees as it shall deem necessary and convenient to the operation and maintenance of the Electric Utility system, including but not limited to a superintendent of Electric Utility, bookkeeper or controller, meter reader, attorney, accountants, engineers, maintenance personnel, independent contractors, or such other persons, firms or corporations that shall be necessary to the rendering of adequate Electric Utility Service to the Town and its environs.

7-3. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter of the Code shall be as follows:

(a) "Electric Utility" shall mean all facilities for transmission, distribution and sale of electrical energy.

(b) "Superintendent" shall mean the superintendent of the Electric Utility of the Town of Ladoga, Indiana, or his authorized deputy, agent or representative.

(c) "Inspector" shall mean the person or persons duly authorized by the Town, through its Board of Trustees, to inspect and approve the installation of electrical use facilities in the Town and their connection to the Electric Utility.

(d) "Certified Territory" shall mean that geographical area, which has been approved by the Public Service Commission of Indiana as the limited area in which the Electric Utility shall render retail electrical distribution service.

(e) "Public Service Commission of Indiana" (PSC) is the duly constituted agency of the State of Indiana having regulatory authority over the Electric Utility.

(f) "Rules and Regulations". Those standards of service and rules of operation of the Electric Utility, binding upon both the customers and the Electric Utility, as set out in this Code or as added thereto in accordance with the terms and provisions of this Code.

(g) "Customer". Any person, firm or corporation receiving electrical energy through or from the Electric Utility.

7-4. GENERAL RULES FOR SALE OF ELECTRICAL ENERGY. The Town shall sell

electrical energy to such persons, firms or corporations within its certified territory as may make appropriate application for such service, promptly pay all electric utility bills when rendered, and otherwise comply with the rules and regulations set out in this Code, and such other rules and regulations as the Board of Trustees may from time to time hereafter adopt.

7-5. ADOPTION AND PROMULGATION OF RULES AND REGULATIONS. In addition to the rules and regulations contained in this Code, the Board of Trustees by Ordinance or the Electric Utility Governing Body by Resolution may adopt further rules and regulations for the governing of sales of electrical energy and the continuing obligatory relationships between electric customers and the Electric Utility, and the same shall become effective and binding upon both customers and the Electric Utility thirty (30) days following the publication of notice of the adoption of such rules and regulations or by written notification thereof to the customers as shall be determined at the option of the Governing Board. If notice of the adoption of such rules and regulations shall be published, the same shall be published one (1) time in the Crawfordsville Journal Review, a newspaper in Crawfordsville, Indiana, by title and section identification, and a complete copy thereof made available to the customer at the offices of the Electric Utility; if the Governing Board shall elect to promulgate such rules and regulations by written notice to the customers, a true and complete copy of such rules and regulations shall be delivered to the customer by the Electric Utility.

7-6. TYPES AND AVAILABILITY OF SERVICE. There are hereby established three (3) separate classifications of service to be rendered by the Ladoga Municipal Electric Utility, hereinafter designated Utility.

(a) Residential Service. Such service shall be available for all residential service, including residential lighting, household appliances, refrigeration, cooking appliances, water heating, and small motors not exceeding 10HP individual capacity.

(b) Commercial & Power. Such service shall be available for any commercial or power usage purpose, including commercial lighting, miscellaneous small appliances, refrigeration, cooking appliances, water heating, and incidental motors exceeding 10HP individual capacity. The HP of a motor shall be hereafter determined by the wattage use required for its operation, and not by the HP rating posted on the machine.

(c) Electric Heat. Such service shall be available to any customer through whose principal building has as its primary heat source an electrically powered heating system.

(d) All customers, regardless of the classification into which they fall, must be located on the Town's distribution lines suitable for supplying the service requested.

7-7. CHARACTER OF SERVICE. All service shall be alternating current 60 cycle, and with the exception of general power service will be single phase at a voltage of approximately 115 volts 2 wire, or 115-230 volts 3 wire. Any customer requiring general power service will be provided voltage of approximately 230, or any standard voltage otherwise supplied by the Town. Three phase service shall be available only under the Commercial & Power rate.

7-8. MINIMUM CHARGE. The minimum charge to all users other than electric heat is

hereby established at \$1.20 per meter, per month. Electric Heat users minimum charge is hereby established at \$1.20 per month.

7-9. COLLECTION CHARGES. Bills shall be due monthly, on or before the due date printed on the bill. If a Customer's bill is paid after the due date printed on the bill, then the Customer shall also owe a collection fee of 10% of the delinquent amount, plus reimbursement for the Utility's postage expenses for sending delinquency notices.

(Amended by [Ordinance No. 2009-5](#), adopted 8/8/2009.)

 { view archive }

Editor's Note: See also [Ordinance #2005-8](#), "Establishing an Electric Utility Late Fee" and [Resolution #2008-11](#) regarding the use of restrictive meters for delinquent accounts.

Editor's Note: See also [Ordinance #2-2013](#), adopted 4/24/2013, regarding Waivers of Utility Late Payent Penalties.

7-10. DISCONTINUANCE OF SERVICE. Fifteen (15) days after any bill becomes delinquent, service may be discontinued at the option of the Utility. The Utility may also, at its option, discontinue service of any customer of the Utility who knowingly supplies electric service to any user whose own service has been discontinued by the Power Company at that time.

Editor's Note: See also [Resolution #9-2013](#), adopted 12/14/2013, regarding Procedures for Utility Shut-Off.

7-11. RECONNECTION CHARGE. When service is interrupted for nonpayment or some other reason attributable to the Customer and not the Utility, a reconnection fee must be paid in advance before service is restored. That reconnection fee is:

- a. If service is requested on a business day for reconnection on the next business day or any business day thereafter, the sum of \$40.00.
- b. If service is requested by 3:30 p.m. on a business day for reconnection that same business day before 4:00 p.m., the sum of \$40.00 to be paid in cash only.
- c. If service is requested at any time for reconnection after business hours, on a weekend, or on a holiday, the additional sum of \$80.00 for such after-hours reconnection, in addition to the standard \$40.00 reconnection fee, all to be paid in cash only.

Nothing in this section shall guarantee to any Customer that Utility personnel will be available to reconnect service at the date and time of the Customer's choosing. This reconnection fee paid in advance is in addition to all other deposits, fees, and charges that the Customer may owe.

(Amended by [Ordinance No. 2009-5](#), adopted 8/8/2009.)

 { view archive }

7-12. LIABILITY FOR SERVICE CHARGES.

(A)(1) A contract for service shall exist between the owner of property receiving electrical service and the Ladoga Electric Utility, and that property owner shall be responsible for payment for all electrical service through that meter or to that property. For purposes of this ordinance, the "property owner" shall be the person or entity responsible for payment of property tax assessed on that property as shown in the records of the Montgomery County Auditor. Owners of properties that participate in Section 8 of the United States Housing Act of 1937, Veterans Administration Supported Housing, and other governmental housing assistance programs that include electric utility assistance, and are financed by the government, are exempted from this subsection.

(2) From time to time, additional contracts for service may be made between the Utility and other persons or occupants of the premises; however, those contracts shall not relieve the property owner from primary liability for billing and charges related to service to that property; and (see also [Section 7-14\(a\)](#) regarding contractual obligations.)

(B) Previous customers who have moved from the utility's service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit if and when that customer returns to the utility's service area. (see also [Section 7-14\(d\)](#) regarding previous customers.)

(Added by [Ordinance #2011-5](#), adopted 9/10/2011, as amended by [Ordinance #2011-8](#), adopted 10/8/2011.)

7-13. WATER HEATER REQUIREMENTS. Each water heater shall consist of a permanently installed tank of not less than 30 gallon capacity built to conform with NEMA standards for construction, insulation controls and operating at 240 volts. The tank shall be equipped with 2 thermostatically controlled elements, one located near the bottom and the other approximately 1/4 of the way down from the top of the tank, neither element to exceed 4500 watts of connected load with controlled equipment arranged so that not more than one element can be operated at the same time. Safety valve and over-current protection are required.

7-14. METER DEPOSITS

(a) All applicants for electric utility service shall complete a Request For Service form provided by the utility. Any Request for Service by a nonowner of the premises shall also be signed by the owner of the property giving his consent to such services being furnished to the premises. Upon acceptance and approval of service on behalf of the Town Utility, the Request for Service shall constitute a contract between the Utility and the occupier and the owner of the premises for in joint and several liability to pay for the electric service furnished to the premises. (see also [Section 7-12\(A\)](#) regarding contractual obligations.)

(b) All new customers of the electric utility connecting to the system shall be required to deposit with the Utility, prior to receiving service an electric meter deposit in the cash sum of One Hundred (\$100.00) Dollars.

(c) The utility is hereby empowered to increase or decrease the deposit of existing customers of the utility to the level of deposit for new customers.

(Sections b and c were amended by [Ordinance #2004-4](#), adopted 12/11/2004).

 { *view archive* }

(d) Previous customers of the electric utility that have moved from the utility service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit as hereinabove set forth if and when they return to the utility service area and request utility service. The utility shall not render service to any applicant therefore who shall be or remain indebted to the utility.
(see also [Section 7-12\(B\)](#) regarding previous customers.)

(e) Disposition of Deposit upon Disconnection of Service. Following the disconnection of electrical service at the request of the customer, the Utility shall either (i) apply any remaining deposit to the customer(s)' final bill, or (ii) refund any remaining deposit to the customer within fifteen (15) days after payment of the final bill. Upon involuntary disconnection of an electric utility customer(s)' service for nonpayment of charges or for violation of the rules of the Utility applicable to such customer, the Utility may use the deposit to cover any unpaid balance of electric service charges remaining unpaid following disconnection of service; provided, however, that any surplus deposit shall be returned to the customer(s). The Utility shall not be required to pay interest on the meter deposit of any electric customer, regardless of the amount of the deposit or the length of time that it is held by the Utility.

(f) Unclaimed Deposits. Any meter deposit that is refundable to or in respect of a customer, pursuant to the provisions of the Town Code, and which remains unclaimed for seven (7) years after it has become refundable, and after the Utility has made a diligent effort to locate the person or persons to whom the refund should be made, shall be presumed abandoned and shall be disposed of in accordance with the laws of the State of Indiana governing abandoned or unclaimed property.

7-15. SPECIAL SERVICES AND CONDITIONS. Whenever in the opinion of the Utility, the necessary expenditures to make connection to an applicant for service is not warranted by the Company's estimated of prospective revenues to be derived therefrom the Company may require the applicant to make a lump-sum payment in advance equal to the material costs used to construct the extension. Thereafter, the Company shall be the owner of and at all times shall maintain such services. Underground installations can be obtained at the request of the land developer. If a request is made for underground distribution, the developer shall be responsible upon the completion of the installation for a payment to the Company equal to the difference in cost of the estimated overhead construction and the actual cost of underground installation.

A penalty of \$100.00 may be charged against any person who knowingly supplies electric current to any unit by any means after service to this latter unit has been discontinued by the Company, notwithstanding any other provision herein.

Any person or customer who removes any meter seal or meter without the Company approval

may be charged a penalty of \$100.00; further that, any customer who removes or allows anyone to remove a meter with the intentions of tampering with the meters so as to cause incorrect reading or to by-pass the meter in any way may be charged a penalty of \$100.00, have his service discontinued, or both.

The Utility may require the customer, at his expense, to install and use such starting or current limiting equipment as may, in the opinion of the Utility, be necessary for use with any motor or apparatus to prevent undue disturbance, imbalance, or voltage fluctuation. Electric welders and similar equipment usually require a separate power supply for satisfactory operations. The Utility shall be consulted in every case prior to the installation of such equipment, and may require a separate supply, if in its opinion it is necessary.

The Utility will designate the point at which service will be connected to the customer facility. The customer's service wires, at the point of connection with the Utility lines, shall extend 3 feet beyond the outer end of any conduit, weatherproof fitting or insulator in order to facilitate the connection.

Any changes made in service connections, either overhead or underground, at the request of the customer after original installation, shall be solely at the customer's expense.

Any customer installing neon, fluorescent or other types of gaseous tube lighting, including signs, may be required to furnish, install and maintain, at his own expense, corrective apparatus so that the power factor at all times, of each unit or group of units controlled through one switch, will be not less than 90% lagging.

Any customer operating any equipment such as neon, fluorescent or other types of gaseous tube lighting, including signs or other apparatus of any kind that is found to be causing radio or television interference may be requested to discontinue the use of such equipment or apparatus or to install corrective equipment to eliminate the radio or television interference. The Utility may discontinue service to the customer if corrective measures as required by the Utility are not taken by the customer within 30 days after written notice of such corrective measures shall be given to the customer by the Utility.

Where both residential and commercial classes of service are supplied through one service connection and meter to the same customer on the same premises, such combined service shall be billed and classed as provided under the Commercial & Power rate.

At the option of the customer, and at the customer's expense, the connections may be arranged so as to separate the Commercial and Residential Services to permit the installation of 2 meters, in which case the Residential Rate will apply to the Residential Service and the Commercial & Power rate to the Commercial Service.

The properly authorized agents or officials of the Utility shall have the right to enter upon the premises of the customer at all reasonable times for the purpose of reading meters, inspecting, testing, repairing or replacing of equipment used in connection with this service, and for removing the same upon termination of this contract or the discontinuance of service.

The Utility shall have the right to discontinue electric service without notice for repairs or want of supply; otherwise, the Utility shall have the right to discontinue upon giving the customer 2 days notice thereof.

7-16. FUEL COST ADJUSTMENT. The Utility does hereby adopt the Fuel Clause Adjustment Provision for all rate classifications permitted by Public Service Commission of Indiana, Cause #33061, current by that being in dollars per KWH shall be the same as that most recently billed to the Ladoga Electric Utility by its purchased power supplier less \$0.00.

7-17. WHOLESALE POWER COST ADJUSTMENT. The energy charge set forth in the Company's rate schedules for residential service and commercial and power service are subject to a purchased power cost and adjustment tracking factor, in accordance with the order of the Public Service Commission of Indiana, approved December 17, 1976, in Cause No. 34614. The purchased power cost adjustment tracking factor stated in Appendix B of said order is applicable hereto, and is issued and effective at the date shown on Appendix A, when filed, to the rate tariffs of the Ladoga Municipal Electric Utility.

7-18. FUEL COST RECOVERY-COMPUTATION. Fuel cost adjustment charges to the customers of the Ladoga municipal Electric Utility shall be computed upon the number of kilowatt hours bills to its customers, rather than upon the number of kilowatt hours purchased from its energy.

7-19. *This section is reserved for future use.*

7-20. *This section is reserved for future use.*

7-21. REASONABLE RETURN ON INVESTMENT. Rates and charges to be made to the consumers of the Ladoga Municipal Electric Utility (hereinafter designated "Utility"), and to be submitted hereafter the Public Service commission of Indiana for its approval, shall be such rates and charges as are sufficient to include a reasonable return on the Utility plant of the municipality and sufficient to compensate the Town for the taxes due the Town which would be paid on the Utility property were it privately owned.

7-22. PAYMENT TO TOWN IN LIEU OF TAXES AND RENT. That portion of rates and charges of the Utility received by the Town, attributable to compensation to the Town for taxes due the Town, which would be paid on the Utility property were it privately owned, and the fair market value payments for use of Town-owned or operated facilities not directly owned by the Utility, as may be negotiated from time to time, shall be transferred semi-annually to the Town general fund, by the Clerk-Treasurer, without further resolution or ordinance of the governing body, on April 1st and October 1st of each year.

No schedule of rates and charges shall hereafter be submitted to the Public Service Commission of Indiana for its approval which does not contain, as a component calculation thereof, and which is not sufficient to provide for the reasonable return on the Utility plant of the municipality, and compensation to the Town in lieu of taxes, both as hereinabove set out.

APPENDIX 1995A TO THE LADOGA
ELECTRIC UTILITY RATE TARIFFS

There will be a credit against each user who is current on payment of its regular electric utility service bill for each switch installed pursuant to the Indiana Municipal Power Agency "Peak Management" program for the purpose of implementing direct load control of central air conditioners and electric water heaters in an amount of One (\$1.00) Dollar per month year-round for water heaters and Two (\$2.00) Dollars per month (June through September only) for central air conditioners.

The preceding paragraph was added by [Ordinance #1995-1](#), adopted 4/8/1995.

Chapter 7. Appendix

Ladoga Municipal Electric Utility

Schedule of Electric Rates and Charges

Residential & Commercial Services (Including Water Heater Usage and Space Heating Service):	<u>Rate/Rate per KWH</u>
Customer Charge	\$3.00
First 200 KWH Per Month	\$0.107169
Next 800 KWH Per Month	\$0.091232
Over 1,000 KWH Per Month	\$0.081516
General Power Service:	
Customer Charge	\$10.00
First 500 KWH Per Month	\$0.123106
Next 2,250 KWH Per Month	\$0.111317
Next 2,500 KWH Per Month	\$0.099855
Over 2,500 KWH Per Month	\$0.090031
Security Lighting Service:	
Rate per lamp per month	\$7.56
Public Street Lighting Service:	\$5.14

All rates are subject to the energy cost adjustment tracking procedures which provide for changes in the cost of purchased power from the Town's wholesale power provider.

The base cost of power imbedded in the above-noted base rates are as follows:

	<u>Per Unit</u>	<u>Total</u>
Demand Costs	\$15.700	\$ 261,845
Energy Costs	\$.017777	<u>152,351</u>
Total Power Costs		414,196
Test Year KWH Sales	Divided by	<u>8,140,095</u>
Base Cost of Power per KWH		<u>\$.050883</u>

Editor's Notes:

The current electric rates - at the time of this digital publication - were set by [Ordinance #2009-5](#), adopted 8/8/2009.

Residential and Commercial Rates were consolidated by [Ordinance #2010-1](#), adopted 1/27/2010.

Previous electric rates were set by:
[Ordinance #2006-3](#), adopted 6/28/2006, and
[Ordinance #1999-3](#), adopted 5/8/1999.

Photos of the rates originally placed in the codified book are available by clicking the following links:

 [Original Electric Rates, Page 1](#)

 [Original Electric Rates, Page 2](#)

CHAPTER 8

STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC WAYS AND PUBLIC NUISANCES

8-1. SNOW EMERGENCY. A snow emergency is hereby declared to be a condition within the Town of Ladoga, which the President of the Board of Trustees or his nominee, shall declare to exist at any time he shall believe that the streets of the Town of Ladoga are so congested from the accumulation of snow, ice, debris, flood or the like, that all vehicles should be removed from the street to enable the removal of such congestion.

(a) All persons within the town limits of the Town of Ladoga shall be deemed to have been notified of the existence of a snow emergency upon the occurrence of all of the following:

1. The Town Board President or his nominee has made a written declaration of the existence of a snow emergency.
2. Notice of a declaration of a snow emergency has been posted in writing for not less than one (1) hour at each of the following places, to-wit: Town Hall, Fire Station, Ladoga Post Office, the Ladoga Grade School, and on the premises of each church within the Town of Ladoga.
3. Verbal communication has been given to WCVL radio station that a snow emergency has been declared within the town limits of Ladoga.

(b) A snow emergency may be declared at any time at the discretion of the President of the Board of Trustees or his nominee; however, it shall be preliminary notice to all persons possessing motor vehicles within the town limits of Ladoga that a snow emergency may be declared at any time that the streets of Ladoga are generally covered with ice of any depth, water of any depth, or snow to a depth of two (2) inches, and by reason of such preliminary notice such persons are deemed to be alerted for the declaration of a snow emergency.

(c) Upon the declaration of a snow emergency, it shall be the responsibility of each possessor of a motor vehicle within the town limits of Ladoga, to remove such motor vehicle from a street or public way, and to keep the same off the streets or public ways until the declaration of a snow emergency has been canceled or rescinded.

(d) A snow emergency may be declared for all or any portion of the Town as the Board of Trustees shall see fit.

(e) In the event a motor vehicle shall be parked or otherwise stopped in place on a Town street or public way within the Town limits in violation of the provisions herein, the Town Marshal may cause such vehicle to be towed to a place of storage and thereat impounded until such time as all charges for towing and storage has been paid by the owner or possessor of such motor vehicle.

(f) If anyone shall violate the terms of this Section and as a result of such violation, and the Town, its employees or any of its property shall be damaged by reason of such violation, the possessor and

owner of such motor vehicle shall thereby become liable to the Town or employee, as the case may be, for the damages so suffered.

8-2. PROTECTION OF ASPHALTIC PAVEMENTS. (a) No person shall burn leaves or other debris on or near a public asphalt pavement or allow or permit gasoline or other petroleum products or other substances to be discharged onto a public asphaltic surface which may dissolve or tend to erode or otherwise damage said pavement. Such asphaltic pavement shall include but not be limited to streets, alleys, parking lots, playground surfaces, sidewalks or pathways.

(b) Any person violating the terms of this Section shall be deemed guilty of a misdemeanor and may be fined a sum not exceeding One Hundred (\$100.00) Dollars.

8-3. EXCAVATIONS. (a) No person shall make any excavations in any street or alley in the Town or between any sidewalk and street in the Town without first obtaining from the Clerk-Treasurer of the Town a written permit to make such excavation. All such requests for permits shall be in writing and include the date and time, the exact location and the proposed depth of such excavation.

(b) At the time of issuing the permit to do such excavation the Town Clerk-Treasurer shall require the person making such proposed excavation to post bond with the Town to guarantee that if any underground utility line or Town drain or sewer is damaged by such excavation, that the same will be repaired and replaced in its former condition and to pay all damages that may have been caused by such excavation to the Town by any interruption of utility services to the Town and citizens thereof.

8-4. PUBLIC NUISANCES AND LITTERING. (A) All owners or person in control of real property in the Town shall be under a duty to remove or cause to be abated any public nuisance on such real estate owned or controlled by such persons including such real estate as includes the parkway or other strip of ground lying between private property and the curb or paved portion of the Town streets.

(B) The following conditions are hereby defined as public nuisances:

1. Allowing weeds or other rank vegetation to grow on property.

(a) DEFINITION. For purposes of this Ordinance, “weeds and other rank vegetation” shall mean grass and other vegetation that is unkept and unmowed over a period of time and left to grow to a height in excess of ten (10) inches. The term shall not include:

(1) Agricultural and vegetable crops such as corn, wheat, hay, and pasture,

(2) Designated wetlands, parklands, and forest preserves, and

(3) River banks, creek banks, and drainage ditches from the centerline of the waterway to the area within ten feet (10’) of the top edge of each bank.

(b) VIOLATION OF ORDINANCE. Weeds and other rank vegetation are prohibited in the Town of

Ladoga and the existence of which shall constitute a violation of this Ordinance subjecting the landowner to a civil fine of One Hundred Dollars (\$100.00). Each day a violation continues after receipt of a notice of violation shall constitute a separate offense. The civil fine shall be in addition to the cost collection procedures set forth in I.C. 36-7- 10.1-4.

(c) NOTICE OF VIOLATION. Upon receipt of information from the Ladoga Police Department that a violation of this Ordinance exists, the office of the Clerk-Treasurer shall issue a five (5) day written notice to cut and remove the weeds and other rank vegetation which shall be served by certified mail, return receipt requested, or an equivalent service permitted under I.C. 1-1-7-1 to:

(1) the owner of record of real property with a single owner; or

(2) at least one of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice. If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or equivalent service under I.C. 1-1-7-1, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or its contractors.

(d) REMOVAL BY TOWN. If the landowner fails to cut and remove the weeds and other rank vegetation within the five (5) day time prescribed by the written notice of violation, the Town of Ladoga or a contractor of its hiring may enter the real property to cut and remove the weeds and other rank vegetation and abate the ordinance violation.

(e) NOTICE OF COSTS TO LANDOWNER. Following any abatement of the ordinance violation by the Town of Ladoga or its contractor, the Ladoga Clerk-Treasurer shall prepare a certified statement of the actual costs incurred by the Town in the cutting and removal of the weeds and other rank vegetation, including administrative costs and removal costs. The certified statement shall be delivered to the landowner by the Ladoga Police Department or by the method set forth for notices of violation above. If the landowner fails to pay the certified amount within ten (10) days after receiving the certified statement, the Ladoga Clerk-Treasurer shall certify to the Montgomery County Auditor the amount of the original certified statement plus any additional administrative costs incurred in the certification process. The Montgomery County Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town of Ladoga.

(f) COMPLAINT AND SUMMONS. If the landowner fails to cut and remove the weeds and other rank vegetation within the five (5) day time prescribed by the written notice of violation, the ordinance violation shall be enforced as any other nuisance violation under town code and state law.

(g) ADMINISTRATION OF ORDINANCE. This Ordinance shall be administered by the respective Town of Ladoga officers, employees, and departments as directed and specified within the particular terms and provisions of this Ordinance, including the Ladoga Police Department and Clerk-Treasurer.

(h) APPEALS. The landowner may appeal a notice of violation or a certified statement of costs issued under this Ordinance to the Ladoga Town Council. The Council shall conduct an investigation of the appeal and make a written determination which shall be forwarded to the landowner and to the Ladoga Clerk-Treasurer. The decision of the Council on all appeals shall be final.

(Section 8-4 (B)1 was replaced by [Ordinance #2012-2](#), adopted 8/29/2012.)

+/-

{ *view archive* }

2. Whenever any vegetation exists on private property in close proximity to any municipal property or governmental right of way or easement which because of its location, size or condition interferes with the public safety or lawful use of such property, right of way or easement.

Editor's Note: See [Resolution #2008-5](#), adopted 7/12/2008, regarding vegetation control in easements.

3. Whenever any sign, structure, tree, shrub, vine or plant may be standing adjacent to any public street, so as to obstruct thereby the vision of travelers along such street.

4. Whenever any dead, decayed, broken or dangerous limbs overhang or are close to a public way.

5. Whenever any tree or other vegetation may overhang the surface of a public way below a clear height of at least eight (8) feet so as to interfere with the passage of light from the street lighting system.

6. Whenever any building or premises is not maintained in a clean, orderly or sanitary manner in compliance with any federal, State or local law, ordinance or regulation.

7. Whenever any property is abandoned, neglected, or disregarded so as to permit the same to be cluttered with an accumulation of litter or waste including but not limited to waste paper, rags, cans, bottles, boxes, lumber, metal, garbage, trash, disused or inoperable vehicles, trailers, machinery, appliances, or furniture thereon, unless specifically authorized by law.

8. Whenever any property is not graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon.

9. Whenever any buildings shall not be kept free from insect and rodent infestation. Where the same are found they shall be promptly exterminated by an acceptable process which will not be injurious to human health.

10. Whenever any property erects or maintains a spite fence or barrier that is offensive to neighbors.

(C) NOTICE TO ABATE NUISANCE. The board hereby designates the individual Trustees or the Town Marshal to enforce this Section and any of said persons shall enter upon and inspect the properties of the Town and if a nuisance is found to exist, such person shall serve written notice upon the person owning or controlling said property, such notice requiring the person permitting such nuisance to correct the situation so that such nuisance shall thereafter be abated. Service of notice may be made in person or by certified mail. In the event that said person or persons so notified shall

not abate said nuisance within ten (10) days after such notice, said person or persons shall be deemed in violation of this Section.

(D) ENFORCEMENT.

1. Any person, firm or corporation who violates any provision of this chapter shall, upon conviction thereof, be fined in an amount not less than \$100.00 nor more than \$2,500.00 and may be subject to other penalties provided by this Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues after the time has passed for correction stated in the Notice To Abate. Any person, firm or corporation adjudged guilty of violating any provision of this subchapter may also be adjudged to pay the costs of prosecution. In addition, the Town Council may;

(a) Declare the premises to be unsafe as provided by Chapter 5 Section 4 of the Town Code, entitled "Building Standards and Unsafe Buildings"; and

(b) Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the premises as provided by the Building Code, entitled "emergency Orders", and

(c) Seek any of the additional relevant remedies provided by the code.

2. Failure of Owner or Occupant to Correct Noncompliance; costs of removal.

In the event the owner or occupant of the premises fails to correct the public nuisance condition of the premises as specified in the Notice to Abate Nuisance within the time required by 8-4(C), the Town Council may proceed to correct the condition and shall keep an account of all costs incurred in correction of the public nuisance condition. The Clerk-Treasurer shall make a certified statement of all costs incurred by the town involved in correcting the public nuisance condition to be issued immediately to the owner or occupant of the premises in the same manner as provided for issuance of the notice of violation by this subchapter, the owner or occupant shall pay the amount of all costs incurred by the town as noted on the certified statement to the Clerk-Treasurer within 30 days from the date the certified statement is served upon the owner or occupants.

Editor's Note: The cost for mowing weeds is specified in [Resolution #2003-2](#).

3. Lien; Delinquent Accounts

(a) All costs by the Town to correct a public nuisance as provided in this subchapter, shall be and the same is hereby declared a lien in favor of the Town of Ladoga upon and against the premises on which the corrective activity is undertaken. All costs, together with any penalty applicable thereto as provided by this Chapter, shall be collected in any manner provided. The lien herein created is superior to and takes precedence over all other liens except for the lien for taxes.

(b) In the event the full amount due the Town is not paid to the Clerk-Treasurer by the owner of the premises within 30 days after receipt of the certified statement expenses as provided herein, the costs shall thereupon become and is hereby declared to be delinquent and a penalty of 25% of such cost

shall thereupon attach to the cost and be included in the lien, as herein provided, and shall be collectible in addition to the cost of such removal and disposal.

(c) In the event a delinquency occurs for nonpayment of the costs set out in the certified statement, the Clerk-Treasurer shall proceed as provided in IC 36-1-6-2, where applicable, to place the charges on the taxes charged against the property or otherwise record in the office of the County Recorder a notice of lien setting forth the name or names of the owner of the premises upon which the costs have become delinquent, the description of the premises as shown by the records of the County Auditor and the amount of such delinquent costs and the penalty thereon. The lien shall attach to the premises described in the notice of lien from the time of the recording of the notice of lien.

4. Civil action; Foreclosure for nonpayment.

(a.) If the costs incurred by the town for the correction of the public nuisance are not paid to the Town as herein provided and become delinquent, then the amount due the Town for such corrective action, the penalty thereon and all costs of collection thereof, including a reasonable attorney's fee, may be recovered by the Town in a civil action brought in the name of the Town against the owner of the premises responsible for payment thereof.

(b.) If the costs incurred by the Town for the correction of a public nuisance is not paid to the Town as herein provided and become delinquent, the Town, as an additional or alternative remedy, may foreclose the lien created by this subchapter as a means of collecting the amount due the Town, including the penalty thereon. In event an action is brought to foreclose the lien as herein created, the Town is entitled to recover the amount due the Town for nuisance correction, any penalty thereon and all costs of the foreclosure of the lien, including a reasonable attorney's fee, and the Court shall order that the sale of the premises be made without relief from valuation and appraisal laws.

(c.) In the event the costs incurred by the Town for nuisance correction is not paid to the Town as herein provided and becomes delinquent, the Town, as a further additional or alternative remedy, may authorize the Clerk-Treasurer to certify to the County Auditor a true copy of the notice of lien and the amount of delinquent costs and any penalty thereon which shall then be charged to the premises on the tax duplicate and shall be collected in a manner that taxes are collected by law. Upon collection of the costs and penalty thereon, the County Auditor or any other appropriate official shall pay to the Clerk-Treasurer the total amount of the costs so collected together with the penalty thereon.

E. Other legal remedies.

In addition to the enforcement remedies provided by this subchapter, the Town may enforce the provisions of this subchapter, by all other legal remedies, including but not limited to, the use of a mandatory injunction to require abatement of any public nuisances within the Town by the owner or occupant of the affected premises. In all such actions brought by the Town to enforce the provisions of this subchapter, the Town is entitled to recover all costs of such litigation, including a reasonable attorney's fee.

F. Transfer of ownership.

It shall be unlawful for the owner of any premises who has received a notice of violation of this subchapter to sell, transfer, mortgage, lease or otherwise dispose of the premises to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any notice of violation and shall furnish the Town a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by the notice of violation.
(Amended by [Ordinance #2002-2](#), adopted 10/12/2002).

8-5. CONGREGATING IN PUBLIC PLACES OR INTERFERING WITH OFFICIALS. (a)

No person shall congregate or cause to be congregated a crowd of three (3) or more persons upon any public street, alley, sidewalk, parking lot, school or school ground, building or any other public place within the Town so as to obstruct the same or as to hinder or annoy passers-by or occupants of adjacent premises, or as to interfere with the activities normally carried on on the premises.

(b) It shall be unlawful for any person or persons to intentionally impede or interfere, or attempt to impede or interfere with any law enforcement officer, fireman or any other town official in the performance of his duty or emergency functions in such official capacity.

(c) Any person violating the terms of this Section shall be punished by a fine of not more than One Hundred (\$100.00) Dollars.

8-6. CURFEW VIOLATIONS

A. Purpose. The purpose of this Section is to (i) promote the general welfare and protect general public through the reduction of juvenile law violation and crime within the Town, and (ii) promote the safety and well-being of the Town's youngest citizens, persons under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by perpetrators of crime.

B. Definitions. As used within this Section, the following words and phrases shall have the meanings ascribed to them below.

"Curfew hours" refers to the hours of 10:00 p.m. through 5:00 a.m. on Sunday evening through Friday morning and 11:01 p.m. through 5:00 a.m. on Friday evening through Sunday morning. Because of the historic increase in vandalism during the Halloween season, from October 15 through November 1, curfew hours are 9:00 p.m. to 5:00 a.m., regardless of the day of the week.

"Emergency" refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accident, or other similar circumstances.

"Establishment" refers to any privately owned place of business within the Town of Ladoga, Indiana, operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such Establishment, the term "Operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any

corporation (and the officers thereof) conducting or managing that Establishment.

"Minor" refers to any person under eighteen (18) years of age who has not been emancipated by court order.

"Officer" refers to a police or other law enforcement officer charged with the duty of enforcing the laws of the State of Indiana and/or the ordinances of the Town of Ladoga, Indiana.

"Parent" refers to

1. a person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
2. a person who has legal custody of a minor during a period of court-ordered visitation;
3. a person who is the biological or adoptive parent with whom a minor regularly resides;
4. a person judicially appointed as a legal guardian of the minor; and/or;
5. a person eighteen (18) years of age or older standing in loco parentis (as indicated by the authorization of an individual listed in part(s) (1), (2) or (3) of this definition, above, for the person to assume the care or physical custody of the child, or as indicated by any other circumstances).

"Person" refers to an individual, not to any association, corporation, or any other legal entity.

"Public Place" refers to any place to which the public or a substantial group of the public has access, including, but not limited to streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops. With respect to such Public Place, the term

"Operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) having control over that Public Place.

"Remain" refers to the following actions:

1. to linger or stay at or upon a place; and/or
2. to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

"Temporary care facility" refers to a non-locked, non-restrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

C. Curfew Terms. 1. It shall be unlawful for a minor, during curfew hours, to remain in or upon any Public Place within the Town, to remain in any motor vehicle operating or parked therein, or to

remain in or upon the premises of any Establishment within the Town, unless:

- (a) the minor is accompanied by a parent; or
- (b) the minor is involved in an emergency; or
- (c) the minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop; or
- (d) the minor is on the sidewalk directly abutting a place where he or she resides with a parent, so as to be under the supervision of a parent; or
- (e) the minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or
- (f) the minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information, the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or
- (g) the minor is involved in interstate travel through, or beginning or terminating in, the Town of Ladoga, Indiana, or (h) the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly.

2. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage that minor to violate this Section.

3. It shall be unlawful for the Operator of any Establishment or Public Place or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the Establishment or Public Place during curfew hours.

4. It shall be a defense to prosecution under this subsection that the Operator or employee of an Establishment or Public Place promptly notified the police department that a minor was present at the Establishment or Public Place after curfew hours and refused to leave.

5. It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any officer investigating a possible violation of this Section.

D. Enforcement.

(1) Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or Establishment within the Town during Curfew hours is in violation of this Section.

(A) If such investigation reveals that the presence of such minor is in violation of this Section; then:

(1) if the minor has not previously been issued a warning for any such violation, then the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the police department to the minor and his or her parent(s); or

(2) if the minor has previously been issued a warning for any such violation, then the violation shall be considered a delinquent act as defined by Indiana Code 31-37-1-2; and,

(B) As soon as practicable, the officer shall:

(1) release the minor to his or her parent(s); or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor, or

(2) if a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the application curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile division of the Montgomery County Probation Department and/or may be released to the custody of the Child Protection Service to be dealt with in the manner and pursuant to such procedures as required by law.

(2) Others. If an investigation by an officer reveals that a person has violated this Section, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the police department to the person; however, if any such warning has previously been issued to that person that the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

Penalty.

Any adult person violating this Section shall be fined in an amount not less than \$250.00 and no more than \$500.00, plus the court costs for an ordinance violation. As an alternative to said fine or on such terms as it finds just, the Court may order the minor and/or the minor's parent or parents to perform community service and/or attend one or more programs approved by the Court.

(Section 8-6 was replaced by [Ordinance #2006-7](#), adopted 8/30/2006.)

 { *view archive* }

8-7. BURNING OR INCINERATION OF TRASH OR REFUSE. (a) No person shall burn or incinerate any trash, refuse, leaves, grass or other vegetation after 6:00 o'clock p.m., or before the hour of 6:00 o'clock a.m. Any such incineration as is otherwise lawful shall be completely extinguished so as to avoid any smoldering or smoking after the hour of 6:00 o'clock p.m.

(b) Any person violating the terms of this statute shall be punished by a fine of not less than \$25.00

for each such violation.

CHAPTER 9

ANIMAL CONTROL

9-1. DEFINITIONS.

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

AGENT: Any Individual eighteen (18) years of age or older who is authorized by an animal's Owner to have temporary or permanent custody of, shelter, have charge of, harbor, exercise control over, or otherwise act on such Owner's behalf with respect to such animal.

ANIMAL: Any live, vertebrate creature, domestic or wild.

ANIMAL CONTROL AGENCY: Animal Welfare League of Montgomery County, Inc., or any other governmental or private entity charged or contracted with for the implementation of animal control services for and on behalf of Montgomery County.

ANIMAL CONTROL AGENT: A civilian Individual employed or appointed by an Animal Control Agency for the purposes of carrying out the provisions of this Chapter or any contract for animal control services.

ANIMAL CONTROL FACILITY: A facility, shelter or vehicle operated by an Animal Control Agency for promoting animal welfare and humane treatment of animals.

AT LARGE: An animal that is:

- 1) not on a leash and is off the property of its Owner or the Owner's Agent;
 - 2) on a leash that does not adequately confine the animal to the property of the Owner or the Owner's Agent;
 - 3) on a leash that is not otherwise under the immediate control of an Individual physically capable of restraining the animal; or
 - 4) otherwise not under the direct control of the Owner or Owner's Agent.
- Notwithstanding the foregoing, an animal that is engaged in legal hunting or farming activities
- 5) and is under the control and supervision of the Owner or the Owner's Agent is not considered to be At Large under this Chapter.

COUNCIL: "Council" shall mean the Ladoga Town Council.

COYDOG: "Coydog" shall have the meaning prescribed by I.C. 15-20-1-5(a)(1), as amended or recodified from time to time.

DANGEROUS ANIMAL: The term "Dangerous Animal" includes any of the following:

- 1) Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any Individual to prevent Serious Bodily Injury when the Individual and the animal are off the property of the Owner or Agent;
- 2) Any animal which, when unprovoked, attacks or bites an Individual causing Serious Bodily Injury;
- 3) Any animal which within the prior thirty-six (36) month period, when unprovoked and off the property of the Owner or Agent, has bitten or otherwise caused Severe Injury to Domestic Livestock or a Domestic Pet without provocation;
- 4) Any animal which, when unprovoked and off the property of the Owner or keeper of the animal has caused the death of Domestic Livestock or a Domestic Pet, or Severe Injury to multiple Domestic Livestock or Domestic Pets, without provocation; or
- 5) Any Wolf Hybrid or Coydog.

Notwithstanding the foregoing, the term “Dangerous Animal” excludes any K-9 dog or police dog that is owned, used or maintained by a law enforcement agency.

DOMESTIC LIVESTOCK: Any animal, other than a Domestic Pet, that is kept for agricultural or commercial purposes, or in connection with a 4-H or FFA activity, and is one (1) of the following: alpaca, bison, elk, cattle, donkey, goat, horse, llama, mule, ostrich, emu, swine, poultry (chicken, turkey, duck or goose), rabbit or sheep.

DOMESTIC PET: Any animal that is commonly kept for pleasure rather than for commercial purposes, including without limitation the following species:

- 1) Dogs (*canis lupus familiaris*);
- 2) Domestic cats (*felis catus*);
- 3) Guinea pigs (*cavia porcellus*);
- 4) Hamsters (any species of the genus *mesocricetus*);
- 5) Gerbils (any species of the genus *gerbillus*); and
- 6) Ferrets (*mustela putorius furo*)

INDIVIDUAL: A human being.

KENNEL: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling cats and dogs.

LAW ENFORCEMENT OFFICER: A county sheriff; a state, county or city police officer; a town marshal; a prosecuting attorney; a conservation officer; or a deputy of any of such persons.

MICROCHIP: A computer chip implanted underneath the skin of an animal that contains identification information relating to that animal.

NON-DANGEROUS ANIMAL: Any animal which is not a Dangerous Animal.

OWNER: Any Person owning, keeping or harboring one (1) or more animals.

PERSON: Any Individual, firm, association, partnership, limited liability company, corporation, trust or estate.

PUBLIC NUISANCE: Any animal or animals which:

- 1) Is an At-Large animal;
- 2) Attacks other animals;
- 3) Molests passersby or passing vehicles;
- 4) Barks, whines or howls in an excessive, continuous or untimely fashion;
- 5) Damages private or public property;
- 6) Runs at large while in heat; or
- 7) Trespasses on school grounds.

RESTRAINT: Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

SERIOUS BODILY INJURY: An injury to an Individual that: (1) results in death of the Individual; (2) creates a substantial risk of the Individual's death; or (3) causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a human fetus.

SEVERE INJURY: Any physical injury to a Domestic Pet or Domestic Livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations, or requires multiple sutures or corrective or cosmetic surgery.

STRAY: Any animal that does not appear, upon reasonable inquiry, to have an Owner.

WILD ANIMAL: Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

WOLF HYBRID: "Wolf Hybrid" shall have the meaning prescribed by I.C. 15-20-1-5(a)(3), as amended or recodified from time to time

9-2. ANIMALS RUNNING AT LARGE.

- A. No person shall allow any Domestic Livestock or Domestic Pets to run at large in the town.
- B. No owner or Agent shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance.

9-3. DOMESTIC PET CARE STANDARDS

Each Owner or Agent having custody or charge of, harboring, or exercising control over a Domestic Pet shall provide the following minimum standards of care for each such animal:

- A. Each Domestic Pet shall have access to a shelter which will protect it from the weather and allow it to stand, sit, turn around, and lie down without restriction. The shelter must be structurally sound, moisture proof and windproof, and provide adequate protection from the cold and heat, including bedding to provide insulation and protection against cold and dampness and promote the retention of body heat in cold weather. The shelter must be placed in a dry area free of debris, feces, and standing water.
- B. Each Domestic Pet shall have sufficient and wholesome food and water, which is proper and nutritional for that species of animal.
- C. If a Domestic Pet is ill, diseased or injured, it shall receive proper veterinary care as necessary to promote the good health of the Domestic Pet and prevent the transmittal of disease to other animals or humans.
- D. No Domestic Pet shall be abandoned, beaten, ill-treated, tormented, or otherwise abused or neglected, or involved in any dog fight, or other fight between animals or between animals and humans.
- E. A Domestic Pet shall be kept under restraint when in heat so as to prevent unintentional breeding.
- F. If a Domestic Pet is chained or tethered, the chain or tether shall not weight more than one-eighth (1/8) of the animal's body weight, shall be at least ten (10) feet in length and have swivels on both ends, so as to reduce the likelihood of entanglement. A chain or tether used to restrain a Domestic Pet must, by design and placement, be unlikely to become entangled.
- G. No Domestic Pet shall be kept or maintained on a tether for a period of more than ten (10) continuous hours, nor for no more than twelve (12) hours in any twenty-four (24) period, nor for any duration under conditions which threaten the health or well being of the Domestic Pet.
- H. A muzzle may not be worn by a dog continuously as a means for controlling barking.

9-4. ANIMAL WASTE.

Each Owner or Agent shall be responsible for the immediate removal of any excreta deposited by their animal(s) on public walks, recreation areas or private property.

9-5. KEEPING DANGEROUS OR WILD ANIMALS.

- A. No person shall keep or permit to be kept on his or her premises any Dangerous Animal.
- B. No person shall keep or permit to be kept on his or her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- C. This section shall not apply to zoological parks, performing animal exhibitions, or circuses.

9-6. OFFENSIVE SMELLS OR CONDITIONS.

No person shall keep within the town any animal or animals in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter in such manner as to permit the contents of filth therein to run or wash upon premises owned or occupied by another or upon any street or other public place.

9-7. REMOVAL OF DEAD ANIMALS.

Any person who becomes aware of the death of any animal owned by him or her within the town shall, within six (6) hours thereafter, dispose of the dead animal so as not to become a nuisance. When that animal is killed by a person other than its Owner, then that person shall instead dispose of the dead animal.

9-8. BARKING DOGS.

No person shall keep within the town any animal which by loud and frequent barking, howling, yelping or other animal noises, disturbs the peace and quiet or annoys any citizens.

9-9. NAME TAGS REQUIRED.

No Owner of any Domestic Pet shall allow that Domestic Pet to be off that Owner's premises unless the Domestic Pet is wearing a tag which gives the Owner's name and address.

9-10. RABIES.

All dogs, cats, and ferrets three (3) months of age or older must be vaccinated against rabies. The rabies vaccination of a dog, cat, and ferret shall be maintained by ongoing revaccination of the animal pursuant to Indiana law (e.g. 345 IAC 1-5) and other guidelines set forth by the Indiana State Board of Animal Health.

9-11. IMPOUNDMENT AND VIOLATION NOTICE.

A. Grounds for Impoundment. Any Law Enforcement Officer or Animal Control Agent may immediately capture and impound any of the following animals:

- 1) Any At Large animal;
- 2) Any Stray animal;
- 3) Any Wolf Hybrid or Coydog;
- 4) Any unattended animal that is ill, injured, or otherwise in need of emergency care;
- 5) Any animal that is reasonably suspected of having rabies;

- 6) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to the property of its Owner;
- 7) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe is a Dangerous Animal; or
- 8) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe has been the subject of or involved in a violation under I.C. 15-20-1-4 or I.C. 35-46-3.

B. Actions to Prevent Harm to Individuals or Other Animals. If any animal is found At Large and cannot be safely captured, a Law Enforcement Officer may seek assistance from an Animal Control Agent, or take other action deemed appropriate, including tranquilizing or killing such animal, to prevent Serious Bodily Injury to Individuals, or Severe Injury to Domestic Pets or Domestic Livestock.

C. Identification of Impounded Animals; Notice to Owners.

1. Any animals which are impounded pursuant to this Chapter shall be scanned or examined by the Animal Control Facility for a Microchip, collar tag or other identification containing the Owner's name, address and/or phone number, unless doing so presents an unreasonable risk of Serious Bodily Injury to an Animal Control Agent.
2. If an impounded animal's Owner can be identified, the Animal Control Facility shall notify the Owner by the end of the next business day that the animal has been impounded, and that unless the animal is claimed by the Owner within five (5) days from the date of impoundment, the animal may be placed for adoption or humanely euthanized. Notwithstanding the foregoing, in the case of a second or subsequent impoundment, the impounded animal may be placed for adoption or humanely euthanized if not claimed within three (3) days after the Owner is notified.
3. Stray animals without any means of identification of their Owners shall be held at the Animal Control Facility a minimum of three (3) days in order to permit an Owner adequate time to reclaim them. A Stray animal which is unclaimed after having been impounded for three (3) days may be placed for adoption or humanely euthanized, except that the Stray shall be euthanized if it is a Dangerous Animal.

D. Release from Impoundment.

1. A Non-Dangerous Animal may be returned to its Owner if the following conditions are met:
 - a. Costs of Impoundment. The Owner of an impounded animal shall be responsible for

all costs of impoundment, and must pay such costs in full prior to the animal's release from impoundment.

b. Microchip Implantation. Prior to the return to its Owner of any impounded dog or cat which at the time of impoundment did not bear a Microchip, collar tag or other means of identification, the Animal Control Agency shall cause a Microchip with a registered identification number to be implanted in the dog or cat at the Owner's expense. The Animal Control Agency shall be entitled to retain the dog or cat until the microchip implantation fee is paid.

c. Payment of County Option Dog Tax. No dog impounded pursuant to this Chapter shall be released to its Owner until the Owner presents proof of payment of all applicable County Option Dog Taxes with respect to such dog. Any dog so impounded shall be considered unclaimed until such tax is paid.

d. No dog or cat impounded pursuant to this Chapter shall be released to its Owner until the Owner either presents proof that the animal is spayed or neutered, or otherwise altered to prevent it from procreating, or makes representation that the animal shall be spayed/neutered within a time period specified by the Animal Control Officer, and provides proof thereafter.

e. Proof of rabies vaccination. No dog, cat, or ferret three (3) months of age or older impounded pursuant to this Chapter shall be released to its Owner until the Owner presents proof of current rabies vaccination.

f. Payment of Fines. No animal impounded pursuant to this Chapter shall be released to its Owner until the Owner pays all fines and costs imposed by this Chapter.

2. The return of a Dangerous Animal to its Owner is governed by Section 91.12 of this Chapter.

E. Treatment or Euthanizing of Sick or Injured Animals. The Animal Control Facility shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, to prevent unnecessary suffering of the animal, or to prevent the spread of communicable diseases. Nothing in this Chapter shall limit the Animal Control Facility's ability to take whatever action is reasonably necessary to provide veterinary care by a veterinarian for a sick or injured animal.

9-12. IMPOUNDMENT OF DANGEROUS ANIMALS

A. Impoundment. A Dangerous Animal which has been captured and impounded by a Law Enforcement Officer or Animal Control Agent shall remain impounded subject to the requirements of this Section.

Euthanization of Dangerous Animals. A Dangerous Animal which has been impounded shall be euthanized if:

- 1) The Owner fails to request a hearing before the Council pursuant to Subsection C, below, within five (5) days after having been notified of the impoundment;
- 2) The Owner waives in writing all ownership interest in the Dangerous Animal; or
- 3) The Owner cannot be identified or located, and the animal remains unclaimed for three (3) days after having been impounded.

Hearings and Appeals. If an Owner makes a timely request for a hearing pursuant to subsection (B)(1) above, the Council shall conduct a public hearing.

- 1) At such hearing, a Law Enforcement Officer, Animal Control Officer or Animal Control Agency shall present evidence supporting a determination that the animal is a Dangerous Animal, and the Owner shall have the opportunity to confront and cross-examine the witnesses supporting such determination, and to present evidence opposing the determination.
- 2) Following the hearing, the Council shall make a finding by a preponderance of the evidence presented at the hearing whether the animal is a Dangerous Animal.
- 3) If the Council determines that the animal is not a Dangerous Animal, it shall order the animal released to the Owner, subject to the requirements of Section 91.11(D)(1) of this Chapter.
- 4) If the Council determines that the animal is a Dangerous Animal, the animal shall be retained by an Animal Control Agency and must be permanently removed from the corporate limits of the Town of Ladoga within three (3) days after said determination, with the costs of keeping and removing the animal all to be at the Owner's expense.

9-13. PROOF OF VIOLATION AND ENFORCEMENT.

The demonstration of a prima facie violation under this Chapter may be shown by any combination of the following evidence:

- A. Observation or other confirmation by a Law Enforcement Officer, Animal Control Agent, or other duly-authorized municipal code enforcement agent;
 - B. A written statement from a complaining witness with personal knowledge of the alleged violation at issue;
- An audio recording by a complaining witness with personal knowledge of the alleged violation

- C. at issue; or
- D. A video recording or photograph by a complaining witness with personal knowledge of the alleged violation at issue.

9-15. PENALTIES, APPEALS AND DISPUTES.

A. Violations. Any Person who is in violation of this animal control ordinance shall be deemed to have committed a civil ordinance violation and may be issued a citation by the designated enforcement entity. This animal control ordinance is included under the list of ordinances scheduled for the jurisdiction of the Ordinance Violations Bureau.

Each day a violation remains uncorrected is a distinct and separate ordinance violation subject to an additional citation and fine in the amount prescribed below. However, two or more violations that are linked closely in time and/or nature may, in the sole discretion of the enforcement entity, be deemed one violation.

The monetary fine for each civil animal control violation shall be \$25.00, except that for a repeated animal control violation by the same Person, the following fines shall apply:

Second Citation: \$50.00

Each Citation in Excess of Two: \$100.00

Further, in addition to all other penalties provided by law, any Person who shall violate this animal control ordinance five (5) or more separate times in one (1) calendar year period shall be fined an additional \$500.00 as an habitual animal control violator.

All fines for animal control violations shall be paid within five (5) days to the Town Clerk-Treasurer, who shall render to the Person making the payment a receipt stating the amount and purpose for which the fine has been paid. All fines thus received shall be deposited with the Town Clerk-Treasurer.

B. Enforcement. Law Enforcement Officers and Animal Control Officers may issue notices of civil animal control violation(s) to a Person who commits a civil animal control violation, by doing so either to the Owner or the Owner's Agent. The citation may be served by personal service, by certified mail, or by a placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a Person that said Person has committed an animal control ordinance violation.

If the violation is determined by the Law Enforcement Officer or Animal Control Officer to be a threat to public health or safety, that Officer may take any and all further enforcement and/or abatement measures allowed by law.

C. Appeal. Any Owner wishing to appeal or clarify any citation or requirement of this ordinance may make an appeal to the Council within five (5) days of receipt of that citation.

D. Trial for Animal Control Violations. A Person who receives a ticket or citation may elect to stand trial for the offense by indicating on the ticket or citation that Person's intent to stand trial and returning a copy of the citation to the Clerk-Treasurer. The returned copy of the ticket or citation shall serve as notice of the Person's intent to stand trial. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the Town Attorney in a court of competent jurisdiction in Montgomery County, Indiana and the matter shall proceed as any other ordinance violation proceeding.

If a Person who receives a citation fails to pay the assessed fine within five (5) days or fails to give notice of that Person's intention to stand trial as prescribed above, the Town Attorney may file a civil lawsuit as prescribed by applicable laws and ordinances, and seek penalties as prescribed in this ordinance.

In addition to any fines above, a Person adjudged to have committed a civil animal control violation is liable. and responsible for all fees, costs and expenses involved in abatement, enforcement, and prosecution of that violation, including but not limited to impoundment and boarding expenses, veterinary and other animal-care expenses, clean-up costs, reasonable attorney fees, costs of giving notices, and court costs. Each day a violation continues shall constitute a separate offense.

(Modified by [Ordinance #2011-6](#), adopted 9/10/2011.)

Editor's Note: Photographs of the previous contents of Chapter 9:



Chapter 9 (previous version), Page 1



Chapter 9 (previous version), Page 2

CHAPTER 10

LAND USE

10-1. RESIDENTIAL PROPERTY.

(a) No residence or building now used mainly for residential purposes located in the Town and no lot, part of a lot or tract of land located within the residential section of the Town shall be used for any of the following uses and purposes:

1. Oil and gas filling station, public garage, repair shop for motor vehicles, blacksmith shop, and/or ice delivery station.
2. Manufacturing or industrial operations of any kind.
3. Storage of live poultry or poultry killing or dressing for sale at wholesale or in bulk.
4. For business, retail trade for shop.
5. For storage of old automobiles, automobile tires, furniture or junk of any kind, which is purchased or kept for resale purposes.
6. For any use or purpose which is noxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

Except that filling stations, garages, shops, elevators, business and retail stores heretofore established and now in operation may continue to do so in their present location.

(b) Any person desiring a variance from the residential restrictions herein provided shall file with the Board an application for a variance setting out the exact location of such property, the changes proposed to be made in the buildings if any, the nature of the business to be engaged in and the owners of the property adjoining the property sought to be changed. Any variance granted shall be limited to the variance requested in the application.

10-2. MOBILE HOMES.

(a) **DEFINITION.** The term mobile home as used in this Ordinance shall mean any mobile or transportable structure designed to be used as a residential dwelling, whether used for residential or business purposes; further that detachment of the wheels shall not be deemed to alter the mobile or transportable nature of the structure.

(b) **PROHIBITED PLACEMENT.** It is unlawful for any owner, occupier or controller of land within the limits of the Town to permit or cause a mobile home as herein defined to be placed, erected, maintained or occupied on such land.

(c) **EXISTING USE.** Any mobile home now in existence within the Town and currently occupied for the purposes of human habitation, whether residential or business, may be maintained and

continued or replaced; however, if such mobile home or use shall be abandoned for more than one (1) year, such land shall not further be used for the erection, maintenance or occupation by a mobile home and shall be a violation of the prohibition of this ordinance.

(d) **STRUCTURAL ALTERATION.** Due to its integral design, any structural alteration or modification of a mobile home after it is placed on the site must be approved by the Montgomery County Building Inspector.

10-3. MANUFACTURED HOMES.

(a) **DEFINITION.** The term manufactured home as used in this Ordinance shall mean a dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code, Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the home manufacturer, and regulations and interpretations of said code by the Indiana Administrative Building Council and Indiana Public law 360, Acts of 1971.

(b) **PERMITTED PLACEMENT.** The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in the Town subject to requirements and limitations applying generally to such residential use in the town and provided such homes shall meet the following requirements and limitations:

1. the home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications required by the code and the Montgomery County Building Code;
2. the home shall be larger than 950 square feet of occupied space;
3. the home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturer's installation specifications;
4. the home shall be covered with an exterior material customarily used on site built residential dwellings, and such material shall extend over the top of the foundation;
5. the home shall have a roof composed of a material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used; and
6. the home shall have been constructed after January 1, 1981, and **bear a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. §5401 et seq)**

(c) **PROHIBITED PLACEMENT.** Manufactured homes not meeting the terms of Section 10-3 (b), and mobile homes, shall not be permitted within the Town of Ladoga.

(d) **STRUCTURAL ALTERATION.** Due to its integral design, any structural alteration or modification of a manufactured home after it is placed on the site must be approved by the Montgomery County Building Inspector.

10.4 ADMINISTRATION.

(a) **APPEAL.** An action to review any order, requirement, decision, or determination made the Town Council or by an administrative official charged with enforcement of this ordinance shall be pursuant to I.C. 36-7-4-919.

(b) **PENALTY FOR VIOLATION.** Each day of non-compliance with the provisions of this ordinance constitutes a separate and distinct ordinance violation. Judgment of up to Five Hundred (\$500.00) Dollars per day may be entered for a violation of this ordinance.

(c) **REMOVAL.** A home, sited upon property in violation of this ordinance, shall be subject to removal from such property. However, the home owner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

(d) **REMOVAL METHOD.** The Town Council or its designated administrator may institute a suit in an appropriate court for injunctive relief to cause such violation to be prevented, abated or removed.

CHAPTER 11

ECONOMIC DEVELOPMENT COMMISSION

11-1. CREATION AND PURPOSE. There is hereby established the Ladoga Economic Development Commission (sometimes hereinafter referred to as "Commission"), for the purpose of financing economic development facilities and pollution control facilities for use by others, and such other purposes as may now or hereafter be set out by law.

11-2. MEMBERSHIP AND TERM OF OFFICE. The Commission shall consist of three (3) members, one (1) of which shall be selected by the President of the Town Board of Trustees, one (1) of which shall be selected by the Montgomery County Council, Montgomery County, Indiana, and one (1) of which shall be selected by the Board of Trustees of the Town of Ladoga, Montgomery County, Indiana. Such commissioners shall take office upon their appointment and their terms shall run from February 1, after their original appointment, for a period of: (1) Three (3) years if selected by the President of the Town Board; (2) Two years if selected by the Town Board of Trustees; and (3) One (1) year if selected by the Montgomery County Council.

11-3. NOMINATION AND APPOINTMENT. The Clerk-Treasurer of the Town of Ladoga shall hereafter promptly notify the President of the Town Board of Trustees, the Town Board of Trustees and the Montgomery County Council of their requirements to make selections and nominations to the Commission. The officers required to make such selections and nominations shall do so within fifteen (15) days after receiving that notice. Each selectee and nominee shall be appointed by the President of the Town Board within ten (10) days after he shall receive the nominations of such persons. At the expiration of the respective terms of each of the original commissioners, the respective successors shall be selected and nominated, before the expiration of the term, in the same manner as the original commissioner, and each succeeding commissioner shall serve for a term of four (4) years. A commissioner shall hold over after the expiration of his term until his successor is appointed and has qualified.

11-4. VACANCIES. If a fiscal body fails to make a nomination within the time specified herein, the President of the Town Board may select and appoint a person without a nomination.

If a person is appointed as a commissioner and fails to take the oath of office required herein, within ten (10) days after the notice of his appointment is mailed to him, or if any commissioner, after qualifying, dies, resigns, vacates his office, or is removed from office, a new commissioner shall be appointed to fill the vacancy in the same manner as the commissioner in respect to whom the vacancy occurs was appointed. A commissioner appointed under this Section shall serve the remainder of the vacated term.

11-5. QUALIFICATION. Before beginning his duties, each Economic Development Commissioner shall take and subscribe an oath of office in the usual form, to be endorsed upon the certificate of his appointment. The certificate shall promptly be filed with the Clerk-Treasurer of the Town of Ladoga.

11-6. MEETINGS. The Commission shall meet within thirty (30) days after its original

appointment, at a time and place designated by the President of the Town Board, for the purpose of organization, and shall meet to re-organize in February of each succeeding year. At the meeting required above, the Economic Development Commission shall select one of its members as President, one as Vice-President and one as Secretary. Each officer shall serve from the date of his election until January 31 after his election, and until his successor is elected and qualified.

11-7. RULES AND REGULATIONS. The Commission may adopt By-Laws, rules and regulations that it considers necessary for the function of its duties. Regular or special meetings shall be held at times and upon notice fixed by the Commission, either by resolution or in accordance with the By-Laws, rules, regulations, or applicable state or federal law. A majority of the members of the Commission constitutes a quorum, and all actions of the Commission must be approved by a majority of the members of the Commission. The records of the Commission are public records.

11-8. REMUNERATION OF COMMISSIONERS. No commissioner shall be entitled to any salary, but is entitled to: (1) reimbursement for expenses necessarily incurred in the performance of his duties; and (2) a per diem allowance for each day he attends a Commission meeting, if that allowance does not exceed the per diem allowance for members of the General Assembly, and is authorized by the Board of Trustees of the Town of Ladoga.

11-9. POWERS. All powers, duties, restrictions, and purposes ascribed to Economic Development Commissions generally or an Economic Development Commissioner under prevailing Indiana law, I.C. 36-7-12-1, et seq., as now existing or hereafter amended, are hereby conferred and imposed upon the Ladoga Economic Development Commission and the commissioners thereof, and the Commission and its commissioners are hereby specifically authorized and directed to proceed to discharge their duties under the Act as above cited as they shall deem it necessary, convenient, and of advantage to the Town of Ladoga, Indiana.

CHAPTER 12

PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS

12-1. LICENSE REQUIREMENT. No person, firm or corporation, collectively hereafter designated "Person", shall engage in the business of peddler, solicitor, or transient merchant within the Town of Ladoga, hereafter designated "Town", without a license.

12-2. DEFINITIONS. (a) The term "Peddler" includes any person who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers.

(b) The term "solicitor" includes any person who goes from house to house, from place to place, or from street to street, soliciting or taking orders for sale of goods, wares or merchandise, including magazines, books, periodicals, or personal property for future delivery, or for service to be performed in the future. Such definition includes any person who, for himself or for another, leases, uses or occupies any building, vehicle, trailer, tent, railroad box car, hotel room or other place within the Town for the primary purpose of exhibiting samples and taking orders for future delivery.

(c) The term "transient merchant" includes any person who engages in a temporary business of selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purpose, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, railroad box car, hotel room, or other place within the Town for the exhibition and sale of such goods, wares and merchandise.

12-3. EXEMPTIONS. This Ordinance does not apply to the selling of personal property at wholesale to dealers in such articles; to newsboys; to merchants or their employees in delivering goods in the regular course of business; to vendors of milk, bakery products, groceries or ice who distribute their products to regular customers on established routes. Nothing contained in this section shall be held to prohibit any sale required by statute or by order of any court, or to prevent any person conducting a bona fide auction sale pursuant to law.

12-4. LICENSE APPLICATION. Applicant for a license under this Section shall file with the Town Clerk-Treasurer a sworn application in writing on a form to be furnished by the Town which shall give the following information:

- (a) Name and physical description of applicant.
- (b) Complete permanent home and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (c) A brief description of the nature of the business and the goods to be sold.
- (d) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.

- (e) The length of time for which the right to do business is desired.
- (f) The source of supply of the goods or property proposed to be sold, or orders taken from the sale thereof, where such goods or products are located at the time said application is filed, and the proposed method of delivery.
- (g) A recent photograph of the applicant which picture shall be approximately 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (h) If employer is a corporation, the state of its incorporation, whether it is authorized to do business in Indiana, and evidence that the corporation has designated a resident agent in the State of Indiana upon whom legal service may be made, and that corporation will be responsible for the acts of its employees in the Town.
- (i) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations, the nature of the offense, and the punishment or penalty assessed therefor.
- (j) The last cities or villages, not to exceed three, where applicant carried on business immediately preceding date of application and the addresses from which such business was conducted in those municipalities.

12-5. INVESTIGATION. Upon receipt of each application, it shall remain on file for seven (7) days and shall be referred to the Town Marshal, who shall immediately institute such investigation of the applicant's business and moral character as he deems necessary for the protection of the public good. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory, the application shall be disapproved and no license shall be issued.

12-6. FEES. Every applicant for a license under this section shall pay a license fee of \$30.00 per week, which fee shall be nonrefundable. If the applicant shall proceed to conduct his business in a reasonable, just and ethical manner, and in accordance with the laws of the Town of Ladoga and the State of Indiana, such license shall be automatically renewed from week to week thereafter with the payment of a \$30.00 license fee and written statement to the Clerk-Treasurer that the licensee is requesting such renewal.

12-7. BOND. Every applicant for a license under this section shall file with the Town Clerk-Treasurer a surety bond, in favor of the Town in the amounts hereinafter set out, (or in lieu thereof, a cash bond in equal amount), with surety approved by the Clerk-Treasurer, conditioned that the applicant shall comply fully with all provisions of the ordinances of the Town, the statutes of Indiana regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be and guaranteeing to any resident of the Town that all money paid as a down payment will be accounted for and applied according to the representations of the licensee, and further guaranteeing to any resident of the Town doing business with said licensee that the property purchased will be delivered according to the representations of the licensee. Action on such bond may be brought by the resident or residents aggrieved and for whose benefit, among others, the bond is given.

The amount of such bond shall be ten (10) times the largest anticipates single sale by the licensee, but in no event shall such bond be less than \$1,000.00.

12-8. REVOCATION OF LICENSE. Licenses issued under this section may be revoked by the Board of Trustees after notice and hearing, for any of the following causes:

- (a) Fraud, misrepresentation, or incorrect statement contained in the application for license.
- (b) Fraud, misrepresentation, or incorrect statement made in the course of carrying on his business as solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.
- (c) Any violation of this section.
- (d) Conviction of any crime or misdemeanor.
- (e) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

Notice of the hearing for revocation of a license shall be given by the Town Clerk-Treasurer in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

CHAPTER 13

VEHICLES AND TRAFFIC

13-1. DEFINITIONS. Terms as used in this Chapter shall have the same meanings and interpretations as is ascribed to them by the Indiana Code as it applies to motor vehicles.

13-2. AUTHORITY OF TOWN MARSHAL. (a) It is the duty of the Town Marshal to enforce the provisions of this Chapter. The said Marshal is authorized to direct all traffic either in person or by means of visible or audible signal in conformity with the provisions hereof, provided that, in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, members of the volunteer fire department, Town Marshal's Office, elected officials, or persons specially appointed for such purpose by the Town Marshal may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.

(b) The Board of Trustees shall make and enforce regulations necessary to make effective the provisions of this Chapter, and to make and enforce temporary regulations to cover emergencies.

(c) It shall be unlawful for any person to refuse to fail to comply with any lawful order, signal or direction of the Town Marshal or a duly appointed person exercising the powers of that office.

13-3. STOP AND YIELD INTERSECTIONS. Operators of all motorized vehicles upon the streets, alleys and other public ways of the Town shall come to a complete stop or yield the right-of-way to oncoming traffic at all intersections at which appropriate signs so indicating are posted.

13-4. SPEED LIMIT. The speed limit within the Town, unless otherwise posted, shall be twenty-five (25) miles per hour, and no person shall drive a vehicle or operate a railroad train within the corporate limits of the Town at a speed in excess of such limit; provided, however, if the Board shall cause to be posted a speed limit sign indicating a maximum speed of less than twenty-five (25) miles per hour, that shall become the speed limit for that area, and no person shall drive a motor vehicle in excess of such posted limit.

13-5. PARKING. (a) No person shall permit any vehicle to stop, stand or park a motor vehicle at any time for any person in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign.

- (1) In any public alley.
- (2) Within an intersection.
- (3) On a cross walk.
- (4) Within twenty-five (25') feet from the intersection of any street.
- (5) Within fifteen (15') feet of any fire hydrant.

- (6) In front of any private driveway.
- (7) On a sidewalk.
- (8) At the rear of a vehicle lawfully parked at an angle to the side of the street or along the side of any vehicle lawfully parked parallel to the side of the street or in any manner commonly known as double parking.
- (9) On either side of South Washington Street extending from South Street south to the Town limits.
- (10) Any truck rated three quarter ton or over on any of the streets of the Town from 6:00 a.m. to 6:00 p.m. for a period of over two (2) hours or from 6:00 p.m. to 6:00 a.m., except for periods not to exceed one (1) hour when said truck is being loaded, unloaded or in the process of being repaired.
- (b) Public use of Town parking lots shall be limited to parking motor vehicles of not more than five (5) ton gross weight only. No motor vehicle may be left continuously on any Town parking lot for a period in excess of 72 hours. Any use of Town parking lots for unauthorized purposes, including but not limited to allowing unauthorized property to remain thereon, is a violation of this Chapter and is subject to the penalties provided herein. Any property left on the premises of a Town parking lot may be removed by the Town at the owner's expense. Each day a violation continues to exist shall constitute a separate violation for purposes of the penalties of this Chapter.

13-6. TRAFFIC STUDY. The Town Marshal under the supervision of the Board of Trustees shall conduct an engineering and traffic investigation of the conditions existing as to the traffic on the various streets and intersections of the Town and whenever they should determine, upon the basis of such investigation that a fixed speed limit should be established or that preferential streets should be established at any given intersection, such speed zone or preferential street shall be established and appropriate sign shall be erected at appropriate places giving notice of such limit at the boundaries of any speed zone established or at such intersection or other place or part of the highway whereupon such restrictions shall become effective.

13-7. OFF STREET OPERATION. No person shall operate a motor vehicle upon the land owned or leased by the Town including but not limited to the Town Park land except to that portion specifically dedicated as streets and alleys or for motor vehicle parking facilities or for maintenance vehicles of the Town or other governmental unit as necessary for maintenance purposes or for other vehicles specifically authorized by the Board. No person shall operate a motor vehicle in any Town Park at a speed in excess of 20 MPH or the otherwise posted speed limit therein.

13-8. TRUCK ROUTES. (a) For purposes of this Section the following terms shall have these meanings:

- (1) "Heavy truck" shall mean any vehicle with a load capacity in excess of one and one-half tons.
- (2) "Through traffic" shall mean vehicular traffic entering and exiting the town limits making no local stops except for traffic regulating signs and signals and the ordinary flow of traffic or emergencies.

(3) "Industrial sites" shall mean any site within the town limits or in proximity thereto which can be accessed by public roads only through the town of Ladoga which are devoted to manufacturing, processing or warehousing.

(b) Through traffic in the town of Ladoga for heavy trucks shall be limited to Main Street (SR 234) and Washington Street both north and south of Main Street. (c) Local heavy truck traffic servicing industrial sites shall be limited to routes posted "Truck Route" only and shall be confined to College Street from Washington Street to Cherry Street and to Taylor Street from Main Street to Myers Street. (Added by [Ordinance #1995-8](#), adopted 12/9/1995)

13-9. PENALTY. Any person found to be in violation of this Chapter, shall be fined in an amount not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars, plus the costs of enforcement of such violation. In the event the violation hereof shall constitute an immediate hazard to vehicular or pedestrian traffic, the vehicle being operated or parked in violation hereof may be towed away and impounded by the Town Marshal, and the person found to be in violation hereof shall be liable for such expense.

(Added by [Ordinance #1995-8](#), adopted 12/9/1995)

13-10. GOLF CARTS.

1. (a) It shall be unlawful for any person to operate a motorized golf cart on the streets, alleys, sidewalks, highways, or other public places within the Town Of Ladoga, except as provided in this ordinance.

(b). Any and all golf carts operated on the streets, alleys, or other public places within the Town of Ladoga must:

- i. display a reflective slow moving vehicle emblem in accordance with IC 9-21-9-3 and a red or amber flashing lamp in accordance with IC 9-21-9-4, and
- ii. must have two (2) operable front headlights on at all times, and have at least one (1) red rear taillight on at all times, and
- iii. must have two (2) operable rear turn signals

(c). Any and all golf carts operated on the streets, alleys, or other public places within the Town of Ladoga must:

- i. be operated by an individual who possesses a valid state issued driver's license, and
- ii. be operated during daylight hours only, with daylight hours defined as the times required by Indiana statute for motorists to use headlights on motor vehicles, and
not operate on state highways or on sidewalks, provided that a cart may cross the

- iii. highway or a sidewalk at a 90 degree angle, if the operator does so safely and in the manner proved by state law as if he or she were a driver of a motor vehicle, and
- iv. abide by all state laws and local ordinances, including all traffic laws that would otherwise apply to motor vehicles, and
- v. be limited in the number of people allowed to ride on the cart, to the available manufactured seating.
- vi. have all occupants seated at all times.

(d). Before operating a golf cart on the streets, alleys, or other public places within the Town of Ladoga:

- i. the owner of that cart must register the golf cart with the Clerk-Treasurer of the Town of Ladoga, or his or her designee, every year, on such forms as the Town may establish, and
- ii. The fee for registration shall be \$25.00 per one year period, which fee shall be deposited into the Motor Vehicle Highway Fund of the Town, and
- iii. Upon registration, the owner shall receive one (1) registration sticker, which shall be permanently placed in the cart above left front wheel.

- A person shall not operate a golf cart on the streets or alleys of the Town of Ladoga without having proof of financial responsibility as set forth in IC 9-25-4-4. A
- iv. person who operates a golf cart on the streets and alleys of the Town of Ladoga shall at all times maintain the state required minimum amount of financial responsibility for the operation of said golf cart in the following amounts:

(a) Subject to the limit set forth in subdivision (b), twenty- five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual.

(b) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(c) Ten thousand dollars (\$10,000) for damage to or the destruction of property in one (1) accident.

(e). A person who violates this ordinance shall on the first offense be fined One hundred dollars (\$100). A person who violates this ordinance a second time within a calendar year of the

first offense shall be fined the sum Two hundred fifty dollars (\$250). A person who violates this ordinance a third time, or more, shall be fined a sum not to exceed Two thousand five hundred dollars (\$2,500). The fine for any offense shall also include the reasonable attorney's fees and costs incurred by the Town in enforcing this Ordinance. Upon a person's third conviction under this section, the golf cart may be impounded by the Town; in order to retrieve the golf cart from impound, the owner must first pay an impound fee of \$50.00 and a \$5.00 per day storage charge to the Town; in the event the cart is not retrieved within seven (7) days, it will be subject to disposal by the Town in the manner set forth under Indiana law for abandoned motor vehicles, and

(f). In the event a cart is operated by someone without a valid Indiana state driver's license and there is no one else present to lawfully operate the cart, or in the event a cart is operated on a state highway other than to directly cross it, then it shall be impounded immediately and subject to fees and potential forfeiture stated in section (e), above.

(Added by [Ordinance 2010-5](#), effective 1/1/2011, and amended by by [Ordinance #1-2011](#), adopted 5/14/2011).

CHAPTER 14

SEWAGE UTILITY

14-1. ESTABLISHMENT SEWAGE WORKS. There is hereby created the Sewage Department, for the purpose of operating the Sanitary Sewage Disposal System (or "Sewage Works") owned by the Town.

14-2. SEWAGE WORKS BOARD. The Sewage Works Board shall be the governing body of the Department of Sewage Works, and shall consist of the duly elected or appointed members of the Board of Trustees, which Board shall have the duties and responsibilities of making all decisions relating to the ownership, operation and management of the said Sewage Works. The Sewage Works Board is hereby empowered to hire such employees as it shall deem necessary and convenient to the operation and maintenance of the Sewage Works System, including but not limited to a superintendent of Sewage Works, bookkeeper or controller, meter reader, attorney, accountants, engineers, maintenance personnel, and independent contractors, or such other persons, firms or corporations that shall be necessary to the rendering of adequate sewage disposal service to the Town and its environs.

14-3. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the following terms, if used in this Ordinance or if used in the rules and regulations adopted by the Town to implement the provisions of this Ordinance, shall be as follows:

(a) "B.O.D." (denoting Biochemical Oxygen Demand) of sewage, sewage effluent, polluted waters or industrial wastes, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade expressed in milligrams per liter. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods, latest edition.

(b) "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to a point approximately three (3) feet outside the foundation wall of the building.

(c) "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three (3) feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, through and including a suitable septic tank or grinder station. (d) "Town" shall mean The Town of Ladoga, or any duly authorized official acting in its behalf.

(e) "Floatable Oil" shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(f) "Garbage" shall mean any solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

- (g) "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.
- (h) "Natural outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage, including storm sewers, into a watercourse, pond, ditch, lake, stream or other body of surface or groundwater.
- (i) "May" is permissive.
- (j) "Normal Domestic Wastes" shall be sanitary wastes which do not exceed the parameters as set forth in 14-7 (a)(d) of this Ordinance.
- (k) "NPDES Permit" shall mean any permit issued by the State of Indiana under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- (l) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (m) "pH" shall mean the logarithm (to the base of 10) of the reciprocal of the hydrogen ion concentration of a solution, expressed in gram-atoms per liter of solution. Neutral water, for example, has a pH value of 7 and an hydrogen ion concentration of 10^{-7} .
- (n) "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (o) "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.
- (p) "Sanitary sewer" shall mean a sewer which carries liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters and to which storm, surface and groundwaters are not intentionally admitted.
- (q) "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present. The preferred term is "wastewater". (See (w))
- (r) "Sewer" shall mean a pipe or conduit for carrying wastewater.
- (s) "Shall" is mandatory (see "May", (i)).
- (t) "Slug" shall mean any discharge of water, sewage or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15)

minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works.

(u) "Storm drain" shall mean a drain which carries storm and surface or underground waters, or unpolluted water from any source but excludes sewage.

(v) "Superintendent" shall mean the superintendent of the wastewater facilities and treatment works of The Town of Ladoga, or his otherwise duly authorized representative.

(w) "Suspended solids" shall mean total suspended matter that either floats on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtration as prescribed in and referred to as nonfilterable residue in Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1975 and as amended.

(x) "Toxic Substance" shall mean concentrations of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of PL 92-500, the Clean Water Act (as amended).

(y) "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(z) "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

(aa) "Wastewater facilities" shall mean all structures and equipment for collecting, transporting, pumping, treating and disposing of domestic and industrial wastes and dispose of the effluent.

(bb) "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

(cc) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

14-4. RULES AND REGULATIONS FOR USE OF PUBLIC SEWERS.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

- (b) It shall be unlawful to discharge to any natural outlet within said Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- (c) Except hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (d) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any road, highway, street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, are hereby required, at their expense, to connect structures directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so from the Town, by Certified Mail, provided that said public sewer is within three hundred (300) feet of the property line.
- (e) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and NPDES Permit.

- 14-5. PRIVATE WASTEWATER DISPOSAL.** (a) Where a public sanitary sewer is not available under the provisions of Section 14-4(d), the building sewer shall be connected to a private wastewater disposal system complying with all requirements of this Section.
- (b) Before commencement of construction of a private wastewater disposal system the owner shall first a written permit from the Town. The application for such permit shall be made on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A reasonable permit and inspection fee of \$100.00 shall be paid to the Town at the time the application is filed.
- (c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, at least twenty four hours in advance and before any underground portions are covered. The inspection shall be made within forty eight hours of the receipt of notice by the superintendent.
- (d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all provisions of State law and the Ordinances of Montgomery County ordinances. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by law or ordinance. No septic tank or cesspool shall be permitted to discharge to any natural outlet, directly or indirectly via field tile, storm drain or any other conveyance other than a public sanitary sewer.
- (e) At such time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in Section 14-4(d), the owner must connect the improvements thereon to

the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge, and if not used as a component of the building sewer, filled with suitable material.

(f) The owner shall operate and maintain any private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. Sludge shall be removed therefrom periodically as necessary by contract with the Town or by licensed operators and disposed of according to law.

(g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State of Indiana or the local Board of Health.

14-6. BUILDING SEWERS AND CONNECTIONS. (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from town Superintendent of the Sewerage Works. The issuance of a permit shall be subject to the existence of sufficient hydraulic and treatment capacities of the wastewater treatment facilities as determined by the Town. The Superintendent of the Sewerage Works, if he finds that the proposed connection is in conformance with standards and specifications of the town and the state, may issue a permit to connect.

(b) All applications for a sewer building permit shall be made on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as required by the current Rate ordinance shall be paid to the Town at the time the application is filed.

(c) The owner shall install at his expense that portion of the service from the main to the owner's residence or improvements being served. The owner shall be responsible to maintain the service from the residence or improvements being served on the property to the main. Proper plans and specifications for the onsite systems required to each homeowner's property shall be submitted to the Town and the State of Indiana Department of Environmental Management and no construction of such facilities shall be commenced until approval, in writing, is granted.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damages caused by or resulting from any such single connection aforementioned.

(e) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall be installed, constructed and maintained as specified and illustrated in the plans and specifications on file in the

Town office. Any system so installed, constructed and maintained shall be considered suitable for use as a component of the building sewer. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(f) Whenever possible, the building sewer shall be brought to the buildings at an elevation below basement floor. In all building in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drains shall be lifted by an approved artificial means and discharged to the building sewer. No water-operated wastewater ejector shall be used.

(g) No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, basement or yard drains or discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer. Any such connection to a private sewage disposal system which existed prior to the availability of public sewers shall be removed from the building sewer prior to connection with the public sewer.

(h) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of Montgomery County, Indiana, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

The owner or his agent shall abide by any provisions of the Town Code and any ordinances of the town pertaining to digging in the public right-of-way.

(i) At the time of application for tap-on permit, the owner, contractor or other applicant shall advise the Superintendent of the Sewerage Works of the probable time when excavation and sewer construction will be commenced. Before the sewer or any portion thereof shall be covered, it shall be the owner, contractor or other applicant's duty to give the Superintendent of the Sewerage Works at least 24 hours notice that the same is ready for physical inspection. In the event that any such sewer or any portion thereof is covered without such physical inspection, the Superintendent of the Sewerage Works may order the same uncovered at applicant's expense for purposes of inspection.

The connection and testing shall be made under the supervision of the Superintendent or his representative. The applicant shall provide access to all structures (and areas of structures) to the Superintendent for the purpose of establishing compliance with 14-6(g).

(j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

14-7. USE OF THE PUBLIC SEWERS. (a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, sump pumps, basement or yard drain, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by

permission of the superintendent.

(b) Stormwater other than that exempted under 14-7(a), and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantities, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process including but not limited to causing the Town to violate its NPDES permit, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH of less than 6 or in excess of 9, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, damage to the grinder pumps, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(d) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes except if it appears likely in the opinion of the Superintendent that such wastes will not harm either the sewers, wastewater treatment process or equipment, not have an adverse effect on the receiving stream nor can other wise endanger life, limb, public property nor constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant and other pertinent factors. Included but not limited to, the substances not acceptable are as follows:

(1) Any liquid or vapor having a temperature higher than 150 degrees F 65 degrees (C).

(2) Any water or waste containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(3) Wastewater containing floatable oils, fats, or grease.

- (4) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Superintendent.
- (5) Any waters or wastes containing zinc, chromium, cadmium, copper, cyanide, nickel, phenol, iron, fluoride, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (8) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (11) Any water or wastes subject to the categorical pretreatment standards pursuant to 40 CFR 403.
- (12) Any water or wastes exceed the following parameters:

For the pressurized collection system-

- | | | | |
|------|------|----|----------|
| (i) | BOD5 | -- | 250 mg/l |
| (ii) | SS | -- | 250 mg/l |

For the gravity collection system-

- | | | | |
|------|------|----|----------|
| (i) | BOD5 | -- | 200 mg/l |
| (ii) | SS | -- | 50 mg/l |

(e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substance or possess the characteristics enumerated in 14-7(d), and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters, or sludges, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) Reject the wastes;
- (2) Require new industries or industries with significant increase in discharges to submit

information on waste-water characteristics and obtain prior approval for discharges;

- (3) Require other methods of disposal;
- (4) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (5) Require control over the quantities and rates of discharge; and/or,
- (6) Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of the Rate Ordinance of the Town and all Resolutions amendatory thereof and supplemental thereto, and any fines, penalties or damages assessed against the Town for discharge of such wastes.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Ordinances and laws.

(f) Grease, oil, and sand interceptors, shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms, at the owner's expense.

(g) Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(h) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole or structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(i) The superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (1) Wastewaters discharge peak rate and volume over a specified time period.
- (2) Chemical analyses of wastewaters.

- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of wastewater pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewers.
- (j) All measurements, tests and analyses of the characteristics of waters and wastes to which references are made in this Ordinance shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
- (k)(1) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern; provided, however, that the payment shall not be less than the pollutant surcharges provided for in the Rate Ordinance of the Town and Resolutions amendatory thereof and supplemental thereto.
- (2) Any wastes described in 14-7(c)(1) or (2) are precluded from such agreements.
- (l) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from town Superintendent of the Sewerage Works as provided by the Sewer Use ordinance. The owner or owners of any lot, parcel of real estate or building connecting to the sewerage works shall pay a sewage connection fee of \$1,500 or per equivalent dwelling unit to be serviced thereby (See IDEM published Flow Allotments incorporated herein by reference) plus actual cost of construction for each connection including necessary sewer interceptor improvements or extensions. The council now finds such connection charge to be reasonable charges for and equitable cost of providing wastewater treatment and collection capacity, a connection to the sewer, required equipment, excavation, backfilling, pavement replacement and installation of a sewer line from the sewer to the property line. (Amended by [Ordinance #1997-2](#), adopted 9/13/1997).

14-8. CONSTRUCTION OF SANITARY SEWER LINES AND EXTENSIONS. (a) (1) Except as herein provided, all sanitary sewer lines hereafter constructed on public lands or public right-of-way, including any easements dedicated for said purpose, shall be initiated and constructed by the town itself or by public contract as by statute provided, unless the town, by resolution of the Town Council, shall authorize and direct construction by another.

- (2) No privately constructed sanitary sewer lines will be accepted for maintenance by the town unless they have been built to town standards and have been inspected and approved by the Town Superintendent of the Sewerage Works and then only when the Town Council has expressly approved such maintenance by resolution.
- (b) (1) Extensions to the sanitary sewer lines may hereafter be constructed to further the orderly growth of the town for the welfare and benefit of the citizens of the town, and for citizens who may develop real estate contiguous, as that term is defined by state law pertaining to annexation to the town that would be of benefit of the town.
- (2) The presumed cost for sewerage main extensions shall be \$1,500.00 per equivalent dwelling unit to be served, with a developer to be responsible for all actual costs for service to the development and the town to be responsible for excess capacity for future extension. A developer shall be responsible for all on site sewer lines. In order to effectuate the orderly construction and financing of the new sewer lines and the extensions of existing sewer lines, the Town Council shall make such financial arrangements with any person, firm or organization as may desire to extend an existing sewer line or to become a part of such an extension with other parties and thereby become a user of the town's sewage system, as the Council deems desirable and in the best interests of the town, provided such extension arrangements do not require expenditure of funds in excess of \$25,000 contemplated to be paid or advanced by the town or sewerage works combined.
- (3) In making decisions as to extensions and users thereof, the Town Council shall use such engineering, financial and legal services as are needed to insure the following:
- (i) That the State Department of Environmental Management will approve said extensions;
 - (ii) Detailed plans, blueprints, diagrams, plats and specifications insuring the efficient construction of the sewer extensions;
 - (iii) That all persons, firms or organizations who are served by any sewer extension shall participate fully in their fair share of all costs of construction of the extension, and any additional costs as may be applicable to the users;
 - (iv) In the event that deferred payment is allowed to any of the new users, to insure that adequate financial arrangements are made so that the town may finance the sewer extension for the user agreeing to make deferred payments;
 - (v) To insure that each new user will abide by all rules and regulations of the town regarding the sewage utility, and as provided for users by this chapter;
 - (vi) To insure that any necessary land acquisitions are made and that all necessary easements are acquired. The Town Council may thereafter enter into all necessary agreements for the construction of said sewer extensions and payment therefor, and to use all of the funds as may be acquired by it from such new users, and, with approval of the Town Council, such funds as may be acquired by financing, and such funds of the town as are available for sewer extension costs;

- (vii) The Town Council shall require that any and all new users of the town's sewer system be annexed to the town if they are in fact, at the time of construction of a sewer extension, outside the town limits once they become contiguous to the town;
- (viii) The Town Council shall require all new users of any extension to the sewer system who are outside the town limits, and to whom such extension shall have been approved by the Town Council, to file with the town, a waiver not to contest annexation to the town, prior to tap-on to the sewer system;
- (ix) To insure that such sewer extensions are designed and constructed of such size and capacity as will insure the orderly development of further extensions as may be desired by the town for its future growth and development;
- (x) To insure that tap-ons can be made on any portion of such sewer extension as may be desirable after the same is constructed;
- (xi) To insure that all matters for the satisfactory operation of the sanitary sewer are made, so that all users can be served, and that all permits required by the town, county or state or any other agency shall be obtained, and that the sanitary sewer will be usable and available for all property in the general vicinity of any such extension, if the same can reasonably be accomplished.
- (xii) To insure that all users comply with the rules and regulations of the town applicable to users of the town's sanitary sewer system, and to insure that the same is usable by all types of users, including residential, industrial and commercial.
- (xiii) To insure the identification of major contributors and to insure that all such rules and regulations applicable to such major contributors are complied with.

14-9. DAMAGE TO PUBLIC SEWERS. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewage Works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, criminal mischief and theft.

14-10. POWERS AND AUTHORITY OF INSPECTORS. (a) The Superintendent, Inspector, and other duly authorized employees of the Town, State water pollution control employees and U.S. Environmental Protection Agency employees bearing credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, and testing in accordance with the provisions of the Ordinance.

(b) The Superintendent or his representatives, the State water pollution control employees and US EPA employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection facility. The industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(c) While performing the necessary work on private properties referred to in 14-10(a) above, the

Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 14-7(h), above.

14-11. PENALTIES. (a) Any person found to be in violation of any provision of this ordinance except 14-8 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time state in such notice, permanently cease any violation.

(b) (1) Any person who shall continue any violation after the expiration of the time limit provided in a notice thereof which has been served on the violator or has by reasonable effort been attempted to be served on the violator, shall be subject to a fine in the sum of Five Hundred (\$500) Dollars for each violation, together with damages for loss including any expense, loss, or damage occasioned the Town or downstream users by reason of such violation or expenses to enforce this ordinance. Each day in which any such violation shall continue shall be deemed a separate offense for purposes of any fine or penalty but not for purposes of requiring additional notice of violation.

(2) A person violating 14-7(a), may avoid payment of said penalty by consenting to an inspection described in 14-6(i) for the purpose of establishing compliance with 14-7(a).

(3) A person consenting to such an inspection and found in violation shall be given a reasonable time limit within which to comply with 14-7(a) without being subject to penalty.

(c) Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation, including enforcement costs and reasonable attorney fees.

(d) The Board will enforce by mandamus, injunction, or other legal remedy these rules and regulations, and will remove any harmful or improper construction or obstruction or will close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the Indiana Code.

(e) The Board shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this Ordinance.

14-12. APPEAL. Any person who is aggrieved through the enforcement of this ordinance has the right to seek administrative relief before the Town Council and thereafter through the Montgomery Circuit Court and the Courts of the State of Indiana.

(Sections 14-3 through 14-12 added by [Ordinance #1997-3](#), adopted 9/13/1997).

14-13. *Reserved for future use.*

14-14. *Reserved for future use.*

14-15. SEVERABILITY OF PROVISIONS. The invalidity of any section clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

14-16. SEWAGE WORKS SERVICE RATES. (a) The Town shall continually maintain in effect just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewerage system of the Town, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by this Ordinance and by Chapter 284 of the Acts of 1967. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, and said requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof as the charges accrue.

(b) Rates and charges in effect on the date of the adoption of this Code are shown in Appendix XIV, attached hereto and made a part hereof by reference.

(c) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent, and a penalty of ten (10%) percent of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be due and paid is now fixed at the 5th day of the month after the date of mailing of the bill.

Editor's Note: See also [Ordinance #2-2013](#), adopted 4/24/2013, regarding Waivers of Utility Late Payent Penalties.

All bills not paid on or before the past due date shall be termed delinquent and the Sewage Works shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within thirty (30) days after date due, the sewer service to the user will be subject to discontinuance or other measures as state law will allow.

Editor's Note: See also [Resolution #9-2013](#), adopted 12/14/2013, regarding Procedures for Utility Shut-Off.

(d) Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Sewage Works reserves the right to request a nominal sum be placed on deposit with the Town for purposes of establishing or maintaining any customer's credit. The reconnection will not be made until after delinquent bills and other charges, if any, owed by the customer to the Sewage Works, have been paid.

Chapter 14. Appendix

Ladoga Sewerage Works Schedule of Rates and Charges

Residential:

Monthly Charges

Single Family Dwelling	\$39.00 + usage charge
Multiple Family Dwelling-per unit	\$39.00 + usage charge
Trailer Court-per unit	\$39.00 + usage charge

<u>Water Usage, Gallons Per Month</u>	<u>Additional Sewer Usage Charge</u>
0-3,999	+ \$ 0.00 per thousand or fraction thereof
4,000-7,999	+ \$ 1.00 per thousand or fraction thereof
8,000+	+ \$ 0.50 per thousand or fraction thereof

Editor's Note: Residential Rates adopted through [Ordinance #2008-2](#).

<u>Church or Non-profit Fraternal Benefit Organization</u>	\$ 39.00
--	----------

All Others including Commercial, Industrial, and Institutional:

5/8	inch water meter	\$ 29.00
1	inch meter	\$ 67.00
1 1/2	inch meter	\$ 150.00
2	inch meter	\$ 255.00
3	inch meter	\$ 580.00
4	inch meter	\$1,030.00

plus a monthly treatment charge of \$3.35 per 1,000 gallons. In no event shall the monthly rate be less than \$39.00.

The Town may evaluate the discharge of industrial users and shall have the right to modify rate(s) as it deems appropriate given actual discharges and demand upon the municipal sewerage works created by those users.

Excessive Strength Industrial Surcharges:

(1) Rate Surcharge Based Upon Suspended Solids: There shall be an additional charge of \$0.20 per pound for suspended solids discharged into the sewerage works in excess of 240 milligrams per liter

of fluid.

(2) Rate Surcharge Based Upon TBOD: There shall be an additional charge of \$0.20 per pound when the total biochemical oxygen demand (TBOD) discharged into the sewerage works is in excess of 210 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia Nitrogen (NH₃N). There shall be an additional charge of \$0.20 per pound of ammonia nitrogen discharged into the sewerage works is in excess of 20 milligrams per liter of fluid.

Connection fee: \$1,500.00 plus actual costs

Editor's Note: Non-Residential Rates adopted through [Ordinance #2007-2](#).

Leaks and Swimming Pools. If a customer provides evidence satisfactory to the Utility that that customer:

(a) has water leak that has increased that customers metered water use without discharging into the municipal sewerage works, or

(b) has filled a swimming pool without discharging into the municipal sewerage works, then

that customers sewer bill for the month in question shall instead be the average of that customers three (3) sewer bills for the preceding December, January, and February.

(*Leaks and Swimming Pools* added by [Ordinance #2008-4](#), adopted 8/27/2008).

Editor's Note:

See also [Ordinance #2010-2](#) for addition of Stormwater Sinking Fund charges.
and [Resolution #2007-6](#) regarding "budget billing".

CHAPTER 15

FAIR HOUSING

Section 15-1. POLICY STATEMENT. It shall be the policy of the Town of Ladoga to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

Section 15-2. DEFINITIONS. The definitions set forth in this Section shall apply throughout this Ordinance:

(a) "Dwelling" means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).

(b) "Family" includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (h) of this Section.

(c) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(d) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

(e) "Discriminatory Housing Practice" means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this Ordinance or I.C. 22-9.5-5.

(f) "Handicap" means, with respect to a person:

1. a physical or mental impairment which substantially limits one or more of such person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment.
4. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990,
5. Any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as

defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual solely because that individual is transvestite [I.C. 22-9.5-2-10(c)].

(g) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):

1. claims to have been injured by a discriminatory housing practice; or
2. believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

1. a parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

(i) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.

(j) "Complainant" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

Section 15-3. UNLAWFUL PRACTICE. Subject to the provisions of subsection (b) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

(a) All dwellings except as exempted by subsection (b) and Title 22-9.5-3 of Indiana Code.

(b) Other than the provisions of subsection (c) of this Section, nothing in section 4 shall apply to:

1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

(A) without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any

employee or agent of any such broker, agent or salesman, or person and

(B) without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 4(c) of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

1. he has, within the preceding twelve months, participated as principal in three or more transactions involving sale or rental of any dwelling or any interest therein, or

2. he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

3. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

Section 15-4. DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING. As made applicable by Section 3 and except as exempted by Sections 3(b) and 9, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, handicap, religion, sex, familial status or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, handicap, sex, familial status or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons

of a particular race, color, religion, sex, handicap, familial status or national origin.

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

(A) that buyer or renter;

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

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

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

3. For purposes of this subsection, discrimination includes:

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

(B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(C) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that--

(i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

(ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped person in wheelchairs; and

(iii) all premises within such dwellings contain the following features of adaptive design:

- (I) an accessible route into and through the dwelling;
 - (II) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
4. Compliance with the appropriate requirements Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C) (iii).
5. Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

Section 15-5. DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS. (a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term "residential real estate-related transaction" means any of the following:

- 1. The making or purchasing of loans or providing other financial assistance:
 - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (B) secured by residential real estate.
- 2. The selling, brokering, or appraising of residential real property.

(c) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 15-6. DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES. It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other services, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 15-7. INTERFERENCE, COERCION, OR INTIMIDATION. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5, or 6 of this ordinance.

Section 15-8. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(a) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or

2. affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000.00 or more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Section 15-9. EXEMPTIONS. (a) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this Section.

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

occupancy of such lodgings to its members or from giving preference to its members.

(c) 1. Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.

2. As used in this section, "housing for older persons" means housing:

(A) provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(B) intended for, and solely occupied by, persons 62 years of age or older; or

(C) intended and operated for occupancy by at least one person 55 years of age or older per unit.

Section 15-10. ADMINISTRATIVE ENFORCEMENT OF ORDINANCE. (a) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (b) hereof shall be vested in the Chief Elected Official of the Town of Ladoga, Indiana.

(b) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Ladoga, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Ladoga, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

(c) All executive departments and agencies of the Town of Ladoga, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

(d) The Chief Elected official of the Town of Ladoga, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 15-11. SEPARABILITY OF PROVISIONS. If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Adopted by [Ordinance #1995-5](#), adopted 6/1/1995)

(See Also: [Ordinance #2012-3](#), adopted 8/29/2012. While this ordinance is newer, the wording is

nearly identical to #1995-5. Ordinance #2012-3 contains no specific provisions for replacement of #1995-5 or Chapter 15.)

TOPIC INDEX

NOTE: This Topic Index includes each active ordinance, resolution, or agreement. Some materials may be included under more than one category.

This index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

Chapter 4: TOWN ADMINISTRATION

General

Amends 3-1998 (Purchasing Agent, Procurement Rules)	#1999-6	8/14/1999
Resolve to Use Keystone Software Products	#2000-1R	3/11/2000
Intent to use Greentree Applied Systems Inc. Software	#2003-1R	3/8/2003
Amends Ordinance 4-1985 (Community Antenna Television Franchise)	#2004-1	3/4/2004
Authorizes Electronic Funds Transfer from Auditor of State of Indiana	#2004-4R	7/9/2004
Establishes Rules for Use and Conduct within Park Facilities	#2006-8	8/30/2006
Amends Established Rules for Use and Conduct within Park Facilities	#2006-10	9/27/2006
Identity Theft Prevention Program	Untitled	4/29/2009
Restricting Access to Ladoga Town Hall	#2009-7R	9/23/2009
Authorizes Preapproved Payment of Certain Claims	#2012-1	2/29/2012
Rules Regarding Nepotism	#2012-5R	6/9/2012
Roster of Employees	#2012-7R	6/27/2012
Adopting the ADA Transition Plan	#2012-10R	12/8/2012
Capital Asset Policy	#1-2014	2/26/2014

4-6 Town Council

Change Council from Three Members to Five Members	#2000-3R	8/12/2000
Rules for General Public Comment	#2012-2R	4/25/2012

4-7 Compensation of Officials and Employees

Formalize Paid Holidays for Employees	#1994-2R	--/--/1994
Drug-Free Workplace Policy	#1998-1R	1/20/1998
Provides Health Care Insurance Options	#2003-1	1/11/2003
Employer Participation in the Pick-Up of Additional Employee Contributions	#2003-4R	12/13/2003
Authorizes Mileage Reimbursement	#2004-5R	11/13/2004
Credit Card Usage	#2004-8R	12/11/2004
Deferred Compensation Plan	#2005-2R	6/11/2005
Establishes Health Savings Accounts	#2007-11R	12/8/2007

Amends Employee Policy	#2008-7R	8/27/2008
Authorizing Direct Deposit of Payroll Checks	#2009-11R	10/17/2009
Establish Employee Health Reimbursement Plan	#2009-12R	12/30/2009
Indiana Public Employers' Plan	#2-2013R	4/13/2013
Salary for 2014	#2013-5	12/30/2013

4-9 Town Marshal Reserves

Amends Town Code: Arrest Powers of Town Marshal Reserves	#1997-1	5/10/1997
--	-------------------------	-----------

Chapter 5: GENERAL

5-4 Building Standards and Unsafe Buildings

Joint Resolution to Designate a Single Agency for Building Regulation	#1998-1R	4/10/1998
Establishes Unsafe Building Law	#2009-2	6/10/2009
Unsafe Building Regulations Amendment	#2011-3	9/10/2011
Establishes an Unsafe Building Fund	#2013-1	1/12/2013

Chapter 6: WATER UTILITY

General

Forms a Well Head Protection Planning Team	#1999-6R	8/14/1999
Establishes Well Head Protection Area of Jurisdiction	#2005-2	5/25/2005
Budget Billing for Ladoga Utilities	#2007-6R	9/8/2007
Waivers of Utility Late Payment Penalties	#2-2013	4/24/2013

6-4 Miscellaneous Rules

Amends Municipal Code Chapters 6 and 7 (Electric and Water Meter Deposits)	#2004-4	12/11/2004
Amends Utility Customer Deposit Policy	#2005-9	12/10/2005
Amending Electric Rates, Electric and Water Charges	#2009-5	8/8/2009
Water Utility Service Financial Responsibility Amendment	#2011-4	9/10/2011
Procedures for Utility Shut-Off	#9-2013R	12/14/2013
Regulates Water Use in Emergencies	#3-2013	4/24/2013

Appendix - Rates and Charges

Rates and Charges for Water Utility	#2005-6	9/3/2005
Increases the Specially Metered Water Service Rate	#2006-1	1/14/2006
Amends Fire Hydrant Rates	#2008-1	3/15/2008

Chapter 7: ELECTRIC UTILITY

General

Budget Billing for Ladoga Utilities	#2007-6R	9/8/2007
Amendatory Agreement Between Indiana Municipal Power Agency and Ladoga	#2001-1	7/14/2001
Amendatory Agreement to Power Sales Contract	#2001-1	7/14/2001
Power Sales Contract Amendment	#2007-3	8/11/2007
Appoints IMPA Commissioner	#2011-4R	11/30/2011
Procedures for Utility Shut-Off	#9-2013R	12/14/2013

7-9 Collection Charges

Establishes Electric Utility Late Fee	#2005-8	12/10/2005
Allow Restrictive Meters (Electric)	#2008-11R	10/29/2008
Amending Electric Rates, Electric and Water Charges	#2009-5	8/8/2009
Waivers of Utility Late Payment Penalties	#2-2013	4/24/2013

7-11 Reconnection Charge

Amending Electric Rates, Electric and Water Charges	#2009-5	8/8/2009
---	-------------------------	----------

7-12 Financial Responsibility

Electrical Service Financial Responsibility Amendment	#2011-5	9/10/2011
Electrical Service Financial Responsibility Amendment	#2011-8	10/8/2011

7-14 Meter Deposits

Amends Municipal Code Chapters 6 and 7 (Electric and Water Meter Deposits)	#2004-4	12/11/2004
Amends Utility Customer Deposit Policy	#2005-9	12/10/2005

Appendix - Rates and Charges

Peak Management Credit for Electric Customers	#1995-1	4/8/1995
Amends Rates and Charges for Electric Utility	#2006-3	6/28/2006
Amending Electric Rates, Electric and Water Charges	#2009-5	8/8/2009
Amending Electric Rates	#2010-1	1/27/2010

Chapter 8: STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC WAYS AND PUBLIC NUISANCES

8-4 Public Nuisances and Littering

Amends Chapter 8-4 (Public Nuisances and Littering)	#2002-2	10/12/2002
Establishes Minimum Charge for Weed Abatement	#2003-2R	--/--/2003
Vegetation Control in Easements	#2008-5R	7/12/2008
Weeds and Rank Vegetation	#2012-2	8/29/2012

8-6 Curfew Violations

Establishes Curfew	#2006-7	8/30/2006
--------------------	-------------------------	-----------

Chapter 9: ANIMAL CONTROL

Amendment Concerning Animals

[#2011-6](#)

9/10/2011

Chapter 11: ECONOMIC DEVELOPMENT COMMISSION

Authorizes Promotion of Economic Development and Tourism

[#2004-3](#)

8/14/2004

Chapter 13: VEHICLES AND TRAFFIC

13-3 Stop and Yield Intersections

Stop Signs on Taylor Street at Vine Street

[#2010-7](#)

11/23/2010

13-8 Truck Routes

Routing of Heavy Truck Traffic

[#1995-8](#)

12/9/1995

13-10 Golf Carts

Regulates the Operation of Golf Carts

[#2010-5](#)

1/1/2011

Low Speed Vehicle Regulations Amendment

[#1-2011](#)

5/14/2011

Chapter 14: SEWAGE UTILITY

General

Budget Billing for Ladoga Utilities

[#2007-6R](#)

9/8/2007

Vacates Two Inactive Sewer Accounts

[#2007-8R](#)

10/31/2007

Waivers of Utility Late Payment Penalties

[#2-2013](#)

4/24/2013

Procedures for Utility Shut-Off

[#9-2013R](#)

12/14/2013

Bonds

Sewage Works Bonds

[#2003-2](#)

3/8/2003

Sewage Works Revenue Bond

[#2009-1](#)

2/25/2009

14-3 Definitions

Rules and Regulations for Sewage Works

[#1997-3](#)

9/13/1997

14-7 Use of the Public Sewers

Amends Sewerage Works Rules and Tap-On Fee

[#1997-2](#)

9/13/1997

Appendix - Rates and Charges

Sewage Rates Amendment

[#2007-2](#)

5/12/2007

Sewage Rates Amendment

[#2008-2](#)

5/10/2008

Sewage Rates Amendment

[#2008-4](#)

8/27/2008

Chapter 15: FAIR HOUSING

Fair Housing Ordinance

[#1995-5](#)

6/1/1995

Fair Housing

[#2012-3](#)

8/29/2012

GENERAL TOPICS:

(Topics that cannot easily be classified under the current codification categories.)

Trash Collection

Creates Trash Collection Fund	#2008-10R	9/24/2008
Rates for Residential Trash Collection	#2008-7	10/11/2008
Waivers of Utility Late Payment Penalties	#2-2013	4/24/2013
Procedures for Utility Shut-Off	#9-2013R	12/14/2013

Stormwater Utility

Establishes Department of Storm Water Management and a Storm Water District	#2005-4	8/13/2005
Establishes Storm Water Cumulative Building and Sinking Fund	#2005-5	8/13/2005
Amending Stormwater Rates and Charges	#2010-2	4/17/2010
Waivers of Utility Late Payment Penalties	#2-2013	4/24/2013
Procedures for Utility Shut-Off	#9-2013R	12/14/2013

Property, Boundaries, Easements, Annexation

Sell Property Where Old Water Tower Was Located	#1996-2R	8/10/1996
Establishes Municipal Corporate Boundaries	#2008-9R	9/13/2008
Easement for 126 College Street	#1996-1R	8/10/1996
Accept Fiscal Plan for Annexation	#2005-4R	12/10/2005
Annexation (Hidden Court Condominiums)	#2006-2	2/23/2006
Accept Street and Utility Easements for Ownership and Maintenance	#2007-1R	1/13/2007
Annexation	#2007-1	4/14/2007
Annexation	#2007-5	11/20/2007
Acceptance of Street and Utility Easements (Academy Drive)	#2009-4R	8/8/2009
Acceptance of Street and Utility Easements (Academy Drive)	#2009-5R	8/8/2009
Annexation (Fire Station on 234 East)	#2010-3	6/30/2010

Equipment

Lease Dixie Chopper Equipment	#2008-12R	11/8/2008
Transfer of Surplus Ambulance	#3-2011R	10/8/2011
Transfer Firefighting Vehicles and Equipment	#1-2011R	12/10/2011
Capital Asset Policy	#1-2014	2/26/2014

Miscellaneous

Emergency Service Volunteers	Untitled	5/17/2002
Adopting the ADA Transition Plan	#2012-10R	12/8/2012

Accounting

Authorize Write-Off of Accounts Receivable	#1995-2	4/8/1995
Loan from Water Utility to Sewer Utility	#1999-1R	3/31/1999

Create Rainy Day Fund	#2001-6R	12/15/2001
Create Historic Ladoga, Inc. BIF Fund	#2001-7R	12/15/2001
Establishes Wagering Tax Distributions Fund	#2003-3	8/9/2003
Supersedes Resolution 6, 2001 (Rainy Day Fund)	#2003-4	8/9/2003
Create Capital Outlay Lines in Budgets	#2003-5R	12/27/2003
Remove Two Funds: Fire Grant Arson and Fire Report From Insurance	#2004-7R	11/13/2004
Re-Establishes Cumulative Capital Development Fund	#2005-3	6/11/2005
Establishes Storm Water Cumulative Building and Sinking Fund	#2005-5	8/13/2005
Supporting County Economic Development Income Tax	#2006-2R	2/11/2006
Proposes Adoption of County Economic Development Income Tax	#2006-2R	2/11/2006
Uncollectable Accounts	#2007-2R	4/27/2007
Local Option Income Tax	#2007-10R	11/20/2007
Uncollectable Accounts	#2007-12R	12/8/2007
Reducing 2009 CCD Appropriation	#2009-2R	7/15/2009
Reallocate Montgomery County LOIT	#2009-1R	7/22/2009
Re-Establishes Cumulative Capital Development Fund	#2009-4	7/30/2009
Authorizing Expenditure from CCI for Sewer Project	#2009-8R	9/23/2009
Transfer Within General Fund (Sewer Project)	#2009-10R	10/17/2009
Establishes Criminal Justice Institute (CJI) Fund	#2010-1R	2/13/2010
Abolishes 1995 Sewer Construction Account	#2010-3R	2/13/2010
Transfer from General to Rainy Day Fund	#2010-4R	4/17/2010
Authorizes Payment of Certain Firefighting and EMS Expenses	#2010-5R	5/26/2010
Transfer from General to Rainy Day Fund	#2010-9R	12/11/2010
Appropriations and Tax Rates	#2011-2Rb	9/10/2011
Receivables Adjustments - Bankruptcies	#2011-2R	9/28/2011
Authorizes Preapproved Payment of Certain Claims	#2012-1	2/29/2012
Bad Debt Write Off	#2012-3R	5/12/2012
Bad Debt Write Off	#2012-4R	6/9/2012
Reducing the 2012 LR&S; Appropriation	#2012-8R	7/25/2012
Reducing the 2012 MVH Appropriation	#2012-9R	7/25/2012
Appropriations and Tax Rate	#2012-4	10/6/2012
Voiding Stale Checks	#2013-1R	2/27/2013
Transfer from General to Rainy Day Fund	#2013-3R	6/26/2013
Reducing the 2013 MVH Appropriation	#2013-4R	7/31/2013
Reducing the 2013 LR&S; Appropriation	#2013-5R	7/31/2013
Appropriations and Tax Rate	#2013-4	9/25/2013
Bad Debt Write Off	#2013-6R	10/12/2013
Authorizes Transfers into Utility Customer Deposit Funds	#2013-7R	10/12/2013
Voiding Stale Checks	#2013-8R	10/30/2013

Authorizes Transfers into Utility Customer Deposit Funds	#2014-1R	2/26/2014
Transfer from General to Rainy Day Fund	#2014-2R	5/28/2014
Reducing the 2014 LR&S; Appropriation	#2014-3R	7/30/2014
Reducing the 2014 MVH Appropriation	#2014-4R	7/30/2014

Grant Related Documentation

Authorizes Application Submission and Local Match Commitment	#1998-2R	1/20/1998
Authorize Application Submission and Local Match Commitment	#1999-3R	3/31/1999
Authorizes Submittal of CDBG Application	#2001-1R	2/10/2001
Sponsor the Awarding of Build Indiana Funds to Historic Ladoga, Inc.	#2001-2R	8/11/2001
Authorizes Application Submission and Local Match Commitment	#2002-1R	3/9/2002
Authorizes Submittal of CDBG Application	#2003-3R	7/28/2003
Authorize Application Submission and Local Match Commitment	#2005-1R	3/12/2005
Authorizes Submittal of the Application of Grant Modification	#2006-3R	3/11/2006
PER Acceptance	#2008-2R	5/28/2008
Signatory Authorization	#2008-3R	5/28/2008
Authorizes Application and Local Match	#2008-6R	8/27/2008
Authorizing OCRA Submission and Local Match	#2009-3R	7/22/2009
Authorizing OCRA Submission and Local Match	#2009-6R	9/23/2009
Authorizing OCRA Submission and Local Match	#2010-2R	2/13/2010
Slum and Blight Area Declaration	#2010-7R	9/29/2010
Authorizing OCRA Submission and Local Match	#2010-8R	9/29/2010
Approves Downtown Revitalization Plan	#2011-1R	8/31/2011

CHRONOLOGICAL INDEX

NOTE: This Chronological Index includes all ordinances, resolutions, or agreements sorted by adoption date. Certain financial documents (e.g., budgets, fund transfers, appropriations) have been removed. The index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

1994-1995

--/--/1994	#1994-2R	Formalize Paid Holidays for Employees
3/8/1995 (VOID)	#1995-3	Salary for 1995
4/8/1995	#1995-1	Peak Management Credit for Electric Customers
4/8/1995	#1995-2	Authorize Write-Off of Accounts Receivable
6/1/1995	#1995-5	Fair Housing Ordinance
6/10/1995 (VOID)	#1995-4	Sewage Works Rates
7/8/1995 (VOID)	#1995-6	Salary for 1996
12/9/1995	#1995-8	Routing of Heavy Truck Traffic

1996

2/10/1996 (VOID)	#1996-1	Salary for 1996
7/13/1996 (VOID)	#1996-3	Salary for 1997
8/10/1996	#1996-1R	Easement for 126 College Street
8/10/1996	#1996-2R	Sell Property Where Old Water Tower Was Located

1997

5/10/1997	#1997-1	Amends Town Code: Arrest Powers of Town Marshal Reserves
7/12/1997 (VOID)	#1997-1	Salary for 1998
9/13/1997	#1997-2	Amends Sewerage Works Rules and Tap-On Fee
9/13/1997	#1997-3	Rules and Regulations for Sewage Works

1998

1/10/1998 (VOID)	#1998-2	Amends Rates and Charges for Water Works
1/20/1998	#1998-1R	Drug-Free Workplace Policy
		Authorizes Application Submission and Local Match

1/20/1998	#1998-2R	Commitment
4/10/1998	#1998-1R	Joint Resolution to Designate a Single Agency for Building Regulation
4/11/1998	(VOID) #1998-3R	Appoints New Commissioner to the Indiana Municipal Power Agency
6/13/1998	(VOID) #1998-3	Designates Purchasing Agent and Procurement Rules and Procedures
7/28/1998	(VOID) #1998-4	Salary for 1999
8/8/1998	(VOID) #1998-5R	Personnel Policies

1999

3/31/1999	#1999-1R	Loan from Water Utility to Sewer Utility
3/31/1999	#1999-3R	Authorize Application Submission and Local Match Commitment
5/8/1999	(VOID) #1999-1	Amends Sewage Works Rates and Charges
5/8/1999	(VOID) #1999-2	Amends Water Works Rates and Charges
5/8/1999	(VOID) #1999-3	Amends Rates and Charges for Electric Utility
8/14/1999	(VOID) #1999-4	Salary for 2000
8/14/1999	#1999-6	Amends 3-1998 (Purchasing Agent, Procurement Rules)
8/14/1999	#1999-6R	Forms a Well Head Protection Planning Team

2000

3/11/2000	#2000-1R	Resolve to Use Keystone Software Products
7/8/2000	(VOID) #2000-2R	Appoint New Commissioner to Indiana Municipal Power Agency
8/12/2000	#2000-3R	Change Council from Three Members to Five Members
9/9/2000	(VOID) #2000-1	Salary for 2001

2001

2/10/2001	#2001-1R	Authorizes Submittal of CDBG Application
7/14/2001	#2001-1	Amendatory Agreement Between Indiana Municipal Power Agency and Ladoga
7/14/2001	#2001-1	Amendatory Agreement to Power Sales Contract
8/11/2001	#2001-2R	Sponsor the Awarding of Build Indiana Funds to Historic Ladoga, Inc.
12/15/2001	#2001-6R	Create Rainy Day Fund
12/15/2001	#2001-7R	Create Historic Ladoga, Inc. BIF Fund
12/15/2001	(VOID) #2001-2	Salary for 2002

2002

3/9/2002	#2002-1R	Authorizes Application Submission and Local Match Commitment
4/13/2002	#2002-2R	Accept Water and Sewer Mains of Northern Acres for Future Maintenance
5/11/2002 (VOID)	#2002-2	Salary for 2002
5/17/2002	Unnumbered	Emergency Service Volunteers
5/17/2002 (VOID)	#2002-3R	Amend Resolution 1998-5 (Employee Policy)
10/12/2002	#2002-2	Amends Chapter 8-4 (Public Nuisances and Littering)
12/21/2002 (VOID)	#2002-3	Salary for 2003

2003

1/11/2003	#2003-1	Provides Health Care Insurance Options
3/8/2003	#2003-1R	Intent to use Greentree Applied Systems Inc. Software
3/8/2003	#2003-2	Sewage Works Bonds
--/--/2003	#2003-2R	Establishes Minimum Charge for Weed Abatement
7/28/2003	#2003-3R	Authorizes Submittal of CDBG Application
8/9/2003	#2003-3	Establishes Wagering Tax Distributions Fund
8/9/2003	#2003-4	Supercedes Resolution 6, 2001 (Rainy Day Fund)
12/13/2003	#2003-4R	Employer Participation in the Pick-Up of Additional Employee Contributions
12/27/2003	#2003-5R	Create Capital Outlay Lines in Budgets
12/27/2003 (VOID)	#2003-5	Salary for 2004

2004

3/4/2004	#2004-1	Amends Ordinance 4-1985 (Community Antenna Television Franchise)
3/31/2004 (VOID)	#2004-2	Amends Water Rates and Charges
7/9/2004	#2004-4R	Authorizes Electronic Funds Transfer from Auditor of State of Indiana
8/14/2004	#2004-3	Authorizes Promotion of Economic Development and Tourism
11/13/2004	#2004-5R	Authorizes Mileage Reimbursement
11/13/2004	#2004-7R	Remove Two Funds: Fire Grant Arson and Fire Report From Insurance
12/11/2004	#2004-4	Amends Municipal Code Chapters 6 and 7 (Electric and Water Meter Deposits)

12/11/2004 ~~#2004-8R~~
12/28/2004 (VOID) ~~#2004-5~~

Credit Card Usage
Salary for 2005

2005

1/8/2005	(VOID) #2005-1	Amends Salary for 2005
3/12/2005	#2005-1R	Authorize Application Submission and Local Match Commitment
5/25/2005	#2005-2	Establishes Well Head Protection Area of Jurisdiction
6/11/2005	#2005-2R	Deferred Compensation Plan
6/11/2005	#2005-3	Re-Establishes Cumulative Capital Development Fund
8/13/2005	#2005-4	Establishes Department of Storm Water Management and a Storm Water District
8/13/2005	#2005-5	Establishes Storm Water Cumulative Building and Sinking Fund
9/3/2005	#2005-6	Rates and Charges for Water Utility
12/10/2005	#2005-8	Establishes Electric Utility Late Fee
12/10/2005	#2005-9	Amends Utility Customer Deposit Policy
12/10/2005	#2005-4R	Accept Fiscal Plan for Annexation

2006

1/14/2006	#2006-1	Increases the Specially Metered Water Service Rate
2/11/2006	#2006-2R	Supporting County Economic Development Income Tax
2/11/2006	#2006-2R	Proposes Adoption of County Economic Development Income Tax
2/23/2006	#2006-2	Annexation (Hidden Court Condominiums)
3/11/2006	#2006-3R	Authorizes Submittal of the Application of Grant Modification
6/28/2006	#2006-3	Amends Rates and Charges for Electric Utility
8/12/2006	(VOID) #2006-4	Establishes Stormwater Sinking Fund and Rates and Charges
8/12/2006	(VOID) #2006-5	Reduces Fire Hydrant Rates
8/12/2006	(VOID) #2006-6	Salary for 2007
8/30/2006	#2006-7	Establishes Curfew
8/30/2006	#2006-8	Establishes Rules for Use and Conduct within Park Facilities
9/27/2006	#2006-10	Amends Established Rules for Use and Conduct within Park Facilities

2007

1/13/2007	#2007-1R	Accept Street and Utility Easements for Ownership and Maintenance
4/14/2007	#2007-1	Annexation
4/27/2007	#2007-2R	Uncollectable Accounts
5/12/2007	#2007-2	Sewage Rates Amendment
8/11/2007	#2007-3	Power Sales Contract Amendment
9/8/2007	#2007-6R	Budget Billing for Ladoga Utilities
10/31/2007	#2007-8R	Vacates Two Inactive Sewer Accounts
11/20/2007	#2007-5	Annexation
11/20/2007	#2007-10R	Local Option Income Tax
12/8/2007	#2007-11R	Establishes Health Savings Accounts
12/8/2007	#2007-12R	Uncollectable Accounts
12/8/2007 (VOID)	#2007-6	Salary for 2008

2008

3/15/2008	#2008-1	Amends Fire Hydrant Rates
5/10/2008	#2008-2	Sewage Rates Amendment
5/10/2008 (VOID)	#2008-3	Amends 2008 Salary Ordinance
5/28/2008	#2008-2R	PER Acceptance
5/28/2008	#2008-3R	Signatory Authorization
7/12/2008	#2008-5R	Vegetation Control in Easements
8/27/2008	#2008-4	Sewage Rates Amendment
8/27/2008	#2008-6R	Authorizes Application and Local Match
8/27/2008	#2008-7R	Amends Employee Policy
8/27/2008 (VOID)	#2008-8R	Appoints New Commissioner to IMPA
9/13/2008	#2008-9R	Establishes Municipal Corporate Boundaries
9/24/2008	#2008-10R	Creates Trash Collection Fund
10/11/2008	#2008-7	Rates for Residential Trash Collection
10/29/2008	#2008-11R	Allow Restrictive Meters (Electric)
11/8/2008	#2008-12R	Lease Dixie Chopper Equipment
12/13/2008 (VOID)	#2008-8	Salary for 2009

2009

2/25/2009	#2009-1	Sewage Works Revenue Bond
4/29/2009	Unnumbered	Identity Theft Prevention Program
6/10/2009	#2009-2	Establishes Unsafe Building Law
7/15/2009	#2009-2R	Reducing 2009 CCD Appropriation

7/22/2009	<u>#2009-1R</u>	Reallocate Montgomery County LOIT
7/22/2009	<u>#2009-3R</u>	Authorizing OCRA Submission and Local Match
7/30/2009	<u>#2009-4</u>	Re-Establishes Cumulative Capital Development Fund
8/8/2009	<u>#2009-5</u>	Amending Electric Rates, Electric and Water Charges
8/8/2009	<u>#2009-4R</u>	Acceptance of Street and Utility Easements (Academy Drive)
8/8/2009	<u>#2009-5R</u>	Acceptance of Street and Utility Easements (Academy Drive)
9/8/2009 (VOID)	<u>#2009-7</u>	Salary for 2010
9/23/2009	<u>#2009-6R</u>	Authorizing OCRA Submission and Local Match
9/23/2009	<u>#2009-7R</u>	Restricting Access to Ladoga Town Hall
9/23/2009	<u>#2009-8R</u>	Authorizing Expenditure from CCI for Sewer Project
9/23/2009 (VOID)	<u>#2009-8</u>	Amending Salary for 2009
10/17/2009	<u>#2009-10R</u>	Transfer Within General Fund (Sewer Project)
10/17/2009	<u>#2009-11R</u>	Authorizing Direct Deposit of Payroll Checks
12/12/2009 (VOID)	<u>#2009-9</u>	Amending Salary for 2010
12/30/2009	<u>#2009-12R</u>	Establish Employee Health Reimbursement Plan

2010

1/27/2010	<u>#2010-1</u>	Amending Electric Rates
2/13/2010	<u>#2010-1R</u>	Establishes Criminal Justice Institute (CJI) Fund
2/13/2010	<u>#2010-2R</u>	Authorizing OCRA Submission and Local Match
2/13/2010	<u>#2010-3R</u>	Abolishes 1995 Sewer Construction Account
4/17/2010	<u>#2010-2</u>	Amending Stormwater Rates and Charges
4/17/2010	<u>#2010-4R</u>	Transfer from General to Rainy Day Fund
5/26/2010	<u>#2010-5R</u>	Authorizes Payment of Certain Firefighting and EMS Expenses
6/30/2010	<u>#2010-3</u>	Annexation (Fire Station on 234 East)
9/29/2010	<u>#2010-7R</u>	Slum and Blight Area Declaration
9/29/2010	<u>#2010-8R</u>	Authorizing OCRA Submission and Local Match
11/23/2010 (VOID)	<u>#2010-6</u>	Salary for 2011 (Amending 2009-7)
11/23/2010	<u>#2010-7</u>	Stop Signs on Taylor Street at Vine Street
12/11/2010	<u>#2010-9R</u>	Transfer from General to Rainy Day Fund
1/1/2011	<u>#2010-5</u>	Regulates the Operation of Golf Carts

2011

5/14/2011	<u>#1-2011</u>	Low Speed Vehicle Regulations Amendment
8/31/2011	<u>#2011-1R</u>	Approves Downtown Revitalization Plan

9/10/2011	<u>#2011-3Rb</u>	Appropriations and Tax Rates
9/10/2011	<u>#2011-4</u>	Unsafe Building Regulations Amendment
9/10/2011	<u>#2011-5</u>	Water Utility Service Financial Responsibility Amendment
9/10/2011	<u>#2011-6</u>	Electrical Service Financial Responsibility Amendment
9/28/2011	<u>#2011-2R</u>	Amendment Concerning Animals
10/8/2011	<u>#3-2011R</u>	Receivables Adjustments - Bankruptcies
10/8/2011	<u>#2011-8</u>	Transfer of Surplus Ambulance
11/30/2011	<u>#2011-4R</u>	Electrical Service Financial Responsibility Amendment
11/30/2011 (VOID)	<u>#2011-9</u>	Appoints IMPA Commissioner
12/10/2011	<u>#1-2011R</u>	Salary for 2012
		Transfer Firefighting Vehicles and Equipment

2012

2/29/2012	<u>#2012-1</u>	Authorizes Preapproved Payment of Certain Claims
4/25/2012	<u>#2012-2R</u>	Rules for General Public Comment
5/12/2012	<u>#2012-3R</u>	Bad Debt Write Off
6/9/2012	<u>#2012-4R</u>	Bad Debt Write Off
6/9/2012	<u>#2012-5R</u>	Rules Regarding Nepotism
6/27/2012	<u>#2012-6R</u>	Transfer from General to Rainy Day Fund
6/27/2012	<u>#2012-7R</u>	Roster of Employees
7/25/2012	<u>#2012-8R</u>	Reducing the 2012 LR&S Appropriation
7/25/2012	<u>#2012-9R</u>	Reducing the 2012 MVH Appropriation
8/29/2012	<u>#2012-2</u>	Weeds and Rank Vegetation
8/29/2012	<u>#2012-3</u>	Fair Housing
10/6/2012	<u>#2012-4</u>	Appropriations and Tax Rate
11/28/2012 (VOID)	<u>#2012-5</u>	Salary for 2013
12/8/2012	<u>#2012-10R</u>	Adopting the ADA Transition Plan

2013

1/12/2013	<u>#2013-1</u>	Establishes an Unsafe Building Fund
2/27/2013	<u>#2013-1R</u>	Voiding Stale Checks
4/13/2013	<u>#2-2013R</u>	Indiana Public Employers' Plan
4/24/2013	<u>#2-2013</u>	Waivers of Utility Late Payment Penalties
4/24/2013	<u>#3-2013</u>	Regulates Water Use in Emergencies
6/26/2013	<u>#2013-3R</u>	Transfer from General to Rainy Day Fund
7/31/2013	<u>#2013-4R</u>	Reducing the 2013 MVH Appropriation
7/31/2013	<u>#2013-5R</u>	Reducing the 2013 LR&S Appropriation
9/25/2013	<u>#2013-4</u>	Appropriations and Tax Rate

10/12/2013	<u>#2013-6R</u>	Bad Debt Write Off
10/12/2013	<u>#2013-7R</u>	Authorizes Transfers into Utility Customer Deposit Funds
10/30/2013	<u>#2013-8R</u>	Voiding Stale Checks
12/14/2013	<u>#9-2013R</u>	Procedures for Utility Shut-Off
12/30/2013	<u>#2013-5</u>	Salary for 2014

2014

2/26/2014	<u>#1-2014</u>	Capital Asset Policy
2/26/2014	<u>#2014-1R</u>	Authorizes Transfers into Utility Customer Deposit Funds
5/28/2014	<u>#2014-2R</u>	Transfer from General to Rainy Day Fund
7/30/2014	<u>#2014-3R</u>	Reducing the 2014 LR&S Appropriation
7/30/2014	<u>#2014-4R</u>	Reducing the 2014 MVH Appropriation

ORDINANCE NO. 3-1995

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #3-1995, Page 1



(VOID) #3-1995, Page 2

ORDINANCE NO.: 2007-1

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CORPORATE BOUNDARIES OF THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town"), conducted a public hearing, pursuant to notice as required by law, to consider the annexation to the corporate boundaries of said Town of certain territory as hereinafter described; and,

WHEREAS, certain owners of that territory have requested that the Town annex their property; and

WHEREAS, the Town Council has determined it is in the best interests of the Town and the owners of said territory that it be annexed;

WHEREAS, an appropriate fiscal plan for the area to be annexed has been prepared; and

WHEREAS, the Town is capable of extending all municipal services to the subject territory within a reasonable time,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED, that there is hereby annexed to and within the corporate boundaries of the Town of Ladoga, Montgomery County, Indiana, the following described real estate, to-wit:

Section 1(a) Legal Descriptions. The descriptions of territory to be annexed and the last known owners are attached and hereby incorporated into this Ordinance and are set forth in the attached Appendix A, which is hereby incorporated into this Ordinance as if fully set forth herein.

(b). Highways and Rights-of-way. Included in this territory are the following public highways and rights-of-way:

1. State Highway 234
2. Academy Way
3. Harrison Street

(c) Acreage. This territory is comprised of 36.21 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for this territory: None

(e) Real Property Tax Abatements. The following real property tax abatements are in effect for this territory: None

Section 2: Within one (1) year from the effective date of this annexation, the Town of Ladoga shall extend to the territory all planned services of a noncapital nature including police protection, street and road maintenance, and other noncapital services normally provided within the corporate

boundaries. Within three (3) years from the effective date of this annexation, the Town of Ladoga shall extend to the territory all services of a capital improvement nature, including street construction, sewer facilities, and water facilities and provided in a manner equivalent in standard and scope to those services provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use, and population density.

Section 3. Properties #1 through 15 as listed in Appendix A and annexed pursuant to this Ordinance shall be included in the voting precinct of Clark Township within the Town of Ladoga, Indiana, and Property #16 as listed in Appendix A and annexed pursuant to this Ordinance shall be included in the voting precinct of Scott Township within the Town of Ladoga, Indiana.

Section 4: The Clerk-Treasurer is hereby directed to publish this Ordinance one (1) time in the Crawfordsville Journal Review newspaper.

Section 5: If no remonstrance to this annexation is filed within ninety (90) days following the publication of this Ordinance, the Clerk-Treasurer shall comply with the requirements of I.C. 36-4-3-22, concerning delivery of copies of this annexation ordinance to certain other governmental units and recording this ordinance.

Section 6: This Ordinance shall be in full force and effect as of May 1, 2007; however, the annexation shall become effective not less than ninety (90) days after the publication hereof and after the Clerk-Treasurer having complied with IC 36-4-3-22.

Introduced initially, pursuant to Indiana Code 36-4-3, the 16th day of September, 2006.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 14th
DAY OF April, 2007.

ATTEST:	<u>Sandra E. Powers</u> President
<u>Viki Powers</u> Viki Powers Clerk-Treasurer Town of Ladoga, Indiana	<u>Harley Barnard</u> <u>Lester Miles</u>

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

David S. Peebles

Signed and sworn to before me this _____ of _____, 2007.

My Commission Expires: _____

Notary Public: _____

Residence County: Montgomery

This ordinance prepared by David S. Peebles
Attorney at Law
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, Indiana 47933

EXHIBIT A:
ANNEXED PROPERTIES

Clark Township:

1. Claude & Audrey Barker Trust, 5046 East S. R. 234, Ladoga IN 47954
Parcel #0057900300; 5.39 acres
PT WH SWQ 8-17-3 ("tracts 2, 3, 6, 13, 14 & 15")
2. Claude & Audrey Barker Trust, 5046 East S. R. 234, Ladoga IN 47954
Parcel #0050200600; 2.71 acres
PT 19-17-3
3. Correction Management Co, LLC, 9000 Keystone Crossing, Ste 1040,
Indianapolis, IN 46240

Parcel #0057900301; 6.52 acres
PT SWQ 18-17-3 ("tract 12")
(Ladoga Academy; 8506 S Academy Way)

4. Correction Management Co, LLC, 9000 Keystone Crossing, Ste 1040,
Indianapolis, IN 46240

Parcel #0057900406; .41 acres
PT WH SWQ 18-17-3 ("tract 11")
(Ladoga Academy; 8565 S Academy Way)

5. Anthony & Loreana Richards, 8568 S Academy Way, Ladoga IN 47954
Parcel #0057900302; 0.51 acres
PT WH SWQ 18-17-3

6. Robert & Marianna Martin, 338 E. Baldwin St, Ladoga IN 47954
Parcel #0057900403; 0.38 acres ("tract 9")
PT WH SWQ 18-17-3
(SR 234 W)

7. Chett & Tina Stow, 9927 W CR 600 S, Jamestown IN 46147
Parcel #0057900405; 3.06 acres ("tract 8")
PT WH SWQ 18-17-3
(SR 234 W)

8. Zane Gilley, 8600 S Academy Way, Ladoga IN 47954
Parcel #0057900408; 0.35 acres
PT WH SWQ 18-17-3

9. Donna Brittain, 8614 Academy Way, Ladoga IN 47954
Parcel #0057900407; 0.41 acres ("tract 5")
PT WH SWQ 18-17-3

10. Daniel & Sondra Estelle, 5024 E SR 234, Ladoga IN 47954
Parcel #0051100210; 0.51 acres + 0.07 acres (0.58 total)
PT WH SWQ 18-17-3

11. Kirkhoff, LLC, 7805 W CR 900 N, West Lafayette IN 47906
Parcel #0051100404; 0.85 acres ("tract 4")
PT WH SWQ 18-17-3
(8605 S Academy Way)

12. Timothy & Kimberly Barker, PO Box 131, Ladoga, IN 47954
Parcel #0050200500; 1.00 acre
PT WH SWQ 18-17-3
(SR 234 W)

13. Shirley M. Paxton; 306 W. Main St., Ladoga, IN 47954
Parcel #0051303010; 1.80 acres
PT SWQ 18-17-3
14. Keith & Sandra Keck, 202 N. Harrison St., Ladoga IN 47954
Parcel #0050801800 (202 N. Harrison Street-behind); 1.92 acres
Parcel #0060801700 (202 Harrison Street); 1.50 acres (.75 + .75)
PT SWQ NWQ 18-17-3
PT 18-17-3
PT SWQ NWQ 18-17-3
15. Morris & Mary Ann Mills, P.O. Box 218, Ladoga IN 47954
Parcel #0050400900 (204 Harrison Street); 4.00 acres
Parcel #0060400700; 2.60 acres (1.90 + 0.70)
PT NEQ 18-17-3
PT 18-17-3

Scott Township:

16. Barker Homes, Inc., 28 Hickory Lane, Crawfordsville IN 47933
Parcel #0160600305; 2.22 acres
Parcel #0160600301;
PT EH SEQ 13-17-4
(4 lot subdivision on SR 234 East)

ORDINANCE 2006-10

An Ordinance Amending the Establishing Rules for Use and Conduct within the Park Facilities of the Town of Ladoga, Indiana.

BE IT ORDAINED by the Town Council of the Town of Ladoga, of Montgomery County, State of Indiana that the rules for use and conduct within the park facilities of the Town of Ladoga, Indiana are hereby amended as follows:

A. "Section 1 – Park Rules" is hereby amended by replacing current [subsection 4](#) in its entirety with the following:

"4. No overnight camping **or overnight parking of motor vehicles or overnight storage of any personal property** is allowed without prior written approval from the Town Council. **In addition to the monetary penalties provided below, any unauthorized vehicle parked overnight may be towed, and any unauthorized personal property left overnight may be impounded.**"

B. The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed.

C. This Ordinance shall be in full force and effect thirty (30) days from its passage and any necessary publication.

Adopted by the Board of Trustees of the Town of Ladoga, Indiana, this 27th day of September , 2006.

Sandra E. Powers

Lester Miles

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer

AMENDING [ORDINANCE NO. 2006-6](#) OF THE TOWN OF LADOGA FIXING SALARIES OF OFFICERS AND EMPLOYEES OF SAID TOWN FOR THE CALENDAR YEAR 2008

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that salaries for officials and employees of the Town of Ladoga, Indiana, for the calendar year 2008 shall be as hereinafter set out:

Section 1. The members of the Town Council shall be paid the annual sum of \$1200.00, to be paid semi-annually from the following funds of the Town, as follows:

<u>FUND</u>	<u>SEMI-ANNUAL PAYMENT</u>
Water Utility	\$166.66
Sewage Utility	\$166.67
Electric Utility	\$166.67
General Fund	\$100.00

Section 2. The Town Attorney shall be paid the annual sum of \$2000.00, to be paid semi-annually from the funds of the Town, as follows:

<u>FUND</u>	<u>SEMI-ANNUAL PAYMENT</u>
Water Utility	\$300.00
Sewage Utility	\$300.00
Electric Utility	\$300.00
General Fund	\$100.00

Section 3. The Clerk-Treasurer/ Clerk of Utilities for the Town shall receive the salary of \$669.35 (\$749.35 with anniversary raises for Viki L. Powers) per week from the funds of the Town as follows:

*Reference page 2

<u>FUND</u>	<u>WEEKLY PAYMENT</u>	
Water Utility	\$183.45	(\$210.12)
Sewage Utility	\$183.45	(\$210.11)
Electric Utility	\$183.45	(\$210.12)
General Fund	\$100.00	
Motor Vehicle Fund	\$ 19.00	

Section 4. The Town Marshal for the Town shall be paid \$14.04 per hour to be paid from the General Fund and the Motor Vehicle Highway Fund. The Deputy Town Marshal for the Town shall be paid \$14.04 per hour to be paid from the General Fund and the Motor Vehicle Highway Fund.

Section 5. Employees of the Town shall be paid on an hourly basis as follows:

<u>EMPLOYEE</u>	<u>HOURLY RATE</u>
Water Certified Operator	\$16.47

Sewer Certified Operator	\$16.47
Utility Assistant	\$16.47
Office Helper	\$11.07
Part-Time Help (Janitor)	\$11.25
Temporary Help	\$ 9.00

Hours worked in excess of forty (40) per pay period shall be paid at 1.5 times the hourly rate. Hours that are paid but not worked (i.e. holidays, personal time, etc.) shall not count towards the forty (40) hours. Employees called in to work outside of their normal schedule are entitled to a minimum of one (1) hour call-in pay.

*Full time employees will be rewarded, on their anniversary date, for years of employment with a \$1.00 per hour raise and part time employees will be rewarded, on their anniversary date, for years of employment with a \$0.50 per hour raise every 3rd, 5th, 10th, 15th, 20th, 25th, 30th etc. The Clerk-Treasurer will be rewarded on 40 hours a week this was determined because some weeks she will work over 40 hours and some weeks less.

Full-time utility employees shall attend all regularly scheduled town council meetings. Employees in attendance will receive two (2) hours of compensatory time off. Employees may use this time off at their discretion however, employees shall not accumulate more than twenty-four (24) hours of compensatory time off at any one time.

Editor's Note: See [Ordinance 2008-3](#) which repeals and amends the preceding paragraph relating to compensation for council meeting attendance.

Utility employees who become certified as operators through the Indiana Department of Environmental Management shall receive an additional \$0.50 per hour for each certification applicable to the towns utility systems. Town shall pay cost of first round of certification classes. If employee fails to pass a class, they will be responsible for payment of second round of class.

The Town Council based on their qualifications will negotiate any newly hired employee wages.

Adopted and passed by the Town Council of the Town of Ladoga, Indiana, this 8th day of December 2007.

Harley R. Barnard
Harley R. Barnard

Lester Miles
Lester Miles

Sandra E. Powers
Sandra E. Powers

ATTEST

Viki L. Powers
Viki Powers, Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 3 2000

BE IT KNOWN: that on the 12th day of August , 2000, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That the Ladoga Town Council presently consisting of three member should be changed so as to constitute the Ladoga Town Council with five council members, all to be elected at large. IT IS FURTHER RESOLVED THAT this issue of increasing the membership of the Town Council be presented to the eligible voters at the next available election for approval or disapproval.

Harold L. Lowe

Mike Hubble

ATTEST:

Viki L. Powers
Clerk Treasurer

ORDINANCE NO.: 1997-1

AN ORDINANCE AMENDING THE LADOGA TOWN CODE CHAPTER 4 SECTION 9(g), BEING AN ORDINANCE DEFINING THE ARREST POWERS OF TOWN MARXHALL RESERVES IN THE TOWN OF LADOGA

WHEREAS, the Town Council of the Town of Ladoga has by Ordinance established by Ordinance the creation of Town Marshall Reserves pursuant to Indiana Code §36-8-3-20, and;

WHEREAS, the Town Council has determined that the powers of arrest of reserve officers should be expanded as provided by amendments to Indiana Code §36-8-3-20, and;

NOW THEREFORE BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana that :

Section 1. Section 9(g) of Chapter 4 of the Ladoga Town Code, shall be amended to read as follows:

(g) A Reserve shall not make an arrest, conduct a search or a seizure of a person or property or carry a firearm unless the reserve officer successfully completes a pre-basic course under Indiana Code §5-2-1-9(f), the pre-basic course defined and offered by the Indiana Law enforcement Training Board.

Editor's Note: The preceding paragraph has been included in the Ladoga Town Code under [Section 9\(g\) of Chapter 4.](#)

Section 2. This ordinance shall be in full effect from and after the date of its passage and promulgation, if any, as required by law.

Passed and adopted by the Town Council, Town of Ladoga, Indiana, this 10th day of May, 1997.

TOWN COUNCIL,
TOWN OF LADOGA, INDIANA,

Harold L. Lowe

William R. Merchant

Mike Hubble

ATTEST:

Sandra E. Powers
Sandra Powers, Clerk-Treasurer

AN ORDINANCE AMENDING AN ORDINANCE REGULATING UNSAFE BUILDINGS

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, that the Ladoga Town Code is hereby amended as follows:

Section 1. [Chapter 5, Section 4.3](#) of the Municipal Code of the Town of Ladoga, Indiana, is hereby amended to change the designation of the Building Safety Inspector from the “Chief of Ladoga Volunteer Fire Department” to “Chief of Ladoga Volunteer Fire Department and/or the Town Marshal and/or the Town Utility Superintendent”.

Section 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect upon its passage.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 10th day of September, 2011.

Sandra E. Powers

Lester Miles

LADOGA TOWN COUNCIL

ATTEST:

Viki L. Powers
Viki Powers, Clerk-Treasurer

ORDINANCE NO. 4, 2004

AN ORDINANCE AMENDING CHAPTERS 6 AND 7 OF THE MUNICIPAL CODE OF THE TOWN OF LADOGA, INDIANA REGULATING METER DEPOSITS TO BE COLLECTED FROM WATER AND ELECTRIC UTILITY CUSTOMERS

WHEREAS, the Town of Ladoga, Indiana owns and operates water and electric utility works; and,

WHEREAS, the meter deposits are in need of adjustment and provision should be made for more efficient enforcement of payment of utility services without being penal in nature to paying customers.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA THAT THE LADOGA TOWN CODE SHALL BE AMENDED TO PROVIDE THE FOLLOWING PROVISIONS:

Section 1. Chapter 6, Water Utility, [Section 6-4\(a\)](#) is hereby amended to read as follows:

(a) There is hereby established for the municipal water works of the Town a water meter deposit in the amount of Fifty (\$50.00) Dollars, which each customer upon being connected to the system shall deposit with the said utility. The deposit shall be refunded to the customer after discontinuance of that customer's service and all bills for that service having been theretofore paid, or the balance of the deposit shall be credited on any unpaid balance.

Section 2. Chapter 7, Electric Utility, [Section 7-14\(b\) and \(c\)](#) are hereby amended as follows:

(b) All new customers of the electric utility connecting to the system shall be required to deposit with the Utility, prior to receiving service an electric meter deposit in the cash sum of One Hundred (\$100.00) Dollars.

(c) The utility is hereby empowered to increase or decrease the deposit of existing customers of the utility to the level of deposit for new customers.

Section 5. All other provisions of the Ladoga town code not in conflict with the provisions of this Ordinance shall remain in full force and effect. This Ordinance shall be in full force and effect from and after the date of its passage and promulgation if any is required by law.

Passed and adopted by the Town Council of the Town of Ladoga, Indiana this 11th day of December, 2004.

TOWN COUNCIL
TOWN OF LADOGA, INDIANA

Harley R. Barnard

Sandra E. Powers

Lester Miles

ATTEST:

Viki L. Powers

Viki Powers, Clerk-Treasurer

AN ORDINANCE AMENDING THE LADOGA TOWN CODE CONCERNING FINANCIAL
RESPONSIBILITY FOR WATER UTILITY SERVICE

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that the Ladoga Town Code shall be and is hereby amended as follows:

Section 1. The Town Code of the Town of Ladoga, Indiana, concerning [Water Utility service](#), is hereby amended by inserting the following:

LIABILITY FOR SERVICE CHARGES.

(A)(1) A contract for service shall exist between the owner of property receiving water service and the Ladoga Water Utility, and that property owner shall be responsible for payment for all water service through that meter or to that property. For purposes of this ordinance, the "property owner" shall be the person or entity responsible for payment of property tax assessed on that property as shown in the records of the Montgomery County Auditor.

(2) From time to time, additional contracts for service may be made between the Utility and other persons or occupants of the premises; however, those contracts shall not relieve the property owner from primary liability for billing and charges related to service to that property; and

(B) Previous customers who have moved from the utility's service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit if and when that customer returns to the utility's service area.

Editor's Note: "Inserting" this material changed Chapter 6, Sections 6.4 **(b)** and **(c)**, sections which previously contained language very similar to the amendment.

Section 2. The Clerk-Treasurer shall cause notices appropriately reflecting the foregoing amendments to be placed in all copies of the Town Code, and she shall further notify the utility ratepayers in such a manner as she shall deem appropriate that this amendment to the water utility code has been adopted.

Section 3. (a) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect.

(b) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(c) This Ordinance shall be in full force and effect upon adoption and any necessary publication.

(d) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th
DAY OF September , 2011.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Sandra E. Powers
President

Lester Miles

AN ORDINANCE PROVIDING FOR WAIVERS OF
UTILITY LATE PAYMENT PENALTIES

WHEREAS, from time to time, customers of the Ladoga Municipal Utilities are unable to make timely payment on their utility account(s); and

WHEREAS, the Town Council of the Town of Ladoga, acting also as the Utility Service Board of the Town, would like to provide a procedure for those customers to apply to the Town to request a waiver of late payment penalties in circumstances in which hardship has prevented the customer from making timely payment,

THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, acting also as the Utility Service Board of the Town pursuant to state and local law, that:

Section 1. It being the intention of the Council that this ordinance shall apply to all municipal utilities and services for which penalties and late fees may accrue, the following provisions shall be added to Chapter 6-1 of the Municipal Code of the Town of Ladoga, governing the water utility, Chapter 7-1 of the Municipal Code, governing the electric utility, Chapter 14-16 of the Municipal Code, governing the wastewater utility, and shall apply to Ordinance 4-2006 and related ordinances governing the stormwater utility and its fees, and Ordinance 7-2008 and related ordinances governing the municipal trash service and its fees:

Waiver of Penalty. A customer of the utility may apply to the Town Council for a waiver of any penalty and/or late fee for delinquent payment of one (1) month's bill on grounds of hardship, and the Council may grant that request, on the following conditions:

1. The request must be made in writing and shall state the nature of the hardship that caused the missed or late payment. Applicants should note that under the Open Door Law their request will be taken up at a public meeting of the Council and that their written request is a public document. For that reason, reference to confidential matters such as health care or family income will be subject to disclosure in the process of applying for a waiver. Applicants who do not wish to disclose confidential reasons for requesting the waiver, such as a health condition or unemployment, should not apply for a waiver.
2. A request for a waiver at any service address will not be considered more than once in a twelve (12) month period. For example, cohabitating spouses may not separately request waivers within a twelve (12) month period.
3. A request for a waiver will not be considered if the customer has made one or more late payments within the prior six (6) months or has failed to make a utility payment (that is not the payment at issue in the request) within the prior six (6) months.
4. The request shall be for waiver of the utility billing penalty and/or late fee only; the Council

will not waive the fixed monthly and/or utility usage charges in the bill itself.

5. The Council, after considering the request and for cause shown, may waive some or all of the penalties and/or late fees and may make any other adjustments to the customer's billing as are allowed by law. The Council is not obligated to grant requests for waivers., and customers shall have no right to be granted a waiver. The granting of a waiver previously to the customer, whether for the same cause or some other reason, shall not entitle the customer to further waivers, and the granting of a waiver to other customers for substantially similar cause shall not entitle subsequent customers to waivers of their requests.

Section 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect upon its passage and any necessary publication.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 24th day of April , 2013.

LADOGA TOWN COUNCIL:

Lester Miles

James B. Cox

Ivan Jack Vaught

ATTEST:

Viki L. Powers
Viki Powers, Clerk-Treasurer

ORDINANCE NO. 2005-6

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR SERVICES RENDERED TO USERS OF THE LADOGA WATER WORKS AND PENALTIES FOR LATE PAYMENT, AND REPEALING RATES IN CONFLICT THEREWITH AND AMENDING CHAPTER 6, AND THE APPENDIX OF WATER RATES AND CHARGES OF THE LADOGA TOWN CODE

WHEREAS, the town of Ladoga has heretofore constructed and operated a water works for sourcing, treatment and distribution of water in the town in a sanitary manner; and,

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances by the town reveals the rates must be increased in order to produce sufficient revenue to pay the expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the water works; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA:

Section 1. Amendments to Chapter 6, Appendix Of Water Rates And Charges and Ordinances Establishing the Same. The [Appendix of Water Rates and Charges for the Ladoga Water Utility](#), is hereby amended to read as follows:

METERED USAGE PER MONTH For use of and service rendered by the waterworks system of the Town, based on the use of water supplied by said waterworks system:

<u>Consumption Per Month</u>	<u>Rate Per 1000 Gallons</u>
First 5,000 Gallons	\$6.28
Next 15,000 Gallons	\$5.24
Over 30,000 Gallons	\$3.93

METERED USER MINIMUM CHARGE

Each user shall pay a minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.

	<u>Meter Size</u>	<u>Minimum Charge</u>
5/8	Inch Meter	\$ 7.85
3/4	Inch Meter	\$ 13.09
1	Inch Meter	\$ 18.33
1 1/4	Inch Meter	\$ 29.04
1 1/2	Inch Meter	\$ 39.27
2	Inch Meter	\$ 52.36

3	Inch Meter	\$130.90
4	Inch Meter	\$209.44
6	Inch Meter	\$314.16

CONNECTION FEE

Each new connection of the Water Works shall, prior to connecting to the system, pay a connection or tap on charge in the sum of any actual costs, but not less than the sum of Two Hundred Fifty (\$250.00) Dollars.

FIRE PROTECTION ANNUAL CHARGE

Public hydrants, per hydrant	\$626.39
Private hydrant, per hydrant	\$626.39

Section 2. Amendment to Chapter 6-4(j). [Chapter 6-4\(j\)](#) of the Ladoga Town code shall be amended to read:

(j) All customer billings for water service rendered by the Town Water Utility and not paid within fifteen (15) days from the date thereof, as stated on such billing, shall be deemed delinquent and subject to collection or deferred payment charges as hereinafter set out.
On all bills which become delinquent as hereinbefore defined, the customer shall be charged and pay a late fee penalty of ten (10%) per cent of such delinquent payment.

Section 3. Force and Effect of Ordinance. This ordinance shall be in full force and effect from and after the date of its passage. All previously adopted rates and charges in conflict herewith are hereby repealed but in all other respects existing Water Rate and Use ordinances remain in full force and effect.

Unanimously adopted this 3rd day of September, 2005.

LADOGA TOWN COUNCIL

Attest:

Viki L. Powers
Viki L. Powers
CLERK-TREASURER

Sandra E. Powers
Sandra E. Powers, President

Lester Miles

AN ORDINANCE AMENDING THE DELINQUENCY AND SERVICE RECONNECTION CHARGES FOR THE ELECTRIC AND WATER UTILITIES AND AMENDING THE ELECTRIC RATES OF THE TOWN OF LADOGA, INDIANA

WHEREAS, previously disconnected customers of the Ladoga Water and/or Electric Utilities who have restored water and/or electrical service to their addresses require service reconnection after business hours;

WHEREAS, reconnection of water and/or electrical service results in additional cost to those Utilities, and reconnection after business hours or on an emergency basis results in even greater cost to those Utilities, including but not limited to overtime paid to their employees; and

WHEREAS, the Utilities incur out-of-pocket postage expenses when sending additional delinquency and disconnect notices to customers which should be passed on to those customers to the fullest extent possible; and

WHEREAS, in 2006, in consultation with its rate consultant, the Electric Utility adopted a two-stage rate increase, and pursuant to that plan, it is now time to enact the second stage of that planned increase.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA that:

1. [Chapter 7, Section 9](#) of the Town Code of the Town of Ladoga, Indiana, concerning Electrical Utility Collection Charges, is hereby repealed in its entirety and replaced with the following language:

7-9 COLLECTION CHARGES. Bills shall be due monthly, on or before the due date printed on the bill. If a Customer's bill is paid after the due date printed on the bill, then the Customer shall also owe a collection fee of 10% of the delinquent amount, plus reimbursement for the Utility's postage expenses for sending delinquency notices.

2. [Chapter 7, Section 11](#) of the Town Code of the Town of Ladoga, Indiana, concerning Electrical Utility Reconnection Charges, is hereby repealed in its entirety and replaced with the following language:

7-11. RECONNECTION CHARGE. When service is interrupted for nonpayment or some other reason attributable to the Customer and not the Utility, a reconnection fee must be paid in advance before service is restored. That reconnection fee is:

- a. If service is requested on a business day for reconnection on the next business day or any business day thereafter, the sum of \$40.00.
- b. If service is requested by 3:30 p.m. on a business day for reconnection that same business day

before 4:00 p.m., the sum of \$40.00 to be paid in cash only.

- c. If service is requested at any time for reconnection after business hours, on a weekend, or on a holiday, the additional sum of \$80.00 for such after-hours reconnection, in addition to the standard \$40.00 reconnection fee, all to be paid in cash only.

Nothing in this section shall guarantee to any Customer that Utility personnel will be available to reconnect service at the date and time of the Customer's choosing. This reconnection fee paid in advance is in addition to all other deposits, fees, and charges that the Customer may owe.

3. [Chapter 6, Section 4\(j\)](#) of the Town Code of the Town of Ladoga, Indiana, concerning Water Utility Collection Charges, is hereby repealed in its entirety and replaced with the following language:

6-4(j) Bills shall be due monthly, on or before the due date printed on the bill. If a Customer's bill is paid after the due date printed on the bill, then the Customer shall also owe a collection fee of 10% of the delinquent amount, plus reimbursement for the Utility's postage expenses for sending delinquency notices.

4. [Chapter 6, Section 4\(l\)](#) of the Town Code of the Town of Ladoga, Indiana, concerning Water Utility Reconnection Charges, is hereby repealed in its entirety and replaced with the following language:

(l) When service is interrupted for nonpayment or some other reason attributable to the Customer and not the Utility, a reconnection fee must be paid in advance before service is restored. That reconnection fee is:

- a. if service is requested on a business day for reconnection on the next business day or any business day thereafter, the sum of \$40.00.
- b. If service is requested by 3:30 p.m. on a business day for reconnection that same business day before 4:00 p.m., the sum of \$40.00 to be paid in cash only.
- c. If service is requested at any time for reconnection after business hours, on a weekend, or on a holiday, the additional sum of \$80.00 for such after-hours reconnection, in addition to the standard \$40.00 reconnection fee, all to be paid in cash only.

Nothing in this section shall guarantee to any Customer that Utility personnel will be available to reconnect service at the date and time of the Customer's choosing. This reconnection fee paid in advance is in addition to all other deposits, fees, and charges that the Customer may owe.

5. The [Appendix of Electric Rates and Charges](#) for the Ladoga Municipal Electric Utility is hereby amended to read as follows:

Residential Services (Including Water Heater Usage

and Space Heating Service):	<u>Rate/Rate per KWH</u>
Customer Charge	\$3.00
First 200 KWH Per Month	\$0.107169
Next 800 KWH Per Month	\$0.091232
Over 1,000 KWH Per Month	\$0.081516

Commercial Services:	
Customer Charge	\$5.00
First 500 KWH Per Month	\$0.107496
Next 2,000 KWH Per Month	\$0.090577
Over 2,500 KWH Per Month	\$0.083372

General Power Service:	
Customer Charge	\$10.00
First 500 KWH Per Month	\$0.123106
Next 2,250 KWH Per Month	\$0.111317
Next 2,500 KWH Per Month	\$0.099855
Over 2,500 KWH Per Month	\$0.090031

Security Lighting Service:	
Rate per lamp per month	\$7.56

Public Street Lighting Service:	\$5.14
---------------------------------	--------

6. (a) This ordinance, and the fees established herein, shall be effective upon passage; however, if the Clerk-Treasurer requires additional time to set up billing codes and software with respect to certain of the fees and charges established by this ordinance, then those affected fees and charges may be billed once those codes and software are updated.

(b) Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

(c) The subsequent invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 8th DAY OF August , 2009.

ATTEST: Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

A RESOLUTION ESTABLISHING DUE PROCESS
PROCEDURES FOR UTILITY SHUT-OFFS

WHEREAS, recent case law for the jurisdiction of the Town of Ladoga, Indiana, has established that municipal utility customers have or may have property rights in utility service that require due process of law prior to shutting them off for nonpayment or otherwise;

WHEREAS, the Town of Ladoga operates municipal electric, wastewater, stormwater, trash, and water utilities;

WHEREAS, that due process of law consists of the right to a disconnection notice in writing and to a hearing prior to the disconnection of service;

WHEREAS, the Town of Ladoga hereby desires to establish said due process, procedures.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, as the Council and as the Utility Service Board for said utilities, that:

Section 1. Any customer of the Ladoga Town Utilities who is subject to disconnection of one or more of those utilities must be notified of that customer's right to a hearing before the Ladoga Town Council to determine the appropriateness of disconnection.

Section 2. Any customer of the Ladoga Town Utilities who wishes to be heard at this disconnection hearing must request such a hearing in writing to the Ladoga Clerk-Treasurer. Town Hall, 121 East Main Street, P.O. Box 187, Ladoga. IN47954, within seven (7) days of the date of service of the disconnect notice.

Section 3. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA. THIS 14th DAY OF DECEMBER, 2013.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles
Member

Member

AN ORDINANCE REGULATING
WATER USE IN EMERGENCIES

WHEREAS, natural and man-made conditions, such as droughts, may occur which cause a temporary shortage of water for customers of the municipal water utility of the Town of Ladoga, Indiana; and

WHEREAS, such conditions may affect the ability of the Town’s water utility to provide an adequate supply of water to residents and/or to provide adequate water pressure to the system itself for such public safety requirements as fire-fighting; and

WHEREAS, in such an emergency it is imperative to the health, safety and welfare of the residents of the Town that uses of water not essential to health and safety be regulated or restricted,

THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, acting also as the Utility Service Board of the Town pursuant to state and local law, that:

Section 1. *Application.* This ordinance shall apply to all persons, partnerships, corporations, companies, organizations, or other entities connected to the municipal water utility of the Town of Ladoga, or using water drawn from the Town’s municipal water system (hereafter “users”).

Section 2. *Declaration of Emergencies.* Upon determining that the Ladoga water utility is suffering a shortage of water supply and/or water pressure, the Ladoga Town Council shall declare a “water conservation emergency” and shall establish appropriate measures to address that emergency. The levels of those measures are set forth in this ordinance, and range from voluntary conservation in moderate shortages, to mandatory conservation, rationing and termination of water service to certain customers, in severe and extreme shortages.

The determination of a water conservation emergency and the appropriate level of response to that emergency shall be at the sole discretion of the Town Council, using information made available to it from utility personnel as well as state and federal resources.

Section 3. *Conservation Measures.* Practices that conserve water should be used at all times, regardless of the existence of a water shortage or emergency. Examples of conservation measures include:

- a. Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables, or any other vegetation, and eliminating wasteful sprinkling of impervious surfaces, such as driveways and sidewalks;
- b. Limiting water use while washing vehicles and equipment;
- c. Limiting water use while cleaning sidewalks, driveways, paved areas, and other

- outdoor surfaces;
- d. Repairing or replacing leaking water fixtures and service lines;
- e. Using appliances such as clothes washers and dishwashers only when they are full,
- f. Turning off the water while brushing teeth or shaving;
- g. Using a higher lawnmower blade setting to provide natural ground shade and promote the soil's water retention;
- h. Washing cars with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing; and
- i. Covering swimming pools when not in use to reduce evaporation.

Section 4.

Voluntary Conservation. During moderate water shortages, users are requested to reduce water consumption by practicing voluntary conservation. The Town water utility shall identify reasonable and meaningful conservation techniques and provide such information to users. The Town water utility may also implement pricing measures and regulate certain water uses to encourage water conservation.

Section 5.

Mandatory Conservation. During severe water shortages, users are prohibited from the following water uses:

1. Sprinkling, watering, or irrigating of grass and vegetation;
2. Washing vehicles or equipment, except as required by applicable local, state, or federal law for health or safety reasons;
3. Using water to clean sidewalks, driveways, paved areas, structures, buildings, or other outdoor surfaces;
4. Filling swimming pools;
5. Installing new landscaping or new lawn by using sod until return to normal conditions are declared by the Council;
6. Using hydrants except for fire suppression or as otherwise directed by the water utility; and
7. Operating water fountains that are non-recycling.

But the following uses are allowed exceptions to the foregoing restrictions:

1. Vegetable gardens and flowers may be watered every other day by container or hand-held hose equipped with a shutoff nozzle, and it is also permissible to water trees once per week.
2. Commercial nurseries, provided water use is limited to the amount essential to preserve inventories;
3. Automatic commercial car washes, provided a majority of the water used is recycled;
4. Manual commercial car washes, provided only a handheld hose equipped with a

shutoff nozzle is utilized; and
5. Public parks, where such watering is necessary or appropriate for asset preservation.

Rationing. During extreme water shortages, in addition to mandatory conservation measures, users are limited to water use by the following schedule:

Section 6.

1. Residential use shall be limited to 120 gallons of water per permanent resident at a service address per day.

2. Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed by the water utility to be essential on a case-by-case basis.

Exceptions. The Town Council may establish exemptions to the restrictions set forth in this ordinance as may be necessary to protect health, safety, and sanitary conditions within the Town.

Section 7.

Further, in a disaster such as a drought, this ordinance is subject to amendment without notice by the Town Council pursuant to its executive powers under I.C. 10-14-3-1.

Notice. In the event of a water conservation emergency, notice of the nature of the emergency and the water use restrictions established thereunder shall be sent to local newspapers, radio stations, and such other media outlets as the water utility thinks advisable. In addition, in the event of mandatory conservation or rationing, the water utility shall give direct notice thereof to each current user of the water utility either by first class U.S. mail to the user's billing address of record or by door-to-door distribution of notice to the service address of record. Notice shall be deemed effective upon door-to-door distribution or at noon of the third day after depositing notice in the U.S. mail.

Section 8.

Enforcement. Any user who violates this ordinance shall be penalized as follows:

Section 9.

1. First violation: warning
2. Second violation: fine of \$100
3. Third and subsequent violations: fine of \$500

In addition, a user violating this ordinance three or more times, or a user intentionally, willfully, recklessly or negligently allowing unreasonable water consumption is subject to having water service to that user restricted or shut off summarily by the water utility.

All provisions of existing ordinances in conflict with this ordinance are hereby

- Section 10.**

repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.
- Section 11.**

This ordinance shall be in full force and effect upon its passage and any necessary publication.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 24th day of April , 2013.

LADOGA TOWN COUNCIL:

- Lester Miles
- James B. Cox
- Ivan Jack Vaught

ATTEST:

Viki L. Powers

Viki Powers, Clerk-Treasurer

AN ORDINANCE CHANGING THE FIRE HYDRANT RATES FOR THE TOWN OF LADOGA,
INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town") has determined that it is necessary and fair to change the fire protection annual charge to be levied on public and private fire hydrants serviced by Ladoga Water Utility, and

WHEREAS, a public hearing on this rate change, after duly published notice, was held on March 15, 2008 ;

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

1. The Fire Protection Annual Charge of the Town of Ladoga Water Works Utility shall be changed as follows:

<u>Fire Protection Annual Charge</u>	<u>Old Rate</u>	<u>New Rate</u>
Public hydrants, per hydrant	\$410.58/yr.	\$ 50.00
Private hydrants, per hydrant	\$410.58/yr.	\$ 50.00

Editor's Note: See [Fire Protection Annual Charge](#).

2. This ordinance shall be effective upon passage, but the new rate hereunder shall be effective on the first day of the next complete Water Utility billing period following enactment of this ordinance.

3. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED UNANIMOUSLY BY THE TOWN COUNCIL OF THE TOWN OF LADOGA,
INDIANA, THIS 15th DAY OF March , 2008.

ATTEST:

Viki Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

President

Jeremy L. Chadwick

Lester Miles

ORDINANCE NO.: 2006-5

Editor's Note: This ordinance is was replaced by [Ordinance #2008-1](#).

Editor's Note: Photographs of this ordinance:



(VOID) #2006-5, Reducing Fire Hydrant Fees

ORDINANCE NO.: 2006-1

AN ORDINANCE INCREASING THE SPECIALLY METERED WATER SERVICE RATE FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town") has determined that, in order to accurately reflect the actual cost of specially metered water service and to correspond with rates now charged to other water customers, it is necessary and fair to increase the rate to be charged to users of specially metered water service (also known as the "contractor's rate") of the Ladoga Water Utility, and

WHEREAS, a public hearing on this rate increase, after duly published notice, was held on January 14, 2006;

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that

1. The rate to be charged by the Ladoga Water Utility for specially metered water service (also known as the "contractor's rate") shall be increased from \$5.00 per 1,000 gallons to \$10.00 per 1,000 gallons.
2. This ordinance shall be effective upon passage, but the increased rate hereunder shall be effective on the first day of the next complete Water Utility billing period following enactment of this ordinance.
3. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED UNANIMOUSLY BY THE TOWN COUNCIL OF THE TOWN OF LADOGA,
INDIANA, THIS 14th DAY OF JANUARY, 2006.

ATTEST:

Sandra E. Powers
President

Viki Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Harley Barnard

Lester Miles

AN ORDINANCE AMENDING ORDINANCES ESTABLISHING RATES AND CHARGES OF THE TOWN OF LADOGA FOR SERVICES RENDERED FOR RESIDENT USERS OF THE STORM WATER UTILITY AND REPEALING RATES IN CONFLICT THEREWITH

BE IT HEREBY ESTABLISHED AND ORDAINED by the Board of Trustees of the Town of Ladoga, Indiana, that the Ladoga Town Code shall be and is hereby amended as follows:

Section 1. [Appendix](#) of the Town Code of Ladoga is hereby amended by adding the following rate and charge structure:

Stormwater Sinking Fund

All customers of the water and wastewater utility shall be charged a flat stormwater sinking fund fee of \$4.00 per month, with such fee to be placed in that account for the purposes set forth by law for stormwater sinking funds.

Editor's Note: See also [Ordinance #2-2013](#), adopted 4/24/2013, regarding Waivers of Utility Late Payment Penalties.

Editor's Note: See also [Resolution #9-2013](#), adopted 12/14/2013, regarding Procedures for Utility Shut-Off.

Section 2. The Clerk-Treasurer shall cause notices appropriately reflecting such fee to be placed in all copies of the Town Code, and she shall further notify the water and wastewater works ratepayers, in such a manner as she shall deem appropriate, that such adjustments to the rates and charges of the sewage works utility have been adopted, and they shall go into effect with the full billing cycle next following the adoption of this ordinance.

Section 3. This ordinance shall be in full force and effect upon passage and publication.

Adopted by the Board of Trustees of the Town of Ladoga, Indiana, on this 17th day of April, 2010.

Sandra E. Powers

Jeremy Chadwick

Lester Miles

ATTEST:

Viki L. Powers

Viki Powers
Clerk-Treasurer

ORDINANCE NO.: 2005-8

AN ORDINANCE ESTABLISHING AN ELECTRIC UTILITY LATE FEE FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town") has determined that, in order to improve collection of delinquent electric utility accounts, it is necessary to impose the following late fee for late and delinquent accounts of the Ladoga Electric Utility,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

1. LATE FEE. (a) When the customer or responsible party of an electric utility account is delinquent or late in payment of an electric bill, a late fee of ten percent (10%) of the delinquent balance shall be added to that customer or party's balance due.
2. "DELINQUENT OR LATE" DEFINED. "Delinquent" or "late" is hereby defined as payment not being made by the 5th day of the month or having service disconnected as a result of non-payment. All bills are rendered as "net" bills which will be subject to a late payment charge when not paid by the 5th of the month. Bills are due and payable when rendered.
3. This ordinance shall be effective on January 1, 2006. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th DAY OF December , 2005.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Harley Barnard

**A RESOLUTION AUTHORIZING LADOGA ELECTRIC UTILITY TO PLACE RESTRICTIVE
METERS ON CUSTOMERS WITH DELINQUENT ACCOUNTS**

WHEREAS, the Municipal Electric Utility of the Town of Ladoga ("Electric Utility") has incurred expenses from delinquent electric accounts for which it does not have adequate funds on hand to assume;

WHEREAS, the Municipal Electric Utility of the Town of Ladoga ("Electric Utility") has access to restrictive meters;

WHEREAS, to avoid the lose of revenue from abandoned and or delinquent electric accounts, it would be in the best interest of the Town of Ladoga that the Electric Utility be allowed to place restrictive meters on such accounts;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, acting as said Council and as the Town Utilities Service Board, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to enforce placement of restrictive meters on properties with delinquent accounts until said account is current for six consecutive months.

Section 2. This resolution shall be effective as of October 29, 2008.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 29
DAY OF October , 2008.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga,
Indiana

Sandra E. Powers
President

Lester Miles

Jeremy L. Chadwick

AN ORDINANCE AMENDING THE LADOGA TOWN CODE CONCERNING FINANCIAL RESPONSIBILITY FOR ELECTRICAL SERVICE

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that the Ladoga Town Code shall be and is hereby amended as follows:

Section 1. The Town Code of the Town of Ladoga, Indiana, concerning [Electrical Utility service](#), is hereby amended by inserting the following:

LIABILITY FOR SERVICE CHARGES.

(A)(1) A contract for service shall exist between the owner of property receiving electrical service and the Ladoga Electric Utility, and that property owner shall be responsible for payment for all electrical service through that meter or to that property. For purposes of this ordinance, the "property owner" shall be the person or entity responsible for payment of property tax assessed on that property as shown in the records of the Montgomery County Auditor. Owners of properties that participate in Section 8 of the United States Housing Act of 1937, Veterans Administration Supported Housing, and other governmental housing assistance programs that include electric utility assistance, and are financed by the government, are exempted from this subsection.

Section (A)(1) was amended by [Ordinance #2011-8](#), adopted 10/8/2011.

 { *view archive* }

(2) From time to time, additional contracts for service may be made between the Utility and other persons or occupants of the premises; however, those contracts shall not relieve the property owner from primary liability for billing and charges related to service to that property; and

(B) Previous customers who have moved from the utility's service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit if and when that customer returns to the utility's service area.

Editor's Note: These materials were compiled into [Chapter 7, Section 12](#) (previously "reserved"). Notes were added to cross-reference redundant sections.

Section 2. The Clerk-Treasurer shall cause notices appropriately reflecting the foregoing amendments to be placed in all copies of the Town Code, and she shall further notify the utility ratepayers in such a manner as she shall deem appropriate that this amendment to the electric utility code has been adopted.

Section 3. (a) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect.

(b) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(c) This Ordinance shall be in full force and effect upon adoption and any necessary publication.

(d) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th DAY OF September , 2011.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Sandra E. Powers
President

Lester Miles

AN ORDINANCE AMENDING AN ORDINANCE AMENDING THE LADOGA TOWN CODE
CONCERNING FINANCIAL RESPONSIBILITY FOR ELECTRICAL SERVICE

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that [Ordinance 2011-8](#) shall be and is hereby amended to add the following language in **bold**:

Section 1. The Town Code of the Town of Ladoga, Indiana, concerning [Electrical Utility service](#), is hereby amended by inserting the following:

LIABILITY FOR SERVICE CHARGES.

(A)(1) A contract for service shall exist between the owner of property receiving electrical service and the Ladoga Electric Utility, and that property owner shall be responsible for payment for all electrical service through that meter or to that property. For purposes of this ordinance, the "property owner" shall be the person or entity responsible for payment of property tax assessed on that property as shown in the records of the Montgomery County Auditor. **Owners of properties that participate in Section 8 of the United States Housing Act of 1937, Veterans Administration Supported Housing, and other governmental housing assistance programs that include electric utility assistance, and are financed by the government, are exempted from this subsection.**

(2) From time to time, additional contracts for service may be made between the Utility and other persons or occupants of the premises; however, those contracts shall not relieve the property owner from primary liability for billing and charges related to service to that property; and

(B) Previous customers who have moved from the utility's service area and who have a delinquent service billing shall be required to remit the total amount of the delinquency and to make an additional deposit if and when that customer returns to the utility's service area.

Section 2. The Clerk-Treasurer shall cause notices appropriately reflecting the foregoing amendments to be placed in all copies of the Town Code, and she shall further notify the utility ratepayers in such a manner as she shall deem appropriate that this amendment to the electric utility code has been adopted.

Section 3. (a) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect.

(b) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(c) This Ordinance shall be in full force and effect upon adoption and any necessary publication.

(d) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 8th
DAY OF October , 2011.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Sandra E. Powers
President

Lester Miles

ORDINANCE NUMBER 1-1995

AN ORDINANCE TO APPROVE A PEAK MANAGEMENT CREDIT FOR RESIDENTIAL CUSTOMERS OF THE TOWN OF LADOGA ELECTRIC UTILITY

WHEREAS, the Town of Ladoga, Indiana owns and operates a municipal electric distribution system known as the Ladoga Electric Utility for the purpose of distributing electrical energy in the Town and surrounding areas; and

WHEREAS, the Town Council of Ladoga, Indiana is a member of and purchases all of its power and energy from the Indiana Municipal Power Agency (IMPA); and

WHEREAS IMPA has adopted a "Peak Management" program for the purpose of implementing direct load control of central air conditioners and electric water heaters; and, to encourage participation in the "Peak Management" program, IMPA will provide a credit against a member's purchased power expense for each switch installed on its customers appliances in the amount of One (\$1.00) Dollar per month year round on water heaters, and Two (\$2.00) Dollars per month June through September only for central air conditioners; and,

WHEREAS the "Peak Management" program contemplates that a member will flow through to its retail customers the credit it receives from IMPA as part of the program; and,

WHEREAS the credit available under IMPA's "Peak Management" program affects the rates and charges previously approved for electrical services provided by the town utility making it necessary for this municipal legislative body to adopt appropriate provisions to implement such "Peak Management" credit program.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA, THAT:

SECTION 1: There shall be and there is hereby established for the use of and the service rendered by the Ladoga Electric Utility, the Peak Management Credit described on [Appendix 1995A](#).

SECTION 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage.

Adopted by the Town Council of Ladoga, Indiana, this 8th day of April , 1995.

TOWN COUNCIL
TOWN OF LADOGA, INDIANA

William R. Cloud

Terry H. Brown

ATTEST:

Harold L. Lowe

Sandra E. Powers

Sandy Powers, Clerk-Treasurer

APPENDIX 1995A TO THE LADOGA
ELECTRIC UTILITY RATE TARIFFS

There will be a credit against each user who is current on payment of its regular electric utility service bill for each switch installed pursuant to the Indiana Municipal Power Agency "Peak Management" program for the purpose of implementing direct load control of central air conditioners and electric water heaters in an amount of One (\$1.00) Dollar per month year-round for water heaters and Two (\$2.00) Dollars per month (June through September only) for central air conditioners.

AN ORDINANCE AMENDING ORDINANCES ESTABLISHING RATES AND CHARGES OF
THE TOWN OF LADOGA FOR SERVICES RENDERED TO USERS OF THE LADOGA
ELECTRIC UTILITY, AND REPEALING RATES IN CONFLICT THEREWITH

WHEREAS, an examination of the existing schedule of electric rates and charges heretofore fixed by ordinances by the Town of Ladoga, Indiana, indicates that the rate structure should be simplified and amended to encourage economic development and commercial enterprise within the Town and especially to preserve and support its downtown; and

WHEREAS, the Town Council believes that the foregoing can be accomplished as set forth in this ordinance without harming the fiscal health of the Ladoga Electric Utility; and

WHEREAS, a public hearing has been held on the proposed rates, after publication of notice of same; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA that:

Section 1. The Appendix of Electric Rates and Charges for the Ladoga Municipal Electric Utility, is hereby amended to repeal the current schedule of Commercial rates as shown below in strikethrough:

<u>COMMERCIAL SERVICE</u>			<u>RATE/RATE PER KWH</u>
Customer Charge			\$5.00
First	500	kWh/month	\$0.107496
Next	2,000	kWh	\$0.090577
Over	2,500	kWh	\$0.083372

and instead to adopt Commercial rates that are the same as the Residential rates, using the following unified rate schedule, with said additions to the schedule in **bold**:

<u>RESIDENTIAL & COMMERCIAL SERVICE</u>			<u>RATE/RATE PER KWH</u>
(including water heater usage and space heating service)			
Customer Charge			\$3.00
First	200	kWh/month	\$0.107196
Next	800	kWh	\$0.091232
Over	1,000	kWh	\$0.081516

Section 2. Force and Effect of Ordinance. This ordinance shall be in full force and effect from and after the date of its passage, but the usage rates established herein shall not be billed until the first billing cycle after they take effect. All previously adopted rates and charges in conflict herewith are hereby repealed, but in all other respects any and all existing ordinances and rules and regulations concerning the Ladoga Electric Utility not in conflict with this ordinance shall remain in full force and

effect.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 27th
DAY OF January , 2010.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Jeremy L. Chadwick

Lester Miles

ORDINANCE NO. 2006-3

AN ORDINANCE AMENDING ORDINANCE NUMBER 1985-1, AS AMENDED IN ORDINANCE NUMBER 1987-1, AS AMENDED IN ORDINANCE NUMBER 1999-3 BEING ORDINANCES ESTABLISHING RATES AND CHARGES FOR SERVICES RENDERED TO USERS OF THE LADOGA ELECTRIC UTILITY, AND REPEALING RATES IN CONFLICT THEREWITH AND AMENDING CHAPTER 7, APPENDIX OF ELECTRIC RATES AND CHARGES OF THE LADOGA TOWN CODE

WHEREAS, the Town of Ladoga has heretofore constructed and operated an electric utility for sourcing and distribution of electric power in the Town; and,

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by ordinances by the Town reveals the rates must be increased in order to produce sufficient revenue to pay the expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the Electric Utility; now therefore,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA:

Section 1. Amendments to Chapter 7, Appendix of Electric Rates and Charges and Ordinances Establishing the Same. [The Appendix of Electric Rates and Charges for the Ladoga Municipal Electric Utility](#), is hereby amended to read as follows:

	Phase I <u>(Effective 07/01/2006)</u>	Phase II <u>(Effective 01/01/2007)</u>
Residential Services (Including Water Heater Usage and Space Heating Service):		
Customer Charge	\$3.00	\$3.00
First 200 KWH Per Month	.102182	.107169
Next 800 KWH Per Month	.086986	.091232
Over 1,000 KWH Per Month	.077723	.081516

Commercial Services:

Customer Charge	\$5.00	\$5.00
First 500 KWH Per Month	.102494	.107496
Next 2,000 KWH Per Month	.086361	.090577
Over 2,500 KWH Per Month	.079492	.083372

Phase I

Phase II

(Effective 07/01/2006)

(Effective 01/01/2007)

General Power Service:

Customer Charge	\$10.00	\$10.00
First 500 KWH Per Month	.117377	.123106
Next 2,250 KWH Per Month	.106137	.111317
Next 2,500 KWH Per Month	.095208	.099855
Over 2,500 KWH Per Month	.085841	.090031

Security Lighting Service:

Rate per lamp per month	\$ 7.21	\$ 7.56
-------------------------	---------	---------

Public Street

Lighting Service:

\$4.90	\$5.14
--------	--------

All rates are subject to the energy cost adjustment tracking procedures which provide for changes in the cost of purchased power from the Town's wholesale power provider.

The base cost of power imbedded in the above-noted base rates are as follows:

	<u>Per Unit</u>	<u>Total</u>
Demand Costs	\$15.700	\$ 261,845
Energy Costs	\$.017777	<u>152,351</u>
Total Power Costs		414,196
Test Year KWH Sales	Divided by	<u>8,140,095</u>
Base Cost of Power per KWH		<u>\$.050883</u>

Section 2. Force and Effect of Ordinance. This ordinance shall be in full force and effect from and after the date of its passage. All previously adopted rates and charges in conflict herewith are hereby repealed but in all other respects existing Electric Utility ordinances remain in full force and effect.

Unanimously adopted this 28th day of June , 2006.

LADOGA TOWN COUNCIL

Not Present
Sandra Powers

Harley Barnard
Harley Barnard

Lester Miles
Lester Miles

Attest:

Viki L. Powers
Viki L. Powers
Clerk-Treasurer

ORDINANCE NO. 1999-3

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 +/-

(VOID) #1999-3, Page 1

 +/-

(VOID) #1999-3, Page 2

 +/-

(VOID) #1999-3, Page 3

AN ORDINANCE AMENDING AN ORDINANCE
REGULATING WEEDS AND RANK VEGETATION

WHEREAS, Indiana Code 36-7-10.1 provides authorization for the Town Council of the Town of Ladoga to adopt an ordinance requiring the cutting and removal of weeds and other rank vegetation growing on property in the Town and sets the requirements of such an ordinance,

THEREFORE BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, that the Ladoga Town Code is hereby amended as follows:

Section 1. [Chapter 8, Section 4\(B\)](#) of the Municipal Code of the Town of Ladoga, Indiana, concerning nuisances, is hereby amended to delete the current 8-4(B)(1) (which reads “Whenever weeds or rank vegetation are on property and are not cut or otherwise eliminated”) and instead to insert as a new 8-4(B)(1) as follows:

....

8-4(B) The following conditions are hereby defined as public nuisances:

1. Allowing weeds or other rank vegetation to grow on property.

(a) DEFINITION. For purposes of this Ordinance, “weeds and other rank vegetation” shall mean grass and other vegetation that is unkept and unmowed over a period of time and left to grow to a height in excess of ten (10) inches. The term shall not include:

(1) Agricultural and vegetable crops such as corn, wheat, hay, and pasture,

(2) Designated wetlands, parklands, and forest preserves, and

(3) River banks, creek banks, and drainage ditches from the centerline of the waterway to the area within ten feet (10’) of the top edge of each bank.

(b) VIOLATION OF ORDINANCE. Weeds and other rank vegetation are prohibited in the Town of Ladoga and the existence of which shall constitute a violation of this Ordinance subjecting the landowner to a civil fine of One Hundred Dollars (\$100.00). Each day a violation continues after receipt of a notice of violation shall constitute a separate offense. The civil fine shall be in addition to the cost collection procedures set forth in I.C. 36-7- 10.1-4.

(c) NOTICE OF VIOLATION. Upon receipt of information from the Ladoga Police Department that a violation of this Ordinance exists, the office of the Clerk-Treasurer shall issue a five (5) day written notice to cut and remove the weeds and other rank vegetation which shall be served by certified mail, return receipt requested, or an equivalent service permitted under I.C. 1-1-7-1 to:

(1) the owner of record of real property with a single owner; or

(2) at least one of the owners of real property with multiple owners; at the last address of the owner for the property as indicated in the records of the county auditor on the date of the notice. If an initial notice of the violation of an ordinance adopted under this section was provided by certified mail or equivalent service under I.C. 1-1-7-1, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail or equivalent service. A continuous abatement notice serves as notice to the real property owner that each subsequent violation during the same year for which the initial notice of the violation was provided may be abated by the municipality or its contractors.

(d) REMOVAL BY TOWN. If the landowner fails to cut and remove the weeds and other rank vegetation within the five (5) day time prescribed by the written notice of violation, the Town of Ladoga or a contractor of its hiring may enter the real property to cut and remove the weeds and other rank vegetation and abate the ordinance violation.

(e) NOTICE OF COSTS TO LANDOWNER. Following any abatement of the ordinance violation by the Town of Ladoga or its contractor, the Ladoga Clerk-Treasurer shall prepare a certified statement of the actual costs incurred by the Town in the cutting and removal of the weeds and other rank vegetation, including administrative costs and removal costs. The certified statement shall be delivered to the landowner by the Ladoga Police Department or by the method set forth for notices of violation above. If the landowner fails to pay the certified amount within ten (10) days after receiving the certified statement, the Ladoga Clerk-Treasurer shall certify to the Montgomery County Auditor the amount of the original certified statement plus any additional administrative costs incurred in the certification process. The Montgomery County Auditor shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the Town of Ladoga.

(f) COMPLAINT AND SUMMONS. If the landowner fails to cut and remove the weeds and other rank vegetation within the five (5) day time prescribed by the written notice of violation, the ordinance violation shall be enforced as any other nuisance violation under town code and state law.

(g) ADMINISTRATION OF ORDINANCE. This Ordinance shall be administered by the respective Town of Ladoga officers, employees, and departments as directed and specified within the particular terms and provisions of this Ordinance, including the Ladoga Police Department and Clerk-Treasurer.

(h) APPEALS. The landowner may appeal a notice of violation or a certified statement of costs issued under this Ordinance to the Ladoga Town Council. The Council shall conduct an investigation of the appeal and make a written determination which shall be forwarded to the landowner and to the Ladoga Clerk-Treasurer. The decision of the Council on all appeals shall be final.

....

Section 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect upon its passage and any necessary publication.

Adopted by the Town Council of the Town of Ladoga, Indiana, this, 29th day of August , 2012.

LADOGA TOWN COUNCIL:

Ivan Jack Vaught

Lester Miles

James B. Cox

ATTEST:

Viki L. Powers
Viki Powers, Clerk-Treasurer

Supporting Documentation:

 Indiana Code IC 1-1-7

WHEREAS, the Town Council of the Town of Ladoga, Indiana, on behalf of the Town and its municipal utilities ("the Town") wishes to remove trees and other vegetation lying within its easements and rights of way that endanger utility lines, property and/or persons, and where feasible replant with suitable trees, all for reasons of public safety and the general welfare of the Town;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

1. Any and all trees or other vegetation that:

(a) lie within the jurisdiction of the Town of Ladoga or its municipal utilities, whether by statute, ordinance, right-of-way, easement, or otherwise and,

(b) in the sole discretion of the Town Council:

(i) obstruct or endanger either the Town's utility lines (wires, conduits, or pipes), structures or other facilities, or

(ii) endanger the safety of persons or property, may be removed by the Town.

2. If any such tree or vegetation created a nuisance situation, as defined by local ordinance, then the Town may proceed against any and all responsible parties under its nuisance ordinance and seek payment of costs and fines per that ordinance.

3. If any such tree or vegetation cannot be shown to be a nuisance, then the Town shall remove the tree or vegetation at the Town's expense or by sharing the costs by agreement with the landowner or responsible party.

4. To improve the appearance of the Town and for its general welfare, where feasible the Town, in the sole discretion of the Town Council, may:

(i) remove stumps or other remnants of a tree or vegetation, and/or

(ii) plant a replacement tree or vegetation of a variety or type approved by the Town.

5. Nothing in this Resolution shall obligate the Town or its utilities to remove any tree or vegetation or take any other action with respect to same, nor to remove any tree or vegetation at anyone's request, nor to expend any monies on same; nor shall this Resolution operate to impose any legal duty on the Town or its utilities to do so or for failure to do so.

6. This Resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 12th DAY OF July , 2008.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga,
Indiana

Sandra E. Powers
President

Lester Miles

Jeremy Chadwick

AGREEMENT, CONSENT & RELEASE OF LIABILITY

In consideration of the Town of Ladoga, Indiana (hereinafter referred to as "Town") removing one or more dead or dangerous trees or other vegetation on property owned or controlled by me (hereinafter referred to as "this program"), I hereby RELEASE AND DISCHARGE the Town and its municipal utilities and its elected officials, officers, agents, subcontractors, and employees from all claims of injury, loss or liability, either direct or consequential, arising out of any accidents, injuries or occurrences associated with this program, whether due in whole or in part to negligent acts or omissions of the Town, and its municipal utilities and the Town's elected officials, officers, agents, subcontractors, and employees.

Further, I declare and acknowledge that I am fully aware of the nature and hazards of participation in this program, including the dangers inherent in cutting down large trees. However, I have determined that the benefits of participating in this program outweigh the risks and dangers and hereby ask that the Town perform the work requested by me on and about my property.

Further, I agree that a replacement tree or vegetation may be planted by the Town at approximately the same location as the removed tree or vegetation was located (because of problems with root systems or stumps, it may be impossible to replant in exactly the same location). I also agree to be solely responsible for watering any newly planted tree or vegetation under this program. The cost for the replacement tree or vegetation, including all expenses for planting it, will be \$ _____, with \$ _____ of that to be paid by the Town and \$ _____ to be paid by me to the Town within thirty (30) days of planting.

I have read the above "AGREEMENT, CONSENT & RELEASE OF LIABILITY" and understand the potential hazards of participation; in exchange for my participation in this program, I hereby accept the risks and responsibilities of the program and my obligation to water and pay for my share of any

replacement tree or vegetation, and to release the Town and entities named above from all liabilities as stated above. I also declare that I am the owner or lawful occupant of the property with authority to enter into this agreement and to authorize and pay for tree or vegetation removal and replanting.

NOTE: Refusal to allow the Town to remove dead or dangerous trees or other vegetation on your property which later results in damage to persons or property of the Town (including Town utility lines) or to property of others may result in liability for you.

Signature: _____

Printed: _____

Address: _____

Date: _____

TOWN OF LADOGA

RESOLUTION NO. 2, 2003

WHEREAS: [Chapter 8-4 \(D\) 2](#) provides for enforcement of nuisance abatement, including noxious weeds and the Town charging costs of abatement to the owner or occupant.

NOW THEREFORE: the Town declares and establishes the costs of mowing weeds shall be assessed at a minimum of \$50.00 per town lot.

Harley Barnard

Harley Barnard

Harold L. Lowe
Harold L. Lowe

Sandra E. Powers
Sandra E. Powers

ATTEST:

Viki L. Powers
Viki L. Powers, Clerk-Treasurer

ORDINANCE NO. 2-2002

LADOGA, INDIANA

AN ORDINANCE AMENDING THE LADOGA TOWN CODE CHAPTER 8-4 DEFINING PUBLIC NUISANCES AND LITTERING FOR THE TOWN OF LADOGA AND PROVIDING ENFORCEMENT AND PENALTIES.

BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA:

SECTION 1. The Ladoga Town Code, [Chapter 8-4](#) is hereby amended to read as follows:

8-4. PUBLIC NUISANCES AND LITTERING. (A) All owners or person in control of real property in the Town shall be under a duty to remove or cause to be abated any public nuisance on such real estate owned or controlled by such persons including such real estate as includes the parkway or other strip of ground lying between private property and the curb or paved portion of the Town streets.

(B) The following conditions are hereby defined as public nuisances:

1. Whenever weeds or rank vegetation are on property and are not cut or otherwise eliminated.
2. Whenever any vegetation exists on private property in close proximity to any municipal property or governmental right of way or easement which because of its location, size or condition interferes with the public safety or lawful use of such property, right of way or easement.
3. Whenever any sign, structure, tree, shrub, vine or plant may be standing adjacent to any public street, so as to obstruct thereby the vision of travelers along such street.
4. Whenever any dead, decayed, broken or dangerous limbs overhang or are close to a public way.
5. Whenever any tree or other vegetation may overhang the surface of a public way below a clear height of at least eight (8) feet so as to interfere with the passage of light from the street lighting system.
6. Whenever any building or premises is not maintained in a clean, orderly or sanitary manner in compliance with any federal, State or local law, ordinance or regulation.
7. Whenever any property is abandoned, neglected, or disregarded so as to permit the same to be cluttered with an accumulation of litter or waste including but not limited to waste paper, rags, cans, bottles, boxes, lumber, metal, garbage, trash, disused or inoperable vehicles, trailers, machinery, appliances, or furniture thereon, unless specifically authorized by law.
8. Whenever any property is not graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon.

9. Whenever any buildings shall not be kept free from insect and rodent infestation. Where the same are found they shall be promptly exterminated by an acceptable process which will not be injurious to human health.

10. Whenever any property erects or maintains a spite fence or barrier that is offensive to neighbors.

(C) NOTICE TO ABATE NUISANCE. The board hereby designates the individual Trustees or the Town Marshal to enforce this Section and any of said persons shall enter upon and inspect the properties of the Town and if a nuisance is found to exist, such person shall serve written notice upon the person owning or controlling said property, such notice requiring the person permitting such nuisance to correct the situation so that such nuisance shall thereafter be abated. Service of notice may be made in person or by certified mail. In the event that said person or persons so notified shall not abate said nuisance within ten (10) days after such notice, said person or persons shall be deemed in violation of this Section.

(D) ENFORCEMENT.

1. Any person, firm or corporation who violates any provision of this chapter shall, upon conviction thereof, be fined in an amount not less than \$100.00 nor more than \$2,500.00 and may be subject to other penalties provided by this Code. A separate offense shall be deemed committed upon each day during which a violation occurs or continues after the time has passed for correction stated in the Notice To Abate. Any person, firm or corporation adjudged guilty of violating any provision of this subchapter may also be adjudged to pay the costs of prosecution. In addition, the Town Council may;

(a) Declare the premises to be unsafe as provided by Chapter 5 Section 4 of the Town Code, entitled "Building Standards and Unsafe Buildings"; and

(b) Issue an emergency order where immediate action is required to protect the health and safety of the public or of the occupants of the premises as provided by the Building Code, entitled "emergency Orders", and

(c) Seek any of the additional relevant remedies provided by the code.

2. Failure of Owner or Occupant to Correct Noncompliance; costs of removal.

In the event the owner or occupant of the premises fails to correct the public nuisance condition of the premises as specified in the Notice to Abate Nuisance within the time required by 8-4(C), the Town Council may proceed to correct the condition and shall keep an account of all costs incurred in correction of the public nuisance condition. The Clerk-Treasurer shall make a certified statement of all costs incurred by the town involved in correcting the public nuisance condition to be issued immediately to the owner or occupant of the premises in the same manner as provided for issuance of the notice of violation by this subchapter, the owner or occupant shall pay the amount of all costs incurred by the town as noted on the certified statement to the Clerk-Treasurer within 30 days from the date the certified statement is served upon the owner or occupants.

3. Lien: Delinquent Accounts

- (a) All costs by the Town to correct a public nuisance as provided in this subchapter, shall be and the same is hereby declared a lien in favor of the Town of Ladoga upon and against the premises on which the corrective activity is undertaken. All costs, together with any penalty applicable thereto as provided by this Chapter, shall be collected in any manner provided. The lien herein created is superior to and takes precedence over all other liens except for the lien for taxes.
- (b) In the event the full amount due the Town is not paid to the Clerk-Treasurer by the owner of the premises within 30 days after receipt of the certified statement expenses as provided herein, the costs shall thereupon become and is hereby declared to be delinquent and a penalty of 25% of such cost shall thereupon attach to the cost and be included in the lien, as herein provided, and shall be collectible in addition to the cost of such removal and disposal.
- (c) In the event a delinquency occurs for nonpayment of the costs set out in the certified statement, the Clerk-Treasurer shall proceed as provided in IC 36-1-6-2, where applicable, to place the charges on the taxes charged against the property or otherwise record in the office of the County Recorder a notice of lien setting forth the name or names of the owner of the premises upon which the costs have become delinquent, the description of the premises as shown by the records of the County Auditor and the amount of such delinquent costs and the penalty thereon. The lien shall attach to the premises described in the notice of lien from the time of the recording of the notice of lien.

4. Civil action: Foreclosure for nonpayment.

- (a.) If the costs incurred by the town for the correction of the public nuisance are not paid to the Town as herein provided and become delinquent, then the amount due the Town for such corrective action, the penalty thereon and all costs of collection thereof, including a reasonable attorney's fee, may be recovered by the Town in a civil action brought in the name of the Town against the owner of the premises responsible for payment thereof.
- (b.) If the costs incurred by the Town for the correction of a public nuisance is not paid to the Town as herein provided and become delinquent, the Town, as an additional or alternative remedy, may foreclose the lien created by this subchapter as a means of collecting the amount due the Town, including the penalty thereon. In event an action is brought to foreclose the lien as herein created, the Town is entitled to recover the amount due the Town for nuisance correction, any penalty thereon and all costs of the foreclosure of the lien, including a reasonable attorney's fee, and the Court shall order that the sale of the premises be made without relief from valuation and appraisement laws.
- (c.) In the event the costs incurred by the Town for nuisance correction is not paid to the Town as herein provided and becomes delinquent, the Town, as a further additional or alternative remedy, may authorize the Clerk-Treasurer to certify to the County Auditor a true copy of the notice of lien and the amount of delinquent costs and any penalty thereon which shall then be charged to the premises on the tax duplicate and shall be collected in a manner that taxes are collected by law. Upon collection of the costs and penalty thereon, the County Auditor or any other appropriate official shall pay to the Clerk-Treasurer the total amount of the costs so collected together with the penalty thereon.

E. Other legal remedies.

In addition to the enforcement remedies provided by this subchapter, the Town may enforce the provisions of this subchapter, by all other legal remedies, including but not limited to, the use of a mandatory injunction to require abatement of any public nuisances within the Town by the owner or occupant of the affected premises. In all such actions brought by the Town to enforce the provisions of this subchapter, the Town is entitled to recover all costs of such litigation, including a reasonable attorney's fee.

F. Transfer of ownership.

It shall be unlawful for the owner of any premises who has received a notice of violation of this subchapter to sell, transfer, mortgage, lease or otherwise dispose of the premises to another until the provisions of the notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any notice of violation and shall furnish the Town a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by the notice of violation.

SECTION 2. This Ordinance repeals Code [Chapter 8-4](#) in its entirety and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 12th day of Oct. , 2002.

TOWN COUNCIL, LADOGA, INDIANA

Sandra E. Powers

Presiding Officer

Harold L. Lowe
Member

Harley Barnard
Member

ATTEST:

Viki L. Powers
Clerk - Treasurer (SEAL)

ORDINANCE NO. 7-2006

AN ORDINANCE SETTING CURFEW FOR MINORS

BE IT ORDAINED by the Town Council of the Town of Ladoga, Indiana, that there be a curfew for minors in the Town of Ladoga, as set forth in this ordinance.

A. Purpose. The purpose of this Ordinance is to (i) promote the general welfare and protect general public through the reduction of juvenile law violation and crime within the Town, and (ii) promote the safety and well-being of the Town's youngest citizens, persons under the age of eighteen (18), whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by perpetrators of crime.

B. Definitions. As used within this Ordinance, the following words and phrases shall have the meanings ascribed to them below.

"Curfew hours" refers to the hours of 10:00 p.m. through 5:00 a.m. on Sunday evening through Friday morning and 11:01 p.m. through 5:00 a.m. on Friday evening through Sunday morning. Because of the historic increase in vandalism during the Halloween season, from October 15 through November 1, curfew hours are 9:00 p.m. to 5:00 a.m., regardless of the day of the week.

"Emergency" refers to unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accident, or other similar circumstances.

"Establishment" refers to any privately owned place of business within the Town of Ladoga, Indiana, operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such Establishment, the term "Operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that Establishment.

"Minor" refers to any person under eighteen (18) years of age who has not been emancipated by court order.

"Officer" refers to a police or other law enforcement officer charged with the duty of enforcing the laws of the State of Indiana and/or the ordinances of the Town of Ladoga, Indiana.

"Parent" refers to

1. a person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
2. a person who has legal custody of a minor during a period of court-ordered visitation;
3. a person who is the biological or adoptive parent with whom a minor regularly resides;

4. a person judicially appointed as a legal guardian of the minor; and/or;
5. a person eighteen (18) years of age or older standing in loco parentis (as indicated by the authorization of an individual listed in part(s) (1), (2) or (3) of this definition, above, for the person to assume the care or physical custody of the child, or as indicated by any other circumstances).

"Person" refers to an individual, not to any association, corporation, or any other legal entity.

"Public Place" refers to any place to which the public or a substantial group of the public has access, including, but not limited to streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops. With respect to such Public Place, the term

"Operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) having control over that Public Place.

"Remain" refers to the following actions:

1. to linger or stay at or upon a place; and/or
2. to fail to leave a place when requested to do so by an officer or by the owner, operator or other person in control of that place.

"Temporary care facility" refers to a non-locked, non-restrictive shelter at which minors may wait, under visual supervision, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

C. Curfew Terms. 1. It shall be unlawful for a minor, during curfew hours, to remain in or upon any Public Place within the Town, to remain in any motor vehicle operating or parked therein, or to remain in or upon the premises of any Establishment within the Town, unless:

- (a) the minor is accompanied by a parent; or
- (b) the minor is involved in an emergency; or
- (c) the minor is engaged in an employment activity, or is going to or returning home from such activity, without detour or stop; or
- (d) the minor is on the sidewalk directly abutting a place where he or she resides with a parent, so as to be under the supervision of a parent; or
- (e) the minor is attending an activity sponsored by a school, religious, or civic organization, by a public organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning from such an activity without detour or stop; or

(f) the minor is on an errand at the direction of a parent, and the minor has in his or her possession a writing signed by the parent containing the following information, the name, signature, address and telephone number of the parent authorizing the errand, the telephone number where the parent may be reached during the errand, the name of the minor, and a brief description of the errand, the minor's destination(s) and the hours the minor is authorized to be engaged in the errand; or

(g) the minor is involved in interstate travel through, or beginning or terminating in, the Town of Ladoga, Indiana, or (h) the minor is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, or the right of assembly.

2. It shall be unlawful for a minor's parent to knowingly permit, allow or encourage that minor to violate this Ordinance.

3. It shall be unlawful for the Operator of any Establishment or Public Place or for any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the Establishment or Public Place during curfew hours.

4. It shall be a defense to prosecution under this subsection that the Operator or employee of an Establishment or Public Place promptly notified the police department that a minor was present at the Establishment or Public Place after curfew hours and refused to leave.

5. It shall be unlawful for any person (including any minor) to give a false name, address, or telephone number to any officer investigating a possible violation of this Ordinance.

D. Enforcement.

(1) Minors. Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or Establishment within the Town during Curfew hours is in violation of this Ordinance.

(A) If such investigation reveals that the presence of such minor is in violation of this Ordinance; then:

(1) if the minor has not previously been issued a warning for any such violation, then the officer shall issue a verbal warning to the minor, which shall be followed by a written warning mailed by the police department to the minor and his or her parent(s); or

(2) if the minor has previously been issued a warning for any such violation, then the violation shall be considered a delinquent act as defined by Indiana Code 31-37-1-2; and,

(B) As soon as practicable, the officer shall:

(1) release the minor to his or her parent(s); or place the minor in a temporary care facility for a period not to exceed the remainder of the curfew hours, so that his or her parent(s) may retrieve the minor, or

(2) if a minor refuses to give an officer his or her name and address, refuses to give the name and address of his or her parent(s), or if no parent can be located prior to the end of the application curfew hours, or if located, no parent appears to accept custody of the minor, the minor may be taken to a nonsecure crisis center or juvenile shelter and/or may be taken to a judge or intake officer of the juvenile division of the Montgomery County Probation Department and/or may be released to the custody of the Child Protection Service to be dealt with in the manner and pursuant to such procedures as required by law.

(2) Others. If an investigation by an officer reveals that a person has violated this Ordinance, and if the person has not previously been issued a warning with respect to any such violation, an officer shall issue a verbal warning to the person, which shall be followed by a written warning mailed by the police department to the person; however, if any such warning has previously been issued to that person that the officer shall charge the person with a violation and shall issue a summons directing the person to appear in court.

Penalty.

Any adult person violating this Ordinance shall be fined in an amount not less than \$250.00 and no more than \$500.00, plus the court costs for an ordinance violation. As an alternative to said fine or on such terms as it finds just, the Court may order the minor and/or the minor's parent or parents to perform community service and/or attend one or more programs approved by the Court.

Repeal of Inconsistent Ordinance.

Any ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

This ordinance shall be effective 30 days from passage and publication.

Adopted by the Board of Trustees of the Town of Ladoga, Indiana, this 30th day of August , 2006.

Harley Barnard

Lester Miles

ATTEST:

Viki Powers
Viki Powers
Clerk-Treasurer

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 91 OF THE TOWN CODE OF
LADOGA, INDIANA CONCERNING ANIMALS**

WHEREAS, in consultation with the Animal Welfare League and others, the Town Council of the Town of Ladoga has determined that it is advisable to revise the Town's ordinance(s) regulating animals to address current conditions with animals within the Town,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that:

SECTION 1. The Town Code of the Town of Ladoga is hereby amended to insert the following:

1. DEFINITIONS.

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

AGENT: Any Individual eighteen (18) years of age or older who is authorized by an animal's Owner to have temporary or permanent custody of, shelter, have charge of, harbor, exercise control over, or otherwise act on such Owner's behalf with respect to such animal.

ANIMAL: Any live, vertebrate creature, domestic or wild.

ANIMAL CONTROL AGENCY: Animal Welfare League of Montgomery County, Inc., or any other governmental or private entity charged or contracted with for the implementation of animal control services for and on behalf of Montgomery County.

ANIMAL CONTROL AGENT: A civilian Individual employed or appointed by an Animal Control Agency for the purposes of carrying out the provisions of this Chapter or any contract for animal control services.

ANIMAL CONTROL FACILITY: A facility, shelter or vehicle operated by an Animal Control Agency for promoting animal welfare and humane treatment of animals.

AT LARGE: An animal that is:

- 1) not on a leash and is off the property of its Owner or the Owner's Agent;
- 2) on a leash that does not adequately confine the animal to the property of the Owner or the Owner's Agent;
- 3) on a leash that is not otherwise under the immediate control of an Individual physically capable of restraining the animal; or
- 4) otherwise not under the direct control of the Owner or Owner's Agent.

- 5) Notwithstanding the foregoing, an animal that is engaged in legal hunting or farming activities and is under the control and supervision of the Owner or the Owner's Agent is not considered to be At Large under this Chapter.

COUNCIL: "Council" shall mean the Ladoga Town Council.

COYDOG: "Coydog" shall have the meaning prescribed by I.C. 15-20-1-5(a)(1), as amended or recodified from time to time.

DANGEROUS ANIMAL: The term "Dangerous Animal" includes any of the following:

- 1) Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any Individual to prevent Serious Bodily Injury when the Individual and the animal are off the property of the Owner or Agent;
- 2) Any animal which, when unprovoked, attacks or bites an Individual causing Serious Bodily Injury;
- 3) Any animal which within the prior thirty-six (36) month period, when unprovoked and off the property of the Owner or Agent, has bitten or otherwise caused Severe Injury to Domestic Livestock or a Domestic Pet without provocation;
- 4) Any animal which, when unprovoked and off the property of the Owner or keeper of the animal has caused the death of Domestic Livestock or a Domestic Pet, or Severe Injury to multiple Domestic Livestock or Domestic Pets, without provocation; or
- 5) Any Wolf Hybrid or Coydog.

Notwithstanding the foregoing, the term "Dangerous Animal" excludes any K-9 dog or police dog that is owned, used or maintained by a law enforcement agency.

DOMESTIC LIVESTOCK: Any animal, other than a Domestic Pet, that is kept for agricultural or commercial purposes, or in connection with a 4-H or FFA activity, and is one (1) of the following: alpaca, bison, elk, cattle, donkey, goat, horse, llama, mule, ostrich, emu, swine, poultry (chicken, turkey, duck or goose), rabbit or sheep.

DOMESTIC PET: Any animal that is commonly kept for pleasure rather than for commercial purposes, including without limitation the following species:

- 1) Dogs (*canis lupus familiaris*);
- 2) Domestic cats (*felis catus*);
- 3) Guinea pigs (*cavia porcellus*);
- 4) Hamsters (any species of the genus *mesocricetus*);
- 5) Gerbils (any species of the genus *gerbillus*); and
- 6) Ferrets (*mustela putorius furo*)

INDIVIDUAL: A human being.

KENNEL: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling cats and dogs.

LAW ENFORCEMENT OFFICER: A county sheriff; a state, county or city police officer; a town marshal; a prosecuting attorney; a conservation officer; or a deputy of any of such persons.

MICROCHIP: A computer chip implanted underneath the skin of an animal that contains identification information relating to that animal.

NON-DANGEROUS ANIMAL: Any animal which is not a Dangerous Animal.

OWNER: Any Person owning, keeping or harboring one (1) or more animals.

PERSON: Any Individual, firm, association, partnership, limited liability company, corporation, trust or estate.

PUBLIC NUISANCE: Any animal or animals which:

- 1) Is an At-Large animal;
- 2) Attacks other animals;
- 3) Molests passersby or passing vehicles;
- 4) Barks, whines or howls in an excessive, continuous or untimely fashion;
- 5) Damages private or public property;
- 6) Runs at large while in heat; or
- 7) Trespasses on school grounds.

RESTRAINT: Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

SERIOUS BODILY INJURY: An injury to an Individual that: (1) results in death of the Individual; (2) creates a substantial risk of the Individual's death; or (3) causes serious permanent disfigurement, unconsciousness, extreme pain, permanent or protracted loss or impairment of the function of a bodily member or organ, or loss of a human fetus.

SEVERE INJURY: Any physical injury to a Domestic Pet or Domestic Livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations, or requires multiple sutures or corrective or cosmetic surgery.

STRAY: Any animal that does not appear, upon reasonable inquiry, to have an Owner.

WILD ANIMAL: Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state.

WOLF HYBRID: "Wolf Hybrid" shall have the meaning prescribed by I.C. 15-20-1-5(a)(3), as amended or recodified from time to time

2. ANIMALS RUNNING AT LARGE.

- A. No person shall allow any Domestic Livestock or Domestic Pets to run at large in the town.
- B. No owner or Agent shall fail to exercise proper care and control of their animals to prevent them from becoming a public nuisance.

3. DOMESTIC PET CARE STANDARDS

Each Owner or Agent having custody or charge of, harboring, or exercising control over a Domestic Pet shall provide the following minimum standards of care for each such animal:

- A. Each Domestic Pet shall have access to a shelter which will protect it from the weather and allow it to stand, sit, turn around, and lie down without restriction. The shelter must be structurally sound, moisture proof and windproof, and provide adequate protection from the cold and heat, including bedding to provide insulation and protection against cold and dampness and promote the retention of body heat in cold weather. The shelter must be placed in a dry area free of debris, feces, and standing water.
- B. Each Domestic Pet shall have sufficient and wholesome food and water, which is proper and nutritional for that species of animal.
- C. If a Domestic Pet is ill, diseased or injured, it shall receive proper veterinary care as necessary to promote the good health of the Domestic Pet and prevent the transmittal of disease to other animals or humans.
- D. No Domestic Pet shall be abandoned, beaten, ill-treated, tormented, or otherwise abused or neglected, or involved in any dog fight, or other fight between animals or between animals and humans.
- E. A Domestic Pet shall be kept under restraint when in heat so as to prevent unintentional breeding.
- F. If a Domestic Pet is chained or tethered, the chain or tether shall not weight more than one-eighth (1/8) of the animal's body weight, shall be at least ten (10) feet in length and have swivels on both ends, so as to reduce the likelihood of entanglement. A chain or tether used to restrain a Domestic Pet must, by design and placement, be unlikely to become entangled.
- G. No Domestic Pet shall be kept or maintained on a tether for a period of more than ten (10) continuous hours, nor for no more than twelve (12) hours in any twenty-four (24) period, nor for any duration under conditions which threaten the health or well being of the Domestic Pet.
- H. A muzzle may not be worn by a dog continuously as a means for controlling barking.

4. ANIMAL WASTE.

Each Owner or Agent shall be responsible for the immediate removal of any excreta deposited by

their animal(s) on public walks, recreation areas or private property.

5. KEEPING DANGEROUS OR WILD ANIMALS.

A. No person shall keep or permit to be kept on his or her premises any Dangerous Animal.

B. No person shall keep or permit to be kept on his or her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.

C. This section shall not apply to zoological parks, performing animal exhibitions, or circuses.

6. OFFENSIVE SMELLS OR CONDITIONS.

No person shall keep within the town any animal or animals in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter in such manner as to permit the contents of filth therein to run or wash upon premises owned or occupied by another or upon any street or other public place.

7. REMOVAL OF DEAD ANIMALS.

Any person who becomes aware of the death of any animal owned by him or her within the town shall, within six (6) hours thereafter, dispose of the dead animal so as not to become a nuisance. When that animal is killed by a person other than its Owner, then that person shall instead dispose of the dead animal.

8. BARKING DOGS.

No person shall keep within the town any animal which by loud and frequent barking, howling, yelping or other animal noises, disturbs the peace and quiet or annoys any citizens.

9. NAME TAGS REQUIRED.

No Owner of any Domestic Pet shall allow that Domestic Pet to be off that Owner's premises unless the Domestic Pet is wearing a tag which gives the Owner's name and address.

10. RABIES.

All dogs, cats, and ferrets three (3) months of age or older must be vaccinated against rabies. The rabies vaccination of a dog, cat, and ferret shall be maintained by ongoing revaccination of the animal pursuant to Indiana law (e.g. 345 IAC 1-5) and other guidelines set forth by the Indiana State Board of Animal Health.

11. IMPOUNDMENT AND VIOLATION NOTICE.

A. Grounds for Impoundment. Any Law Enforcement Officer or Animal Control Agent may

immediately capture and impound any of the following animals:

- 1) Any At Large animal;
- 2) Any Stray animal;
- 3) Any Wolf Hybrid or Coydog;
- 4) Any unattended animal that is ill, injured, or otherwise in need of emergency care;
- 5) Any animal that is reasonably suspected of having rabies;
- 6) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to the property of its Owner;
- 7) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe is a Dangerous Animal; or
- 8) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe has been the subject of or involved in a violation under I.C. 15-20-1-4 or I.C. 35-46-3.

B. Actions to Prevent Harm to Individuals or Other Animals. If any animal is found At Large and cannot be safely captured, a Law Enforcement Officer may seek assistance from an Animal Control Agent, or take other action deemed appropriate, including tranquilizing or killing such animal, to prevent Serious Bodily Injury to Individuals, or Severe Injury to Domestic Pets or Domestic Livestock.

C. Identification of Impounded Animals; Notice to Owners.

1. Any animals which are impounded pursuant to this Chapter shall be scanned or examined by the Animal Control Facility for a Microchip, collar tag or other identification containing the Owner's name, address and/or phone number, unless doing so presents an unreasonable risk of Serious Bodily Injury to an Animal Control Agent.

2. If an impounded animal's Owner can be identified, the Animal Control Facility shall notify the Owner by the end of the next business day that the animal has been impounded, and that unless the animal is claimed by the Owner within five (5) days from the date of impoundment, the animal may be placed for adoption or humanely euthanized. Notwithstanding the foregoing, in the case of a second or subsequent impoundment, the impounded animal may be placed for adoption or humanely euthanized if not claimed within three (3) days after the Owner is notified.

3. Stray animals without any means of identification of their Owners shall be held at the Animal Control Facility a minimum of three (3) days in order to permit an Owner adequate time to reclaim them. A Stray animal which is unclaimed after having been impounded for three (3) days may be placed for adoption or humanely euthanized, except that the Stray shall be euthanized if it is a Dangerous Animal.

D. Release from Impoundment.

1. A Non-Dangerous Animal may be returned to its Owner if the following conditions are met:

a. Costs of Impoundment. The Owner of an impounded animal shall be responsible for all costs of impoundment, and must pay such costs in full prior to the animal's release from impoundment.

b. Microchip Implantation. Prior to the return to its Owner of any impounded dog or cat which at the time of impoundment did not bear a Microchip, collar tag or other means of identification, the Animal Control Agency shall cause a Microchip with a registered identification number to be implanted in the dog or cat at the Owner's expense. The Animal Control Agency shall be entitled to retain the dog or cat until the microchip implantation fee is paid.

c. Payment of County Option Dog Tax. No dog impounded pursuant to this Chapter shall be released to its Owner until the Owner presents proof of payment of all applicable County Option Dog Taxes with respect to such dog. Any dog so impounded shall be considered unclaimed until such tax is paid.

d. No dog or cat impounded pursuant to this Chapter shall be released to its Owner until the Owner either presents proof that the animal is spayed or neutered, or otherwise altered to prevent it from procreating, or makes representation that the animal shall be spayed/neutered within a time period specified by the Animal Control Officer, and provides proof thereafter.

e. Proof of rabies vaccination. No dog, cat, or ferret three (3) months of age or older impounded pursuant to this Chapter shall be released to its Owner until the Owner presents proof of current rabies vaccination.

f. Payment of Fines. No animal impounded pursuant to this Chapter shall be released to its Owner until the Owner pays all fines and costs imposed by this Chapter.

2. The return of a Dangerous Animal to its Owner is governed by Section 91.12 of this Chapter.

E. Treatment or Euthanizing of Sick or Injured Animals. The Animal Control Facility shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, to prevent unnecessary suffering of the animal, or to prevent the spread of communicable diseases. Nothing in this Chapter shall limit the Animal Control Facility's ability to take whatever action is reasonably necessary to provide veterinary care by a veterinarian for a sick or injured animal.

12. IMPOUNDMENT OF DANGEROUS ANIMALS

A. Impoundment. A Dangerous Animal which has been captured and impounded by a Law Enforcement Officer or Animal Control Agent shall remain impounded subject to the requirements of this Section.

B. Euthanization of Dangerous Animals. A Dangerous Animal which has been impounded shall be euthanized if:

- 1) The Owner fails to request a hearing before the Council pursuant to Subsection C, below, within five (5) days after having been notified of the impoundment;
- 2) The Owner waives in writing all ownership interest in the Dangerous Animal; or
- 3) The Owner cannot be identified or located, and the animal remains unclaimed for three (3) days after having been impounded.

C. Hearings and Appeals. If an Owner makes a timely request for a hearing pursuant to subsection (B)(1) above, the Council shall conduct a public hearing.

1) At such hearing, a Law Enforcement Officer, Animal Control Officer or Animal Control Agency shall present evidence supporting a determination that the animal is a Dangerous Animal, and the Owner shall have the opportunity to confront and cross-examine the witnesses supporting such determination, and to present evidence opposing the determination.

2) Following the hearing, the Council shall make a finding by a preponderance of the evidence presented at the hearing whether the animal is a Dangerous Animal.

3) If the Council determines that the animal is not a Dangerous Animal, it shall order the animal released to the Owner, subject to the requirements of Section 91.11(D)(1) of this Chapter.

4) If the Council determines that the animal is a Dangerous Animal, the animal shall be retained by an Animal Control Agency and must be permanently removed from the corporate limits of the Town of Ladoga within three (3) days after said determination, with the costs of keeping and removing the animal all to be at the Owner's expense.

13. PROOF OF VIOLATION AND ENFORCEMENT.

The demonstration of a prima facie violation under this Chapter may be shown by any combination of the following evidence:

- A. Observation or other confirmation by a Law Enforcement Officer, Animal Control Agent, or other duly-authorized municipal code enforcement agent;
- B. A written statement from a complaining witness with personal knowledge of the alleged violation at issue;
- C. An audio recording by a complaining witness with personal knowledge of the alleged violation at issue; or
- D. A video recording or photograph by a complaining witness with personal knowledge of the alleged violation at issue.

15. PENALTIES, APPEALS AND DISPUTES.

A. Violations. Any Person who is in violation of this animal control ordinance shall be deemed to have committed a civil ordinance violation and may be issued a citation by the designated enforcement entity. This animal control ordinance is included under the list of ordinances scheduled for the jurisdiction of the Ordinance Violations Bureau.

Each day a violation remains uncorrected is a distinct and separate ordinance violation subject to an additional citation and fine in the amount prescribed below. However, two or more violations that are linked closely in time and/or nature may, in the sole discretion of the enforcement entity, be deemed one violation.

The monetary fine for each civil animal control violation shall be \$25.00, except that for a repeated animal control violation by the same Person, the following fines shall apply:

Second Citation:	\$50.00
Each Citation in Excess of Two:	\$100.00

Further, in addition to all other penalties provided by law, any Person who shall violate this animal control ordinance five (5) or more separate times in one (1) calendar year period shall be fined an additional \$500.00 as an habitual animal control violator.

All fines for animal control violations shall be paid within five (5) days to the Town Clerk-Treasurer, who shall render to the Person making the payment a receipt stating the amount and purpose for which the fine has been paid. All fines thus received shall be deposited with the Town Clerk-Treasurer.

B. Enforcement. Law Enforcement Officers and Animal Control Officers may issue notices of civil animal control violation(s) to a Person who commits a civil animal control violation, by doing so

either to the Owner or the Owner's Agent. The citation may be served by personal service, by certified mail, or by a placement in a conspicuous place on the property where the violation occurs and shall serve as notice to a Person that said Person has committed an animal control ordinance violation.

If the violation is determined by the Law Enforcement Officer or Animal Control Officer to be a threat to public health or safety, that Officer may take any and all further enforcement and/or abatement measures allowed by law.

C. Appeal. Any Owner wishing to appeal or clarify any citation or requirement of this ordinance may make an appeal to the Council within five (5) days of receipt of that citation.

D. Trial for Animal Control Violations. A Person who receives a ticket or citation may elect to stand trial for the offense by indicating on the ticket or citation that Person's intent to stand trial and returning a copy of the citation to the Clerk-Treasurer. The returned copy of the ticket or citation shall serve as notice of the Person's intent to stand trial. On receipt of the notice of intention to stand trial, a lawsuit will be commenced by the Town Attorney in a court of competent jurisdiction in Montgomery County, Indiana and the matter shall proceed as any other ordinance violation proceeding.

If a Person who receives a citation fails to pay the assessed fine within five (5) days or fails to give notice of that Person's intention to stand trial as prescribed above, the Town Attorney may file a civil lawsuit as prescribed by applicable laws and ordinances, and seek penalties as prescribed in this ordinance.

In addition to any fines above, a Person adjudged to have committed a civil animal control violation is liable. and responsible for all fees, costs and expenses involved in abatement, enforcement, and prosecution of that violation, including but not limited to impoundment and boarding expenses, veterinary and other animal-care expenses, clean-up costs, reasonable attorney fees, costs of giving notices, and court costs. Each day a violation continues shall constitute a separate offense.

SECTION 2. (a) All other provisions of the Town Code not in conflict with this Ordinance shall remain in full force and effect.

(b) The subsequent invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

(c) This Ordinance shall be in full force and effect upon adoption and any necessary publication.

(d) All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Ordinance.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th DAY OF September , 2011.

ATTEST:

Sandra E. Powers

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

8/31/11 dspl

ORDINANCE NO. 1995-8

AN ORDINANCE REGULATING THE ROUTING OF TRAFFIC OF HEAVY TRUCKS ON THE STREETS OF THE TOWN OF LADOGA

WHEREAS, certain of the streets of the town are designed and constructed to accommodate heavy loads and usage, and;

WHEREAS, heavy truck traffic is not compatible with residential neighborhoods, and;

WHEREAS, it is desirable to regulate the routing of heavy truck traffic in the town for the safety of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, [CHAPTER 13-8](#) OF THE TOWN CODE SHOULD BE AMENDED AND A NEW SECTION ADDED TO READ AS FOLLOWS:

13-8. TRUCK ROUTES.

(a) For purposes of this Section the following terms shall have these meanings:

(1) "Heavy truck" shall mean any vehicle with a load capacity in excess of one and one-half tons.

(2) "Through traffic" shall mean vehicular traffic entering and exiting the town limits making no local stops except for traffic regulating signs and signals and the ordinary flow of traffic or emergencies.

(3) "Industrial sites" shall mean any site within the town limits or in proximity thereto which can be accessed by public roads only through the town of Ladoga which are devoted to manufacturing, processing or warehousing.

(b) Through traffic in the town of Ladoga for heavy trucks shall be limited to Main street (SR 234) and Washington street both north and south of Main street.

(c) Local heavy truck traffic servicing industrial sites shall be limited to routes posted "Truck Route" only and shall be confined to College street from Washington street to Cherry street and to Taylor street from Main street to Myers street.

13-9. PENALTY. Any person found to be in violation of this Chapter, shall be fined in an amount not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars, plus the costs of enforcement of such violation. In the event the violation hereof shall constitute an immediate hazard to vehicular or pedestrian traffic, the vehicle being operated or parked in violation hereof may be towed away and impounded by the Town Marshal, and the person found to be in violation hereof shall be liable for such expense.

Passed and adopted by the Town Council of the Town of Ladoga, Indiana, 9th day of Dec. , 1995.

TOWN OF LADOGA

William R. Cloud

Harold L. Lowe

Terry H. Brown

(SEAL)

ATTEST:

Sandra E. Powers
Clerk-Treasurer

AN ORDINANCE REGULATING THE OPERATION OF GOLF CARTS WITHIN THE TOWN OF LADOGA

Statement of Intent and Purpose

The Indiana legislature adopted HB 1483 which, among other things, clarified the status of golf carts being used on public streets and highways. The bill itself made amendments to several statutes that focus on the general subject of motor vehicles. In essence, effective July 1, 2009, an individual is prohibited from operating a golf cart on a highway. If this Council approves by ordinance the use of golf carts, then it may require the use of a slow moving vehicle sign, and shall require a valid driver's license and a minimum amount of financial responsibility.

The intent and purpose of this ordinance is to authorize golf cart use on the Town of Ladoga streets; require the operator to be licensed; require slow moving signage; and require financial responsibility in the same minimum amount as required by state law for automobiles.

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that

[Chapter 13.10](#) of the Town Code of Ladoga is hereby created, which reads as follows:

1. (a) It shall be unlawful for any person to operate a motorized golf cart on the streets, alleys, sidewalks, highways, or other public places within the Town Of Ladoga, except as provided in this ordinance.

(b). Any and all golf carts operated on the streets, alleys, or other public places within the Town of Ladoga must:

- i. display a reflective slow moving vehicle emblem in accordance with IC 9-21-9-3 and a red or amber flashing lamp in accordance with IC 9-21-9-4, and
- ii. must have two (2) operable front headlights on at all times, and have at least one (1) red rear taillight on at all times, and
- iii. must have two (2) operable rear turn signals

(Amended by [Ordinance #1-2011](#), adopted 5/14/2011).

(c). Any and all golf carts operated on the streets, alleys, or other public places within the Town of Ladoga must:

- i. be operated by an individual who possesses a valid state issued driver's license, and

be operated during daylight hours only, with daylight hours defined as the times

- ii. required by Indiana statute for motorists to use headlights on motor vehicles, and
- iii. not operate on state highways or on sidewalks, provided that a cart may cross the highway or a sidewalk at a 90 degree angle, if the operator does so safely and in the manner proved by state law as if he or she were a driver of a motor vehicle, and
- iv. abide by all state laws and local ordinances, including all traffic laws that would otherwise apply to motor vehicles, and
- v. be limited in the number of people allowed to ride on the cart, to the available manufactured seating.
- vi. have all occupants seated at all times.

(d). Before operating a golf cart on the streets, alleys, or other public places within the Town of Ladoga:

- i. the owner of that cart must register the golf cart with the Clerk-Treasurer of the Town of Ladoga, or his or her designee, every year, on such forms as the Town may establish, and
- ii. The fee for registration shall be \$25.00 per one year period, which fee shall be deposited into the Motor Vehicle Highway Fund of the Town, and
- iii. Upon registration, the owner shall receive one (1) registration sticker, which shall be permanently placed in the cart above left front wheel.

- A person shall not operate a golf cart on the streets or alleys of the Town of Ladoga without having proof of financial responsibility as set forth in IC 9-25-4-4. A
- iv. person who operates a golf cart on the streets and alleys of the Town of Ladoga shall at all times maintain the state required minimum amount of financial responsibility for the operation of said golf cart in the following amounts:

(a) Subject to the limit set forth in subdivision (b), twenty- five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual.

(b) Fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident.

(c) Ten thousand dollars (\$10,000) for damage to or the destruction of property in one (1) accident.

(e). A person who violates this ordinance shall on the first offense be fined One hundred dollars (\$100). A person who violates this ordinance a second time within a calendar year of the first offense shall be fined the sum Two hundred fifty dollars (\$250). A person who violates this ordinance a third time, or more, shall be fined a sum not to exceed Two thousand five hundred dollars (\$2,500). The fine for any offense shall also include the reasonable attorney's fees and costs incurred by the Town in enforcing this Ordinance. Upon a person's third conviction under this section, the golf cart may be impounded by the Town; in order to retrieve the golf cart from impound, the owner must first pay an impound fee of \$50.00 and a \$5.00 per day storage charge to the Town; in the event the cart is not retrieved within seven (7) days, it will be subject to disposal by the Town in the manner set forth under Indiana law for abandoned motor vehicles, and

(f). In the event a cart is operated by someone without a valid Indiana state driver's license and there is no one else present to lawfully operate the cart, or in the event a cart is operated on a state highway other than to directly cross it, then it shall be impounded immediately and subject to fees and potential forfeiture stated in section (e), above.

(g) All parts of Ordinances in conflict herewith are hereby repealed, but those parts of Ordinances not in conflict herewith shall remain in full force and effect.

This ordinance shall be in full force and effect January 1, 2011.

Adopted by the Town Council of the Town of Ladoga, IN, this _____ day of _____, 2010.

Sandra E. Powers

Lester Miles

LADOGA TOWN COUNCIL

ATTEST:

Viki Powers, Clerk-Treasurer

AN ORDINANCE AMENDING AN ORDINANCE REGULATING THE OPERATION OF LOW SPEED VEHICLES WITHIN THE TOWN OF LADOGA

WHEREAS, since the adoption by the Town of Ladoga of an ordinance regulating golf carts and low speed vehicles, a change is desired by the Police Department in the interest of public safety, and

WHEREAS, the Ladoga Town Council wishes to adopt those changes and to make its golf cart and low speed vehicle ordinance more effective,

THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, that:

Section 1. Ordinance # 2010-5 regulating golf carts and low speed vehicles is hereby amended to insert anew the following language in **bold**:

....

(b). Any and all golf carts operated on the streets, alleys, or other public places within the Town of Ladoga must:

- i. display a reflective slow moving vehicle emblem in accordance with IC 9-21-9-3 and a red or amber flashing lamp in accordance with IC 9-21-9-4, and
- ii. must have two (2) operable front headlights on at all times, and have at least one (1) red rear taillight on at all times, **and**
- iii. **must have two (2) operable rear turn signals**

....

Section 2. All provisions of existing ordinances in conflict with this ordinance are hereby repealed. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect upon its passage and enforceable thirty (30) days after publication.

Adopted by the Town Council of the Town of Ladoga, IN, this 14th day of May, 2011.

Sandra E. Powers

Lester Miles

Jeremy Chadwick
LADOGA TOWN COUNCIL

ATTEST:

Viki L. Powers
Viki Powers, Clerk-Treasurer

ORDINANCE NO. 1997-2

ORDINANCE TO AMEND ORDINANCE NO. 1992-6, AND AMENDING CHAPTER 14 OF THE TOWN CODE, BEING AN ORDINANCE FIXING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF LADOGA FROM THE OWNERS OF PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Town of Ladoga has heretofore constructed and operated Sewerage Works for the collection, treatment and disposal of sewerage of the Town in a sanitary manner; and,

WHEREAS, an examination of the existing schedule of rates and charges heretofore fixed by Ordinances of the Town reveals that sewer connection charges must be modified to provide funds necessary for replacements and improvements to the Sewerage Works;

NOW, THEREFORE,

Be it ordained by the Common Council of the Town of Ladoga, Indiana, that Section 5 of Ordinance Number 1992-6 and [Chapter 14-7](#) of the Ladoga Town Code be amended to read as follows:

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from town Superintendent of the Sewerage Works as provided by the Sewer Use ordinance. The owner or owners of any lot, parcel of real estate or building connecting to the sewerage works shall pay a sewage connection fee of \$1,500 or per equivalent dwelling unit to be serviced thereby (See IDEM published Flow Allotments incorporated herein by reference) plus actual cost of construction for each connection including necessary sewer interceptor improvements or extensions. The council now finds such connection charge to be reasonable charges for and equitable cost of providing wastewater treatment and collection capacity, a connection to the sewer, required equipment, excavation, backfilling, pavement replacement and installation of a sewer line from the sewer to the property line.

This ordinance shall be in full force and effective immediately following passage and publication in the Ladoga Town Code as provided by law.

Passed and adopted by the Town Council of the Town of Ladoga, Indiana, this 13th day of September , 1997.

TOWN OF LADOGA

William R. Merchant

Mike Hubble

(SEAL)

ATTEST:

Sandra E. Powers
Clerk-Treasurer

Harold L. Lowe

ORDINANCE NO. 1997-3

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE SEWAGE WORKS, REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF LADOGA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, The Town of Ladoga has heretofore authorized the construction of a public sanitary sewerage system into which effluent from private properties flows to a central treatment facility for the purpose of protecting public health and the environmental quality of the town and surrounding area; and

WHEREAS, The sewerage system was designed and constructed solely for the purpose of conveying sanitary and industrial wastes (as herein defined) and was not intended to function as a conveyance for storm, ground, subsurface or unpolluted water from any other sources; and

WHEREAS, The sewerage system represents a considerable investment of public resources and it is hence in the interest of the town that the sewerage system be preserved and maintained; now therefore,

BE IT ORDAINED by the Town Council of The Town of Ladoga:

Editor's Note: The following materials have been incorporated in the Ladoga Municipal Code, [Chapter 14](#).

"Article I" (following) aligns with [Section 14-3](#) of that chapter.

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of the following terms, if used in this Ordinance or if used in the rules and regulations adopted by the Town to implement the provisions of this Ordinance, shall be as follows:

Sec.1 "B.O.D." (denoting Biochemical Oxygen Demand) of sewage, sewage effluent, polluted waters or industrial wastes, shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade expressed in milligrams per liter. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods, latest edition.

Sec.2 "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building

drainage system, which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to a point approximately three (3) feet outside the foundation wall of the building.

Sec 3. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three (3) feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, through and including a suitable septic tank or grinder station.

Sec. 4 "Town" shall mean the The Town of Ladoga, or any duly authorized official acting in its behalf.

Sec. 5 "Floatable Oil" shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Sec. 6 "Garbage" shall mean any solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Sec. 7 "Industrial wastes" shall mean the wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.

Sec. 8 "Natural outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage, including storm sewers, into a watercourse, pond, ditch, lake, stream or other body of surface or groundwater.

Sec. 9 "May" is permissive.

Sec. 10 "Normal Domestic Wastes" shall be sanitary wastes which do not exceed the parameters as set forth in Article V, Section 4(1) of this Ordinance.

Sec. 11 "NPDES Permit" shall mean any permit issued by the State of Indiana under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

Sec. 12 "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 13 "pH" shall mean the logarithm (to the base of 10) of the reciprocal of the hydrogen ion concentration of a solution, expressed in gram-atoms per liter of solution. Neutral water, for example, has a pH value of 7 and an hydrogen ion concentration of 10^{-7} .

Sec. 14 "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half

(1/2) inch in any dimension.

Sec. 15 "Public sewer" shall mean a common sewer controlled by a governmental agency or public utility.

Sec. 16 "Sanitary sewer" shall mean a sewer which carries liquid and water-carried wastes from residences, commercial building, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters and to which storm, surface and groundwaters are not intentionally admitted.

Sec. 17 "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present. The preferred term is "wastewater". (See Sec. 23)

Sec. 18 "Sewer" shall mean a pipe or conduit for carrying wastewater.

Sec. 19 "Shall" is mandatory (see "May", Sec. 7).

Sec. 20 "Slug" shall mean any discharge of water, sewage or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system or performance of the wastewater treatment works.

Sec. 21 "Storm drain" shall mean a drain which carries storm and surface or underground waters, or unpolluted water from any source but excludes sewage.

Sec. 22 "Superintendent" shall mean the superintendent of the wastewater facilities and treatment works of the The Town of Ladoga, or his otherwise duly authorized representative.

Sec. 23 "Suspended solids" shall mean total suspended matter that either floats on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtration as prescribed in and referred to as nonfilterable residue in Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation 40 CFR Part 136, published in the Federal Register on October 16, 1975 and as amended.

Sec. 24 "Toxic Substance" shall mean concentrations of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307(a) of PL 92-500, the Clean Water Act (as amended).

Sec. 25 "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Sec. 26 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

Sec. 27 "Wastewater facilities" shall mean all structures and equipment for collecting, transporting, pumping, treating and disposing of domestic and industrial wastes and dispose of the effluent.

Sec. 28 "Wastewater treatment works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

Sec. 29 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Rules and Regulations for Use of Public Sewers.

Sec. 1 It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

Sec. 2 It shall be unlawful to discharge to any natural outlet within said Town, or in any area under the jurisdiction of said Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Sec. 3 Except hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

Sec. 4 The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any road, highway, street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, are hereby required, at their expense, to connect structures directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so from the Town, by Certified Mail, provided that said public sewer is within three hundred (300) feet of the property line.

Sec. 5 No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and NPDES Permit.

ARTICLE III

Private Wastewater Disposal

Sec. 1 Where a public sanitary sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with all requirements of this Article.

Sec. 2 Before commencement of construction of a private wastewater disposal system the owner shall first a written permit from the Town. The application for such permit shall be made on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A reasonable permit and inspection fee of \$100.00 shall be paid to the Town at the time the application is filed.

Sec. 3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. The superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, at least twenty four hours in advance and before any underground portions are covered. The inspection shall be made within forty eight hours of the receipt of notice by the superintendent.

Sec. 4 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all provisions of State law and the Ordinances of Montgomery County ordinances. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by law or ordinance. No septic tank or cesspool shall be permitted to discharge to any natural outlet, directly or indirectly via field tile, storm drain or any other conveyance other than a public sanitary sewer.

Sec. 5 At such time as a public sewer becomes available to a property served by a private wastewater disposal system as provided in Article II, Section 4, the owner must connect the improvements thereon to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge, and if not used as a component of the building sewer, filled with suitable material.

Sec. 6 The owner shall operate and maintain any private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. Sludge shall be removed therefrom periodically as necessary by contract with the Town or by licensed operators and disposed of according to law.

Sec. 7 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State of Indiana or the local Board of Health.

ARTICLE IV

Building Sewers and Connections

Sec. 1 No unauthorized person shall uncover, make any connections with or opening into, use, alter

or disturb any public sewer or appurtenances thereof without first obtaining a written permit from town Superintendent of the Sewerage Works. The issuance of a permit shall be subject to the existence of sufficient hydraulic and treatment capacities of the wastewater treatment facilities as determined by the Town. The Superintendent of the Sewerage Works, if he finds that the proposed connection is in conformance with standards and specifications of the town and the state, may issue a permit to connect.

Sec. 2 All applications for a sewer building permit shall be made on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as required by the currently Rate ordinance shall be paid to the Town at the time the application is filed.

Sec.3 The owner shall install at his expense that portion of the service from the main to the owner's residence or improvements being served. The owner shall be responsible to maintain the service from the residence or improvements being served on the property to the main. Proper plans and specifications for the onsite systems required to each homeowner's property shall be submitted to the Town and the State of Indiana Department of Environmental Management and no construction of such facilities shall be commenced until approval, in writing, is granted.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damages caused by or resulting from any such single connection aforementioned.

Sec. 5 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall be installed, constructed and maintained as specified and illustrated in the plans and specifications on file in the Town office. Any sytem so installed, constructed and maintained shall be considered suitable for use as a component of the building sewer. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Sec. 6 Whenever possible, the building sewer shall be brought to the buildings at an elevation below basement floor. In all building in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such drains shall be lifted by an approved artificial means and discharged to the building sewer. No water-operated wastewater ejector shall be used.

Sec. 7 No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, basement or yard drains or discharge or cause to be discharged any stormwater, surface

water, groundwater, roof runoff, or subsurface drainage to any sanitary sewer. Any such connection to a private sewage disposal system which existed prior to the availability of public sewers shall be removed from the building sewer prior to connection with the public sewer.

Sec. 8 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of Montgomery County, Indiana, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

The owner or his agent shall abide by any provisions of the Town Code and any ordinances of the town pertaining to digging in the public right-of-way.

Sec. 9 At the time of application for tap-on permit, the owner, contractor or other applicant shall advise the Superintendent of the Sewerage Works of the probable time when excavation and sewer construction will be commenced. Before the sewer or any portion thereof shall be covered, it shall be the owner, contractor or other applicant's duty to give the Superintendent of the Sewerage Works at least 24 hours notice that the same is ready for physical inspection. In the event that any such sewer or any portion thereof is covered without such physical inspection, the Superintendent of the Sewerage Works may order the same uncovered at applicant's expense for purposes of inspection. The connection and testing shall be made under the supervision of the Superintendent or his representative. The applicant shall provide access to all structures (and areas of structures) to the Superintendent for the purpose of establishing compliance with Article IV, Section 7.

Sec. 10 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

ARTICLE V

Use of the Public Sewers

Sec. 1 No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, sump pumps, basement or yard drain, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the superintendent.

Sec. 2 Stormwater other than that exempted under Article V, Section 1, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated storm sewers or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or

wastes to any public sewers:

- (a) Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantities, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process including but not limited to causing the Town to violate its NPDES permit, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (c) Any waters or wastes having a pH of less than 6 or in excess of 9, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, damage to the grinder pumps, or other interference with the proper operation of the wastewater works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4 No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes except if it appears likely in the opinion of the Superintendent that such wastes will not harm either the sewers, wastewater treatment process or equipment, not have an adverse effect on the receiving stream nor can other wise endanger life, limb, public property nor constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant and other pertinent factors. Included but not limited to, the substances not acceptable are as follows:

- (a) Any liquid or vapor having a temperature higher than 150 degrees F 65 degrees (C).
- (b) Any water or waste containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (c) Wastewater containing floatable oils, fats, or grease.
- (d) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Superintendent.
- (e) Any waters or wastes containing zinc, chromium, cadmium, copper, cyanide, nickel, phenol, iron, fluoride, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.

- (f) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations exceeding limits which may be established by the Superintendent.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (h) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Any water or wastes subject to the categorical pretreatment standards pursuant to 40 CFR 403.
- (l) Any water or wastes exceed the following parameters:

For the pressurized collection system-

- (i) BOD5 -- 250 mg/l
- (ii) SS -- 250 mg/l

For the gravity collection system-

- (i) BOD5 -- 200 mg/l
- (ii) SS -- 50 mg/l

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters contain the substance or possess the characteristics enumerated in Section 4 of this Article, and which in the judgement of the Superintendent may have a deleterious effect upon the wastewater works, processes, equipment or receiving waters, or sludges, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
- (b) Require new industries or industries with significant increase in discharges to submit information on waste-water characteristics and obtain prior approval for discharges;
- (c) Require other methods of disposal;
- (d) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (e) Require control over the quantities and rates of discharge; and/or,
- (f) Require payment to cover the added cost of handling and treating the wastes not covered by

sewer charges under the provisions of the Rate Ordinance of the Town and all Resolutions amendatory thereof and supplemental thereto, and any fines, penalties or damages assessed against the Town for discharge of such wastes.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable Ordinances and laws.

Sec. 6 Grease, oil, and sand interceptors, shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease as specified in Section 4(c), or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the superintendent. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms, at the owner's expense.

Sec. 7 Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Sec 8. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole or structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole or structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9 The superintendent may require a user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

- (a) Wastewaters discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of wastewaters.
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewers.

Sec.10 All measurements, tests and analyses of the characteristics of waters and wastes to which

references are made in this Ordinance shall be determined in accordance with Standard Methods for the Examination of Water and Wastewater, prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

Sec. 11 (a) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern; provided, however, that the payment shall not be less than the pollutant surcharges provided for in the Rate Ordinance of the Town and Resolutions amendatory thereof and supplemental thereto.

(b) Any wastes described in Section 3(a) and 3(b) of this Article are precluded from such agreements.

Sec. 12 Septic tank or other hauled wastewater may be introduced in the Town wastewater collection or treatment facilities only upon receipt of a wastewater discharge permit issued by the Town and only thereafter at locations and at such times as are designated by the Superintendent. Such waste must not violate any terms of this Ordinance or other requirements established by the Town.

ARTICLE VI

Construction Of Sanitary Sewer Lines and Extensions.

Sec. 1. (a) Except as herein provided, all sanitary sewer lines hereafter constructed on public lands or public right-of-way, including any easements dedicated for said purpose, shall be initiated and constructed by the town itself or by public contract as by statute provided, unless the town, by resolution of the Town Council, shall authorize and direct construction by another.

(b) No privately constructed sanitary sewer lines will be accepted for maintenance by the town unless they have been built to town standards and have been inspected and approved by the Town Superintendent of the Sewerage Works and then only when the Town Council has expressly approved such maintenance by resolution.

Sec. 2. (a) Extensions to the sanitary sewer lines may hereafter be constructed to further the orderly growth of the town for the welfare and benefit of the citizens of the town, and for citizens who may develop real estate contiguous, as that term is defined by state law pertaining to annexation to the town that would be of benefit of the town.

(b) The presumed cost for sewerage main extensions shall be \$1,500.00 per equivalent dwelling unit to be served, with a developer to be responsible for all actual costs for service to the development and the town to be responsible for excess capacity for future extension. A developer shall be responsible for all on site sewer lines. In order to effectuate the orderly construction and financing of the new sewer lines and the extensions of existing sewer lines, the Town Council shall

make such financial arrangements with any person, firm or organization as may desire to extend an existing sewer line or to become a part of such an extension with other parties and thereby become a user of the town's sewage system, as the Council deems desirable and in the best interests of the town, provided such extension arrangements do not require expenditure of funds in excess of \$25,000 contemplated to be paid or advanced by the town or sewerage works combined.

(c) In making decisions as to extensions and users thereof, the Town Council shall use such engineering, financial and legal services as are needed to insure the following:

- (1) That the State Department of Environmental Management will approve said extensions;
- (2) Detailed plans, blueprints, diagrams, plats and specifications insuring the efficient construction of the sewer extensions;
- (3) That all persons, firms or organizations who are served by any sewer extension shall participate fully in their fair share of all costs of construction of the extension, and any additional costs as may be applicable to the users;
- (4) In the event that deferred payment is allowed to any of the new users, to insure that adequate financial arrangements are made so that the town may finance the sewer extension for the user agreeing to make deferred payments;
- (5) To insure that each new user will abide by all rules and regulations of the town regarding the sewage utility, and as provided for users by this chapter;
- (6) To insure that any necessary land acquisitions are made and that all necessary easements are acquired. The Town Council may thereafter enter into all necessary agreements for the construction of said sewer extensions and payment therefor, and to use all of the funds as may be acquired by it from such new users, and, with approval of the Town Council, such funds as may be acquired by financing, and such funds of the town as are available for sewer extension costs;
- (7) The Town Council shall require that any and all new users of the town's sewer system be annexed to the town if they are in fact, at the time of construction of a sewer extension, outside the town limits once they become contiguous to the town;
- (8) The Town Council shall require all new users of any extension to the sewer system who are outside the town limits, and to whom such extension shall have been approved by the Town Council, to file with the town, a waiver not to contest annexation to the town, prior to tap-on to the sewer system;
- (9) To insure that such sewer extensions are designed and constructed of such size and capacity as will insure the orderly development of further extensions as may be desired by the town for its future growth and development;
- (10) To insure that tap-ons can be made on any portion of such sewer extension as may be desirable after the same is constructed;
- (11) To insure that all matters for the satisfactory operation of the sanitary sewer are made, so that all users can be served, and that all permits required by the town, county or state or any other agency shall be obtained, and that the sanitary sewer will be usable and available for all property in the general vicinity of any such extension, if the same can reasonably be accomplished.
- (12) To insure that all users comply with the rules and regulations of the town applicable to users of the town's sanitary sewer system, and to insure that the same is usable by all types of users, including residential, industrial and commercial.
- (13) To insure the identification of major contributors and to insure that all such rules and

regulations applicable to such major contributors are complied with.

ARTICLE VII

Damage to Public Sewers

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewage Works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, criminal mischief and theft.

ARTICLE VIII

Powers and Authority of Inspectors

Sec. 1 The Superintendent, Inspector, and other duly authorized employees of the Town, State water pollution control employees and U.S. Environmental Protection Agency employees bearing credentials and identification shall be permitted to enter all properties for the purposes of inspection, observations, measurement, sampling, and testing in accordance with the provisions of the Ordinance.

Sec. 2 The Superintendent or his representatives, the State water pollution control employees and US EPA employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection facility. The industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 3 While performing the necessary work on private properties referred to in Article VIII, Section 1, above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8, above.

ARTICLE IX

Penalties

Sec. 1 Any person found to be in violation of any provision of this ordinance except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a

reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time state in such notice, permanently cease any violation.

Sec. 2 (a) Any person who shall continue any violation after the expiration of the time limit provided in a notice thereof which has been served on the violator or has by reasonable effort been attempted to be served on the violator, shall be subject to a fine in the sum of Five Hundred (\$500) Dollars for each violation, together with damages for loss including any expense (including attorney fees), loss, or damage occasioned the Town or downstream users by reason of such violation or expenses to enforce this ordinance. Each day in which any such violation shall continue shall be deemed a separate offense for purposes of any fine or penalty but not for purposes of requiring additional notice of violation.

(b) A person violating Article V, Section 1, may avoid payment of said penalty by consenting to an inspection described in Article IV, Section 9, for the purpose of establishing compliance with Article V, Section 1.

(c) A person consenting to such an inspection and found in violation shall be given a reasonable time limit within which to comply with Article V, Section 1 without being subject to penalty.

Sec. 3 The Town will enforce by mandamus, injunction, or other legal remedy these rules and regulations, and will remove any harmful or improper construction or obstruction or will close any opening or connection made improperly or in violation of these rules and regulations, under authority provided in the Indiana Code.

Sec. 4 The Town shall have full power to invoke any authorized legal, equitable or special remedy for the enforcement of this Ordinance.

Sec.5 Whenever a user has violated or continues to violate any provision of this ordinance, or order issued hereunder, water service to the user may be severed. Service will only be recommenced, at the user's expense, after satisfactory demonstration to the Superintendent of the user's ability to comply.

ARTICLE X

Appeal

Any person who is aggrieved through the enforcement of this ordinance has the right to seek administrative relief before the Town Council and thereafter through the Montgomery Circuit Court and the Courts of the State of Indiana.

ARTICLE XI

Effective Date, Severability And Repeal of Conflicting Ordinances

Sec. 1 The paragraphs and subparagraphs of this Ordinance shall be deemed to be separate and

several, and if any part thereof shall be declared to be invalid, the same shall not affect any other portion.

Sec. 2 All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec.3 This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the Laws of the State of Indiana.

Passed and adopted by the The Town of Ladoga, Indiana on this 13th day of September , 1997.

William R. Merchant
Council President

Mike Hubble
Councilman

ATTEST:

Sandra E. Powers
Clerk-Treasurer

Harold L. Lowe
Councilman

AN ORDINANCE AMENDING THE APPENDIX TO CHAPTER 14 OF THE LADOGA TOWN
CODE CONCERNING SEWAGE RATES

Be it hereby established and ordained by the Town Council of Ladoga, Indiana, that:

Section A. The Appendix to Chapter 14 of the Ladoga Town Code, the Municipal Sewerage Utility Tariff, is hereby amended by repealing the Residential sewage charges, and the same shall, with the effective date hereof, read as follows:

<u>Residential:</u>	<u>Monthly Charges</u>
Single Family Dwelling	\$39.00 + usage charge
Multiple Family Dwelling-per unit	\$39.00 + usage charge
Trailer Court-per unit	\$39.00 + usage charge

<u>Water Usage, Gallons Per Month</u>	<u>Additional Sewer Usage Charge</u>
0-3,999	+ \$ 0.00 per thousand or fraction thereof
4,000-7,999	+ \$ 1.00 per thousand or fraction thereof
8,000+	+ \$ 0.50 per thousand or fraction thereof

Editor's Note: These Residential Rates have been incorporated in the [Appendix](#) of Chapter 14, the Ladoga Municipal Code.

Section B. The foregoing amendment of this Ordinance shall be in full force and effect for the first full billing cycle commencing after May 1, 2008.

Section C. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the effective date set forth in this Ordinance.

Adopted this 10th day of May , 2008.

LADOGA TOWN COUNCIL

Sandra E. Powers
President

Jeremy L. Chadwick

Lester Miles

Attest: Viki L. Powers

Viki Powers, Clerk-Treasurer

AN ORDINANCE AMENDING THE APPENDIX TO CHAPTER 14 OF THE LADOGA TOWN CODE CONCERNING SEWAGE RATES

Be it hereby established and ordained by the Town Council of Ladoga, Indiana, that:

Section A. The Appendix to Chapter 14 of the Ladoga Town Code, the Municipal Sewerage Utility Tariff, is hereby amended by repealing such tariff in its entirety, and the same shall, with the effective date hereof, read as follows:

Schedule of Sewer Rates and Charges

<u>Residential:</u>	<u>Monthly Charges</u>
Single Family Dwelling	\$ 39.00
Multiple Family Dwelling-per unit	\$ 39.00
Trailer Court-per unit	\$ 39.00

Editor's Note: Residential Rates were modified by [Ordinance 2008-2](#).

<u>Church or Non-profit Fraternal Benefit Organization</u>	\$ 39.00
--	----------

All Others including Commercial, Industrial, and Institutional:

5/8	inch water meter	\$ 29.00
1	inch meter	\$ 67.00
1 1/2	inch meter	\$ 150.00
2	inch meter	\$ 255.00
3	inch meter	\$ 580.00
4	inch meter	\$1,030.00

plus a monthly treatment charge of \$3.35 per 1,000 gallons. In no event shall the monthly rate be less than \$39.00.

The Town may evaluate the discharge of industrial users and shall have the right to modify rate(s) as it deems appropriate given actual discharges and demand upon the municipal sewerage works created by those users.

Excessive Strength Industrial Surcharges:

(1) Rate Surcharge Based Upon Suspended Solids: There shall be an additional charge of \$0.20 per pound for suspended solids discharged into the sewerage works in excess of 240 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon TBOD: There shall be an additional charge of \$0.20 per pound when the total biochemical oxygen demand (TBOD) discharged into the sewerage works is in excess of 210 milligrams per liter of fluid.

(3) Rate Surcharge Based Upon Ammonia Nitrogen (NH₃N): There shall be an additional charge of \$0.20 per pound of ammonia nitrogen discharged into the sewerage works is in excess of 20 milligrams per liter of fluid.

Connection fee: \$1,500.00 plus actual costs

Editor's Note: Portions, except Residential Rates, have been incorporated in the [Appendix](#) of Chapter 14, the Ladoga Municipal Code.

Section B. The foregoing Section of this Ordinance shall be in full force and effect for the first full billing cycle commencing after June 1, 2007.

Section C. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the effective date set forth in this Ordinance.

Adopted this 12th day of May, 2007.

LADOGA TOWN COUNCIL

Sandra E. Powers

Lester Miles

Attest: Viki L. Powers
Viki Powers, Clerk-Treasurer

AN ORDINANCE AMENDING THE APPENDIX TO CHAPTER 14 OF THE LADOGA TOWN
CODE CONCERNING SEWAGE RATES

Be it hereby established and ordained by the Town Council of Ladoga, Indiana, that:

Section A. The [Appendix to Chapter 14](#) of the Ladoga Town Code, the Municipal Sewerage Utility Tariff, is hereby amended by adding the following provision:

Leaks and Swimming Pools. If a customer provides evidence satisfactory to the Utility that that customer:

(a) has water leak that has increased that customers metered water use without discharging into the municipal sewerage works, or

(b) has filled a swimming pool without discharging into the municipal sewerage works, then

that customers sewer bill for the month in question shall instead be the average of that customers three (3) sewer bills for the preceding December, January, and February.

Editor's Note: The material above has been incorporated in the [Appendix to Chapter 14](#) of the Ladoga Municipal Code.

Section B. The foregoing amendment of this Ordinance shall be in full force and effect as of May 1, 2008, it being the intent of the Council that the averaging process established by this Ordinance be applied throughout the summer of 2008.

Section C. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed concurrent with the effective date set forth in this Ordinance.

Adopted this 27th day of August , 2008.

LADOGA TOWN COUNCIL

Sandra E. Powers

Jeremy Chadwick

Lester Miles

Attest: Viki L. Powers
Viki Powers, Clerk-Treasurer

A RESOLUTION APPROVING BUDGET BILLING FOR THE LADOGA UTILITIES

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that "budget billing," in which customers can pay a fixed monthly utility bill and adjust any differences at one time each year, would improve collections and be more reasonable for the customers of the Ladoga Town Utilities; and

WHEREAS, a proposed budget billing plan and form of agreement has been prepared by the Clerk-Treasurer and are acceptable to the Council,

NOW, THEREFORE, BE IT RESOLVED that the Ladoga Town Utilities hereby adopts and approves of "budget billing" as set forth in the rules and documentation attached to this Resolution and as may be amended from time to time.

This Resolution shall be effective upon passage, provided that budget billing shall occur until the first full utility billing cycle after passage and until such time as the Clerk-Treasurer can configure all software and the like for budget billing.

Done this 8th day of September , 2007.

ATTEST:

Sandra E. Powers
President

Viki Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Harley Barnard

Lester Miles

ORDINANCE NO. 1995-5

FAIR HOUSING ORDINANCE

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, THE TOWN CODE SHOULD BE AMENDED TO ADD THE FOLLOWING CHAPTER 15 THERETO:

Editor's Note: Please refer to [Chapter 15](#) of the Ladoga Codified Ordinances. The text of this ordinance - from here to the signature block - has been reproduced in that chapter.

(See Also: [Ordinance #2012-3](#), adopted 8/29/2012. While this ordinance is newer, the wording is nearly identical to #1995-5. Ordinance #2012-3 contains no specific provisions for replacement of #1995-5 or Chapter 15.)

Passed and adopted by the Town Council of the Town of Ladoga, Indiana, this 1st day of June , 1995.

TOWN OF LADOGA

William R. Cloud

(SEAL)

Terry H. Brown

ATTEST:

Sandra E. Powers
Clerk-Treasurer

Harold L. Lowe

Editor's Note: The files also contain a letter from the Indiana Department of Commerce regarding

the Fair Housing Ordinance and a page of "Suggested Actions". Photos of those two pages follow:



Letter from Dept. of Commerce



Suggested Actions

TOWN OF LADOGA
FAIR HOUSING ORDINANCE # 2012-3

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. Seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE Town of Ladoga, Indiana, AS FOLLOWS:

Section 1 Policy Statement

It shall be the policy of the Town of Ladoga to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq

Section 2 Definitions

The definitions set forth in this Section shall apply throughout this Ordinance:

A. Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).

B. Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section. Also, pursuant to 24 CFR Part 5, the definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

C. Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

D. To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.

E. Discriminatory Housing Practice means an act that is unlawful under Sections 4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.

F. Handicap means, with respect to a person:
a physical or mental impairment which substantially limits one or more of such

1. person's major life activities.
2. a record of having such an impairment, or
3. being regarded as having such an impairment,
4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. Any other impairment defined under I.C. 22-9.5-2-10.

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

- G. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
1. claims to have been injured by a discriminatory housing practice; or believes that such person will be injured by a discriminatory housing practice that is
 2. about to occur.

- H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

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

- I. Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.

- J. Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

Section 3 Unlawful Practice

Subject to the provisions of subsection (B) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.

- B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:

Any single-family house sold or rented by an owner where the private individual owner

does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any

1. twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

- a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

- b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4(C) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:

1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 4 Discrimination in the Sale or Rental of Housing

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the

- A. sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
1. that buyer or renter;
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- G. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. that person; or
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- H. For purposes of this subsection, discrimination includes:

1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
2. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;
 - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - b. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - c. all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets , thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

Section 5 Discrimination in Residential Real Estate-Related Transactions

It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making

- A. available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- As used in this section, the term residential real estate-related transaction means any of the
- B. following:
1. The making or purchasing of loans or providing other financial assistance:
 - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - ii. secured by residential real estate.
 2. The selling, brokering, or appraising of residential real property.
- Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national
- C. origin, sex, handicap, or familial status.

Section 6 Discrimination in the Provision of Brokerage Service

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 7 Interference, Coercion, or Intimidation

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

Section 8 Prevention of Intimidation in Fair Housing Cases

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or

2. or
affording another person or class of persons opportunity or protection so to participate;

C. any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Section 9 Exemptions

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

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

C. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:

1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
2. intended for, and solely occupied by, person 62 years of age or older; or

3. intended and operated for occupancy by at least one person 55 years of age or older per unit.

Section 10 Administrative Enforcement of Ordinance

A. The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the Town of Ladoga, Indiana.

B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Ladoga, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Ladoga, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

C. All executive departments and agencies of the Town of Ladoga, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

D. The Chief Elected Official of the Town of Ladoga, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 11 Separability of Provisions

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

Certification of Adoption

It is hereby certified that this Ordinance Number 2012-3 was passed by the Common Council of the Town of Ladoga, Indiana, at its legally convened meeting on August 29, 2012.

James B. Cox
Signature, Chief Elected Official

James B. Cox, Chief Elected Official

8-29-12

Date

Viki L. Powers

Attest By

ORDINANCE NO. 6-1999

LADOGA, INDIANA

AN ORDINANCE AMENDING ORDINANCE 3-1998, AN ORDINANCE DESIGNATING THE PURCHASING AGENT FOR THE TOWN OF LADOGA AND ITS UTILITY DEPARTMENTS AND RULES AND POLICIES IN RESPECT TO PROCUREMENT

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Ladoga, (the "Town") is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town Council to establish certain purchasing rules and policies for the Town: and,

WHEREAS, [Ordinance 3-1998](#) should be amended to change the designation of the Purchasing Agent as provided therein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA:

SECTION 1. The Ladoga Town Council as the Purchasing Agency of the Town appoints the President of the Town Council as the Purchasing Agent as its agent in the administration of its duties of procurement under IC 5-22 for the Town and its Utility Departments pursuant to IC 5-22-4-5.

SECTION 2. The following are the purchasing rules for Ladoga, Indiana:

A. Protection of Offers: Status of Documents as Public Records

1. Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.
3. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

B. Discussions With Offerors Responding to a Request for Proposals.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

C. Delay of Opening of Offers.

When the Town Council makes a written determination that its in the Town's best interests, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

D. Evidence of Financial Responsibility

1. Purchases Less Than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.
2. Purchases Between \$25,000 and \$100,000. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. Purchases Over \$100,000. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
4. Small Business Set-Asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

E. Use of RFP (Request for Proposals) for Purchases of Designated Types of Supplies

The Town Council determines that:

- (a) It is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding; and
- (b) Receiving proposals is the preferred method for purchasing office supplies or the types of supplies which may be shown in an Appendix hereto.

F. Modification and Termination of Contracts

1. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:
 - (a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;
 - (b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
 - (c) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment or profit or fee, all as specified in the contract or subsequently agreed upon;

(d) Price adjustments just be computed in such other manner as the contracting parties may mutually agreed upon; or

(e) in the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the government body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

2. Adjustments in Time of Performance The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

3. Unilateral Rights of Town The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

4. Quantity Variations The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

G. Purchase of Supplies Manufactured in the United States. Supplies manufactured in the United States **shall** be specified for all Town purchases and shall be purchased unless the Council determines that:

1. the supplies are not manufactured in the United States in reasonably available quantities;
2. the prices of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
3. the quality of the supplies manufactured in the United States is substantially less than quality of comparably priced available supplies manufactured elsewhere; or
4. the purchase of supplies manufactured in the United States is not in the public interest.

H. Purchase of Services

The Town Council determines that the each department may purchase services in whatever manner the purchaser determines to be reasonable.

SECTION 4. This Ordinance repeals [ordinance 3-1998](#) in its entirety and is effective upon passage and signing by the presiding officer. The Ordianace establishing Purchasing Rules is not changed or repealed by this Ordinance.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 14th day of August, 1999.

TOWN COUNCIL, LADOGA, INDIANA

Eric S. Gray

Presiding Officer

Mike Hubble
Member

Harold L. Lowe
Member

ATTEST:

Sandra E. Powers
Clerk - Treasurer (SEAL)

TOWN OF LADOGA

RESOLUTION NO. 1, 2000

BE IT KNOWN: That on the 11th day of March, 2000, the Ladoga Town Board passed the following Resolution.

BE IT HERE BY RESOLVED: That the Town of Ladoga hereby declares its intent to use forms generated by the following Keystone Consulting Services, Inc. software programs: Key-Budget, Key-Budpay, Key-Billing, Key-AnnReport, Key-Fast.

NOW BE IT RESOLVED: That the Town Board of the Town of Ladoga that the town will continue to use the forms and systems in place as approved by State Board of Accounts for the City of Covington.

Harold L. Lowe

Harold L. Lowe

Mike Hubble
Mike Hubble

Eric S. Gray
Eric S. Gray

ATTEST:

Viki L. Powers
Viki L. Powers, Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 1, 2003

BE IT KNOWN: That on the 8th day of March, 2003, the Ladoga Town Board passed the following Resolution.

BE IT HEREBY RESOLVED: That the Town of Ladoga hereby declares its intent to use forms generated by the following Greentree Applied Systems Inc. software programs: Utility Management & Accounting

NOW BE IT RESOLVED: That the Town Board of the Town of Ladoga declares that the Town will continue to use the forms and systems in place as approved by State Board of Accounts for the Patoka Lake Regional Water & Sewer District.

Harley Barnard Harley Barnard

Harold L. Lowe
Harold L. Lowe

Sandra E. Powers
Sandra E. Powers

ATTEST:

Viki L. Powers
Viki L. Powers, Clerk-Treasurer

ORDINANCE NO. 2004 - 1

LADOGA, INDIANA

AN ORDINANCE AMENDING ORDINANCE 4-1985 ENTITLED THE GRANTING OF A COMMUNITY ANTENNA TELEVISION FRANCHISE TO A NEW FRANCHISEE AND RENEWING THE TERM

BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA:

SECTION 1. The Ladoga Town Ordinance 4-1985 is hereby amended as follows:

- A. Section 2. (2). To read: "Company" is Longview Cable and Data, LLC, or its assignee, grantee of rights under this franchise.
- B. Section 2. (5) is deleted.
- C. Section 4 Franchise Fee. To read: "In consideration of the grant of this franchise, the Company shall pay to the Town a franchise fee at a flat rate of \$450 per calendar quarter, at the end of each such quarter."
- D. Section 23. Term. The following language shall be added: "The commencement of the franchise term as provided in this Section shall renew beginning on passage of this amending Ordinance."

SECTION 2. This Ordinance readopts Ladoga Town Ordinance 4-1985 in its entirety except as modified. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. This Ordinance shall be in full force and effect from and after the date of its passage.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 13th day of March , 2004.

TOWN COUNCIL, LADOGA, INDIANA

Harley R. Barnard President

Sandra E. Powers
Member

Lester Miles
Member

ATTEST:

Viki L. Powers
Viki L. Powers

Clerk - Treasurer (SEAL)

TOWN OF LADOGA

RESOLUTION NO. 4 2004

WHEREAS the Auditor of the State is authorized to make distributions to municipalities by Electronic Funds Transfer; and,

WHEREAS such electronic transfer provides certain advantages to the Town that expedite such transfers and are confirmed by written notification of EFT Deposits; and,

WHEREAS the town desires to qualify to receive electronic transfers of funds from the State of Indiana;

NOW THEREFORE BE IT HEREBY RESOLVED: That the Town of Ladoga approves the acceptance of Electronic Fund Transfers from the State of Indiana, as available, and designates the Farmers State Bank as the Town of Ladoga designated depository to receive such funds and authorizes the Clerk-Treasurer of the Ladoga Town Council to complete and execute such forms necessary to implement electronic funds transfer from the Auditor of the State of Indiana.

Adopted this 9th day of July, 2004.

President, Town Council

Sandra E. Powers
Town Council Member

ATTEST:

Viki L. Powers
Clerk Treasurer

Lester Miles
Town Council Member

ORDINANCE 2006-8

An Ordinance Establishing Rules for Use and Conduct within the Park Facilities of the Town of Ladoga, Indiana.

WHEREAS, the Town Council of Ladoga, Indiana is advised of the authority granted to it by the Indiana General Assembly, specifically but not limited to Indiana Code 36-7-2 et. seq., Indiana Code 36-8-2-4, Indiana Code 36-1-3 et. seq. and Indiana Code 36-1-4-11, and

WHEREAS, the Town Council of the Town of Ladoga, Indiana recognizes that for the enjoyment of all certain rules for use and conduct within the park facilities must be established, and

WHEREAS, the Town Council of the Town of Ladoga, Indiana desires to protect the health, safety and welfare of all persons, groups and organizations that use the park facilities of the Town of Ladoga, Indiana.

BE IT ORDAINED by the Town Council of the Town of Ladoga, of Montgomery County, State of Indiana that the following rules for use and conduct within the park facilities of the Town of Ladoga, Indiana are hereby established:

Section 1 — Park Rules

The Town Council hereby establishes the following rules for use and conduct within the park facilities of the Town.

1. The park will be closed from 10:00 p.m. until 5:00 a.m. with exceptions for community events or group functions with prior authorization from the Town Council.
2. Vehicles may not park on the basketball court.
3. No alcoholic beverages are allowed on park grounds.
4. No overnight camping is allowed without prior written approval from the Town Council.

Editor's Note: The original subsection 4 (above) was replaced by [Ordinance #2006-10](#). The new subsection 4 follows:

No overnight camping or overnight parking of motor vehicles or overnight storage of any personal property is allowed without prior written approval from the Town Council. In addition to the monetary penalties provided below, any unauthorized vehicle parked overnight may be towed, and any unauthorized personal property left overnight may be impounded.

5. Any persons or groups using the park facilities are to put their trash in designated containers or a

dumpster.

6. No roller skates, skateboards, or bicycles allowed in the shelters, on the stage, or on the courts.
7. No off-road vehicles, 3 and 4 wheelers, off-road motorcycles, snowmobiles and go-carts are allowed in the park.
8. No open flames are allowed in the park.
9. No fireworks are allowed in the park, other than those approved and supervised by the Town Council for public celebrations such as the Fourth of July.
10. All noise must be kept to a level so as not to disturb the peace of adjacent property owners and fellow park users.
11. Playing in the water or throwing rocks in the water are not allowed.
12. Loose animals are not allowed on the premises, and all pet owners must pick up after their animals.
13. No profanity or other conduct that unreasonably interferes with the quiet enjoyment of the park by others is allowed on the premises.

Section 2 — Exemptions

The Town Council hereby recognizes the following exemptions to the park rules established in Section 1 of this ordinance.

1. Exemptions to Section 1-1, park hours:
 1. Anyone attending community events, or anyone setting up for or cleaning up after a community event, or
 2. b. Anyone attending a group function that has written authorization from the Town Council.
2. Any employee of the Town, contractor under contract with the Town, or any agent of the Town is exempt from Sections 1-2, 1-3, 1-8, 1-9 and 1-10 of this ordinance only when performing tasks and duties outlined by the terms of their employment or contract.

Section 3 — Posting of Signage

Officials of the Town are hereby authorized and instructed to post and maintain signs at the entrance

of the park identifying the park rules and penalties pursuant to this ordinance.

Section 4 — Penalties

Any person, firm or corporation who violates any of the provisions of this ordinance or who interferes in any way with due process of enforcement of any provision of this chapter or does not comply within thirty (30) days of any order issued under this ordinance shall be subject to a fine of not less than Twenty-Five (\$25.00) Dollars, or not more than Five Hundred (\$500.00) Dollars. Each day in which this violation occurs shall constitute a separate offense. In addition to any fines imposed under this ordinance any person causing damages to park structures, grounds, or facilities as the result of a direct violation to the provisions of this ordinance, may be held responsible for the cost of repairs or replacement to said structures, grounds or facilities, including the Town's reasonable attorney fees and other expenses of enforcement.

Section 5 — Enforcement

This ordinance shall be and is enforceable by any duly sworn law enforcement officer.

Section 6 — Construction of Clause and Headings

The clause headings appearing in the ordinance have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 7 — Repeal of Conflicting Ordinances

The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed.

Section 8 — Severability Provision

If any part of this ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

This Ordinance shall be in full force and effect thirty (30) days from its passage and any necessary publication

Adopted by the Board of Trustees of the Town of Ladoga, Indiana, this 30th day of August , 2006.

Sandy E. Powers

Harley Barnard
Harley Barnard

Lester Miles
Lester Miles

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer

Identity Theft Prevention Program

For

Town of Ladoga

121 E. Main St.

Ladoga, Indiana 47954

April 27, 2009

Town of Ladoga Identity Theft Prevention Program

This Plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information; protect against the establishment of false accounts; instill methods to ensure existing accounts were not opened using false information; instill security measures for new and existing utility customers sensitive information; and instill measures to respond to such events.

Contact Information:

The Senior Management Person responsible for this plan is:

Viki L. Powers

Clerk-Treasurer

765-942-2531

The Governing Body Members of the Utilities are:

Town Council members:

President - Sandy Powers

Lester Miles

Jeremy Chadwick

Risk Assessment

The Town of Ladoga has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information; how customers sensitive information was currently stored and secured. Using this information the utilities were able to identify red flags that

were appropriate to prevent identity theft:

New accounts opened in Person

New accounts opened via Telephone

New accounts opened via Fax

Account information accessed In Person

Account information accessed via Telephone (Person)

Identity theft occurred in the past from someone falsely opening a utility account

Storage of Utility Account sensitive information.

Detection (Red Flags):

The Town of Ladoga adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary

Identification documents appear to be altered

Photo and physical description do not match appearance of applicant

Personal information provided by applicant does not match other sources of information (e.g. credit reports, Drivers License invalid, SS# not issued or listed as deceased. Date of birth inconsistent with physical appearance of applicant.)

Applicant request utility service be continued with former customers name and/or billing information.

Other information is inconsistent with information on file provided by applicant

Application appears altered or destroyed and reassembled

Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application)

Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager)

SS#, address, or telephone # is the same as that of other customer at utility.

Customer fails to provide all information requested

Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet

Identity theft is reported or discovered

An account that has been inactive for over six month is re-activated via telephone.

Mail sent to a covered account is returned repeatedly as undeliverable although utility usage continues.

Utility office is notified by customer, a victim of identity theft, a law enforcement authority or another person that a fraudulent utility service account has been opened for a person engaged in identity theft.

Response to Prevent and Mitigate Identity Theft

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

Ask applicant for additional documentation

Monitor account and document any suspicious activity via work order.

Contact customer if change is made via third party.

Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of customer or potential customers identity must notify Ladoga Clerk-Treasurer.

Notify law enforcement: The utilities will notify the Ladoga Town Marshal at 765-942-2531 or Montgomery County Sheriff Dept at 765-362-0885 of any attempted or actual identity theft.

Do not open the account

Close the account

Do not attempt to collect against the account but notify authorities.

Each response will be tailored to the present situation.

Personal Information Security Procedures

The Town of Ladoga adopts the following security procedures:

1. Red Flag checklist will be completed at the time of utility application and attached to application.
2. All tenants must provide a copy of signed lease at time of application.
3. Applications from Bank foreclosed properties must have a letter of request for service on Bank letterhead or Real Estate Broker letterhead.
4. If person name who is filing application is different from applicant name, applicant must be contact and verification made before account is opened.
5. Paper documents, files, and electronic media containing secure information will be stored in locked file cabinets. File cabinets will be stored in a vault room.
6. Only specially identified employees with a legitimate need will have keys to the vault room and cabinet.
7. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
8. Employees are not to leave sensitive papers out on their desks when they are away from their workstations.
9. Employees store sensitive papers in locked files when leaving their work area.
10. Employees log off their computers when leaving their work areas.
11. Employees lock file cabinets when leaving their work areas.

12. Employees will lock file room doors when leaving their work area.
13. Access to offsite storage facilities is limited to employees with a legitimate business need.
14. Any sensitive information shipped using outside carriers or contractors will be encrypted.
15. Any sensitive information shipped will be shipped using a shipping service that allows tracking of the delivering this information.
16. Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the utilities.
17. No visitor will be given unescorted access to the office.
18. Computer log on passwords will be required.
19. Access to sensitive information will be controlled using "strong" passwords.
20. Employees will choose passwords with a mix of letters, numbers, and characters.
21. User names and passwords will be different.
22. Passwords will be changed at least monthly.
23. Passwords will not be shared or posted near workstations.
24. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
25. When installing new software, immediately change vendor-supplied default passwords to a more secure strong password.
26. Sensitive information that is sent to third parties over public networks will be encrypted.
27. Sensitive information that is stored on computer network or portable storage devices used by your employees will be encrypted.
28. Email transmissions within your business will be encrypted if they contain personally identifying information.
29. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily.
30. When sensitive data is received or transmitted, secure connections will be used.
31. The computer network will have a firewall where your network connects to the Internet.
32. Check references or do background checks before hiring employees who will have access to sensitive data.
33. New employees sign an agreement to follow your company's confidentiality and security standards for handling sensitive data.
34. Access to customer's personal identity information is limited to employees with a "need to know".
35. Procedures exist for making sure that workers who leave your employ or transfer to another part of the company no longer have access to sensitive information.
36. Employee training on risk management will be held every six months.
37. Employees will be alert to attempts at phone phishing.
38. Employees are required to notify the general manager immediately if there is a potential security breach.
39. Service providers notify you of any security incidents they experience, even if the incidents may not have led to an actual compromise of our data.

40. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
 41. Paper records will be shredded before being placed into the trash.
 42. Paper shredders will be available at each desk in the office, next to the photocopier.
 43. Any data storage media will be disposed of by shredding, punching holes in, or incineration.
- IDT Policy will be re-evaluated on a yearly basis to insure relevancy. Policy administrator will
44. submit a written report with any policy amendment recommendations. IDT Policy will be adopted on an annual basis.

Identity Theft prevention program Review and Approval

This plan has been reviewed and adopted by the Ladoga Town Council. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

Signatures:

1. Sandra E. Powers
Sandra Powers, Board President
Date 4-29-09
2. Lester Miles
Lester Miles, Board member
Date 4-29-09
3. Jeremy Chadwick
Jeremy Chadwick, Board member
Date 4-29-09

A report will be prepared annually and submitted to the above named senior management or governing body to include matters related to the program, the effectiveness of the policies and procedures, the oversights and effectiveness of any third party billing and account establishment entities, a summary of any identity theft incidents and the response to the incident, and recommendations for substantial change to the program, if any.

A RESOLUTION RESTRICTING ACCESS TO THE LADOGA TOWN HALL

WHEREAS, at the Ladoga Town Hall, the Clerk-Treasurer of the Town of Ladoga, Indiana, maintains various records, including but not limited to employees' personnel and medical records and the financial and other personal information of utility customers, which records are made confidential pursuant to state and federal laws, including Indiana Code 5-14-3-4 and the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Fair and Accurate Credit Transactions ("FACT") Act of 2003 and its "red flag" identity theft rules; and

WHEREAS, the Ladoga EMS/Fire Department is also located at the Town Hall, and it stores its fire and rescue equipment and vehicles in a garage there; and

WHEREAS, the Ladoga EMS/ambulance service also stores medicines and controlled substances at the Town Hall; and

WHEREAS, because of the configuration of the Town Hall building, it is not possible to have separate and/or secured access to the premises for persons other than Town and Fire Department employees or members of the general public during business hours,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that for reasons of public health, safety and welfare, access to the Ladoga Town Hall shall be restricted to Town and Fire Department employees and to members of the general public during business hours only.

This Resolution is effective immediately.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 23rd DAY OF September, 2009, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST, WITH 0 ABSTAINING.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy L. Chadwick

Attachment:



#2009-7R: Notice to Clark Township Advisory Board and Trustee

AN ORDINANCE AUTHORIZING
PREAPPROVED PAYMENT OF CERTAIN CLAIMS

WHEREAS, Indiana Code 36-5-4-12 provides the conditions under which a warrant for pre-approved payment of a claim against towns may be issued and paid; and

WHEREAS, Indiana Code 36-5-4-12 reads:

Preapproved payments of claims

Sec. 12. (a) The legislative body of a town may adopt an ordinance allowing money to be disbursed under this section for lawful town purposes.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over allowance of the claim, a town fiscal officer may make claim payments in advance of a board allowance for the following types of expenses if the town legislative body has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from:
 - (A) the United States government; or
 - (B) an agency or a political subdivision of the United States government.
- (2) License fees or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) Federal grant programs if:
 - (A) advance funding is not prohibited; and
 - (B) the contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance agreements or service agreements.
- (8) Lease agreements or rental agreements.
- (9) Principal and interest payments on bonds.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer.

(d) The town legislative body or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the body's or board's next regular or special meeting following the preapproved payment of the expense.

As added by P.L.32-1992, SEC.7. Amended by P.L.69-1995, SEC.11.

WHEREAS, the Town Council of Ladoga, Indiana, believes it is in the best interest of the Town and will minimize the chances of disruption of vital services of the Town to permit the Town Fiscal Officer to make payment of certain claims in advance of review and approval by the Town Council, and Indiana Code 36-5-4-12 authorizes such payment in certain situations; and

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED, THAT:

Section 1. No claim against the Town of Ladoga shall be paid unless the claim complies with Indiana Code 36-5-4-4, 36-5-4-6, 36-11-10, and any other applicable law.

Section 2. However, pursuant to Indiana Code 36-5-4-12, certain claims may be paid by the Town Fiscal Officer prior to the review and allowance of those claims by the Town Council, provided that the Council approves those claims at its next regular meeting. The types of expenses eligible for pre-

approved payment are those listed in Indiana Code 36-5-4-12(b). The Town Fiscal Officer is authorized by this ordinance to pay any and all of those claims listed in Indiana Code 36-5-4-12(b), and as same may be amended from time to time in the future, prior to allowance of those claims by the Town Council.

Section 3. Pursuant to the authority given to the Council by Indiana Code 36-5-412(b)(13), the Town Fiscal Officer is also authorized by this ordinance to pay any and all claims incurred by the Town in the usual course of its business, in the event that a quorum of the Town Council is not present at a regular meeting to authorize payment of those claims, provided that the Council must approve same at its next regular meeting, pursuant to statute.

Section 4. This ordinance shall be effective upon passage.

Adopted this 29th day of February , 2012.

LADOGA TOWN COUNCIL:

ATTEST:

Ivan Jack Vaught

Viki L. Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

James B. Cox

A RESOLUTION ADOPTING RULES REGARDING NEPOTISM
FOR THE TOWN OF LADOGA

WHEREAS, in 2012 the Indiana Legislature passed, and the Governor signed, HEA 1005 concerning nepotism in municipal employment;

WHEREAS, IC 36-1-20.2, as added by P.L. 135-2012, SECTION 7, requires municipalities to establish a policy concerning nepotism;

WHEREAS, IC 36-1-21, as added by P.L. 135-2012, SECTION 8, requires municipalities to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, these two new chapters, IC 36-1-20.2 “Nepotism” and IC 36-1-21 “Contracting with a Unit” are effective July 1, 2012;

WHEREAS, in these new statutes, municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new statutes;

WHEREAS, in these new statutes “relative” is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half- brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law;

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Ladoga Town Council, as the municipal legislative body of the Town of Ladoga, Indiana, believes it is in the best interests of its citizens to adopt as its policies the minimum requirements of IC 36- 1-20.2 “Nepotism” and IC 36-1-21 “Contracting with a Unit” as stated in the said new chapters of the Indiana Code;

NOW THEREFORE, the Common Council of the Town of Ladoga (“Town” resolves as follows:

Section A. “Nepotism” and “Contracting with a Unit by a Relative” policies.

1. The Town finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town and in contracting with the Town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively.
2. On July 1, 2012 the Town shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter “Nepotism Policy”) and IC 36-1-21 (hereinafter “Contracting with a Unit by a Relative Policy”) and implementation of those policies will begin on that date.
3. The Town Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements and provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein.

A copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto for reference.

4. The Town Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements and provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. A copy of the IC 36-1-21 Nepotism in effect on July 1 is attached hereto for reference.
5. The Town finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are “more stringent or detailed” and that more detailed requirements are advisable.
6. The Town therefore finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of that body, and therefore without such authority by the majority of that body he/she will not be in the direct line of supervision. [See IC 36-4-6-11 and IC 36-5-2-9.4]
7. The Town finds that a single member of a governing body with authority over employees in the Town cannot act for that governing body to make work assignments, determine compensation, hear or file grievances, and evaluate advancement or performance without prior authority of a majority of that body when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision.
8. All elected and appointed officials and employees of the Town are hereby directed to cooperate fully in the implementation of the policies created by this Resolution and demonstrating compliance with these same policies.
9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation of Town employment rules and may result in the transfer or discipline, including termination, of an employee or some other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, compliance and certifications of either the Nepotism Policy may be subject to further action allowed by law.
10. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or some other curative action. An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, compliance and mandated certifications of the Contracting with Unit by a Relative Policy may be subject to further action allowed by law.
11. The policies created by this Resolution are hereby directed to be implemented by any of the following actions: a) posting a copy of this Resolution in its entirety in at least one of the locations in the Town where it posts employer posters or other notices to its employees; b) providing a copy of this Resolution/ to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Resolution; or d) any such other action or actions that would communicate the policies established by this Resolution to its employees and elected and appointed officials. Upon

taking any of these notification actions, these policies are deemed implemented by the Town.

12. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, shall be kept on file in the office of the Clerk-Treasurer for the Town for public inspection as maybe required by IC 36-1-5-4.

Section B. (1) All other provisions of the Town Code and employment policies not in conflict with this Resolution shall remain in full force and effect.

(2) The subsequent invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

(3) This Resolution shall be in full force and effect upon adoption.

(4) All Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Resolutions.

Adopted by the Ladoga Town Council this 9th day of June , 2012.

Ivan Jack Vaught

James B. Cox

Attest:


Viki L. Powers
Clerk-Treasurer

Supporting Documentation:

 +/- Indiana Code Chapter 20.2, Nepotism, Page 1

 +/- Indiana Code Chapter 20.2, Nepotism, Page 2

 +/- Indiana Code Chapter 20.2, Nepotism, Page 3

 +/- Indiana Code Chapter 20.2, Nepotism, Page 4 and
Chapter 21, Contracting With a Unit, Page 1

+/- Indiana Code Chapter 21, Contracting With a Unit, Page 2

+/- Indiana Code Chapter 21, Contracting With a Unit, Page 3

A RESOLUTION ESTABLISHING THE ROSTER OF EMPLOYEES
OF THE TOWN OF LADOGA AS OF JULY 1, 2012

WHEREAS, in 2012 the Indiana Legislature passed, and the Governor signed, HEA 1005 concerning nepotism in municipal employment;

WHEREAS, these two new chapters, IC 36-1-20.2 “Nepotism” and IC 36-1-21 “Contracting with a Unit” are effective July 1, 2012;

WHEREAS, the Town of Ladoga has adopted, by resolution, that includes the requirements set forth in those new statutes;

WHEREAS, I.C. 36-1-20.1-2 reads as follows:

An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

(1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

(2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time;

WHEREAS, I.C. 36-1-20.1-5 reads as follows:

As used in this chapter, “employed” means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit;

WHEREAS, the Ladoga Town Council would like to establish definitively, by resolution, which employees (as defined by said statute) are employed by the Town as of July 1, 2012 and are therefore not subject to those statutes.

NOW THEREFORE, the Common Council of the Town of Ladoga resolves as follows:

Section A. For purposes of I.C. 36-1-20.1, the following individuals are “employees” of the Town of Ladoga, including its municipal utilities, as “employed” is defined by I.C. 36-1-20.1-5:

FULL TIME EMPLOYEES:

Viki L. Powers	Clerk-Treasurer
Lester Miles	Council Member
James Byron Cox	Council Member/President
Ivan Jack Vaught	Council Member
Donald Long	Utility Employee
Roger Perry	Utility Employee
Keith Keck	Utility Employee
Amy J. Holladay	Utility Billing Clerk

PART TIME EMPLOYEES:

Michael Hunley	Marshal
Michael R. Needham	Marshal
Todd Walsh	Marshal
Richard Todd	Marshal
Darin Bechtel	Marshal

ON CALL-TEMPORARY/RELIEF OFFICE HELP:

Reggie Perry	Temp On Call
Rory Perry	Temp On Call
Ray Perry	Temp On Call
Anthony Hedge	Temp On Call
Lucas Long	Temp On Call
Cale Powers	Temp On Call
Sandra E. Powers	Temp Office Relief
Victoria Coudret	Temp Office Relief
Amber L. Powers	Temp Office Relief

Section B. (1) All other provisions of the Town Code and Town employment policies not in conflict with this Resolution shall remain in full force and effect.

(2) The subsequent invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

(3) This Resolution shall be in full force and effect upon adoption.

(4) All Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Resolutions.

Adopted by the Ladoga Town Council this 27th day of June , 2012.

James B. Cox

Lester Miles

Attest:

Viki L. Powers
Clerk-Treasurer

RESOLUTION 2012-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (“ADA”) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, the Town of Ladoga, Indiana, is committed to the ADA and the elimination of barriers to public facilities; and

WHEREAS, it is the policy of the Town of Ladoga not to exclude qualified individuals with disabilities from participation in or benefiting from the services, programs, or activities of the Town nor to discriminate against a qualified individual with a disability in its job application procedures, in the hiring, advancement or discharge of employees, in employee compensation, and in job training and other terms, conditions and privileges of employment, and

WHEREAS, in compliance with Title II of the ADA, the Town of Ladoga must name an ADA coordinator, and

WHEREAS, in compliance with Title II of the ADA, the Town of Ladoga must adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA; and

WHEREAS, in compliance with Title II of the ADA, the Town of Ladoga must publish notice to the public regarding the ADA; and

WHEREAS, in compliance with Title II of the ADA, the Town of Ladoga must publicly post the ADA coordinator’s name, office address, and telephone number along with the ADA notice and ADA grievance procedure.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, MONTGOMERY COUNTY, INDIANA THAT:

Section A. In compliance with the Americans with Disabilities Act of 1990 (“ADA”):

The Ladoga Clerk-Treasurer is hereby designated as the Town officer responsible for the

1. Town’s overall compliance with the ADA.

The Ladoga Utility Superintendent is hereby designated as the ADA coordinator for the

2. Town of Ladoga

The notice under the ADA, a copy of which is included in the Facilities Transition Plan and as revised from time to time, is hereby adopted as the Town of Ladoga’s notice under the

3. ADA
- The Town of Ladoga’s grievance procedure under the ADA, a copy of which is included in the Facilities Transition Plan and as revised from time to time, is hereby adopted as the
4. grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of service activities, programs or benefits by the Town of Ladoga
- In compliance with Federal and state laws as set forth above, the Town Council resolves to post the required information regarding the ADA coordinator notice under the ADA and
5. Town of Ladoga’s Grievance Procedure under the ADA at the Town Hall and at such other locations as may be determined from time to time or required by law

Section B. (1) All other provisions of the Town's code, regulations and policies not in conflict with this Resolution shall remain in full force and effect.

- (2) The subsequent invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.
- (3) This Resolution shall be in full force and effect upon adoption.
- (4) All Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed concurrent with the applicable effective date set forth in this Resolutions.

Adopted by the Ladoga Town Council this 8th day of December , 2012.

Lester Miles

James B. Cox

Attest:

Viki L. Powers

Clerk-Treasurer

AN ORDINANCE ESTABLISHING A CAPITAL ASSET POLICY
FOR THE TOWN OF LADOGA

WHEREAS, the Town of Ladoga, Indiana, has been advised by the Indiana State Board of Accounts of the necessity of creating a Capital Asset Policy; and

WHEREAS, the Town Council of the Town of Ladoga, Indiana, believes the creation of such a policy in order to track and keep an inventory of the assets belonging to the Town is in the best interests of the citizens of the Town and ensures efficient administration of the Town and its assets.

BE IT THEREFORE ORDAINED by the Town Council of the Town of Ladoga, Indiana, that the following Capital Asset Policy of the Town of Ladoga shall be and hereby is adopted, as follows:

SECTION I

General Information

The Fixed Asset Policy is being issued retroactive effective January 1, 20 14. The new policy will be referred to as the **Capital Asset Policy**. This Policy is being issued to document the minimum value of capital assets to be reported on the Town's financial reports and to include infrastructure assets. This issuance of a policy document is related to the implementation of a new reporting model, Governmental Accounting Standards Board Statement 34. Statement 34 will require the Town to depreciate capital assets. The capital asset threshold will be \$2,000. An asset with a value under \$2,000 will be expensed in the year of purchase. The infrastructure portion of this policy is also effective January 1, 20 14 .

Ladoga Town Utilities will follow this same definition of capital assets except any item with a unit cost of \$2,000 or more shall be capitalized. Assets that are not capitalized (items < \$2,000) shall be expensed in the year of acquisition. Town Utilities will also follow the capitalization guidelines of the Indiana State Board of Accounts.

The Town of Ladoga is, by this Ordinance, establishing a Capital Asset Policy in order to provide a higher degree of control over its considerable investment in capital assets, and to be able to demonstrate accountability to its various constituencies: citizens, rate-payers, oversight bodies and regulators. All public information pertaining to capital assets will be made available in the Comprehensive Annual Financial Report (CAFR).

The purpose of establishing a Capital Policy is fivefold:

1. to safeguard the investments of the taxpayers and ratepayers of Ladoga,
2. to fix responsibility for the custody of municipal equipment,
3. to provide a basis for formulating capital asset acquisition, maintenance and retirement policies,

4. to provide data for financial reporting, and

5. to demonstrate appropriate stewardship and responsibility for public assets.

This policy will serve only to classify capital assets, including fixed ones and infrastructure, for accuracy in financial reporting through the Indiana State Board of Accounts. It does not include data processing, programming requirements, or computer operations procedures.

SECTION II

Definition of Capital Assets

Capital assets include: land, land improvements including monuments, buildings, building improvements, construction in progress, machinery, equipment, vehicles, and infrastructure. All land will be capitalized but not depreciated. All items with a useful life of more than one year and having a unit cost of \$2,000 or more shall be capitalized (including acquisitions by lease-purchase agreements and donated items). A capital asset meeting the criteria set by this policy will be reported and depreciated in the government-wide financial statements.

Assets that are not capitalized (items < \$2,000) shall be expensed in the year of acquisition. An inventory will be kept on all computers and other equipment with a capitalized cost of < \$2,000 (See Section VIII). Special exceptions to this policy are:

- a. items costing less than the above limits which are permanently installed as a part of the cost of original construction or installation of a larger building or equipment unit will be included in the cost of the larger unit,
- b. modular equipment added subsequent to original equipment construction of a larger building or equipment unit which may be put together to form larger units costing more than the prescribed limits will be charged to capital assets even though the cost of individual items is less than such units, and
- c. cabinets, shelving, bookcases, and similar items, added subsequent to original construction, which are custom made for a specific place and adaptable elsewhere, will be capitalized.

Purchases made using grant funds or donations must comply with their grant or donation requirements or with the above procedures, whichever are the most restrictive.

SECTION III

Threshold levels for capital assets

The following schedule will be followed for the different types of capital assets other than infrastructure assets:

Capitalize/Depreciate If Over

Land	All/Capitalize only
Land Improvements	\$2,000
Buildings	\$2,000
Building Improvements	\$2,000
Construction in Progress	All/Capitalize only
Machinery and Equipment	\$2,000
Vehicles	\$2,000
Utility Assets	\$2,000

SECTION IV

Valuation of Capital Assets

Capital assets must be recorded at actual cost. Normally the cost recorded is the purchase price or construction cost of the asset, but also included are any other reasonable and necessary costs incurred to place the asset in its intended location and ready for its intended use. Such costs could include the following:

- legal expenses, title fees, closing costs,
- appraisal and negotiation fees, surveying fees,
- environmental site assessments,
- damage payments, condemnation payments
- land preparation costs, demolition costs,

- architect, engineering, financial consultant, construction management, and accounting fees,

- insurance premiums during construction,
- transportation charges, and
- interest costs during construction.

Donated or contributed assets should be recorded at their fair market value on the date donated.

SECTION V

Asset Definitions by Major Category

It is important to the maintenance of accurate records that each asset category be precisely defined and that all persons responsible for records maintenance be fully aware of the categorization system. This section further clarifies the asset definitions by major category.

Land

Land is defined as specified real estate, lots, parcels or acreage including rights of way, owned by the Town of Ladoga, its various departments, boards or authorities, regardless of the method or date of acquisition. Easements and rights-of-way will not be included because the Town does not own them but simply has an interest in that land owned by another property owner that entitles the Town to a specified limited use of that land.

Improvements Other Than Buildings

Examples of municipal assets in this category are sidewalks, parking areas, driveways, fencing, retaining walls, pools, fountains, planters, underground sprinkler systems, and other similar items.

Examples of utility assets in this category are supply mains and pipes, collection sewers, wells, dams, lift stations, fences, intake pipes, manholes, and fire hydrants.

Buildings

All structures designed and erected to house equipment, services or functions are included. This includes systems, services, and fixtures within the buildings, and attachments such as porches, stairs, fire escapes, canopies, areaways, lighting fixtures, flagpoles, and all other such units that serve the building.

Plumbing systems, lighting systems, heating, cooling, ventilating and air handling systems, alarm systems, sound systems, surveillance systems, passenger and freight elevators, escalators, built-in casework, walk-in coolers and freezers, fixed shelving, and other fixed equipment are included with the building, if owned. Communication antennas and towers are not included as buildings: these are equipment, defined below.

Equipment

Equipment includes all other types of physical property within the scope of the Fixed Asset Management System not previously classified. Included within this category are office equipment, office furniture, appliances, furnishings, machinery items, maintenance equipment, communication equipment, police, fire, street, sanitation and park department equipment, laboratory equipment, vehicles, road equipment, aircraft, emergency equipment, earth moving equipment, civil defense equipment, and data processing equipment. All supplies and consumables serving equipment are not capital assets and are excluded.

Infrastructure

Infrastructure assets are long-lived capital assets that normally can be preserved for a significant greater number of years than most capital assets and that are normally stationary in nature. Examples include roads, streetlights, traffic signals, drainage systems, and storm- and wastewater systems. Infrastructure assets do not include buildings, drives, parking lots, or any other examples given above that are incidental to property or access to property.

Additions and improvements to infrastructure which increase the capacity or efficiency of the asset

shall be capitalized. Maintenance and repairs shall be considered as necessary to maintain the existing asset, and therefore shall not be capitalized. For example, patching, resurfacing, and snow removal are considered maintenance activities and will be expensed. Also, normal department operating activities related to infrastructure, such as feasibility studies and preliminary engineering and design, shall be expensed and not capitalized as an element of the infrastructure asset.

Alleys will not be included as infrastructure because existing improved alleys will simply be maintained as alleys, and the Town is responsible only for basic maintenance, such as patching and repairing, of those alleys. Therefore, the Town will not track and value alleys, and patching or repairs of alleys will be expensed as they occur.

The retroactive reporting requirements for infrastructure of GASB 34 requires the Town to report items put into service from 1980 forward, and gives the Town the option to report items put into service prior to 1980. The Town hereby elects report only on items put into service after 1980.

SECTION VI

Depreciation Methods

The Town shall depreciate capital assets by using the straight-line method. Salvage value will be determined on an asset-by-asset basis. Depreciation will be calculated at year-end. Land is not depreciated according to general accepted accounting principles.

A network of assets is composed of all assets that provide a particular type of service for government. A subsystem of a network of assets is composed of all assets that make a similar portion or segment of a network of assets. The following will be the breakdown of the Town’s networks and subsystems:

Roads/Streets Network

- Subsystems: Types of Streets
- Curbs

Traffic Components Network

- Subsystems: Traffic Signals

Straight-line Depreciation

All assets accounted for under the Capital Asset Policy will be depreciated using the straight-line method of depreciation. A gain or loss on disposal will be recorded. Following is a list of the most common useful lives:

- Vehicles – 5 years
- Office Equipment – 5 years
- Office Furniture – 20 years
- Heavy Equipment – 10 years

Fire Trucks – 15 years

Buildings – 50 years

Building Components (HVAC systems, roofing) – 20 years

Leasehold Improvements – useful life of asset or lease term (whichever is shorter)

Land Improvements – structure (parking lots, athletic courts, swimming pools) – 20 years

Land Improvements – ground work (golf course, athletic fields, landscaping, fencing) – 20 years

Outdoor Equipment – (playground equipment, radio towers) – 15 years

Grounds Equipment – (mowers, tractors, attachments) – 15 years)

Computer Hardware – 3 years

Computer Software – 5 years

Traffic Signals – 25 years

Flood Walls/Gates – 50 years

Roads:

Cement – 10 years

Gravel – 15 years

Concrete – 30 years

Asphaltic Concrete – 20 years

Brick or Stone – 50 years

Town Utilities assets' useful lives are as follows:

Sewer/Wastewater Utility

Buildings and Improvements – 50 years

Sewer Lines – 50 years

Lift Station – 50 years

Treatment Plant/Equipment – 10 years

Office Equipment – 5 years

Miscellaneous Operating Equipment – 5 years

Vehicles – 5 years

Water Utility

Buildings and Improvements – 50 years

Water Lines – 50 years

Plant/Equipment – 10 years

Office Equipment – 5 years

Miscellaneous Operating Equipment – 5 years

Vehicles – 5 years

Stormwater Utility

Buildings and Improvements – 50 years

Stormwater Lines – 50 years
Lift Station – 50 years
Treatment Plant/Equipment – 10 years
Office Equipment – 5 years
Miscellaneous Operating Equipment – 5 years
Vehicles – 5 years

Electric Utility

Buildings and Improvements – 50 years
Transmission Lines – 50 years
Transformers – 20 years
Treatment Plant/Equipment – 10 years
Office Equipment – 5 years
Miscellaneous Operating Equipment – 5 years
Vehicles – 5 years

SECTION VII

Capital Asset Acquisitions The method of acquisition is not a determining factor. Each department should report items acquired by:

regular purchase,
lease purchase – see below,
construction by Town personnel,
construction by an outside contractor,
litigation/condemnation/dispute resolution,
donation/contribution,
addition to an existing asset,
transfer from another department,
trade or barter, or
annexation.

Leased equipment should be capitalized if the lease agreement meets any one of the following criteria:

The lease transfers ownership of the property to the lessee by the end of the lease term,
The lease contains a bargain purchase option,
The lease term is equal to 75 percent of the estimated economic life of the leased property, or
The present value of the minimum lease payments at the inception of the lease, excluding executory costs, equals at least 90 percent of the fair value of the leased property.

Leases that do not meet any of the above criteria should be recorded as an operating lease and reported in the notes of the financial statements.

SECTION VIII

Asset Transfers and Dispositions

Property should not be transferred, turned-in for auction, or disposed of without prior approval of the department head and the body responsible for fiscal oversight of that department, in addition to any requirements of state law for transfer or disposition of municipal assets. A Vehicle/Equipment Outprocessing checklist should be delivered to the Clerk-Treasurer's office in all such cases. This form should be a dual-purpose form for transfer (defined as any movement of an asset by virtue of change in location, either by account, department, building, floor, or room) or retirement (disposal) of property.

Users of this form should:

- always provide sufficient detail to properly identify the asset, most importantly the asset's tag number or Town identification number

- be accurate and do not overlook any of the needed entries

- write legibly

- complete each column for every asset listed on the form

- enter information in correct row, depending on whether the asset is being transferring or retired

- have department head sign the form

- return the form to the Clerk-Treasurer's office

If an asset is believed to have been stolen, the department should notify the police department as well as the Clerk-Treasurer's office.

SECTION IX

Periodic Inventories

A physical inventory of all capital assets (any item over \$2,000) shall be conducted in each department on or about December 31 of every year. The Clerk-Treasurer's office should also conduct spot inventory checks on a random basis. Department heads will be accountable for the capital asset inventory charged to their departments by verifying a list of their capital assets at year-end.

SECTION X

Responsibilities of Clerk-Treasurer's Office

The Clerk-Treasurer's Office will ensure that accounting for capital assets is being exercised by establishing a Town capital asset inventory, both initially and periodically in subsequent years. The Clerk-Treasurer's Office will further update the capital asset report annually to reflect additions,

retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculation.

SECTION XI

Responsibilities of Department Heads

It is the responsibility of the department head to act as or designate a steward for each piece of property. The steward shall be the contact person for questions regarding the availability, condition, and usage of the asset, as well as the contact during the annual physical inventory process.

The steward shall record the receipt of an asset, examine the asset to make sure that no damage was incurred during shipment and delivery, and make sure that the asset was received by the department in working order.

The steward shall also arrange for any necessary maintenance or repairs to keep the asset in working condition, and he or she shall be available for questions that arise during a physical inventory or if someone wants to borrow or remove the asset from the premises. The steward ensures that the asset is used for the purpose for which it was acquired and that there is no personal or unauthorized use. In addition, the steward should report any damage to or theft of the asset.

SECTION XII

This Ordinance shall remain in full force and effect from and after its passage. This Ordinance replaces and repeals any previous ordinances or parts of ordinances concerning capital assets or that is in conflict with this Ordinance. In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 26th day of February, 2014.

LADOGA TOWN COUNCIL:

Lester Miles

Ivan Jack Vaught

James B. Cox

ATTEST:

Viki L. Powers

Viki Powers, Clerk-Treasurer

RESOLUTION 2012- 2
TOWN OF LADOGA
TOWN COUNCIL
RULES FOR GENERAL PUBLIC COMMENT

WHEREAS, the Ladoga Town Council takes the free speech rights of citizens seriously, but in order for Town business to be accomplished in fair and timely manner, and in order for all citizens to have a reasonable opportunity to be heard during periods of public comment, it is necessary to have reasonable rules of procedure for public comment during meetings and hearings, and

WHEREAS, these rules shall be applied in a content- and viewpoint-neutral manner, and

WHEREAS, these rules apply to public speakers and not to agents and officials of the Town who are acting in their official capacities at Town meeting,

THEREFORE, the Council adopts the following standing public comment rules that apply at all meetings and public hearings of the Town:

1. All public remarks must be addressed to the Town Council only, not to other members of the audience;
2. Only one person may speak at a time, and that speaker must be specifically recognized by the Council President;
3. Any questions directed to the speaker must come from the Council or Clerk-Treasurer, not from other members of the audience;
4. All comments must be restricted to the matter being discussed or for which the speaker was recognized;
5. Speakers must refrain from shouting, using obscenities, or other disruptive behavior;
6. Speakers shall use no more than three (3) minutes, excluding time to answer questions from the Council, unless that time is extended by the Council President or by vote of majority of the Council;
7. The Council President, not the audience or anyone else, determines when a speaker's time expires or whether a speaker is out of order;
8. No speaker should speak more than once on a single matter, except with permission of the Council President or by vote of majority of the Council;
9. Written comments directed to the Council are encouraged on any matter, especially matters that involve technical or financial data; and

10. Persons who fail to observe these rules may not be permitted to speak and/or may be removed from the meeting.

From time to time, specialized meetings (such as “question and answer” sessions with engineers about construction projects) may require that these rules be modified, in which case the Council President or the majority of the Council may establish special rules for the conduct of that particular meeting and shall announce those special rules at the beginning of the meeting.

A reasonable number of copies of this resolution shall be made available for public inspection at all Council meetings.

This resolution shall be effective upon passage.

Adopted by the Ladoga Town Council this 25th day of April , 2012.

Lester Miles

James B. Cox

Attest:

Viki L. Powers
Clerk-Treasurer

Town of Ladoga

Resolution Number 2-1994

WHEREAS the Town of Ladoga has no formal policy regarding paid holidays for its employees;

THEREFORE BE IT RESOLVED THAT all permanent full-time employees of the Town of Ladoga will receive the following holidays off with full pay and benefits:

New Year's Day
Good Friday
Memorial Day (Observed)
Independence Day
Labor Day (Observed)
Veteran's Day
Thanksgiving Day
The day following Thanksgiving Day
The afternoon of Christmas Eve
Christmas Day
The afternoon of New Year's Eve

FURTHER BE IT RESOLVED THAT if one of the above holidays occurs on a Saturday or Sunday, that holiday will be observed on the following Monday.

Robert C. Boots
Robert C. Boots
Council President

**TOWN OF LADOGA
DRUG-FREE WORKPLACE POLICY**

RESOLUTION NO. 1998-1

Editor's Note: The following text has been incorporated in the [Ladoga Personnel Policies Document](#).

BE IT HEREBY RESOLVED:

The Town of Ladoga, hereinafter the "Town," hereby declares its substance abuse policy and commitment to providing its employees a safe working environment, and to ensure that employees and practices comply with health and safety standards. The Town is concerned about, and dependent upon, the physical and psychological health of its employees and the intention of this policy is to clarify the standard of conduct expected of all employees in the performance of their responsibilities. Due to the small size of the Town, and the nature of its business, it is essential that the Town employees understand and agree to adhere to the following "zero tolerance" policy, Compliance with this policy is a condition of employment for all present and future Town employees,

Violation of any provision of this substance abuse policy will be considered just cause for disciplinary action, up to and including discharge. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action, up to and including discharge.

This policy and related procedures may be modified by the Town at any time in order to comply with any applicable federal, state, or local laws or to better serve the needs of the Town.

The Town requires that all employees report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems, thereby affecting job performance..

Employees who are in a condition which impairs their ability to perform their job, endangers the safety of themselves, or others, may cause equipment or property damage or otherwise expose the Town to potential liability, will not be allowed to continue working or remain in the workplace.

For purposes of this policy, impairment is defined as the inability to perform one's job in the manner prescribed for that function or in accordance with established practices. Such impairment may include the inability to use or operate equipment or tool properly, to communicate clearly, to exercise reasonable judgement in making decisions, to interface with other employees or contacts in an appropriate manner, or other inappropriate personal behavior. Such impairment, when caused by drug or alcohol abuse, is a violation of this policy.

In cases of employee impairment, the following action may be taken:

1. If the employee's impairment endangers his or her own safety or that of others, the employee will be taken to a medical facility to obtain a medical evaluation and treatment. If a medical evaluation indicates there is a reasonable suspicion that the impairment is drug or alcohol related, the employee may be asked to submit to alcohol or drug testing.
2. If the employee's condition is impaired, but does not appear to endanger his or her own safety or

the safety of others, the employee will be required to leave the workplace for the remainder of the workday. If there is more than one instance where the employee is judged to be impaired, and there is reasonable suspicion that the impairments are drug or alcohol related, the employee will be asked to submit to a medical evaluation, which may include drug and/or alcohol testing.

Employees who refuse a medical evaluation or testing may be subject to disciplinary action, up to and including termination. Should an employee test positively on the initial test, a confirmatory test will be made on the same sample. If the confirmatory test is also positive, the employee may be subject to disciplinary action, up to and including termination.

At the Town's sole discretion, any employee who uses, sells, manufactures, participates in the distribution of, possesses, or is found to be under the influence of illegal drugs on Town property or in a Town vehicle is subject to disciplinary action, up to and including termination. The Town reserves the right to make a search of the Town's premises and other Town-owned property if a violation of this policy is suspected.

The effective date of this policy is 20th January, 1998.

Mike Hubble

Harold L. Lowe

Eric S. Gray

ATTEST:

Sandra E. Powers
Clerk-Treasurer

ORDINANCE NO. 1-2003

LADOGA, INDIANA

AN ORDINANCE PROVIDING EMPLOYEES HEALTH CARE INSURANCE OPTIONS

WHEREAS, the Town of Ladoga, (the "Town") as part of its employee compensation provides certain health care insurance for the employees and pays all or a part of the premiums for such insurance; and

WHEREAS, Town employees may have alternate health care insurance plans available to them; and,

WHEREAS, the Town desires to offer optional alternative plans which may benefit the employees while resulting in reduced expenses to the Town

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA:

SECTION 1. The Town may from time to time as part of the compensation plan for employees offer group health care insurance for which the town may pay all or a part of the premiums therefor. This Ordinance does not in any way limit or restrict the Town Council from renewing, extending, modifying or canceling and choosing new plans or coverage for such health care.

SECTION 2. The Town employees shall have the following options in regard to health care insurance coverage offered through the Town:

A. Town's group health care insurance plan. Elect to receive coverage under the health care insurance offered through the Town. The election to receive such coverage shall be automatic unless the employee, in writing chooses an alternative option as herein provided.

B. The limited medical reimbursement plan. An employee may file for and be reimbursed by the Town for medical health care expenses not otherwise covered by any health insurance or other plan for payment of health care expenses. Such medical reimbursement shall be limited to 100% of the annual dollar amount of current premiums the Town would otherwise pay for the group health care insurance plan for the employee had the employee not opted out of the Town's group health care insurance plan.

1. This plan shall cover the employee and designated dependants as defined by and covered under the then current Town's group health care insurance plan.

2. All claims for reimbursement shall be substantiated by fully itemized invoices and all collateral insurance or other plan for payment of health care expenses coverage documentation of payment amounts and such other information as the Town may require. Reimbursement for medical reimbursement shall be limited for medical health care as is otherwise defined and provided by the Town's group health care insurance plan and not otherwise except as to amount.

3. In the event of termination of employment the total calendar year reimbursement shall be limited

to the prorata share of the annual premium earned to date of termination under what otherwise would have been the Town's group health care insurance plan.

5. There shall be no cumulative benefits to the employee electing the optional reimbursement plan for from calendar year to year.

C. An employee may elect to opt out of the Town's group health care insurance plan and accept in lieu thereof the limited medical reimbursement plan by so designating in writing within ten (10) days of accepting employment with the Town or on or before the _____ day of _____ of each calendar year of continuing employment.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 11th day of January , 2003.
TOWN COUNCIL, LADOGA, INDIANA

Harley Barnard

Presiding Officer

Sandra E. Powers
Member

Harold L. Lowe
Member

ATTEST:

Viki L. Powers
Clerk - Treasurer (SEAL)

Resolution 2003-4

RESOLUTION FOR EMPLOYER PARTICIPATION IN THE PICK-UP OF ADDITIONAL EMPLOYEE CONTRIBUTIONS

WHEREAS, Indiana Code 5-10.2-3-2 authorizes Employers, pursuant to Section 414(h)(2) of the Internal revenue code, to pick-up and pay employee contributions to an employee's annuity savings account which are made in addition to the mandatory employee contribution (hereinafter "additional employee contributions"), in accordance with rules adopted by the Indiana Public Employees' Retirement Fund (hereinafter "Fund").

WHEREAS, the Fund has adopted a rule governing the pick-up of additional employee contributions by Employers at 35 IAC 11 ("Elective Payroll Deductions for Additional Contributions") (hereinafter "Pick-Up Regulation");

WHEREAS, IC 5-10.2-3-2 authorizes participating Employers to withhold the additional employee contributions from an employee's wages for contribution to the member's annuity savings account, and to treat the withheld amounts as pre-tax "pick-up" contributions under Section 414(h)(2) of the Internal Revenue Code when such treatment is irrevocably elected by the employee;

WHEREAS, eligible employees of the Town of Ladoga, (hereinafter "Employer") participate in the Indiana Public Employees' Retirement Fund; and,

WHEREAS, it is the Employer's desire to pick-up all of the additional employee contributions made by participating employees who are members of the Indiana Public Employees' Retirement Fund;

NOW, THEREFORE, BE IT RESOLVED, that effective as of January 1, 2003, the Employer desires to pick-up all of the additional employee contributions made by employees through a binding irrevocable payroll deduction authorization. No additional employee contributions prior to the Employer's adoption of this Resolution shall be picked-up;

BE IT FURTHER RESOLVED, that said additional employee contributions for state law purposes, and withheld from pay under the terms of the Pick- Up Regulation and IC 5-10.2-3-2, are being paid by the Employer in lieu of said contributions by the employee;

BE IT FURTHER RESOLVED, that the Employer shall comply with all of the terms and provisions of the Pick-Up Regulation and applicable provisions of the Internal Revenue Code.

Unanimously passed by the Ladoga Town Council this 13th Day of December, 2003.

Harley Barnard
President

Harley Barnard,

Sandra E. Powers
Sandra E. Powers

Harold L. Lowe
Harold L. Lowe

Viki L. Powers
Viki L. Powers Clerk-
Treasurer

TOWN OF LADOGA

RESOLUTION NO. 5, 2004

BE IT KNOWN: that on the 13th day of November, 2004, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That the Council for the Town of Ladoga is authorized to approve the reimbursement of any authorized expenses incurred solely for the lawful business of the Town, including but not limited to personal motor vehicle used for transportation for any such lawful Town purposes at the mileage rate equal to the then current State reimbursement rate per mile of actual vehicle use.

Harley Barnard

Lester Miles

ATTEST:

Viki L. Powers
Clerk Treasurer

Editor's Note: A "sticky note" attached to the Resolution 5, 2004, indicates that the rate is "34¢". An image of that page follows:

+/-

#2004-5R, With Sticky Note

Editor's Note: A filed letter from 9/23/2005 discusses the State Mileage Reimbursement:

+/-

State Mileage Reimbursement

TOWN OF LADOGA

RESOLUTION NO. 8, 2004

BE IT KNOWN: that on the 11th day of December, 2004, the Ladoga Town Council passed the following Resolution.

WHEREAS, modern commerce requires prepayment in advance for certain materials and services expenses for transaction of the business of the Town and it may be an imposition for officers and employees of the Town to advance and pay such costs subject to reimbursement; and,

WHEREAS, credit or debit cards have become the norm for commerce for business costs in limited amounts

BE IT HEREBY RESOLVED: That the Council for the Town of Ladoga authorizes the Ladoga Town Clerk to apply for and obtain for the Town a Credit Card or Debit Cards, hereinafter referred to collectively as "Credit Cards", for purposes of payment of reasonable and necessary purchases of materials and services expenses incurred solely for the lawful business of the Town and not personal in nature. A reasonable "tip" or gratuity is authorized where an authorize service has been provided and is appropriate in usual business circumstances. The Town Clerk-Treasurer shall be the sole custodian of the Town Credit Card and the same shall be kept at all times when not being used for lawful Town business in the Office Safe in the Town Hall. The Clerk-Treasurer is authorized to release the Credit Card to the temporary custody of Officers and employees of the Town of Ladoga for authorized lawful procurement of materials and services for the Town. Any such temporary custody shall be for such period of time reasonably necessary for the accomplishment of the authorized Town business and the Credit Card shall thereafter be promptly returned to the custody of the Town Clerk-Treasurer for safe-keeping in the Town Hall office safe. All claims filed in connection with the use of the Credit Card shall be the responsibility of the person using the Credit Card and incurring the debt and must be itemized as provided in IC 5-11-10 for approval and payment. The submission of such claim shall be timely so payment may be made without incurring any interest, carrying charges or penalties due to late payment. The person using the Credit Card shall be responsible for payment or reimbursement to the town of any interest, carrying charges or penalties due to late payment arising out of late filing or failure to furnish documentation of the claim for approval and payment. The user of any Town Credit Card for an unauthorized or personal purpose shall be liable for payment thereof and reimbursement to the Town together with reasonable collection fees, charges and at eight (8%) percent interest until the same are paid in full.

Harley Barnard

Sandra E. Powers

Lester Miles

ATTEST:

Viki L. Powers
Clerk Treasurer

RESOLUTION # 2

STATE OF INDIANA

TOWN OF LADOGA

In the matter of establishing / adding a Deferred Compensation Plan for the **Town of Ladoga, Indiana.**

WHEREAS, the **Town of Ladoga** has considered the establishment of a Deferred Compensation Plan to be made available to all eligible employees, elected officials and independent contractors pursuant to Section 457 of the Internal Revenue Code permitting such plans; and

WHEREAS, certain tax benefits could accrue to employees participating in said Deferred Compensation Plan; and

WHEREAS, such benefits will act as incentives to employees to set aside and invest a portion of their income, on a tax deferred basis, to meet their future financial requirements and supplement their retirement and Social Security (where applicable); and

WHEREAS, by adoption of this Deferred Compensation Program through One America, Indianapolis, IN., endorsed by Indiana Association of Cities and Towns ((IACT), administrative responsibilities are hereby assumed by One America on behalf of the **Town of Ladoga**; and

WHEREAS, at the date of this resolution, the **Town of Ladoga** adopts and a new Deferred Compensation Plan document in order to provide the **Town of Ladoga** with a 457 product offered through One America, Indianapolis, IN.

NOW, THEREFORE the Town Council for the **Town of Ladoga** does hereby resolve as follows:

The **Town of Ladoga** Town Council meeting in regular session hereby adopts the One America Deferred Compensation Plan and hereby establishes the **Town of Ladoga** Deferred Compensation Plan for the employees, elected officials and independent contractors.

The Council further resolves that the plan is for the benefit of all employees. Changes in the deferral amounts once established may only be changed at the discretion of the Office of the Clerk-Treasurer and/or the **Town of Ladoga** payroll administrative office.

It is hereby further ordered that a true copy of this Resolution be placed into the records of the **Town of Ladoga's** Town Council minutes as of this date.

Signed: Sandra E. Powers

Date: 6-11-2005

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA
ESTABLISHING AN EMPLOYEE HEALTH SAVINGS PLAN

WHEREAS, the Town of Ladoga, Indiana, would like to attract and retain quality employees in order to best serve the residents and customers of the Town; and

WHEREAS, one cost-effective and tax-advantaged method of doing so is to establish a Health Savings Plan for Town employees;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that:

1. There is hereby established a Health Savings Plan ("Plan") for employees of the Town of Ladoga, Indiana ("Town").
2. The Plan shall operate as follows:
 - a. A separate Health Savings Account ("Account") shall be established for each full-time employee of the Town.
 - b. The Town shall contribute the sum of \$1,000 per calendar quarter into each Account for 2008 and 2009. For each year after 2009, the Town Council shall determine what amount, if any, to contribute to the Accounts. At the Councils discretion and with its approval, the Towns quarterly contribution to an Account may instead be made in one lump sum for the year or on any other desirable schedule, for example if an employee has a large medical claim and requires a significant payment toward his or her deductible.
 - c. The Plan shall operate as a Health Savings Custodial Account under section 223(a) of the Internal Revenue Code, and the Town and all employees with such accounts shall at all times comply with all laws, rules and regulations applicable to such accounts.
2. The Clerk-Treasurer is hereby authorized on behalf of the Town to execute all forms and agreements necessary to effectuate this Plan, specifically including IRS Form 5305-C, and is hereby designated the agent of the Town responsible for funding and maintaining its Plan and the Accounts.
3. If any part of this Resolution is later found to be invalid, all other provisions shall remain in full force and effect.
4. This resolution is effective upon passage, with the Plan to start on January 1, 2008.

RESOLVED this 8th day of December, 2007.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga,
Indiana

Lester Miles

Harley Barnard

TOWN OF LADOGA RESOLUTION 2008- 7 AMENDING RESOLUTION NO 1998-5 OF THE TOWN OF LADOGA EMPLOYEE POLICY

Be it hereby resolved by the Town Council of the Town of Ladoga that the following policies are adopted for the Town and its personnel:

Basic Objectives of the Town of Ladoga

- To plan, develop and maintain good municipal government services as authorized by statute.
- To furnish, operate and maintain high quality utility services.
- To engage in and conduct those activities necessary to provide the facilities needed to accommodate the growth of the Towns economy.
- To develop an organization of town employees who are respected for their abilities and integrity.
- To conduct all Town activities in such a manner as to merit the trust and confidence of those whom the Town serves.
- To develop throughout the town the high level of management and administrative ability needed to accomplish the Towns objectives with maximum efficiency.

Equal Employment Opportunity Policy

It is the policy of the Town of Ladoga to afford equal opportunity for employment to all individuals regardless of race, religion, color, sex, age, handicap, political affiliation or national origin. The town is committed to this policy because the adherence to the social principles of the United States of America is the only proper course of public policy. Therefore, the Town will take affirmative action to:

1. Recruit, hire, train and promote for all positions without regard to race, religion, color, sex, age, handicap, political affiliation or nation origin.
2. Make employment decisions which will further the principle of equal employment opportunity.
3. Ensure that promotion decisions are in accordance with the principles of equal employment opportunity.

4. Ensure that all personnel actions such as compensation, benefits, training and education programs will be administered without regard to race, religion, color, sex, age, handicap, political affiliation or national origin.

The successful achievement of a non-discriminatory employment program requires cooperation between the Town and its employees.

Code of Ethics

All business of the Town is to be conducted in such a manner as to create and maintain an excellent and high opinion of the conduct and character of the town employee. No action shall be performed which might serve to raise questions of criminal activity or conflict of interest in the public's perception.

1. Employees retain their lawful rights and privileges as a private citizen.
2. Employees may accept certificates, mementos and similar devices for contributions and achievements in government, civic, recreational, social, fraternal, professional, religious and comparable activities. They may also accept reasonable courtesies extended in the spirit of hospitality, which shall not be considered as compensation, a gift or gratuity. No employee shall solicit or accept a gift valued in excess of \$25.00 from an individual, company or corporation that might benefit from giving such a gift. If such a gift is offered to an employee, it shall be reported to a Council Member or the Clerk-Treasurer immediately.
3. Employees having a financial interest in a company or a substantial investment in a corporation that might benefit from their dealings with the Town shall disclose this information to the Town Council. The Council may require the employee to divest themselves of such interest or investments. Failure to abide by the Council's decision in this regard shall constitute voluntary termination of employment.
4. Employees shall not use his/her position to assist in the campaign of any candidate for office. Employees shall not campaign or solicit for any candidate during working hours. Employees shall be provided the opportunity to vote in elections.
5. When dealing with the public during course of discharging town business or services, in any form and at any time, employees will do so in a courteous and professional manner. Conduct or language that is abusive, rude, condescending or that is intended to embarrass or humiliate a citizen, another town employee or an official of the town is subject to disciplinary action that may include termination of employment.

Sexual Harassment & Other Unwanted Conduct

Scope:

This order shall apply to all personnel of all Departments.

Purpose:

The purpose of this policy is to prevent sexual harassment and other unwanted conduct in the working environment.

Application:

Noncompliance with this policy constitutes a violation of the employment duty only and shall form the basis for the employers disciplinary action from the Town. It shall not be construed as creating a higher legal standard of care for the imposition of civil liability against an employee or the Town.

General Policy:

Employees have the right to expect a working environment free of unwelcome sexual advances, request for sexual favors, communication of a sexual nature and other unwanted verbal or physical conduct.

Sexual harassment or unwanted conduct occurs:

1. When sexual conduct or communication is made that expresses or implies that compliance is a condition of obtaining employment.
2. When submission to or rejection of such conduct is used as a basis of or factor in decisions affecting the employment of any personnel.
3. When such conduct or communication has the purpose or effect of interfering with an employees duty assignment or work performance or creating an intimidating, hostile or offensive environment.

Procedure:

1. An employee who believes he/she has been subjected to Sexual Harassment or Unwanted Conduct shall report the incident, in writing, as soon as reasonably possible, but no later than (10) ten days after the alleged occurrence, to either his/her immediate supervisor, or to the Town Council or other supervisory official.
2. A written complaint of sexual harassment or unwanted conduct shall be promptly investigated by the Town Council or his/her designated supervisor. Provided, however, this person shall not be the subject of or included within the immediate Sexual Harassment or Unwanted Conduct complaint. Every effort will be made to handle all matters with concern for the principles of due process and fairness. In order to protect both the person making the complaint and the person(s) against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confidential and discreet manner.
3. A meeting shall be held between the person(s) making the complaint and the Town Council or his/her designated, as soon as possible and no later than ten (10) days following the report of the alleged occurrence(s). Following this meeting, the employee(s) against whom the complaint has

been made shall be given a full opportunity to respond to the allegations. The investigation conducted shall also include interviews, where appropriate, with other witnesses to the alleged occurrence(s) of Sexual Harassment or Unwanted conduct. Following completion of the investigation, if it is determined that Sexual Harassment or Unwanted Conduct did take place, immediate action, including discipline if appropriate, will be taken to remedy the situation and prevent its recurrence.

4. All supervisory personnel shall be expressly responsible for immediately reporting any occurrences they witness or become aware of in any area of the department.
5. Retaliatory action or conduct of any kind taken by any member of the Town against any employee as the result of that employee having sought redress under this policy is strictly prohibited and shall be regarded as a separate and distinct violation of the Towns policies and procedures.
6. Any questions, concerns or other inquiries regarding the conduct that is prohibited by this policy or the procedures contained herein shall be directed immediately to the Town Council or his/her designate.

Non-compliance:

Failure to comply with the provisions of this order may result in disciplinary action.

Safety

Each employee is required to promote safe work habits in all operations and at all times. Employees who observe or encounter an unsafe condition or conduct will stop the operation in progress until the condition or conduct is corrected. Employees shall report all accidents or incidents involving injury to a Council Member or the Clerk-Treasurer within (24) twenty-four hours of occurrence.

Conditions of Employment

1. All employees of the Town are employed at-will and serve at the pleasure of the Council, with the exception of the office deputies/assistants who serve at the pleasure of the Clerk-Treasurer. Employees shall record their activities and time spent on those activities on the appropriate work log. Office deputies/assistants will record their activities and time as required by the Clerk-Treasurer.
2. All employees of the Town are subject to Annual Driving Record Reviews; to assure that employee drivers of the Town maintain a current unrestricted Indiana operators licenses in accordance with the following policy:

Each employee driver of the Town shall at all times maintain a current unrestricted Indiana

- A. operators license. Any employee driver failing to maintain a current unrestricted operators license shall be placed on administrative leave until such time as he/she obtains a current unrestricted operators license.
Any employee driver whose operator license is suspended, revoked or restricted is immediately prohibited from operating any Town vehicle or a personal vehicle as an
- B. emergency vehicle. Each employee driver shall immediately notify his immediate supervisor if his/her operators license has been suspended, revoked or restricted in any way. Each employee driver is responsible for knowing the status of his/her operators license.
Any employee driver convicted of a misdemeanor violation pertaining to the ownership or
- C. operations of a motor vehicle will be prohibited from operating their personal vehicle as an emergency vehicle or from driving any Town owned vehicle. This driving suspension will expire (18) eighteen months from the date of the last violation.

BUREAU OF MOTOR VEHICLES DRIVER RECORD EVALUATION REQUIREMENTS:

CLASS A VIOLATION: Any employee driver convicted of a misdemeanor violation shall be automatically suspended from driving Town vehicles for a period of (18)

- A. eighteen months from the date of conviction. In addition, any such employee driver shall also be required to attend an approved driver improvement program or equivalent training and if applicable, be certified to operate emergency vehicles.

B. VIOLATIONS:

- 1. "Misdemeanor Violations" referred to in this policy include, but are not limited to the following:
 - a) Driving while intoxicated.
 - b) Driving under the influence of controlled substance.
 - c) Operating during a period of suspension or revocation.
 - d) Reckless driving.
 - e) Leaving the scene of an accident.

C. CIVIL INFRACTIONS:

- 1. Any employee driver who accumulates more than (2) two civil infraction moving violations on his/her driving record will be prohibited from operating their personal vehicles as an emergency vehicle. The suspension will expire when the penalty points causing the suspension of emergency vehicle operation are five (5) or less.
- 2. Annually, the Town Council shall review the driving record and inspect the vehicle of each employee driver of the Town of Ladoga.
 - a) A change in point status license restriction could result in driving status change or possible suspension from the Town.
The immediate supervisor may change the driving status of Town personnel
 - b) based on driving complaints, driving ability, or upon recommendation by another supervisor.
A valid complaint received by the Town shall become a part of the employee
 - c) drivers personnel file. The employee driver shall also be notified of the complaint.
A second valid complaint filed against an employee driver shall invoke a

- d) restriction on driving Town owned vehicles or personal vehicles as an emergency vehicle and/or may also result in suspension from the Town for a period of time set by the Town Council.
- 3. Employees are expected to be present and ready for work when scheduled. In order to maintain an efficient operation within the Town, it is imperative that employees develop proper work attitudes and, in this regard, it is the responsibility of the employee to strive for a productive workday. Employees who allow their attendance rate to drop below 94% of their scheduled hours during a 12-month period are subject to disciplinary action including termination.
- 4. Utility employees are expected to be reasonably available during non-working hours to handle unforeseen problems that will arise from time to time. Reasonably available means that if an employee is available and physically able to work, he/she is expected to work. Employees found to be evading a contact to return to work are subject to disciplinary action.
- 5. Employees hired for permanent positions will serve a 90-day probationary period, during which their employment may be terminated without cause. During the probationary period, employees are not eligible to receive paid sick or personal time. After the probation period, the employee shall receive full benefits with the exception of insurance, which shall begin on the first day of the month following thirty days of employment. Part-time, temporary or seasonal employees are not eligible for benefits or paid time off.
- 6. Employees with professional certifications and/or licenses which require recurrence training will be given time to attend the required training sessions or seminars. Employees attending training sessions or seminars that have been approved by the Council (or Council President if time is a factor) shall be considered as present for work. A maximum of eight hours per day shall be paid if the training session or seminar occurs during the employees normal work hours. Employees may be reimbursed for their actual expenses incurred while attending.
- 7. Regular payday for employees shall be on Fridays. Work logs and time cards shall be reviewed by the President of the Council (or Clerk-Treasurer for Office deputies/assistants) and presented to the Clerk-Treasurer for processing no later than noon (12pm) the Monday following the worked week. Payroll checks have an attached statement indicating the number of hours worked, total pay and deductions. It is the employees responsibility to review this information and notify the Clerk-Treasurer of any possible errors or discrepancies.

Drug-Free Workplace Policy

The Towns substance abuse policy is designed to provide employees a safe working environment and to ensure that employees and practices comply with health and safety standards. The town is concerned about, and dependent upon, the physical and psychological health of its employees and the intention of this policy is to clarify the standard of conduct expected of all employees in the performance of their responsibilities. Due to the small size of the Town, and the nature of its business, it is essential that the town employees understand and agree to adhere to the following "zero

tolerance" policy. Compliance with this policy is a condition of employment for all employees.

1. Violation of any provision of this substance abuse policy will be considered just cause for disciplinary action, up to and including discharge. In addition, refusal to adhere to any part of the policy may be considered insubordination and also may lead to disciplinary action, up to and including discharge.
2. This policy and related procedures may be modified at any time by the Town in order to comply with any applicable federal, state or local laws or to better serve the needs of the Town.
3. The Town requires that all employees report to work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting their job performance.
4. Employees who are in a condition which impairs their ability to perform their job, endangers the safety of themselves or others, may cause equipment or property damage, or otherwise expose the Town to potential liability, will not be allowed to continue working or remain in the workplace.
5. For purposes of this policy, impairment is defined as the inability to perform ones job in the manner prescribed for that function or in accordance with established practices. Such impairment may include the inability to use or operate equipment or tools properly, to communicate clearly, to exercise reasonable judgment in making decisions, to interface with other employees or contacts in an appropriate manner, or other inappropriate personal behavior. Such impairment, when caused by drug or alcohol abuse, is a violation of this policy.

In cases of employee impairment, the following action may be taken:

1. If the employees impairment endangers his or her own safety, or that of others, the employee will be taken to a medical facility to obtain a medical evaluation and treatment. If a medical evaluation indicates there is a reasonable suspicion that the impairment is drug or alcohol related, the employee may be asked to submit to drug or alcohol testing.
2. If the employees condition is impaired, but does not appear to endanger his or her own safety or the safety of others, the employee will be required to leave the workplace for the remainder of the workday. If there is more than one instance where the employee is judged to be impaired, and there is reasonable suspicion that the impairments are drug or alcohol related, the employee will be asked to submit to a medical evaluation, which may include drug and alcohol testing.
3. Employees who refuse a medical evaluation or testing may be subject to disciplinary action, up to and including termination. Should an employee test positively on the initial test, a confirmatory test will be made on the same sample. If the confirmatory test is also positive, the employee may be subject to disciplinary action, up to and including termination.

At the Towns sole discretion, any employee who uses, sells, manufactures, participates in the distribution of, possesses, or is found to be under the influence of illegal drugs on town property or in a town vehicle is subject to disciplinary action, up to and including termination. The Town reserves the right to make a search of the Towns premises and other town-owned property if a violation of this policy is suspected.

Town Uniforms/Clothing Allowance

Employees may submit receipts up to \$ 350.00 yearly for reimbursement on clothing purchased for wear as a town uniform. Any reimbursement will be subject to withholding tax and reported on the employees W-2 as a benefit. Shorts will not be permitted for utility workers, with the exception of the utility office staff, except on meter reading days.

Vehicle Use

Vehicles are provided to employees as required to facilitate the efficient performance of their duties. Town vehicles are to be used for official business only. Employees are responsible to keep the vehicle in good operating condition. Vehicles shall be operated in accordance with motor vehicle laws and ordinances. Employees who abuse and/or misuse town vehicles are subject to disciplinary action.

1. The use of tobacco in town vehicles is discouraged. Employees who use tobacco are expected to clean the vehicle on their own time on a daily basis.
2. Special purpose vehicles (such as the backhoe, bucket truck or digger truck) are not to be used unless the employee has had training to familiarize himself/herself with the proper operation of the vehicle.

In the event of an accident involving a town-owned vehicle, the following procedure shall be used in reporting the accident:

1. If possible, do not move the vehicle.
2. Provide assistance to any injured people.
3. Notify the police department.
4. Notify a Council member or the Clerk-Treasurer as soon as possible.
5. Prepare and turn in to the Council or Clerk-Treasurer a detailed written statement.

Appropriate Computer Use

The Town does not tolerate inappropriate computer use by employees and violations of this policy will be taken seriously. Every employee is responsible for using the computer system properly, if computer use is abused the employee is subject to disciplinary action, up to and including termination.

Vacation

Vacation is intended to be used by the employee and, therefore, may only be carried over for one (1) year. If the vacation has been carried over but still not used it shall be forfeited by the employee. The employee may appeal the forfeiture to the Council. The appeal shall be in written form and shall justify why the employee was unable to use the forfeited vacation during the two-year period in which he/she was eligible.

1. Vacation shall be scheduled at least one pay period in advance and used in four (4) hour increments. The Council President may authorize exceptions on a case-by-case basis. Vacation is scheduled time off and is not included in the attendance rate calculation.
2. Vacation shall be considered time worked and in the event the employee is called into work, any hours actually worked shall be paid at time and a half. (standard overtime)
3. Full-time employees of the town shall earn paid vacation time based on the length of continuous service at the following rates:
 1. After one (1) year of continuous employment: forty (40) hours
 2. After three (3) years of continuous employment: eighty (80) hours
 3. After eight (8) years of continuous employment: one hundred twenty (120) hours
 4. After fifteen (15) years of continuous employment: one hundred sixty (160) hours
4. Vacation time shall be credited to each employee on the first day of the year beginning the second full year of employment. Employees who terminate their employment with the Town are entitled to receive payment on a prorated basis for vacation time earned but not used based on their anniversary date. All vacation time will be subject to non-payment if termination is due to misconduct or poor performance.

Sick Time

Sick leave may be carried over from year to year. However, at no time shall the employee accumulate more than one hundred twenty (120) hours of accrued sick time. Failure to use overtime in the excess of 120 hours will result in forfeiture of time. The employee may appeal the forfeiture to the Council. The appeal shall be in written form and shall justify why the employee was unable to use the forfeited vacation during the three-year period in which he/she was eligible. Employees who are unable to work shall notify another employee at the beginning of the day. The employee who is notified shall record the time that he/she was notified on his/her work log. Failure to call in shall result in the loss of pay for that period of time and the absence shall be considered unexcused. Employees shall record any personal time used on their work logs and time cards. Sick leave is included in the attendance rate calculation.

1. Full-time employees of the Town shall receive forty (40) hours of paid sick leave per calendar year.
2. Employees are not entitled to payment for any unused sick leave upon termination of

employment.

3. In the event the employee submits notice of intent to vacate his/her position voluntarily, sick time used after the notice will be paid only if employee submits a doctors excuse.
4. Employees who call in sick for two consecutive days must submit a doctors excuse. Failure to submit may result in an unexcused absence and will be subject to Council review before allowing sick pay.

Personal Time

Personal time may be carried over from year to year. However, at no time shall the employee accumulate more than seventy-two (72) hours of accrued sick time. Failure to use overtime in the excess of 72 hours will result in forfeiture of time. The employee may appeal the forfeiture to the Council. The appeal shall be in written form and shall justify why the employee was unable to use the forfeited vacation during the three-year period in which he/she was eligible. Employees shall record any personal time used on their work logs and time cards. Personal time, though it might not be scheduled, is provided for employees who must conduct personal business during their normal work hours. Therefore is not included in the attendance rate calculation.

1. Full-time employees of the Town shall receive twenty-four (24) hours of paid personal time per calendar year.
2. Employees are not entitled to payment of any unused personal time upon termination of employment.
3. In the event the employee submits notice of intent to vacate his/her position voluntarily, personal time used after the notice will be paid only if employee submits a request to Council and receives approval.

Paid Holidays

Full-Time employees of the Town shall receive the following holidays with pay:

New Years Day
Good Friday
Memorial Day (Observed)
Independence Day
Labor Day
Thanksgiving Day
The Day Following Thanksgiving Day
Christmas Eve
Christmas Day
New Years Eve

1. Full-time employees shall receive eight (8) hours of regular pay for each holiday.
2. Holidays shall be considered time worked and in the event the employee is called into work, any hours actually worked shall be paid at time and a half. (standard overtime)
3. If a holiday occurs on a day that is not a normal work day, the holiday may be taken on the next normal work day.
4. Employees on administrative leave (other than for jury duty) on the work day prior to or following the holiday are not entitled to pay for that holiday.

Rates When Traveling on Official Town Business

Officials and employees of the Town are entitled to reimbursement at the following rates when traveling on official Town business:

1. Where travel is by privately owned vehicle, reimbursement will be the current State of Indiana rate per mile. Incidental expenses such as parking fees; upon submission of receipt, and tolls may also be reimbursed. Fines for parking or traffic violations are not reimbursed.
2. A per diem allowance of \$10.00 will be paid for single-day travel (greater than four (4) hours duration). A per diem allowance of \$30.00 will be paid for overnight travel.
3. When travel requires overnight lodging, the actual cost of the lodging can be charge to the Towns credit card or will be reimbursed.
4. All other reimbursement issues will be addressed by the Town Council.

Jury Duty

Employees chosen for jury duty shall provide a Council member or the Clerk-Treasurer with a copy of the initial notification as soon as possible. The employee shall keep the Council and/or Clerk-Treasurer informed of any scheduled appearances or other activities that may impact his/her work schedule. The employee shall also provide the Clerk-Treasurer with copies of any payments received as compensation for jury duty. Any compensation for jury duty shall be deducted from the employees regular pay. Time spent performing jury duty is not included in the attendance rate calculation.

National Guard and Reserve Duty

Employees who are members of the National Guard or Reserves shall be allowed to participate in unit training and/or activations. The employee shall provide a Council member or the Clerk-Treasurer with a copy of orders indicating the date(s) and time(s) the employee is required to appear. Time missed shall be unpaid, but is not included in the attendance rate calculation.

Administrative Leave

Administrative leave is provided for those employees who have exhausted their paid time off options. Except in situations relating to health, administrative leave shall be approved in advance by the Council President. Administrative leave taken for health reasons shall be annotated on the employees work log and time card. Administrative leave shall be taken on one-day increments. Administrative leave is unpaid and is included in the attendance rate calculation.

Emergency Services Volunteers

Employees who serve as volunteers with agencies providing emergency services for the town and township may respond to requests for emergency aid providing that circumstances will permit the employees absence without adversely affecting safety or utility service. Employees will not be charged for absences while responding to requests for emergency aid.

Adopted and passed by the Town Council of the Town of Ladoga, Indiana, this 27th day of August , 2008.

Sandra E. Powers

ATTEST:

Jeremy Chadwick

Viki L. Powers
Viki L. Powers
Clerk-Treasurer

Lester Miles

RESOLUTION #11 - 2009

A RESOLUTION AUTHORIZING DIRECT DEPOSIT OF PAYROLL CHECKS

WHEREAS, for reasons of efficiency, the Clerk-Treasurer of the Town of Ladoga would like to institute “direct deposit” by electronic fund transfer of its employees’ payroll checks, and to do so requires approval of the Town Council,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized to deposit payroll and other payments due to employees of the Town of Ladoga by electronic fund transfer “direct deposit” into the banking institutions designated by those employees.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
17th DAY OF October , 2009.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy Chadwick

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA
ESTABLISHING AN EMPLOYEE HEALTH REIMBURSEMENT PLAN

WHEREAS, the Town of Ladoga, Indiana, would like to attract and retain quality employees in order to best serve the residents and customers of the Town; and

WHEREAS, one cost-effective and tax-advantaged method of doing so is to establish a Health Reimbursement Plan for Town employees;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that:

1. There is hereby established a Health Reimbursement Plan (“Plan”) for employees of the Town of Ladoga, Indiana (“Town”).
2. The Plan shall operate as follows:
 - a. A separate Health Reimbursement Plan Savings Account (“Account”) shall be established by the Town.
 - b. The Town shall be responsible for the payment of the sum of 80% (or no more than \$8,000) of deductible cost per employee per calendar quarter for the year of 2010. For each year after 2010, the Town Council shall determine what amount, if any, to contribute towards the employee deductible.
 - c. The Plan shall operate as a Health Reimbursement Custodial Account under section 223(a) of the Internal Revenue Code, and the Town and all employees with such accounts shall at all times comply with all laws, rules and regulations applicable to such accounts.
2. The Clerk-Treasurer is hereby authorized on behalf of the Town to execute all forms and agreements necessary to effectuate this Plan, specifically including IRS Form 5305-C, and is hereby designated the agent of the Town responsible for funding and maintaining its Plan and the Accounts.
3. If any part of this Resolution is later found to be invalid, all other provisions shall remain in full force and effect.
4. This resolution is effective upon passage, with the Plan to start on January 1, 2010.

RESOLVED this 30th day of December, 2010 2009.

ATTEST:

Sandra E. Powers
President

Viki L. Powers

Jeremy L. Chadwick

Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

**A RESOLUTION OF THE TOWN COUNCIL
OF LADOGA, INDIANA CONCERNING MEMBERSHIP IN THE
INDIANA PUBLIC EMPLOYERS' PLAN**

WHEREAS, pursuant to I.C. 36-1-7 and I.C. 23-17-1, the Ladoga Town Council, as the legislative and executive body of the Town of Ladoga, Indiana, desires to combine with other governmental entities in the State of Indiana into a group self-funded program known as the "Indiana Public Employers' Plan, Inc.", an Indiana not-for-profit corporation (hereinafter referred to as "IPEP" or the "Plan"), for the purpose of paying and administrating their respective obligations to their employees and dependents under the Indiana Worker's Compensation Act (I.C. 22-3-2 through I.C. 22-3-7) and the Indiana Employers' Liability Act (I.C. 22-3-9), and;

WHEREAS, as the governing body of the aforesaid governmental entity of the State of Indiana, as defined by IC 34-6-2-49, [formerly 34-4-16.5-2 (c)], the Town Council desires to give and grant authority to the below-named person to execute for and on behalf of the Council a Membership Agreement with the Plan and to provide and execute such other documents as are necessary to effectuate membership in and the purposes of the Plan.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, MONTGOMERY COUNTY, INDIANA THAT:

- (1) Viki L. Powers is hereby authorized to execute for and on behalf of this body and the Town of Ladoga, Indiana, a Membership Agreement in the Indiana Public Employers' Plan, Inc., ("Plan") and to provide and execute such other documents as may be necessary to effectuate membership in and the purposes of the Plan.
- (2) The fiscal officer of the Town of Ladoga is hereby authorized to pay or cause to be paid any and all amounts required of the Plan in order to effectuate membership in and the purposes of the Plan, subject to the prior appropriation of such amounts by the body.
- (3) This Resolution shall be in full force and effect upon adoption.
- (4) All Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed concurrent with the effective date of this Resolution.

Adopted by the Ladoga Town Council this 13th day of April , 2013.

Lester Miles

James B. Cox

Attest:

Viki L. Powers
Clerk-Treasurer

ORDINANCE NO. 2013-5
AMENDING ORDINANCE NO. 2012-5 OF THE TOWN OF LADOGA
FIXING SALARIES OF OFFICERS AND EMPLOYEES OF SAID TOWN
FOR THE CALENDAR YEAR 2014

BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, which salaries for officials and employees of the Town of Ladoga, Indiana, for the calendar year 2014 shall be as hereinafter set out:

Section 1. The members of the Town Council shall be paid the annual sum of \$2,400.00, to be paid quarterly from the following funds of the Town, as follows:

<u>FUND</u>	<u>SEMI-ANNUAL PAYMENT</u>
Water Utility	\$333.32
Sewage Utility	\$333.34
Electric Utility	\$333.34
General Fund	\$200.00

Section 2. The Town Attorney shall be paid the annual sum of \$2000.00, to be paid semi-annually from the funds of the Town, as follows:

<u>FUND</u>	<u>SEMI-ANNUAL PAYMENT</u>
Water Utility	\$300.00
Sewage Utility	\$300.00
Electric Utility	\$300.00
General Fund	\$100.00

Section 3. The Clerk-Treasurer/Clerk of Utilities for the Town shall receive a weekly salary of \$765.60 plus longevity from the funds of the Town as follows:

*Reference page 2 for longevity pay

<u>FUND</u>	<u>WEEKLY PAYMENT</u>
	Salary
Water Utility	\$211.86 + longevity
Sewage Utility	\$211.87 + longevity
Electric Utility	\$211.87 + longevity
General Fund	\$107.00 + longevity

Section 4. The Part-time Town Marshal for the Town shall be paid \$14.47 per hour to be paid from the General Fund and the Motor Vehicle Highway Fund. The Part - time Deputy Town Marshal for the Town shall be paid \$14.47 per hour to be paid from the General Fund and the Motor Vehicle Highway Fund.

Section 5. Employees of the Town shall be paid on an hourly basis as follows:

<u>EMPLOYEE</u>	<u>HOURLY RATE</u>
Utility Laborer	\$17.64
Office Helper	\$13.46
Temporary Labor	\$ 9.00

Hours worked in excess of forty (40) per pay period shall be paid at 1.5 times the hourly rate. Holiday and Vacation hours that are paid but not worked shall count towards the forty (40) hours. Sick and Personal hours that are paid but not worked shall not count towards the forty (40) hours. Employees called in to work outside of their normal schedule are entitled to a minimum of one (1) hour call-in pay.

*Full time employees will be rewarded, on their anniversary date, for years of employment with a \$1.00 per hour raise and part time employees will be rewarded, on their anniversary date, for years of employment with a \$0.50 per hour raise every 3rd, 5th, 10th, 15th, 20th, 25th, 30th etc. The Clerk-Treasurer will be rewarded on 40 hours a week; this was determined because some weeks she will work over 40 hours and some weeks less.

Full-time utility employees shall attend all regularly scheduled town council meetings. Employees in attendance will receive a minimum two (2) hours pay. This will be paid at overtime rate unless employee has not worked forty (40) hours that week.

Utility employees who become certified as operators through the Indiana Department of Environmental Management shall receive an additional \$0.50 per hour for each certification applicable to the town's utility systems. Town shall pay cost of first round of certification classes. If employee fails to pass a class, they will be responsible for payment of second round of class.

The Town Council, based on their qualifications, will negotiate any newly hired employee wages.

Adopted and passed by the Town Council of the Town of Ladoga, Indiana, this 3st day of

December , 2013.

Lester Miles
Lester Miles

James B. Cox
James B. Cox

Ivan Jack Vaught
Ivan Jack Vaught

ATTEST

Viki L. Powers
Viki Powers, Clerk-Treasurer

JOINT RESOLUTION

of the

**TOWN OF LADOGA
MONTGOMERY COUNTY, INDIANA**

and the

**COUNTY COMMISSIONERS
MONTGOMERY COUNTY, INDIANA**

TO DESIGNATE A SINGLE AGENCY FOR BUILDING REGULATION

WHEREAS, Montgomery County, having enacted Ordinance No. 87 - 3 on August 4, 1987, to create a department of buildings and office of building commissioner and inspectors, to empower the same to administer and enforce certain building rules as established in Title 675 of the Indiana Administrative Code and adopted by reference in said Ordinance, and to provide the issuance of building permits and to collect fee therefor, and;

WHEREAS, the Town of Ladoga, having enacted Ordinance 199 _____ - _____ on _____, 199__, to adopt by reference certain building rules as established in Title 675 of the Indiana Administrative Code, to provide that all construction, alteration, equipment, use, and occupancy, removal or relocation of buildings and structures shall comply with said rules, and to provide penalties for the violation of said Ordinance and rules adopted thereunder within the corporate limits of the Town of Ladoga, and;

WHEREAS, the County of Montgomery and the Town of Ladoga as parties hereto, desire to designate a single agency to administer and enforce such building rules as each has adopted by Ordinance, which procedure is expressly provided for in Indiana Code 36-7-8-7 and;

WHEREAS, the parties hereto have agreed to make such designation and to set out certain mutually agreed upon conditions therewith by means of this document;

NOW, THEREFORE, it is hereby agreed by and between the County of Montgomery and the Town of _____, whose agents are signatories hereto that:

1. The Commissioners of Montgomery County is the single agency designated to administer building rules inspection within the boundaries of the units of government which are parties hereto.
2. The Building Commissioner of Montgomery County is authorized and empowered to issue building permits, make inspection, order corrections of violations, issue Certificates of Occupancy, and to perform such other ministerial duties as are commonly performed in the execution of his office, on behalf often parties hereto.
3. That any appeal to a decision by the Building Commissioner of the County shall lie first with the county executive pursuant it IC 36-7-8-9, and to the Fire Prevention and Building Safety Commission as provided for in IC 13-2-7.
4. That any judicial remedy sought by the Building Commissioner of Montgomery County shall lie first with the County to enforce his lawful orders to obtain compliance with the building rules of the parties hereto shall be brought to the County or Town, Attorney, of the unit of government within which boundaries a violation occurs, for disposition.
5. That such permit fees that are collected by the Building Commissioner of Montgomery County shall be accounted for and deposited in the General Fund of Montgomery County and shall be

considered full payment for any inspection services provided by his office on behalf of the parties hereto.

FURTHERMORE, BE IT RESOLVED, that this agreement shall become effective upon approval by the Board of County Commissioners of Montgomery County and the Town Board of the Town of Ladoga and upon signing this document by their chief execution officers, and;

FURTHER, this agreement shall be effective continuously year to year without the necessity of a formal renewal by any parry thereto, unless terminated by the resolution of the Board of County Commissioners of Montgomery County.

IN WITNESS WHEREOF, the parties have caused this agreement to executed and their agents signatures hereon to be affixed this 10th day of April 1998.

Town of Ladoga

By: Mike Hubble
President, Town Council

County of Montgomery,

By: _____
President, Board of County Commissioners

Attest: _____
Auditor

AN ORDINANCE ESTABLISHING AN UNSAFE BUILDING LAW FOR THE TOWN OF
LADOGA, INDIANA

WHEREAS, Indiana Code 37-7-9 is the Unsafe Building Law of the State of Indiana, and regulates unsafe, vacant and deteriorated properties;

WHEREAS, Indiana Code 36-7-9-3 states:

Sec. 3. The legislative body of a municipality or county may adopt this chapter by ordinance. The ordinance must specify the executive department of the unit responsible for the administration of this chapter or establish such a department. However, in a municipality in which a commissioner of buildings was appointed to administer IC 18-5-5 (before its repeal on September 1, 1981), the commissioner of buildings is responsible for the administration of this chapter. The ordinance must also incorporate by reference the definition of "substantial property interest" in this chapter;

WHEREAS, the Town Council of the Town of Ladoga has previously adopted ordinances related to unsafe buildings and nuisances, but it would like to adopt a new ordinance that conforms with any and all changes in state law and allows it the maximum enforcement powers granted by law,

THEREFORE, BE IT ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

1. Pursuant to I.C. 36-7-9-3, the Unsafe Building Law of the State of Indiana, to-wit I.C. 36-7-9, is hereby adopted by the Town of Ladoga.
2. There being no Town building commissioner, the executive department of the Town responsible for administration of the Unsafe Building Law shall be the Ladoga Police Department, headed by the Town Marshal.
3. For purposes of this ordinance "substantial property interest" shall have the meaning set forth in I.C. 36-7-9-2, being "any right in real property that may be affected in a substantial way by actions authorized by this chapter [ordinance], including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser."
4. For purposes of this ordinance, and pursuant to I.C. 36-7-9-2, the Ladoga Town Council is hereby designated the "hearing officer" with respect to proceedings to enforce the Unsafe Building Law.
5. (a) This ordinance shall be effective upon passage.
(b) Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
(c) The subsequent invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th DAY

OF JUNE, 2009.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Attachments:

[Indiana Code 36-7-9](#) *(External Internet Link - valid only with a live Internet connection)*

AN ORDINANCE ESTABLISHING AN UNSAFE BUILDING FUND

WHEREAS, Indiana Code 36-7-9-14(a) requires a municipality's unsafe building enforcement authority to establish in its operating budget a fund designated as the unsafe building fund;

WHEREAS, by ordinance, the Ladoga Town Council is the designated enforcement authority for this law; and

WHEREAS, Indiana Code 36-7-9-14(b) reads:

Money for the unsafe building fund may be received from any source, including appropriations by local, state, or federal governments, and donations. The following money shall be deposited in the fund:

(1) Money received as payment for or settlement of obligations or judgments established under sections 9 through 13 and 17 through 22 of this chapter.

(2) Money received from bonds posted under section 7 of this chapter.

(3) Money received in satisfaction of receivers' notes or certificates that were issued under section 20 of this chapter and were purchased with money from the unsafe building fund.

(4) Money received for payment or settlement of civil penalties or fines imposed under section 7 of this chapter.

(5) Money received from the collection of special assessments under section 13.5 of this chapter.

WHEREAS, Indiana Code 36-7-9-14(c) reads:

Money in the unsafe building fund may be used for the expenses incurred in carrying out the purposes of this chapter, including:

(1) the cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;

(2) the cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the department;

- (3) the cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;
- (4) the cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in the manner prescribed by section 25 of this chapter;
- (5) the bid price of work by a contractor under section 10 or sections 17 through 22 of this chapter;
- (6) the cost of emergency action under section 9 of this chapter; and
- (7) the cost of notes or receivers' certificates issued under section 20 of this chapter.

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

SECTION 1. There is hereby created the Unsafe Building Fund within the General Fund of the Town Council of the Town of Ladoga, which shall be funded with:

- a. the revenue sources set forth in Indiana Code 36-7-9-14(b);
- b. such other monies as the Town Council may appropriate for this Fund by budget and/or ordinance from time to time; and
- c. such other monies that the Town may secure or apply for the purposes of the Fund from time to time.

SECTION 2. The purposes of the Fund are those set forth by Indiana Code 36-7-9-14(c).

SECTION 3. The President of the Town Council shall be the official who approves expenses from this Fund, and who signs claims from the Fund to be submitted to the Council for its review, as any other claim from the other funds subject to its jurisdiction.

SECTION 4. (a) All provisions of existing ordinances in conflict with this ordinance are hereby repealed.

(b) In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

(c) This ordinance shall be effective upon passage, subject to approval by the Department of Local Government Finance if necessary, and any other requirements of law.

Adopted this 12th day of January , 2013.

ATTEST:

Viki L. Powers
Clerk-Treasurer
Town of Ladoga, Indiana

LADOGA TOWN COUNCIL:

Ivan Jack Vaught

Lester Miles

James B. Cox

RESOLUTION 1999-6

Resolution Forming A Well Head Protection Planning Team

Whereas; the Town of Ladoga owns and operated a municipal drinking water utility; and

Whereas; the State of Indiana, Water Pollution Control Board has mandated all community public water supply systems perform a Well Head Protection Plan; and

Whereas; the Town of Ladoga recognizes the importance of protecting the drinking water supply for the residents of the community; and

Therefore Be it resolved; that the Town of Ladoga hereby creates a Well Head Protection Planning Team, such team to consist of three committees, a WHP Advisory Committee, An Emergency Planning Committee and an Educational Outreach Committee, and appoints the following named individuals to the team to serve on all three committees concurrently until Phase I of the Well Head protection plan has been submitted and is accepted by the Indiana Department of Environmental Management;

This 14th day of August.

BY

Eric S. Gray

Eric Gray

TOWN COUNCIL PRESIDENT

Attest:

Sandra E. Powers
Sandra Powers

CLERK-TREASURER

100.00 Planning Team Formation

100.01 Structure and Team Members

Ladoga's local planning team (LPT) consists of a six member panel who act as the WHP advisory

committee, the emergency planning committee and the educational outreach committee. A community of only 1200 persons Ladoga does not have the resources to coordinate among three groups of planners and the town council so the three committees have the same members. This is made possible because 5 of the 6 members live in or within 15 minutes of Ladoga. The members and their positions are listed in Table 1.

Table 1. Ladoga's Planning Team Committee Members

MEMBER NAME	OCCUPATION	PHONE	ADDRESS	AFFILIATION
Troy Eller	Water Superintendent	942-2727	501 N. Hickory Ladoga	Town of Ladoga
Laura Rees				
Terry Brown				
Kelly Comer				
Harold Lowe				
Ken Smith				

ORDINANCE NO. 2005-2

AN ORDINANCE ESTABLISHING EXTRATERRITORIAL JURISDICTION FOR WELL HEAD PROTECTION FOR THE TOWN OF LADOGA, MONTGOMERY COUNTY, INDIANA AND PARTS OF PUTNAM COUNTY, INDIANA

WHEREAS, to protect and secure the water sources for drinking water, the Town of Ladoga has established, maintains and operates a waterworks, and;

WHEREAS, to protect and secure the water sources for drinking water, the Town of Ladoga desires to insure the health and safety including prevention of pollution of ground water and water supplies, and;

WHEREAS, to further protect and secure the water sources for the drinking water, the Town of Ladoga hereto desires to control development including drilling and removal of earth below ground level, and;

WHEREAS, to further protect and secure the water sources for the drinking water, the Town of Ladoga hereto may approve contracts and terms for real property, and;

WHEREAS, to further protect and secure the water sources for the drinking water, the Town of Ladoga hereto may impose restrictions upon persons that might cause other persons to be injured or contract diseases, and;

WHEREAS, to further protect and secure the water sources for the drinking water, the Town of Ladoga hereto may regulate the introduction of any substance into a watercourse.

NOW THEREFORE BE IT ENACTED, the Town of Ladoga hereby establishes and adopts extraterritorial jurisdiction of the contiguous unincorporated area lying within four (4) miles of the corporate limits of the Town of Ladoga as designed by the map entitled Well Head Protected Area, attached hereto and made part hereof as Exhibit A, pursuant to provisions of Indiana Code: IC36-1-4; IC36-8-2; and IC36-9-2.

BE IT FURTHER ENACTED, The Town's jurisdiction will take effect upon review of said map by the Recorder of Montgomery County Indiana and the Montgomery County Board of Commissioners by the Recorder of Putnam County Indiana and the Putnam County Board of Commissioners and the transmittal of notices by said bodies that jurisdiction has been granted to the Town.

Adopted this 25th day of May, 2005.

LADOGA TOWN COUNCIL

Sandra E. Powers
Sandra E. Powers, President

Attest:

Viki L. Powers
Viki L. Powers
CLERK-TREASURER

Lester Miles

Harley Barnard

ENDORSEMENT OF APPROVAL

OF JURIDICITION GRANT

BY MONTGOMERY COUNTY

Recorder Of Montgomery County:

_____ Dated: _____

Montgomery County Board of Commissioners:

_____ Dated: _____
By the President

ENDORSEMENT OF APPROVAL

OF JURIDICITION GRANT

BY PUTNAM COUNTY


Recorder Of Putnam County:


_____ Dated: _____

Putnam County Board of Commissioners:

_____ Dated: _____
By the President

Editor's Note: Images of the description of the Well Head Protection Area are attached, following:

 Well Head Protection Area Description, Page 1

 Well Head Protection Area Description, Page 2

 Map of Well Head Protection

ORDINANCE NO.: 2005-9

AN ORDINANCE AMENDING THE UTILITY CUSTOMER DEPOSIT POLICY FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town") has determined that, in order to improve collection of delinquent utility accounts, it is necessary to make the following changes to the customer deposit policy of the Ladoga Town Utilities,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED, by the Town Council of the Town of Ladoga, Indiana, that:

1. **DEPOSIT- REGULAR.** Before service will be provided in a Town utility customer's name, said customer must submit an application and make a utility deposit of \$150.00 (\$100.00 for electric, \$50.00 for water).

2. **RESIDENTIAL- GENERAL.** (a) When the customer or responsible party of a previously terminated residential utility account (owner-occupied or renter) wishes to re-establish a new account after sixty (60) or more days have elapsed since termination, the deposit on any such new account or customer which has a previously established a negative credit history (see below for "History Defined") with the Town of Ladoga Utilities, shall be double the regular deposit established above AND any amounts previously written off as bad debts MUST be paid AND any collection or legal fees paid to outside agencies MUST be reimbursed before a new account will be established.

(b) If an active utility account (owner-occupied or renter) becomes past due for the third or more time or remains past due (determined by multiple application of penalty charges against the account) for at least three billing periods, or service has been disconnected due to non-payment, a deposit equal to double the regular deposit established above may be required for continuation or reestablishment of service.

3. **RESIDENTIAL- RENTAL.** (a) A residential rental deposit shall ALWAYS be required before utility service will be rendered. When a rental utility account (billing address or customer) moves to a new account, a new "Application for Utility Service" shall be required.

(b) The existing deposit on hand ("old deposit") shall be transferred to the new account, unless the customer has established a negative credit history (see below for "History Defined"), in which case the old deposit shall stay with the old account and a new deposit shall be required for the new account. In this event, the deposit required on the new account may be double the regular deposit requirement. The old deposit will be applied to the current and final bills of the old account, and the balance, if any, will be refunded. If the old account is past due on the date utility service terminates, a new account will not be established until the old account is brought current. If, after a final bill is prepared, the old deposit is not sufficient to cover the remaining charges on the old account and the old account becomes past due, the new account will be subject to service termination as though the two accounts were one, because of the responsible party is the same. If the new account has different utility services than the old account, the new account's deposit requirements must be met. A reduction

in the utility requirement may result in a partial refund on the deposit.

4. INSTALLMENT OPTIONS. (a) If the combined required deposit (owner-occupied or rental) is more than \$200.00, the applicant or customer may make weekly installment payments until the total deposit requirement is paid in full. The first installment shall be at least \$150.00 and subsequent installments shall not be less than \$25.00 per week. Installment payments shall not continue beyond six (6) weeks. Service shall be connected upon receipt of the first such payment, but may be terminated at any time, without notice, upon failure of the applicant or customer to make the agreed upon installment payments and/or utility bill payments when due.

(b) If a customer with bad history is required to make a doubled deposit, installment payments may also be made in the same manner as established above with payments not continuing longer than six (6) weeks.

5. HISTORY DEFINED. Having a "history of being past due" or a

"negative credit history" is hereby defined as follows: a. Having been past due on more than one (1) utility bill during the preceding twelve (12) month period,

b. Having any service disconnected as a result of non-payment during the preceding twenty-four (24) month period, or

c. Being past due on the date utility service is terminated, including those customers who request service be terminated at one location and connected at a new location as a result of moving to said new location.

5. MISCELLANEOUS. This ordinance shall be effective on January 1, 2006. Any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 10th DAY OF December, 2005.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Harley Barnard

ORDINANCE NO. 2001-1

AN ORDINANCE OF THE TOWN OF LADOGA, AUTHORIZING THE EXECUTION AND DELIVERY OF THE FIRST AMENDATORY AGREEMENT TO THE POWER SALES CONTRACT BETWEEN INDIANA MUNICIPAL POWER AGENCY AND THE TOWN OF LADOGA.

WHEREAS, the Town of Ladoga (the "Member") is a municipal corporation created and existing under the laws of the State of Indiana and is a member in good standing of the Indiana Municipal Power Agency (the "Agency"), a body corporate and politic and political subdivision of the State of Indiana, created pursuant to Ind. Code § 8-1-2.2 and exercising thereunder a part of the sovereign powers of the State of Indiana; and

WHEREAS, the Member owns and operates a municipal electric system which furnishes retail electric service to the public; and

WHEREAS, the Member is required by law to provide customers with an adequate, reliable and economical supply of electric power and energy; and

WHEREAS, the Agency and the Member entered into a Power Sales Contract dated April 3, 1990, by which the Agency agreed to sell and deliver to the Member, and the Member agreed to purchase and receive from the Agency, all electric power and energy which the Member required for the operation of its municipal electric system; provided, however, Section 3(a) of the Power Sales Contract provides in pertinent part that after December 31, 2002, the maximum amount of power required to be sold and delivered by the Agency and purchased and received by the Member, shall not exceed the "Contract Rate of Delivery," which shall be the peak demand of the Member for power and energy under the Power Sales Contract during the 60 billing periods preceding December 31, 2002, as determined by the Agency, adjusted up or down by not more than 10% so as to provide optimal utilization of the Agency's power supply resources, such adjustment to be made by the Agency upon the advice of the consulting engineer to the Agency; and

WHEREAS, the Agency has periodically advised the Member of its estimated "Contract Rate of Delivery" and the Member desires to continue purchasing and receiving from the Agency, all electric power and energy required for the operation of its municipal electric system, including that necessary to serve load growth; and

WHEREAS, the Agency is willing to plan for and invest in power supply resources necessary to sell and deliver all electric power and energy required for the operation of the Member's municipal electric system, including that necessary to serve the Member's load growth; and

WHEREAS, the Agency has caused to be prepared the "First Amendatory Agreement to Power Sales Contract Between Indiana Municipal Power Agency and the Town of Ladoga" (the "Amendment") for execution by and between the Agency and the Member and representatives of the Member have reviewed such Amendment; and

WHEREAS, the Amendment accurately reflects the intentions of the Agency and the Member that the

Agency continue to sell and deliver to the Member, and the Member continue to purchase and receive from the Agency, all electric power and energy which the Member requires for the operation of its municipal electric system, including that necessary to serve load growth; and

WHEREAS, the Amendment marked as Exhibit "A" is attached hereto, incorporated herein by reference and two (2) copies of said Amendment are on file in the Office of the Clerk-Treasurer for public inspection pursuant to Ind. Code § 36-1-5-4; and

WHEREAS, based upon the foregoing facts, the Member by this Ordinance hereby finds and determines to approve the Amendment;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON/TOWN COUNCIL OF THE MEMBER:

SECTION 1. The Member is authorized pursuant to this Ordinance to enter into the Amendment in the form attached hereto as Exhibit "A" so that the Member may continue purchasing and receiving from the Agency, all electric power and energy required for the operation of its municipal electric system, including that required for load growth, thereby ensuring the Member's ability to continue providing its customers with an adequate, reliable and economical supply of electric power and energy.

SECTION 2. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Town of Ladoga.

SECTION 3. By this Ordinance, the President of the Town Council is hereby authorized and directed to execute and deliver, and the Clerk is hereby authorized to attest and seal, the Amendment.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Town Council of the Town of Ladoga, this 14th day of July , 2001.

Sandra E. Powers President
Ladoga Town Council

Attest:

Viki L. Powers
Clerk-Treasurer

FIRST AMENDATORY AGREEMENT TO POWER SALES CONTRACT BETWEEN INDIANA
MUNICIPAL POWER AGENCY AND THE TOWN OF LADOGA

This Agreement, made as of the 14th day of July, 2001, by and between INDIANA MUNICIPAL POWER AGENCY, a body corporate and politic and political subdivision of the State of Indiana, organized and existing under the laws of the State of Indiana (hereinafter the "Agency"), and THE TOWN OF LADOGA (hereinafter the "Member").

WITNESSETH:

WHEREAS, the Agency and the Member entered into a Power Sales Contract dated April 3, 1990, by which the Agency agreed to sell and deliver to the Member, and the Member agreed to purchase and receive from the Agency, all electric power and energy which the Member required for the operation of its municipal electric system; provided, however, Section 3(a) of the Power Sales Contract provides in pertinent part that after December 31, 2002, the maximum amount of power required to be sold and delivered by the Agency and purchased and received by the Member, shall not exceed the "Contract Rate of Delivery," which shall be the peak demand of the Member for power and energy under this Contract during the 60 billing periods preceding December 31, 2002, as determined by the Agency, adjusted up or down by not more than 10% so as to provide optimal utilization of the Agency's Power Supply Resources, such adjustment to be made by the Agency upon the advice of the consulting engineer to the Agency; and

WHEREAS, the Agency has periodically advised the Member of its estimated "Contract Rate of Delivery" and the Member desires to continue purchasing and receiving from the Agency, all electric power and energy required for the operation of its municipal electric system, including that necessary to serve load growth; and

WHEREAS, the Agency is willing to plan for and invest in Power Supply Resources necessary to sell and deliver all electric power and energy required for the operation of the Member's municipal electric system, including that necessary to serve the Member's load growth; and

WHEREAS, the Agency and the Member desire to amend the Power Sales Contract to reflect their intentions.

NOW, THEREFORE, in consideration of the premises and the covenants, terms and conditions hereinafter provided, the parties hereto mutually agree as follows:

1. The reference to the "Contract Rate of Delivery" in Section 1, "Definitions," of the Power Sales Contract is deleted.
2. The reference to "Power Supply Resources" in Section 1, "Definitions," of the Power Sales Contract is deleted in its entirety and the following is substituted:

Power Supply Resources shall mean those resources for the production of electric power and energy included in the System to the extent the same are employed by the Agency to supply electric power and energy sold under the Power Sales Contracts.

3. Subsection (a) of Section 3, "Sale and Purchase of Electricity," of the Power Sales Contract is deleted in its entirety and the following is substituted:

SECTION 3. Sale and Purchase of Electricity

(a) The Agency hereby agrees to sell and deliver to the Member, and the Member hereby agrees to purchase and receive from the Agency, commencing on the date of the First Amendatory Agreement and extending through the term hereof, all electric power and energy which the Member shall require for the operation of its municipal electric system.

In the event that, pursuant to the Public Utility Regulatory Policies Act of 1978 or other provisions of law, electric power is required to be purchased from a small power production facility, a cogeneration facility or other facility, the Member and the Agency shall use their best efforts to arrange for such purchases to be made by the Agency. If such arrangements can not be made, then the Member shall make the required purchases and sell the power purchased to the Agency at a price equal to the price paid by the Member. The Member appoints the Agency to act as its agent in all dealings with the owner of any such facility from which power is to be purchased and in connection with all other matters relating to such purchases.

D. Subsection (b) of Section 6, "Covenants of the Agency," of the Power Sales Contract is deleted in its entirety and the following is substituted:

(b) The Agency shall use its best efforts while following Prudent Utility Practice to provide a constant and uninterrupted supply of electric power and energy under this Contract. In the event that the Agency is not able to supply all of the electric power and energy requirements of all of the Participating Members that it is required to supply hereunder, it shall use its best efforts to allocate its electric power and energy available from its Power Supply Resources during any billing period among the Member and the other Participating Members as follows: Such allocation shall be made pro rata in accordance with their respective electric power and energy requirements supplied hereunder during the corresponding billing period of the preceding calendar year. During any period the Agency is unable to supply all of the Member's electric power and energy requirements that it is required to supply hereunder, the Agency shall not in any case be liable to the Member for damages resulting from such interruption of service and the Member shall be permitted to acquire from other sources such amount of electric power and energy which is not supplied by the Agency; provided, however, that at such time as the Agency is thereafter again able to supply all of the Member's electric power and energy requirements that it is required to supply hereunder, the Member shall be required to take and pay for such electric power and energy in accordance with the provisions hereof.

IN WITNESS WHEREOF, Indiana Municipal Power Agency and the Town of Ladoga have caused this First Amendatory Agreement to be executed by their respective duly authorized officers as of the day, month and year first above written.

INDIANA MUNICIPAL POWER AGENCY

By: _____

ATTEST: Title: _____

Secretary
(Seal)

TOWN OF LADOGA
By: Sandra E. Powers

Title.: Town Council President

ATTEST:

Viki L. Powers
[Clerk-Treasurer/Clerk]
(Seal)

An Ordinance of the Town of Ladoga, authorizing the execution and delivery of the Second Amendatory Agreement to the Power Sales Contract between Indiana Municipal Power Agency and the Town of Ladoga, and other matters connected therewith.

WHEREAS, the Town of Ladoga (the "Member") is a municipality owning and operating on January 1, 1980, an electric utility which furnished electric service to the public and purchased electric power from public utilities; and

WHEREAS, the Member is required by law to provide its customers with an adequate, reliable and economic supply of electric power and energy, but has determined that individually it is not financially capable of providing the planning, financing, locating and building of needed new facilities for generation and transmission to satisfy future requirements of its customers; and

WHEREAS, based upon its obligations to serve its customers, and the above considerations, the Member determined that it was in its best interest to join with other municipalities in the State of Indiana as a member of the Indiana Municipal Power Agency (the "Agency") for the purpose of undertaking the planning, financing, ownership and operation of a project or projects to supply electric power and energy for its needs; and

WHEREAS, the Agency and the Member entered into, and have carried out their respective obligations under, the Supplemental Contract and Power Sales Contract, as heretofore amended and supplemented (collectively, the "Original Contracts"), each between the Member and the Agency, attached hereto and made a part hereof; and

WHEREAS, under the Power Sales Contract the Agency agreed to sell and deliver to the Member, and the Member agreed to purchase and receive from the Agency, all electric power and energy which the Member required for the operation of its municipal electric system for a term expiring April 1, 2032; and

WHEREAS, the Agency is acquiring ownership of new power supply resources that will require the issuance of debt with a long-term (at least 30 years) amortization of debt service and associated costs to provide the most economic and reliable power supply to the Member and other members of the Agency; and

WHEREAS, it is in the best interests of the Agency and the Member to enter into the Second Amendatory Agreement to the Power Sales Contract between the Agency and the Member (the "Amendment"), to establish a term beginning _____, 2007 through April 1, 2042 to allow the Agency to issue new debt with a long-term amortization that would extend beyond the current term of the Power Sales Contract; and

WHEREAS, the Original Contracts and the Amendment, marked as Exhibit A, are attached hereto, incorporated herein by reference and two (2) copies of each are on file in the office of the Clerk-Treasurer for public inspection pursuant to IC 36-1-5-4; and

WHEREAS, Member desires to amend the Power Sales Contract to extend the term in the manner described above.

WHEREAS, representatives of the Member have reviewed the Original Contracts and the Amendment and have obtained independent advice and counsel with respect thereto where appropriate and the Member has had the opportunity to review the Original Contracts and the Amendment with the Agency; and

WHEREAS, based upon the foregoing facts, the Member by this Ordinance hereby finds and determines to ratify the Original Contracts and approve the Amendment.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE MEMBER:

Section 1. The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Member.

Section 2. By this Ordinance, the entry of the Member into the Original Contracts and its performance of the terms and conditions thereof are hereby ratified and confirmed. The Member is authorized pursuant to this Ordinance (a) to enter into the Amendment in substantially the form attached hereto as Exhibit A, and (b) to be bound by the terms and conditions of the Original Contracts as supplemented and amended by the Amendment, as further supplemented from time to time, the By-Laws of the Agency and such other lawful actions as may be heretofore have been taken by the Board of Commissioners of the Agency.

Section 3. By this Ordinance, the Council President of the Town of Ladoga is hereby authorized and directed to execute and deliver, and the Clerk-Treasurer is hereby authorized to attest and seal, the Amendment.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Town Council of the Town of Ladoga, Indiana, this 11th day of August, 2007

TOWN OF LADOGA, INDIANA

By Sandra E. Powers
President, Town Council

ATTEST:
Viki L. Powers
Clerk-Treasurer

(SEAL)

Presented by me, the undersigned Clerk-Treasurer of the Town of Ladoga, to the Council President of the Town of Ladoga for his/her approval on this 11th day of August at 2007 M.

Viki L. Powers
Clerk-Treasurer

Approved by the undersigned Council President of the Town of Ladoga, this 11th day of August , 2007 .

Sandra E. Powers
Council President, Town of Ladoga

TOWN COUNCIL
TOWN OF LADOGA, INDIANA
Resolution No. 2011-4

A RESOLUTION APPOINTING A NEW COMMISSIONER TO THE INDIANA MUNICIPAL
POWER AGENCY

WHEREAS, the Town of Ladoga, Indiana, is a member of the Indiana Municipal Power Agency, (hereinafter sometimes referred to as "IMPA"), and Jeremy L. Chadwick has been serving as a Commissioner on the Board of Commissioners of IMPA and was appointed by this Town Council, and;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. Said Jeremy L. Chadwick's tenure as a Commissioner on the Board of Commissioners of IMPA is hereby terminated.

Section 2. James B. Cox is hereby appointed as a Commissioner on said Board of Commissioners of IMPA.

Section 3. This resolution shall be in full force and effect from and after its passage in accordance with the law.

Adopted this 30th day of November, 2011.

Sandra E. Powers
President of the Town Council
Town of Ladoga, Indiana

ATTEST:

Viki L. Powers
Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Ladoga, Indiana, for approval and signature, this 30th day of November, 2011.

Viki L. Powers
Clerk-Treasurer

Approved and signed by me, this 30th day of November, 2011.

Sandra E. Powers
Town Council President

ORDINANCE NO. 2004-3

LADOGA, INDIANA

AN ORDINANCE AUTHORIZING PROMOTION OF LADOGA ECONOMIC DEVELOPMENT AND TOURISM

WHEREAS Indiana Code 36-7-2-7 authorizes cities and towns to promote economic development and tourism and to budget and appropriate funds from the general fund to pay the expenses of or reimburse town officials for expenses incurred in promoting the best interest of the town of Ladoga;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA:

SECTION 1. The Ladoga Town Council is authorized to appropriate funds from the general fund of the Town of Ladoga to pay the expenses of or to reimburse town officials for expenses incurred in promoting the best interests of the Town. Such expenses may include, but not necessarily be limited to, rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government and any other expenses of a civic or governmental nature deemed by the Town Council to be in the interest of the town of Ladoga.

SECTION 2. This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

Adopted by the Twpn Council of the Town of Ladoga, Indiana, this 14th day of August, 2004.

TOWN COUNCIL, LADOGA, INDIANA

Harley R. Barnard

Presiding Officer

Sandra E. Powers
Member

Lester Miles
Member

ATTEST:

Viki L. Powers
Clerk - Treasurer (SEAL)

AN ORDINANCE DESIGNATING STOP SIGNS ON TAYLOR STREET AT VINE STREET
IN LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that for reasons of traffic and pedestrian safety, vehicular traffic on Taylor Street should come to a complete stop at the intersection with Vine Street; and that there should be a stop sign installed on Taylor Street in both directions at that intersection;

NOW, THEREFORE BE IT ESTABLISHED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THAT:

Section 1. Traffic on Taylor Street in both directions shall come to a complete stop at the intersection of Vine Street.

Section 2. The Street Department is hereby authorized and directed to install the necessary stops signage and painting at that intersection, with such markings to be in conformity with Indiana law.

Section 3. This ordinance shall be in full force and effect 30 days after publication in any necessary newspaper(s).

Adopted unanimously this 23rd day of November , 2010.

LADOGA TOWN
COUNCIL

ATTEST:

Sandra E. Powers

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Jeremy Chadwick

A RESOLUTION VACATING TWO INACTIVE SEWER ACCOUNTS

WHEREAS, the two sewer accounts listed below are inactive and no longer needed by the Town of Ladoga for any purpose; and

WHEREAS, an alternative sewer account exists for the funds in those accounts,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that the following two accounts are hereby declared closed and vacated, and that the Clerk-Treasurer is directed to close said accounts and transfer the balances in said accounts into the Sewer Cash Operating Fund:

1. Sewer Construction Savings Account

Farmers State Bank account #82698

Balance: approximately \$2,914.95 before Oct. 07 interest.

See Also: [Resolution #3-2010](#) (2/13/2010).

2. Sewage Debt Service Reserve Fund Savings Account

Farmers State Bank account #82836

Balance: approximately \$3,940.69 before Oct. 07 interest.

This Resolution shall be effective upon passage.

Done this 31st day of October , 2007.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Harley Barnard

Lester Miles

ORDINANCE NO. 2003-2

An Ordinance concerning the refunding by the Town of Ladoga of its Sewage Works Revenue Bonds of 1992; authorizing the issuance of sewage works refunding revenue bonds for such purpose; providing for the collection, segregation and distribution of the revenues of the sewage works and the safeguarding of the interests of the owners of the sewage works refunding revenue bonds authorized herein; other matters connected therewith; and repealing ordinances inconsistent herewith

WHEREAS, the Town of Ladoga, Indiana ("Town") has heretofore established, constructed and financed a municipal sewage works and now owns and operates the sewage works pursuant to IC 36-9-23, and other applicable laws; and

WHEREAS, the Town Council finds that certain hereinafter described outstanding bonds of the sewage works should be refunded to obtain a reduction in interest payments and effect a savings to the Town; that the refunding of said outstanding bonds, together with redemption premium and accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the sewage works now on hand and the refunding should be accomplished by the issuance of revenue bonds of the sewage works; and

WHEREAS, the Town Council finds that there are now outstanding bonds issued to construct additions and improvements to the sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue Bonds of 1992," dated December 1, 1992 ("1992 Bonds"), originally issued in the amount of \$1,000,000, now outstanding in the amount of \$560,000, and maturing annually over a period ending January 1, 2010, which 1992 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the sewage works; and

WHEREAS, the Town Council finds that the 1992 Bonds ("Refunded Bonds") should be refunded pursuant to the provisions of IC 5-1-5 to enable the Town to obtain a reduction in interest payments and effect a savings to the Town; and

Editor's Note: The balance of this ordinance, including this first page, are available as photographs (following) by clicking the appropriate links:



#2003-2, Page 1



#2003-2, Page 2



#2003-2, Page 3



#2003-2, Page 4

+/- #2003-2, Page 5

+/- #2003-2, Page 6

+/- #2003-2, Page 7

+/- #2003-2, Page 8

+/- #2003-2, Page 9

+/- #2003-2, Page 10

+/- #2003-2, Page 11

+/- #2003-2, Page 12

+/- #2003-2, Page 13

+/- #2003-2, Page 14

+/- #2003-2, Page 15

+/- #2003-2, Page 16

+/- #2003-2, Page 17

+/- #2003-2, Page 18

+/- #2003-2, Page 19

+/- #2003-2, Page 20

+/- #2003-2, Page 21

+/- #2003-2, Page 22

+/- #2003-2, Page 23

+/- #2003-2, Page 24

+/- #2003-2, Page 25

+/- #2003-2, Page 26

+/- #2003-2, Page 27

+/- #2003-2, Page 28

+/- #2003-2, Page 29

+/- #2003-2, Page 30

+/- #2003-2, Page 31

+/- #2003-2, Page 32

+/- #2003-2, Page 33

+/- #2003-2, Page 34

+/- #2003-2, Page 35

+/- #2003-2, Page 36

+/- #2003-2, Page 37

+/- #2003-2, Page 38

+/- #2003-2, Page 39

+/- #2003-2, Page 40

+/- #2003-2, Page 41

+/- #2003-2, Page 42

+/- #2003-2, Page 43

+/- #2003-2, Page 44

+/- #2003-2, Page 45

+/- #2003-2, Page 46

+/- #2003-2, Page 47

+/- #2003-2, Page 48

+/- #2003-2, Page 49

+/- #2003-2, Page 50

+/- #2003-2, Page 51

+/- #2003-2, Page 52

+/- #2003-2, Page 53

+/- #2003-2, Page 54

+/- #2003-2, Page 55

An Ordinance of the Town of Ladoga authorizing the issuance of sewage works revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the sewage works of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith

WHEREAS, the Town of Ladoga ("Town") has heretofore established, constructed and financed its sewage works, and now owns and operates said sewage works pursuant to IC 36-9-23; and

WHEREAS, the Town Council finds that certain additions, extensions and improvements to said works are necessary; that plans, specifications and estimates have been prepared and filed by the engineers employed by the Town for the construction of said additions, extensions and improvements (as more fully set forth in the Financial Assistance Agreement (as hereinafter defined), and any amendment thereto, attached hereto and made a part hereof) ("Project"), which plans and specifications have been submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and have been approved by the aforesaid governmental authorities and are incorporated herein by reference and open for inspection at the office of the Clerk-Treasurer as required by law; and

WHEREAS, the Town has or will advertise for and receive bids for the construction of the Project; said bids will be subject to the Town's determination to construct the Project and subject to the Town obtaining funds to pay for the Project; that on the basis of said estimates, the cost of the Project, as defined in IC 36-9-1-8, including estimated incidental expenses, is in the estimated amount of One Million Seventy Hundred Fifty Thousand Dollars (\$1,750,000); and

WHEREAS, the Town finds that a Community Focus Fund grant from the Office of Community and Rural Affairs in the amount of \$500,000 will be available for application on the

(• • •)

Editor's Note: Digital images of the pages of the Bond Ordinance:

+/-

#2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 1

+/-

#2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 2

+/-













#2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 3

+/-




#2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 4

- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 5
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 6
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 7
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 8
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 9
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 10
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 11
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 12
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 13
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 14
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 15
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 16
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 17
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 18
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 19
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 20
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 21

- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 22
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 23
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 24
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 25
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 26
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 27
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 28
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 29
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 30
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 31
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 32
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 33
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 34
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 35
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 36
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 37
- +/- #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 38

-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 39
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 40
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 41
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 42
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 43
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 44
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 45
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 46
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 47
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 48
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Page 49
-  #2009-1: Sewage Works Revenue Bond (2/25/2009) - Exhibit A

Attachments:

-  Letter, Ice Miller LLP to David S. Peebles (2/24/2009) - Page 1
-  Letter, Ice Miller LLP to David S. Peebles (2/24/2009) - Page 2
-  Email from Susan Reed (Ice Miller LLP) to Town (2/24/2009)

 Exerpts from Meeting Minutes (2/25/2009) - Page 1

 Exerpts from Meeting Minutes (2/25/2009) - Page 2

 Exerpts from Meeting Minutes (2/25/2009) - Page 3

 Exerpts from Meeting Minutes (2/25/2009) - Page 4

RESOLUTION #10-2008

A RESOLUTION CREATING A
TRASH COLLECTION FUND

WHEREAS, pursuant to Indiana Code 36-9-30-5 and by ordinance, the Town of Ladoga has decided to contract with a private trash collector for residential solid waste collection within the Town;

WHEREAS, it is therefore necessary to create a designated nonreverting fund to accommodate customer billing and payments to the contractor as well as administrative expenses of the solid waste collection program; and

WHEREAS, because of the overlap between solid waste and wastewater customers and the wisdom of common billing, and to avoid creating a separate Town Sanitation Department simply to handle said billing, it would be in the best interest of the Town to place this trash fund within the Wastewater (Sewer) Department, albeit as a separate fund,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. There is hereby created a "Trash Collection Fund" ("the Fund") for the Town of Ladoga, a nonreverting fund within the Wastewater Department of the Town which shall consist of any and all monies that are received from customer billings or otherwise for trash collection.

Section 2. Monies in the Fund shall be expended for the administration and operation of the solid waste (trash) collection program, including payments to the Town's private trash collection contractor pursuant to any contract in effect at the time. The Town Council shall sign claims for the Fund.

Section 3. The Clerk-Treasurer is hereby authorized to (a) open and create such accounts as she deems necessary to effectuate the Fund, including making any necessary advancements from the Wastewater Department needed to open a bank account and thereafter upon receipt of trash collection revenues to repay said advancements, (b) pay from the Fund any and all contractual obligations of the Town to the private trash collection contractor as they come due, pursuant to any lawful contract between the Town and that contractor then in effect, and (c) pay all administrative costs of trash collection, including any pro rated time and expenses of billing, from the Fund.

Section 4. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 24th
DAY OF September, 2008.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers

Lester Miles

Clerk-Treasurer
Town of Ladoga, Indiana

AN ORDINANCE OF THE TOWN OF LADOGA, INDIANA ADOPTING A SCHEDULE OF RATES AND NON-RECURRING CHARGES FOR RESIDENTIAL TRASH COLLECTION SERVICE

Findings

The Town Council of the Town of Ladoga, Indiana ("Council") finds that it is the best interest of the residents of the Town to provide weekly trash collection service through an independent contractor. The Town Council has accepted the bid of an independent contractor, D&D Trash Service, to provide such service. The Clerk-Treasurer has presented information supporting a proposed charge of \$10.00 per month for weekly residential trash collection. The Council finds that the proposed schedule of fees for such service is reasonable and necessary, and that the fees proposed for the services therein described do not exceed the costs of providing the services therein described, considering the lowest trash collection bid received and the costs of personnel, data processing, billing, and all materials and time required to render the services therein described.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, AS FOLLOWS:

Section One. Authority. This ordinance is adopted pursuant to the authority granted under I.C. 36-1-3, I.C. 36-1-3-8(a)(6), and I.C. 36-9-30-5.

Section Two. Rate for Weekly Residential Trash Pick-Up Service. There shall be charged and collected monthly in advance, commencing January 1, 2009 (billed December, 2008) a fee of \$10.00 per month from each residential sewer or water utility customer of the Town of Ladoga, Indiana, who resides within the town limits for weekly residential trash collection service.

Section Three. Billing and Collection.

(a) The Clerk-Treasurer shall bill each residential customer of Town of Ladoga Municipal Sewer Utility, at the rate provided in Section Two of this ordinance. If a particular residence receiving trash collection is not a customer of the Sewer Utility (e.g., customer has a septic tank), then the Clerk-Treasurer shall bill that customer separately or with that customer's Water or Electric Utility bill.

Delinquent accounts for residential trash collection service shall be subject to the collection policies and procedures of the Ladoga Municipal Utilities for delinquent accounts.

(b) Editor's Note: See also [Ordinance #2-2013](#), adopted 4/24/2013, regarding Waivers of Utility Late Payent Penalties.

Editor's Note: See also [Resolution #9-2013](#), adopted 12/14/2013, regarding Procedures for Utility Shut-Off.

Section Four. Payment and Returned Check Charge.

- (a) Payment of the fees prescribed in this chapter may be made in cash, by certified check or money order, or by single-party check.
- (b) An additional charge of \$25.00 shall be imposed for the return or non-payment of any check for any reason.

Section Five. Disposition of Fees.

- (a) All fees collected under the authority of this ordinance, shall be accounted for in a non-reverting fund separate from all other revenues of the Town of Ladoga and its municipal utilities.
- (b) All fees collected pursuant to this ordinance shall be applied and paid in accordance with the budget for residential trash collection service, as adopted by the Town Council of the Town of Ladoga, Indiana.

Section Six. Effective Date.

- (a) This ordinance shall be effective upon its adoption, but the rates and charges set forth herein shall be effective January 1, 2009, to be billed in advance in December, 2008.

Section Seven. Repeal of Prior Inconsistent Provisions. The provisions of all prior ordinances inconsistent with any of the provisions contained in this ordinance are hereby repealed.

ADOPTED this 11 day of October , 2008.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

LADOGA TOWN COUNCIL:

Sandra E. Powers

Lester Miles

ORDINANCE NO.: 2005-4

AN ORDINANCE ESTABLISHING A DEPARTMENT OF STORM WATER MANAGEMENT AND A STORM WATER DISTRICT FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, Indiana Code 8-1.5-5-1 authorizes and allows municipalities to establish a municipal Department of Storm Water Management for the purposes and with the powers and duties set forth in that statute; and,

WHEREAS, that statute also provides for the creation of a Storm Water Management Taxing District, consisting by law of all territory within the corporate boundaries of the municipality; and

WHEREAS, the Town of Ladoga, Indiana, finds the creation of such a Department and corresponding District is necessary and prudent for the safety and welfare of the people and property within the Town,

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. (a) There is hereby established, for the Town of Ladoga, Indiana, a Department of Storm Water Management ("Department"). This Department is to be controlled by a Board of Directors consisting of three (3) persons.

(b) The Town Council of the Town of Ladoga shall appoint all three (3) directors, not more than two (2) of whom shall be of the same political party. The Town Council of the Town may remove a director at any time when, in the judgment of the Board of Trustees, it is for the best interest of the Department. The terms of the directors shall be three (3) years, and shall be staggered such that one term expires each year. A director may serve for an unlimited number of terms.

(c) A director is not entitled to a salary for serving as a member of the Board of Directors of the Department. However, a director shall be reimbursed for necessary expenses incurred by the director in the performance of official duties.

(d) The initial directors and their terms shall be:

- | | |
|----------------------|--------------------------|
| 1.) Sandra E. Powers | Term expires 12/ 31/2005 |
| 2.) Harley Barnard | Term expires 12/31/2006 |
| 3.) Lester Miles | Term expires 12/31/2007 |

(e) The Board of Directors shall have all the powers and duties set forth in Indiana Code 8-1.5-5 or its successor statute, if any, and such additional powers and duties as may be lawfully delegated to the Board from time to time by the Town Council of the Town of Ladoga, Indiana.

Section 2. (a) There is hereby created a Storm Water Management Taxing District ("District"),

consisting of all territory within the corporate boundaries of the Town of Ladoga, Indiana. In the event that the corporate boundaries shall change after enactment of this Ordinance, those changes shall automatically be incorporated into the District, without the need for amendment to this Ordinance.

(b) All the territory within the District constitutes a special taxing district for the purpose of providing for the collection and disposal of storm water of the District in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes for purposes of storm water collection and disposal. All area in the District and all area added to the District is considered to have received a special benefit from the storm water collection and disposal facilities of the District equal to or greater than the special taxes imposed on the area by Indiana Code 8-1.5-5 in order to pay all or part of the costs of such facilities.

Section 3. This Ordinance shall be in full force and effect upon its passage.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 13th day of August , 2005.

Sandra E. Powers

Harley Barnard

Lester Miles

ATTEST:

Viki L. Powers
Clerk-Treasurer

ORDINANCE NO.: 2005-5

AN ORDINANCE ESTABLISHING A STORM WATER CUMULATIVE BUILDING AND SINKING FUND FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, Indiana Code 36-9-26-2 authorizes and allows municipalities to establish a cumulative and building sinking fund for, among other things, storm sewer purposes; and,

WHEREAS, the Town of Ladoga, Indiana, finds the creation of a Storm Water Cumulative Building and Sinking Fund is necessary and prudent for the safety and welfare of the people and property within the Town,

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Board of Trustees of the Town of Ladoga, Indiana, that:

Section 1. There is hereby established, for the Town of Ladoga, Indiana, a Storm Water Cumulative Building and Sinking Fund for the purposes set forth in Indiana Code 36-9-26-2(a).

Section 2. This Ordinance shall be in full force and effect upon its passage.

Adopted by the Board of Trustees of the Town of Ladoga, Indiana, this 13th day of August , 2005.

Sandra E. Powers

Harley Barnard

Lester Miles

ATTEST:

Viki L. Powers
Clerk-Treasurer

TOWN OF LADOGA

BE IT KNOWN: that on the 10th day of August, 1996, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That the land owned by the Town on which was located the old water tower which has been demolished is surplus; that the Town Council as a whole should be appointed the disposing agent with the President authorized to execute a deed to conveyance for and on behalf of the Town upon sale thereof; that the assessed value of the tract of real property is less than \$5,000.00; that the highest and best use of the tract is sale to an abutting land owner; the costs to the public to maintain the tract equals or exceeds the estimated fair market value of the tract and the sale of the property should be made pursuant IC 36-1-11-5. The Town Council is designated as the Disposing Agent.

Harold L. Lowe

Mike Hubble

William R. Merchant

ATTEST:

Sandra E. Powers

Clerk Treasurer

RESOLUTION NO. 2, 1996

A RESOLUTION ESTABLISHING THE MUNICIPAL CORPORATE BOUNDARIES OF THE
TOWN OF LADOGA

WHEREAS, Montgomery County has requested that the Town of Ladoga ("Town") establish its municipal corporate boundaries in accordance with modern Geographic Information Systems (GIS) mapping techniques;

WHEREAS, the County has prepared a GIS map of those boundaries using records of the County Auditor as to properties located within the original Town limits and later lawfully annexed thereto, and that map is attached and is hereby incorporated into this Resolution as if fully set forth herein,

NOW, THEREFORE BE IT RESOLVED by the Town of Ladoga, Indiana, that the attached map shall be and hereby constitutes the corporate municipal boundaries of the Town of Ladoga, Indiana, effective as of the date set forth below.

Adopted this 13th day of September , 2008.

LADOGA TOWN COUNCIL

ATTEST:

Sandra E. Powers

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Viki Powers

Signed and sworn to before me this _____ of _____, 2008.

My Commission Expires:

Notary Public: _____
Residence County: Montgomery

This ordinance prepared by David S. Peebles, #17499-54
Attorney at Law
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, Indiana 47933

=====

Attachments:

 Corporate Boundaries on GIS Map

RESOLUTION 1996-1

RESOLUTION OF TOWN BOARD TOWN OF LADOGA, INDIANA

The Town Board of the Town of Ladoga, Indiana, meeting in regular session this 10th day of August, 1996, does hereby approve the following resolution:

WHEREAS, it has come to the attention of the Town Board of Ladoga, Indiana, that the structure located at 126 College Street in Ladoga, Indiana, and owned by Donald R. Burger, presently encroaches on the Town's Right-of-Way; and

WHEREAS, the Town Board finds that said encroachment is unintentional and not intended to interfere with the Town's Right-of-Way; and

WHEREAS, the Town Board is willing to grant a permissive, limited easement to the owner of said property; The Town Board does now adopt the following resolution:

1. The Town Board does hereby grant to Donald R. Burger a limited permissive easement onto the Town's Right-of-Way along College Street and adjacent to the following described real estate:

Lot numbered three (3), in Block numbered three (3), as the same is known and designated on the recorded plat of Wilson, Graybill and Wilson's Addition to Ladoga.

2. Said easement shall be limited to that area which the structure currently built on said real estate encroaches on the Town's Right-of-Way.

3. Said easement shall be further limited in that no further additions or modifications may be made to the current structure that causes or creates any further encroachment of said Right-of-Way and the owner of said real estate shall do nothing which will interfere with traffic on College Street or the Town's maintenance of said street.

4. This permissive easement shall run with the land until such time as the present structure is removed at which time this permissive easement shall terminate.

5. This permissive easement is not intended to create any rights in the owner of said real estate except those rights specified in this resolution.

Duly adopted this 10th day of August, 1996.

LADOGA TOWN BOARD

Harold L. Lowe

Mike Hubble

William R. Merchant

ATTEST:

Sandra E. Powers
CLERK/TREASURER

RESOLUTION NO.: 2005-4

A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN FOR ANNEXATION OF CONTIGUOUS TERRITORY TO THE CORPORATE BOUNDARIES OF THE TOWN OF LADOGA, INDIANA

WHEREAS, Indiana Code 36-4-3-3.1 requires the Town of Ladoga, Indiana ("Town") to adopt, by resolution, a written fiscal plan in connection with a planned annexation to the corporate boundaries of the Town; and,

WHEREAS, the attached Annexation Fiscal Plan has been reviewed by the Town Council and approved,

NOW THEREFORE, BE IT RESOLVED that that attached Annexation Fiscal Plan is hereby adopted by the Town Council of the Town of Ladoga, Indiana, this 10th day of December , 200__.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Harley Barnard

Editor's Note: Images of the Fiscal Plan, adopted by the resolution above, are included below:



#2005-4R, Fiscal Plan, Page 1



#2005-4R, Fiscal Plan, Page 2

ORDINANCE NO.: 2006-2

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CORPORATE BOUNDARIES OF THE TOWN OF LADOGA, INDIANA (HIDDEN COURT CONDOMINIUMS)

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town"), conducted a public hearing, pursuant to notice as required by law, to consider the annexation to the corporate boundaries of said Town of certain territory as hereinafter described; and,

WHEREAS, the owner of that territory has requested, by petition, that the Town annex its property, and that owner constitutes 100% of the owners and residents of the territory; and

WHEREAS, the Town Council has determined it is in the best interests of the Town and the owner of said territory that it be voluntarily annexed;

WHEREAS, an appropriate fiscal plan for the territory to be annexed has been prepared; and

WHEREAS, the Town is capable of extending all municipal services to the subject territory within a reasonable time,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED, that there is hereby annexed to and within the corporate boundaries of the Town of Ladoga, Montgomery County, Indiana, the following described real estate, to-wit:

Section 1(a) Legal Description. The description of territory to be annexed and the last known owner is:

Part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 17 North, Range 3 West of the Second Principal Meridian in Montgomery County, Indiana, being described as follows:

Commencing at the Northeast corner of said Southeast Quarter Section; thence South 00 degrees 10 minutes 37 seconds West (basis of bearings is North line of Southeast Quarter North 90 degrees 00 minutes 00 seconds East) along the East line thereof a distance of 347.00 feet to the point of beginning; thence continuing South 00 degrees 10 minutes 37 seconds West along said East line a distance of 497.7 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 79.00 feet; thence North 52 degrees 05 minutes 53 seconds West a distance of 108.58 feet to a point on the South line of the 30 foot right of way as platted along the South line of Mary M. Harshbarger's First Addition (Deed Record 64, page 18 Office of the Recorder of Montgomery County, Indiana), said point being distant 164.88 feet West from the East line of said Southeast Quarter as measured along the Easterly extension of said South right of way line; thence North 90 degrees 00 minutes 00 seconds West along said right of way line a distance of 77.80 feet to the Southerly extension of a line parallel with and 45 feet West from the East line of said Lot 22 in said Harshbarger's First Addition; thence North 00 degrees 30 minutes 46 seconds East parallel with the East line of said Lot 22 a distance of

30.00 feet to a point on the South line thereof, said point being distant 45.00 feet West from the Southeast corner of said Lot 22; thence North 00 degrees 30 minutes 46 seconds East parallel with the East line of said Lot 22 a distance of 111.72 feet to a point on the Southerly right of way line of State Road 234, said point being on a curve having a radius of 612.96 feet, the radius point of which bears North 39 degrees 42 minutes 15 seconds West from said point; thence Northeasterly and Northerly along said curve an arc distance of 270.47 feet to the point of tangency thereof, said point bearing South 64 degrees 59 minutes 10 seconds East from the radius point; thence North 25 degrees 00 minutes 50 seconds East along said Southerly right of way line a distance of 83.8 feet to the point of curvature of a curve having a radius of 532.96 feet, the radius point of which bears South 64 degrees 59 minutes 10 seconds East; thence Northeasterly along said right of way line and along said curve and arc distance of 1.04 feet to a point on a line parallel with and 347.00 feet South from the North line of aforesaid Southeast Quarter Section, said point bearing North 64 degrees 52 minutes 28 seconds West from the radius point; thence North 90 degrees 00 minutes 00 seconds East parallel with the North line of said Southeast Quarter a distance of 42.97 feet to the line of said Southeast Quarter a distance of 42.97 feet to the point of beginning. Containing 1.80 acres, more or less.

The last known owner of the above territory is:

LHC Partners, LLC
1547 W. US Hwy 136
Lizton, Indiana 46149

That owner has voluntarily requested this annexation and makes up 100% of the property owners in the territory. The territory has no residents or population. I.C. 36-4-3-5.1 therefore applies to this annexation.

(b). Highways and Rights-of-way. Included in this territory are the following public highways and rights-of-way:

1. State Highway 234

(c) Acreage. This territory is comprised of 1.80 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for this territory: None

(e) Real Property Tax Abatements. The following real property tax abatements are in effect for this territory: None

Section 2: Within one (1) year from the effective date of this annexation, the Town of Ladoga shall extend to the territory all planned services of a noncapital nature including police protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries. Within three (3) years from the effective date of this annexation, the Town of Ladoga shall extend to the territory all services of a capital improvement nature, including street construction,

sewer facilities, and water facilities and provided in a manner equivalent in standard and scope to those services provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use, and population density.

Section 3: The territory shall be included in the voting precinct of Clark Township within the Town of Ladoga, Indiana.

Section 4: The Clerk-Treasurer is hereby directed to publish this Ordinance one (1) time in the Crawfordsville Journal Review newspaper.

Section 5: The Clerk-Treasurer shall comply with the requirements of I.C. 36-4-3-22, concerning delivery of copies of this annexation ordinance to certain other governmental units and recording this ordinance.

Section 6: This Ordinance shall be in full force and effect as of February 24, 2006; however, the annexation shall become effective not less than thirty (30) days after the publication hereof and after the Clerk-Treasurer having complied with IC 36-4-3-22.

Introduced initially, pursuant to Indiana Code 36-4-3, this 10th day of December, 2005.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 23rd DAY OF FEBRUARY, 2006.

ATTEST:	<u>Sandra E. Powers</u> President
<u>Amy J. Holladay</u> Viki Powers Clerk-Treasurer Town of Ladoga, Indiana	<u>Harley Barnard</u> <u>Lester Miles</u>

This ordinance prepared by David S. Peebles
Attorney at Law
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, Indiana 47933

A RESOLUTION OF INTENT TO ACCEPT A STREET & UTILITY EASEMENTS FOR
OWNERSHIP & MAINTENANCE BY THE TOWN OF LADOGA, INDIANA

WHEREAS, the Hidden Court Condominiums development by LHC Partners, LLC and the Beam Trust ("the developer") located in the Town of Ladoga, Indiana, contains a street and utility easements, that the Town finds adequate and necessary for its various municipal purposes; and

WHEREAS, those street and utility easements are located in part of the Southwest ¼ of Section 17, Township 17 North, Range 3 West and part of the Southeast ¼ of Section 18, Township 17 North, Range 3 West, within the Town limits, and are more particularly described in the attached instrument, being Instrument #200508376, a survey by James A. Swift, Registered Surveyor, recorded in the Office of the Montgomery County Recorder on December 8, 2005; and

WHEREAS, the Town, by its Town Council, desires to accept those streets and utility easements for permanent maintenance and ownership by the Town, provided that any appropriate official action is taken by the developer and other required parties to effectuate this transfer;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that it is the Town's desire and intent that the street and utility easements described in this Resolution be accepted for permanent ownership and maintenance by the Town of Ladoga, subject to the conditions set forth herein.

BE IT FURTHER RESOLVED, that upon any appropriate official actions being taken by the developer and any other required parties, such as the State of Indiana and Montgomery County, to effectuate this transfer, the Council agrees to execute a formal resolution in a form suitable for recording, and to record same with the Montgomery County Recorder, formally accepting those street and utility easements for maintenance and ownership by the Town.

This Resolution is effective immediately.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 13th DAY OF
January , 200 7 , BY A VOTE OF 3 IN FAVOR AND _____ AGAINST, WITH _____
ABSTAINING.

ATTEST:





Sandra E. Powers
President

Viki Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Harley Barnard

Lester Miles

Attachments:

-  Diagram: Proposed Road and Utility Easement, LHC Partners, LLC & Beam Trust Property
-  Easement Legal Descriptions - Page 1
-  Easement Legal Descriptions - Page 2
-  Easement Legal Descriptions - Page 3

AN AMENDED ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CORPORATE
BOUNDARIES OF THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana ("Town"), conducted a public hearing, pursuant to notice as required by law to consider the annexation to the corporate boundaries of said Town of certain territory as hereinafter described; and,

WHEREAS, certain owners of that territory have requested that the Town annex their property; and

WHEREAS, the Town Council has determined it is in the best interests of the Town and the owners of said territory that it be annexed;

WHEREAS, an appropriate fiscal plan for the area to be annexed has been prepared and distributed; and

WHEREAS, the Town is capable of extending all municipal services to the subject territory within the times provided by law,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED that there is hereby annexed to and within the corporate boundaries of the Town of Ladoga, Montgomery County, Indiana, the following described real estate, to-wit:

Section 1(a) Legal Descriptions. The descriptions of territory to be annexed and the last known owners are attached and hereby incorporated into this Ordinance and are set forth in the attached [Appendix A](#), which is hereby incorporated into this Ordinance as if fully set forth herein.

(b). Highways and Rights-of-way. Included in this territory are the following public highways and rights-of-way:

1. State Highway 234
2. Academy Way
3. Harrison Street

(c) Acreage. This territory is comprised of 36.21 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for this territory: None

(e) Real Property Tax Abatements. The following real property tax abatements are in effect for this territory: None

Section 2: Within one (1) year from the effective date of this annexation, the Town of Ladoga shall extend to the territory all planned services of a noncapital nature including police protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries. Within three (3) years from the effective date of this annexation, the Town of Ladoga

shall extend to the territory all services of a capital improvement nature, including street construction, sewer facilities, and water facilities and provided in a manner equivalent in standard and scope to those services provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use, and population density.

Section 3. Properties #1 through 15 as listed in [Appendix A](#) and annexed pursuant to this Ordinance shall be included in the voting precinct of Clark Township within the Town of Ladoga, Indiana, and Property #16 as listed in [Appendix A](#) and annexed pursuant to this Ordinance shall be included in the voting precinct of Scott Township within the Town of Ladoga, Indiana.

Section 4: The Clerk-Treasurer is hereby directed to publish this Ordinance one (1) time in the Crawfordsville Journal Review newspaper.

Section 5: If no remonstrance to this annexation is filed within ninety (90) days following the publication of this Ordinance, the Clerk-Treasurer shall comply with the requirements of I.C. 36-4-3-22, concerning delivery of copies of this annexation ordinance to certain other governmental units and recording this ordinance.

Section 6: This Ordinance shall be in full force and effect as of November 1, 2007; however, the annexation shall become effective not less than ninety (90) days after the publication hereof and after the Clerk-Treasurer having complied with IC 36-4-3-22.

This ordinance was introduced initially pursuant to Indiana Code 36-4-3, on the 16th day of September, 2006.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
20th DAY OF November , 200 7 .

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga,
Indiana

Harley Barnard

Lester Miles

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Viki L. Powers

Signed and sworn to before me this 26th of November , 2007.

My Commission Expires:
1-25-15

Notary Public: Amy J. Holladay

Residence County: Montgomery

This ordinance prepared by David S. Peebles, #17499-54
Attorney at Law
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, Indiana 47933

EXHIBIT A:

ANNEXED PROPERTIES

Clark Township:

1. Claude & Audrey Barker Trust, 5102 East S. R. 234, Ladoga IN 47954
Parcel #0057900300; 5.39 acres
PT WH SWQ 18-17-3 ("tracts 2, 3, 6, 13, 14 & 15")
2. Claude & Audrey Barker Trust, 5102 East S. R. 234, Ladoga IN 47954
Parcel #0050200600; 2.71 acres
PT NWQ SWQ 18-17-3
3. (a) Correction Management Co, LLC, 9000 Keystone Crossing, Ste 1040,

Indianapolis, IN 46240

Parcel #0057900301; 6.52 acres
PT SWQ 18-17-3 ("tract 12")
(Ladoga Academy, 8506 S Academy Way)

(b) Correction Management Co, LLC, 9000 Keystone Crossing, Ste 1040,
Indianapolis, IN 46240

Parcel #0057900303; 2.04 acres
PT WH SWQ 18-17-3

4. Correction Management Co, LLC, 9000 Keystone Crossing, Ste 1040,
Indianapolis, IN 46240

Parcel #0057900406; .41 acres
PT WH SWQ 18-17-3 ("tract 11")
(Ladoga Academy, 8565 S Academy Way)

5. Anthony & Loreana Richards, 8582 S Academy Way, Ladoga IN 47954
Parcel #0057900302; 0.51 acres
PT WH SWQ 18-17-3

6. Anthony & Loreana Richards, 8582 S Academy Way, Ladoga IN 47954
Parcel #0057900403; 0.38 acres ("tract 9")
PT WH SWQ 18-17-3
(SR 234 W)

7. Anthony & Loreana Richards, 8582 S Academy Way, Ladoga IN 47954
Parcel #0057900405; 3.06 acres ("tract 8")
PT WH SWQ 18-17-3
(SR 234 W)

8. Zane Gilley, 8600 S Academy Way, Ladoga IN 47954
Parcel #0057900408; 0.35 acres
PT WH SWQ 18-17-3

9. Donna Brittain, 8614 Academy Way, Ladoga IN 47954
Parcel #0057900407; 0.41 acres ("tract 5")
PT WH SWQ 18-17-3

10. Daniel L. Jr. & Sondra Estelle, 5024 E SR 234, Ladoga IN 47954
Parcel #0051100210; 0.51 acres + 0.07 acres (0.58 total)

PT WH SWQ 18-17-3

11. (a) Kirkhoff, LLC, 7805 W CR 900 N, West Lafayette IN 47906
Parcel #0057900409 ("tract 4" -Jeff & Debi Ashburn, 8605 S
Academy Way, contract purchasers)
PT WH SWQ 18-17-3 0.34 acres
- (b) Kirkhoff, LLC, 7805 W CR 900 N, West Lafayette IN 47906
Parcel #0057900404 ("tract 1")
PT WH SWQ 18-17-3 0.51 acres
12. Timothy & Kimberly Barker, P.O. Box 131, Ladoga, IN 47954
Parcel #0050200500; 1.00 acre
PT WH SWQ 18-17-3
(SR 234 W)
13. Shirley M. Paxton; 306 W. Main St., Ladoga, IN 47954
Parcel #0051303010; 1.80 acres
PT SWQ 18-17-3
14. Keith & Sandra Keck, 202 N. Harrison St., Ladoga IN 47954
Parcel #0050801800 (202 N. Harrison Street-behind); 1.92 acres
PT SWQ 18-17-3; 1.92 acres
- Parcel #0060801700 (202 Harrison Street); 1.50 acres (.75 + .75)
PT SWQ 18-17-3; 0.75 acres
PT SWQ 18-17-3; 0.75 acres
15. Morris & Mary Ann Mills, P.O. Box 218, Ladoga IN 47954
Parcel #0050400900 (204 Harrison Street); 4.00 acres
PT SWQ 18-17-3
- Parcel #0060400700; 2.60 acres (1.90 + 0.70)
PT NWQ 18-17-3

Scott Township:

16. (a) Barker Homes, Inc., 28 Hickory Lane, Crawfordsville IN 47933
Parcel #0160600305; 0.589 acres
PT EH SEQ 13-17-4

(b) Matthew & Jamie Kinner, 4978 E SR 234, Ladoga, IN 47954

Parcel #0160600307; 1.076 acres total

PT SEQ 13-17-4; 0.558 acres

PT SEQ 13-17-4; 0.518 acres

(c) Timothy & Kimberly Barker, PO Box 131, Ladoga, IN 47954

Parcel #0160600306

PT EH SEQ 13-17-4; 0.25 acres

(b) Carlin A. Bradley, 5000 E SR 234, Ladoga, IN 47954

Parcel #006-06003-06; 1.076 acres total

PT EH SEQ 13-17-4; 0.516 acres

A RESOLUTION OF QUALIFIED ACCEPTANCE OF A STREET & UTILITY EASEMENTS FOR
OWNERSHIP & MAINTENANCE BY THE TOWN OF LADOGA, INDIANA
(ACADEMY DRIVE)

WHEREAS, the Claude B. Barker and Audrey R. Barker Revocable Living Trust dated February 21, 2001, Claude B. Barker and Audrey R. Barker, co-Trustees, owns a private street, Academy Drive, and utility easements that were built to service a development now located within the Town of Ladoga, Indiana through annexation;

WHEREAS, the Town finds Academy Drive and its adjacent utility easements adequate and necessary for its various municipal purposes; and

WHEREAS, the street and utility easements are located as shown in the attached [Appendix A](#); and

WHEREAS, the Town, by its Town Council, desires to accept those streets and utility easements for permanent maintenance and ownership by the Town, provided that any appropriate official action is taken by the owner and other required parties to effectuate this transfer;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that it is the Town's desire and intent that the street and utility easements described in [Appendix A](#) to this Resolution be accepted for permanent ownership and maintenance by the Town of Ladoga, subject to the conditions set forth herein.

BE IT FURTHER RESOLVED, that upon any appropriate official actions being taken by the owner (e.g. execution of a deed) and by any other required parties, such as the State of Indiana and Montgomery County, to effectuate this transfer, the Council agrees to execute a formal resolution in a form suitable for recording, and to record same with the Montgomery County Recorder, formally accepting those street and utility easements for maintenance and ownership by the Town.

BE IT FURTHER RESOLVED, that the Town shall begin to maintain Academy Drive immediately.

This Resolution is effective immediately.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 8th DAY OF
August , 2009 , BY A VOTE OF 2 IN FAVOR AND 0 AGAINST, WITH 0 ABSTAINING.

ATTEST:	Sandra E. Powers President
Viki L. Powers Viki Powers Clerk-Treasurer	Lester Miles

Appendix A:



#2009-4R: Map of Street and Utility Easements (Academy Drive)

Editor's Note: This resolution is *identical* to [Resolution 5-2009](#) except that version bears a stamp/seal on the signature page.

A RESOLUTION OF QUALIFIED ACCEPTANCE OF A STREET & UTILITY EASEMENTS FOR
OWNERSHIP & MAINTENANCE BY THE TOWN OF LADOGA, INDIANA
(ACADEMY DRIVE)

WHEREAS, the Claude B. Barker and Audrey R. Barker Revocable Living Trust dated February 21, 2001, Claude B. Barker and Audrey R. Barker, co-Trustees, owns a private street, Academy Drive, and utility easements that were built to service a development now located within the Town of Ladoga, Indiana through annexation;

WHEREAS, the Town finds Academy Drive and its adjacent utility easements adequate and necessary for its various municipal purposes; and

WHEREAS, the street and utility easements are located as shown in the attached [Appendix A](#); and

WHEREAS, the Town, by its Town Council, desires to accept those streets and utility easements for permanent maintenance and ownership by the Town, provided that any appropriate official action is taken by the owner and other required parties to effectuate this transfer;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that it is the Town's desire and intent that the street and utility easements described in [Appendix A](#) to this Resolution be accepted for permanent ownership and maintenance by the Town of Ladoga, subject to the conditions set forth herein.

BE IT FURTHER RESOLVED, that upon any appropriate official actions being taken by the owner (e.g. execution of a deed) and by any other required parties, such as the State of Indiana and Montgomery County, to effectuate this transfer, the Council agrees to execute a formal resolution in a form suitable for recording, and to record same with the Montgomery County Recorder, formally accepting those street and utility easements for maintenance and ownership by the Town.

BE IT FURTHER RESOLVED, that the Town shall begin to maintain Academy Drive immediately.


This Resolution is effective immediately.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 8th DAY OF
August , 2009 , BY A VOTE OF 2 IN FAVOR AND 0 AGAINST, WITH 0 ABSTAINING.

ATTEST: Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Lester Miles

Appendix A:

 #2009-5R: Map of Street and Utility Easements (Academy Drive)

Editor's Note: This resolution is *identical* to [Resolution 4-2009](#) except this version bears a stamp/seal on the signature page.

AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE CORPORATE
BOUNDARIES OF THE TOWN OF LADOGA, INDIANA
(Fire Station on 234 East)

WHEREAS, the Town Council of the Town of Ladoga, Indiana (“Towns”), conducted a public hearing, pursuant to notice as required by law, to consider the annexation to the corporate boundaries of said Town of certain territory as hereinafter described; and,

WHEREAS, the owners of that territory desire that it be annexed, and said owners constitute 100% of the owners and residents, if any, of the territory; and

WHEREAS, the Town Council has determined it is in the best interests of the Town and the owners thereof that it be voluntarily annexed;

WHEREAS, an appropriate fiscal plan for the territory to be annexed has been prepared; and

WHEREAS, the Town is capable of extending all municipal services to the subject territory within a reasonable time,

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED, that there is hereby annexed to and within the corporate boundaries of the Town of Ladoga, Montgomery County, Indiana, the following described real estate, to-wit:

Section 1(a) Legal Description. The description of territory to be annexed and the last known owners are:

Tract One

Part of the northwest quarter of the southwest quarter of section 17, township 17 north, range 3 west, in Montgomery County, Indiana, described as follows:

A strip of land thirty (30) feet wide extending due east from the northeast property line described in the below tract and running due south to a point 30 feet due east of the southeast property line described in the below tract:

Beginning at a point where the west line of said quarter quarter intersects the north line of Elm Street in Ladoga if said north line were extended east and running thence east with said extended north line 200 feet; thence north 288.8 feet to the centerline of Indiana Highway 234; thence southwesterly with said centerline 256 feet to the west line of said quarter quarter; thence south with said west line 133 feet to the place of beginning, containing 1.0 acres, more or less.

Parcel ID 54-16-17-300-019.002-007

0.200 acres
Address: State Road E 234
Ladoga, Clark Township, Indiana

[This is the eastern 30 feet of the L&M Restaurant parking lot; the remainder of the L&M Restaurant is already in the Town per a 1994 annexation (Ord #1994-2.)]

Tract Two

Part of the southwest quarter of section 17, township 17 north range 3 west, Montgomery County, Indiana, described as follows:

Commencing at an iron pin marking the northwest corner of said southwest quarter; thence South 00° 10' 37" West along the west line of said quarter section 343.50 feet to the southwest corner of a 1.0 acre tract described in Instrument 200201288 in the Office of the Montgomery County Recorder, said point witnessed by an iron pipe 1 feet west; thence North 89° 48' 57" East, along the south line of said parcel (East by record description) and along the south line of a 30.00 foot strip also described in said Instrument 200201288, for a distance of 230.00 feet to the southeast corner of said 30.00 foot strip and a 5/8 inch rebar marking the true POINT OF BEGINNING of the parcel described herein; thence North 89° 48' 57" East, 312.46 feet to an east line of an 11.076 acre parcel described in Instrument 200508223 in said Recorder's Office and the westerly line of a 30 foot easement for ingress and egress; thence North 00° 08' 33" East along said east line 341.75 feet to the north line of said southwest quarter; thence South 90° 00' 00" West along said north line, 142.08 feet to the center of State Road 234; thence along said center and along a curve which is not tangent to said north line, having a radius of 572.96 feet and being concave southerly, through a central angle of 17° 31' 15" for an arc length of 175.21 feet, said curve being subtended by a chord bearing South 77° 21' 44" West for a distance of 174.53 feet; thence South 00° 10' 37" West (North by record description) along the east line of the aforementioned 30.00 foot strip described in Instrument 200201288 for a distance of 304.58 feet (288.80 feet by record description) to the point of beginning, containing 2.398 acres.

Subject to the right-of-way of Indiana State Road 234 along the northerly side of the above described parcel.

Parcel ID 54-16-17-300-019.014-007

2.398 acres
Address: State Road E 234
Ladoga, Clark Township, Indiana

[This is the parcel where the new Ladoga Fire Station will be built, donated to the Town by Ralph Beam by deed on 7/7/2009, Instrument 200903655.]

The owners of Tract One are:

Harold & Viola Miller (contract sellers)
5009 E State Road 234
Ladoga, IN 47954

Ronald E. Gibson (contract purchaser)
5009 E State Road 234
Ladoga, IN 47954

The owner of Tract Two is:

The Town of Ladoga
121 East Main Street
P.O. Box 187
Ladoga, IN 47954

Said owners have voluntarily requested this annexation and make up 100% of the property owners in the territory. The territory has no residents or population. I.C. 36-43-5.1 therefore applies to this annexation.

(b). Highways and Rights-of-way. Included in this territory are the following public highways and rights-of-way:

1. State Highway 234

(c) Acreage. This territory is comprised of 2.598 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for this territory: None.

(e) Real Property Tax Abatements. The following real property tax abatements are in effect for this territory: None

Section 2: Within one (1) year from the effective date of this annexation, the Town of Ladoga shall extend to the territory all planned services of a noncapital nature including police protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries. Within three (3) years from the effective date of this annexation, the Town of Ladoga shall extend to the territory all services of a capital improvement nature, including street construction, sewer facilities, and water facilities and provided in a manner equivalent in standard and scope to those services provided to areas within the corporate boundaries of the Town regardless of similar topography, patterns of land use, and population density.

Section 3: The territory shall be included in the voting precinct of Clark Township within the Town of Ladoga, Indiana.

Section 4: The Clerk-Treasurer is hereby directed to publish this Ordinance one (1) time in the appropriate newspaper(s) of record.

Section 5: The Clerk-Treasurer shall comply with the requirements of I.C. 36-4- 3-22, concerning delivery of copies of this annexation ordinance to certain other governmental units and recording this ordinance.

Section 6: This Ordinance shall be in full force and effect upon passage; however. the annexation shall become effective not less than thirty (30) days after the publication hereof and after the Clerk-Treasurer having complied with IC 36-4-3-22.

Introduced initially, pursuant to Indiana Code 36-4-3, this 26th day of May, 2010.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
30th DAY OF June , 2010.

ATTEST: Sandra E. Powers

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy Chadwick

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Viki L. Powers
Viki Powers

Signed and sworn to before me this 30th of June , 2010.

Amy J. Holladay
signed

My Commission Expires:

Notary Public: Amy J. Holladay
printed

1-25-15

Residence County: Montgomery

This ordinance prepared by David S. Peebles, Atty 1117499-54
Harris, Harvey & Peebles, LLC
100 West Main Street
Crawfordsville, Indiana 47933
(765) 362-2243

Editor's Note: This final page bears the Notary Public's seal.

A RESOLUTION OF THE TOWN OF LADOGA, INDIANA APPROVING THE LEASE OF DIXIE
CHOPPER EQUIPMENT

WHEREAS, the Town of Ladoga, Indiana ("Town") is a municipal corporation (town) duly organized and constituted under the laws of the State of Indiana and a political subdivision of the State of Indiana;

WHEREAS, the undersigned individuals are the duly elected, sworn and serving members of the Ladoga Town Council and Clerk-Treasurer of the Town;

WHEREAS, the undersigned are duly authorized under Indiana law to approve and authorize contracts for and on behalf of the Town, including leases of personal property, which contracts then become valid and binding obligations of the Town; and

WHEREAS, it would be in the Towns general welfare to enter into a lease of certain Dixie Chopper equipment from Magic Circle Corporation for the maintenance of Town properties,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of Ladoga, Indiana, that:

1. The attached lease for Dixie Chopper equipment by the Town of Ladoga is hereby approved.
2. The President of the Town Council, Sandra Powers, and the Clerk-Treasurer of the Town, Viki Powers, are hereby authorized to execute said lease and any and all other documents and take any and all other actions on behalf of the Town as may be necessary to effectuate the leasing of said equipment, and to pay claims for lease payments thereon.
3. This Resolution shall be in full force and effect upon passage.

Adopted this 8th day of November, 2008.

LADOGA TOWN COUNCIL

ATTEST:

Sandra E. Powers
Sandra Powers, President

Viki Powers
Viki Powers, Clerk-Treasurer
Town of Ladoga, Indiana

Jeremy L. Chadwick
Jeremy Chadwick, Member

Lester Miles

Lester Miles, Member

Original to:
Ladoga Clerk-Treasurer

Copy to:
Dixie Chopper (Magic Circle Corp.)

A Resolution of the Town of Ladoga Authorizing the Transfer of a Surplus Ambulance

WHEREAS, the Town of Ladoga, Indiana, and Clark Township in Montgomery County, Indiana, own a used ambulance that is free and clear of liens and is no longer needed by the Town and Township, and

WHEREAS, the South Montgomery Community School Corporation has need for this ambulance for teaching and training purposes, and

WHEREAS, Indiana Code 5-22-22-10 reads as follows:

Exchange of property between purchasing agency and governmental body.

Sec. 10. (a) A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity.

(b) A transfer under this section may be made for any amount of property or cash as agreed upon by the governmental bodies, and

WHEREAS, the Town, Township and School Corporation are all “governmental bodies” as contemplated by that statute, and

WHEREAS, because paramedic training through the School Corporation benefits the Town and Township, the School Corporation will pay no cash consideration to the Town and Township for this ambulance, and

WHEREAS, the Town and Township jointly wish to dispose of this ambulance at minimum expense and delay, and jointly find this transfer to be reasonable,

NOW THEREFORE be it resolved by the Town Board of Ladoga, Indiana, that:

1. The MSA - 1999 [model & model year] ambulance is hereby declared surplus property of the Town and Township, and
2. The Township Trustee, in cooperation with the Ladoga Town Board, is hereby declared the disposing agent for this ambulance, and
3. Pursuant to I.C. 5-22-22-10, this ambulance should be transferred to the South Montgomery Community School Corporation in consideration of (a) the execution by it of a resolution substantially identical to this one, (b) the acceptance by the Corporation of the ambulance, and (c) payment of the sum of \$1 by the Corporation to the Town.
4. The \$1 cash consideration paid for the ambulance should be paid to the Town, which then shall pay the Township the sum of \$0.33, representing the Township's pro-rated ownership interest in the ambulance.
5. The President of the Ladoga Town Board and Ladoga Clerk-Treasurer are hereby each

and both authorized to take any and all actions on behalf of the Town necessary to carry out the intent of this resolution, including but not limited to (a) transferring of the ambulance to agents of the School Corporation, (b) execution and delivery of the certificate(s) of title and municipal license plates for the ambulance to the School Corporation, and (c) payment of \$0.33 to the Township.

This Resolution supersedes any prior resolutions concerning this used ambulance, and shall be and is effective as of October 1, 2011.

Adopted unanimously by the Town Board of Ladoga, Indiana this 8th day of October, 2011.

Sandra E. Powers

Attest:

Lester Miles

Viki L. Powers

Jeremy L. Chadwick

A Joint Resolution of the Town of Ladoga and Clark Township Authorizing the Transfer of
Firefighting Vehicles and Equipment To the Ladoga Volunteer Fire Department

WHEREAS, the Town of Ladoga and Clark Township in Montgomery County, Indiana, have possession of and title to certain firefighting vehicles and equipment for which costs such as insurance and maintenance must be paid,

WHEREAS, for easier management of vehicle expenses and to consolidate assets, both these governmental bodies would like to transfer the vehicles and equipment listed in this joint resolution to the Ladoga Volunteer Fire Department, Inc., which is located within said Town and Township and has agreements ,

WHEREAS, Indiana Code 5-22-22-12 reads as follows:

Sec. 12. (a) This section applies to the following surplus property:

- (1) Fire trucks.
- (2) Emergency service vehicles.
- (3) Firefighting or emergency services equipment.

(b) As used in this section, "fire department" refers to any of the following:

- (1) A volunteer fire department (as defined in IC 36-8-12-2).
- (2) The board of fire trustees of a fire protection district established under IC 36-8-11.
- (3) The provider unit of a fire protection territory established under IC 36-8-19.

(c) Notwithstanding section 4, 4.5, or 5 of this chapter, a governmental body may transfer title of surplus property to a fire department for the fire department's use in providing fire protection or emergency services.

(d) A fire department located in the same county as the governmental body offering the surplus property for transfer has the right of first refusal for all surplus property offered. Surplus property that is refused by the fire departments located in the same county as the governmental body may be transferred to any fire department in Indiana.

(e) A governmental body may transfer title of surplus property to a fire department under this section by:

- (1) sale;
- (2) gift; or
- (3) another arrangement acceptable to the governmental body and the fire department.

WHEREAS, under the foregoing statute, the Ladoga Volunteer Fire Department is a duly qualified recipient of those vehicles and equipment,

WHEREAS, the Town and Township jointly wish to transfer those vehicles and equipment for no consideration, as a gift, and both bodies jointly find this transfer to be in furtherance of public safety,

NOW THEREFORE be it jointly resolved by the Ladoga Town Board and the Clark Township Board that:

1. The following property shall be transferred to the Ladoga Volunteer Fire Department, Inc. pursuant to I.C. 5-22-22-12(c):

1999 Freightliner FLD 120 / 1998 Freightliner FL80

1993 International 4900 Series

1978 Ford Tk / 1967 Ford Tk

1934 Ford Tk

2. The Ladoga Clerk-Treasurer and Clark Township Trustee, are jointly and severally hereby declared the disposing agents for this property, and

3. Pursuant to I.C. 5-22-22-12(e), and upon acceptance by the Ladoga Volunteer Fire Department, Inc., this property should be transferred to said Department for no consideration, as a gift.

4. The President of the Town Council, Town Clerk-Treasurer, and Township Trustee are hereby authorized to take any and all actions on behalf of the Town and Township respectively necessary to carry out the intent of this resolution, including but not limited to (a) delivering the property to agents of the Department, and (b) retitling of any and all certificate(s) of title into the name of the Department.

This Resolution shall be and is effective upon passage by both undersigned bodies.

Adopted by the Town Board of Ladoga, Indiana this 10th day of December , 2011.

Sandra E. Powers Y

Lester Miles Y

Jeremy L. Chadwick Y

Attest:

Viki L. Powers
Clerk-Treasurer

Adopted by the Board of Clark Township of Montgomery County, Indiana this 20th day of December , 2011.

Scott A. Lowe Y

Attest:

Amy J. Holladay Y

Michael W. Hunley Y

Scott Troy Ellis
Trustee

Originals to:
Town Clerk-Treasurer
Township Trustee

Copies to:
LVFD
Town Board
Township Board

dsp 11/30/11

Emergency Services Volunteers

Employees who serve as volunteers with agencies providing emergency services for the town and township may respond to requests for emergency aid providing that circumstances will permit the employee's absence without adversely affecting safety or utility service. Employees will not be charged for absences while responding to requests for emergency aid.

Adopted and passed by the Town Council of the Town of Ladoga, Indiana, this 17th day of May, 2002

Sandra E. Powers

ATTEST:

Harold L. Lowe

Harley Barnard

Viki L. Powers

Viki L. Powers,
Clerk-Treasurer

ORDINANCE NUMBER 2-1995

AN ORDINANCE TO AUTHORIZE WRITE-OFF OF ACCOUNTS RECEIVABLE

WHEREAS, the Town of Ladoga owns and operates an electric utility, a water works, and a sewer works; and

WHEREAS, the said town utilities from time to time experience non- payment of such utility service charges to customers; and

WHEREAS, it is the policy of the town utilities to make every reasonable effort to collect on any town utility service fee delinquent receivables, efficient management of the utility requires the write-off of such receivables after a two (2) year period for non-payment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LADOGA, INDIANA, THAT:

SECTION 1: Any utility owned by the Town of Ladoga which has any account receivable for which no payment has been made for a continuous period of two (2) years or more shall be written off the accounts receivable as non-collectible.

SECTION 2: Any receivable which has been written off the accounts receivable as non-collectible by any town utility and for which any payment is made on such account shall be charged back to the accounts receivable for collection in accordance with the policy of this ordinance.

SECTION 3: This ordinance shall be in full force and effect from and after its passage. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Adopted by the Town Council of Ladoga, Indiana, this 8th day of April , 1995.

TOWN COUNCIL
TOWN OF LADOGA, INDIANA

William R. Cloud

Terry H. Brown

Harold L. Lowe

ATTEST:

Sandra E. Powers
Sandy Powers, Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 1, 1999

BE IT KNOWN: that on the 31th day of March, 1999, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That the Ladoga Sewer Utility borrow from and the Ladoga Water Utility loan to the Sewer Utility the sum of \$90,000.00 for funds to make the local match necessary for the Sewer Utility to qualify for and receive the Indiana Department of Commer grant for improvement of the Sewer infrastructure; such loan to be at 3% per annum interest and the loan to be paid in full, with interest, three years from date.

BE IT FURTHER RESOLVED: That this indebtedness is to be evidenced by a promissory note which Eric Gray is authorized to sign on behalf of the Sewer Utility.

Eric S. Gray

Harold L. Lowe

Mike Hubble

ATTEST:

Sandra E. Powers
Clerk Treasurer

TOWN OF LADOGA

RESOLUTION NO. 6, 2001

Editor's Note: This resolution was superceded by [Ordinance #2003-4.](#)

BE IT KNOWN: that on the 15th day of December, 2001, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That there is hereby created a Rainy Day Fund for the Town of Ladoga for any lawful town purposes pursuant to Indiana Code 36-1-8-5.1 to receive transfers of unused and unencumbered funds under Indiana Code 36-1-8-5. This Fund is subject to the same appropriation process as other funds that receive tax money and subject to a finding that appropriations from this fund are consistent with the intent of the fund. Transfers into this fund are subject to the 10% limitation each fiscal year of the Town's total budget for the fiscal year.

Sandra E. Powers

Harold L. Lowe

Harley Barnard

ATTEST:

Viki L. Powers
Clerk Treasurer

TOWN OF LADOGA

RESOLUTION NO. 7, 2001

BE IT KNOWN: that on the 15th day of December, 2001, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That as the governmental entity sponsor of Historic Ladoga, Inc. for purposes of that organization receiving Build Indiana Funds, there is hereby created the Historic Ladoga, Inc. BIF Fund for the purpose of receiving such grant funds and dispersing the same to Historic Ladoga, Inc. on submission of claims therefor.

Sandra E. Powers

Harold L. Lowe

Harley Barnard

ATTEST:

Viki L. Powers
Clerk Treasurer

ORDINANCE NO.: 2003-3

AN ORDINANCE ESTABLISHING A WAGERING TAX DISTRIBUTIONS FUND FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, IC 4-33-13-5 authorizes the Auditor of the County to distribute certain surplus wagering tax funds received by the County to Cities and Towns of the County; and,

WHEREAS, IC 4-33-13-5 authorizes and allows municipalities to establish a municipal Wagering Tax Distributions Fund to carry out any governmental purpose for which the money is appropriated by the fiscal body of the town; and,

WHEREAS, the Town of Ladoga, Indiana, finds such a Fund is necessary and prudent for the financial well-being of the municipality of Ladoga, Indiana,

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Board of Trustees of the Town of Ladoga, Indiana, that:

Section 1. There is hereby established, for the Town of Ladoga, Indiana, a Surplus Wagering Tax Distribution Fund.

Section 2. That the Surplus Wagering Tax Distribution Fund shall receive funds distributed by the Auditor of Montgomery County from surplus wagering tax distributions received from the State of Indiana.

Section 3. That the Surplus Wagering Tax Distribution Funds shall be used by the Town to carry out any governmental purpose for which the money is appropriated by the fiscal body of the Town as authorized by IC 4-33-13-5, for capital improvements and any other lawful purpose.

Section 4. The money received and appropriated under the Surplus Wagering Tax Distribution Fund does not reduce the property tax levy of the Town or reduce the maximum levy of the Town under IC 6-1.1-18.5.

Section 5. This Fund shall be effective upon approval of the Indiana State Board of Tax Commissioners.

Adopted by the Ladoga Town Council, Ladoga, Indiana, this 9th day of August, 2003.

Harley Barnard

Harold L. Lowe

Sandra E. Powers

ATTEST:

Viki L. Powers
Viki L. Powers
Clerk-Treasurer

ORDINANCE NO.: 2003-4

AN ORDINANCE SUPERCEDING RESOLUTION 6, 2001, ESTABLISHING A A RAINY DAY FUND FOR THE TOWN OF LADOGA, INDIANA

WHEREAS, Indiana Code 36-1-8-5 authorizes and allows municipalities to establish a fund to receive transfers of unused and unencumbered funds and to carry such funds forward for appropriated spending; and,

WHEREAS, the Town of Ladoga, Indiana, finds such a fund is necessary and prudent for the financial well-being of the municipality of Ladoga, Indiana,

NOW, THEREFORE, BE IT HEREBY ESTABLISHED AND ORDAINED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. There is hereby established, for the Town of Ladoga, Indiana, a Rainy Day Fund pursuant to Indiana Code 36-1-8-5.

Section 2. Whenever the purposes of a tax levy have been fulfilled transfers of unused and unencumbered funds may be made to the Rainy Day Fund under Indiana Code 36-1-8-5.1. Transfers into this fund are subject to the 10% limitation each fiscal year of the Town's total budget for the fiscal year.

Section 3. Transfers to the Rainy Day Fund must be made after the last day of the Town's fiscal year and before March 1 of the subsequent calendar year.

Section 4. The Rainy Day Funds shall be used by the Town for capital improvements and any other governmental purpose for which the money may be lawfully appropriated by the fiscal body of the Town. This Fund is subject to the same appropriation process as other funds that receive tax money and subject to a finding that appropriations from this fund are consistent with the intent of the fund.

Section 5. This Ordinance supercedes [Ladoga Resolution No. 6, 2001](#) and shall be effective immediately.

Adopted by the Ladoga Town Council, Ladoga, Indiana, this 9th day of August, 2003.

Harley Barnard

Harold L. Lowe

Sandra E. Powers

ATTEST:

Viki L. Powers
Viki L. Powers
Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 5, 2003

BE IT KNOWN: that on the 27th day of December, 2003, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That there is hereby created and established in the Town of Ladoga Motor Vehicle & Highway Budget a line item for Capital Outlay and the Town of Ladoga Local Road & Street Budget a line item for Capital Outlay

Harley Barnard Harley Barnard

Harold L. Lowe
Harold L. Lowe

Sandra E. Powers
Sandra E. Powers

ATTEST:

Viki L. Powers
Viki L. Powers, Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 7, 2004

BE IT KNOWN: that on the 13th day of November, 2004, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That the following unused account funds with no existing balances are dissolved and stricken from the accounts of the town: the Fire Grant Arson Fund and the Fire Report From Insurance Fund.

Harley Barnard

Lester Miles

ATTEST:

Viki L. Powers
Clerk Treasurer

ORDINANCE NO. 2005-3

AN ORDINANCE RE-ESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND

It is hereby established and ordained by the Town Council, Ladoga, Montgomery County, Indiana, That:

Section 1. Cumulative Capital Development Fund. There is hereby established a tax levy of \$0.05 per \$100 of assessed valuation of taxable property in the Town, and shall be in addition to any other levy, to be known and designated as the Cumulative Capital Development Fund (CCD Fund).

Section 2. Term of Levy. The CCD Fund levy shall remain in effect for a period of three (3) years, commencing with the budget for 2006. This may be renewed at the expiration of the term, but only after notice and public hearing as required in the original establishment of the fund.

Section 3. Plan for Use of Funds. Monies to be accumulated in the CCD Fund may be expended by the Town for any of the purposes authorized by IC 36-9-15.5-2 including but not limited to certain State Statutes, as identified in the Indiana Code, as follows:

<u>Statute</u>	<u>Related Purpose</u>
IC 36-8-14	Building & Equipment for firefighting
IC 36-9-16-2	Municipal buildings, land & right of way
IC 36-9-16-3	Land, rights of way, buildings for sidewalks, public ways, sanitary & storm sewers, utilities, parks & recreation, ambulance and firefighting vehicles
IC 36-9-16.5-3	Streets and roads
IC 36-9-16.5	Rights of way for, construction or recon- struction of sidewalks
IC 36-9-17	Street, alleys, sidewalks, curbs, gutters and sewers
IC 36-9-27-100	Drainage
IC 36-10-3-21	Park & recreation facilities

Notwithstanding the foregoing, CCD funds may be spent for purposes other than those authorized by IC 36-9-15.5-2, if the purpose is to protect the public health, welfare, or safety in an emergency situation that demands immediate action or to make a contribution to an authority established under IC 36-7-23. Money may be spent under the authority of this provision only after the executive of the Town:

(a) issues a declaration that the public health, welfare, or safety is in immediate danger that requires the expenditure of money in the fund; or

(b) certifies in the minutes of the municipal legislative body that the contribution is made to the authority for capital development purposes.

Section 4. Force and Effect of Ordinance. This ordinance shall be in full force and effect from and after the date of its passage, subject to the approval of the department of local government finance.

Unanimously adopted this 11th day of 2005 - June, 2005.

LADOGA TOWN COUNCIL

Sandra E. Powers

Harley Barnard

Lester Miles

Attest:

Viki L. Powers

Clerk-Treasurer

RESOLUTION NO. 2-2006

A RESOLUTION CASTING VOTES OF THE TOWN OF LADOGA, INDIANA, FOR THE PROPOSED ORDINANCE IMPOSING COUNTY ECONOMIC DEVELOPMENT INCOME TAX

WHEREAS, the Town of Ladoga, Indiana, a member of the Montgomery County Income Tax Council, did receive on the day of January, 2006, from the County Auditor, a form of proposed ordinance for the imposition of County Economic Development Income Tax; and,

WHEREAS, the said Town has conducted a public hearing pursuant to notice as required by law;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

1. The Town Council of the Town of Ladoga, Indiana, casts all of its votes for the proposed ordinance of the Montgomery County Income Tax Council, which reads as follows:

Section 1. The Montgomery County Income Tax Council hereby imposes the County Economic Development Income Tax on the county taxpayers of Montgomery County. The County Economic Development Income Tax is imposed at a rate of one-tenth of one percent (0.10 %) on the county taxpayers of the County.

Section 2. This Economic Development Income Tax takes effect July 1, 2006.

Section 3. The certified distribution shall be used to provide for uniformly applied increased homestead credits as provided for in Indiana Code §6-3.5-7-25.

Section 4. The Montgomery County Auditor shall report the adoption of this ordinance to the Indiana taxing authorities as provided for by law.

2. The Clerk-Treasurer is hereby directed to forthwith deliver a copy of this Resolution to the Auditor of Montgomery County.

Adopted this 11th day of February, 2006.

TOWN COUNCIL,
TOWN OF LADOGA, INDIANA

Sandra E. Powers

Harley Barnard

Lester Miles

ATTEST:

Viki L. Powers
Clerk-Treasurer

RESOLUTION # 2-2006

A RESOLUTION PROPOSING TO THE COUNTY INCOME TAX COUNCIL THE ADOPTION OF A COUNTY ECONOMIC DEVELOPMENT INCOME TAX

WHEREAS, the changes to the inventory tax have caused and will continue to cause Montgomery County and its taxing authorities, including the Town of Ladoga, to lose significant revenues; and

WHEREAS, the inventory tax will be eliminated in 2006 such that there will be no revenues from this tax in 2007; and

WHEREAS, the State Legislature has provided for the adoption of a County Economic Development Income Tax to replace a portion of the lost revenues; and

WHEREAS, a public notice of hearing was duly published pursuant to Indiana Code 5-3-1, and a public hearing on the adoption of this tax was held by the Town Council of the Town of Ladoga on February 11, 2006; and

WHEREAS, after considering public comment and other information, the Ladoga Town Council believes it is in the best interest of the citizens of Ladoga that a County Economic Development Income Tax be adopted by the Montgomery County Income Tax Council.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga that:

Section 1. The Town Council of the Town of Ladoga hereby proposes adoption by the Montgomery County Income Tax Council of a County Economic Development Income Tax at the rate of one-tenth of one percent (0.10%) on the county taxpayers of Montgomery County.

Section 2. If adopted, this tax will become effective July 1, 2006.

Section 3. The ordinance proposed to be adopted by the County Income Tax Council is attached to this Resolution, marked as Exhibit A.

Section 4. Immediately upon passage, the Ladoga Clerk-Treasurer shall send a copy of this Resolution to the Montgomery County Auditor, and the Montgomery County Auditor is instructed to count all votes of the Town of Ladoga in favor of adoption of the attached ordinance.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 11th DAY OF
FEBRUARY, 2006, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST.

ATTEST:

Sandra E. Powers
President

Viki Powers


Harley Barnard

Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles



Editor's Note: An image of the ordinance adopted by the Montgomery County Income Tax Council is attached:

+/-

Ordinance 2006-1 of the County Income Tax Council

TOWN OF LADOGA

RESOLUTION # 2 -2007

BE IT KNOWN: that on the 25th day of April, 2007, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility of the following debts to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

Electric Utility:	Jerald Conkright	\$645.69	Bankruptcy
Sewer Utility:	Jerald Conkright	\$155.00	Bankruptcy

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 25th DAY OF APRIL, 2007, BY A VOTE OF 2 IN FAVOR AND 0 AGAINST.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA
CONCERNING THE PROPOSED 1.0 % LOCAL OPTION INCOME TAX

WHEREAS, the Montgomery County Council has, by resolution, proposed adopting a county-wide local option income tax (LOIT) at the rate of one percent (1%), with revenue from this tax to be used for property tax relief in the form of additional homestead credits (80% of such revenue) and general property tax relief for all property owners (20% of such revenue); and

WHEREAS, a copy of that Montgomery County Council Resolution, #2007-13, is attached to this resolution; and

WHEREAS, by law, the Town Council of the Town of Ladoga, as the fiscal body of the Town, must vote either to approve or to reject this proposal,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that:

1. The proposed Montgomery County local option income tax (LOIT) at the rate of one percent (1%), as set forth in Montgomery County Council Resolution #2007-13, is hereby:

-check- **Approved** by a vote of 3 in favor, 0 against, and 0 abstaining or not voting.

_____ **Rejected** by a vote of _____ in favor, _____ against, and _____ abstaining or not voting.

2. All votes of the Town of Ladoga on the County Income Tax Council are hereby directed to be voted in accordance with the foregoing determination.

3. The Clerk-Treasurer is directed to deliver a copy of this resolution to the Montgomery County Auditor and to promptly notify the appropriate County officials of the foregoing determination of the Ladoga Town Council.

4. This resolution is effective upon passage.

RESOLVED this 20 day of November, 2007.




ATTEST:

Sandra E. Powers
President

Viki Powers
Viki Powers

Harley Barnard

Attachments:

- +/-
- Response Letter to County Auditor
-
- +/-
- Montgomery County Local Option Income Tax Resolution - Page 1
-
- +/-
- Montgomery County Local Option Income Tax Resolution - Page 2

TOWN OF LADOGA

RESOLUTION # 2007- 12

BE IT KNOWN: that on the 8th day of December, 2007, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility of the following debts to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

	Electric	Water	Sewer	Storm Water	Total
Vintage Windows	\$86.47	\$7.62	\$107.81	0	\$201.90
Vera Blunk	\$608.64	\$52.74	\$38.75	\$16.00	\$716.13
Carla Lawson	\$290.98	\$107.79	\$35.23	\$9.00	\$440.00
Lee & Carla Essex	\$489.13				\$489.13
TOTALS:	\$1475.22	\$168.15	\$181.79	\$25.00	\$1847.16

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 8th DAY OF DECEMBER, 2007, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers

Lester Miles

Clerk-Treasurer

Town of Ladoga,
Indiana

Harley Barnard

A RESOLUTION REDUCING THE 2009 CCD FUND APPROPRIATION FOR THE TOWN OF
LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's CCD Fund for the 2009 budget by the sum of Twenty-four Thousand Dollars (\$24,000.00), in order to maintain the needed CCD Fund budget amount for 2010; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2009 budget appropriation for the CCD Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Twenty-Four Thousand Dollars (\$24,000.00).

This Resolution shall be effective upon passage.

Done this 15th day of July , 2009.

ATTEST:

Sandra E. Powers
President

Viki Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy L. Chadwick

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA TO
REALLOCATE THE MONTGOMERY COUNTY LOCAL OPTION INCOME TAX REVENUE

WHEREAS, Montgomery County has adopted a county-wide local option income tax (LOIT) at the rate of one percent (1%), with revenue from this tax being used for property tax relief in the form of additional homestead credits (80% of such revenue) and general property tax relief for all property owners (20% of such revenue);

WHEREAS, since the adoption of that allocation ratio, major changes to property tax laws have been made by the Indiana General Assembly, including “circuit breaker” caps on the maximum possible property taxes payable by various classes of property;

WHEREAS, while those changes reduce the property tax burden on all property in the State of Indiana, they reduce the property tax burden most for homestead residential property;

WHEREAS, as a result of those changes, the Town of Ladoga is projected to lose property tax revenue in 2010 and beyond, especially with respect to non-homesteaded residential property such as apartments;

WHEREAS, at the request of fellow Tax Council member the City of Crawfordsville, and to reduce the impact of that decrease on the Town, and to allow non-homestead property to participate more in property tax relief, the Ladoga Town Council, as the Town's fiscal body, would like to re-allocate the ratio of homestead credits (now 80% of LOIT revenue) and general property tax relief (now 20%);

WHEREAS, the LOIT revenue allocation ratio may be changed only by action of the Montgomery County Income Tax Council, composed of the County and various municipalities therein in proportion to their assessed valuations;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that:

1. The revenue of the Montgomery County local option income tax (LOIT) should be re-allocated from its present ratio of homestead credits (now 80% of LOIT revenue) and general property tax relief (now 20%) to homestead credits receiving 70% of such revenue and general property tax relief receiving 30% of such revenue.
2. In light of the foregoing, the Town of Ladoga casts its 2 votes *for* the proposed ordinance of the Montgomery County Income Tax Council, which ordinance is set forth as Exhibit 1 to this resolution and is hereby incorporated by reference into this resolution as if fully set forth herein.
3. The Clerk-Treasurer is directed to deliver a copy of this resolution to the Montgomery County Auditor pursuant to statute forthwith.
4. This resolution is effective upon passage.

SO RESOLVED this 22 day of July, 2009.

LADOGA TOWN COUNCIL:

ATTEST:

Sandra E. Powers

Viki L. Powers
Clerk-Treasurer

Lester Miles

Jeremy Chadwick

Attachments:

 #2009-1R: Montgomery County LOIT Consolidating Ordinance - Page 1

 #2009-1R: Montgomery County LOIT Consolidating Ordinance - Page 2

AN ORDINANCE RE-ESTABLISHING THE CUMULATIVE CAPITAL DEVELOPMENT FUND
UNDER INDIANA CODE 36-9-15.5

WHEREAS, Indiana Code 36-9-15.5 allows a municipality such as the Town of Ladoga, located in Montgomery County, Indiana, to establish a cumulative capital development (CCD) fund and sets forth the requirements of such a fund; and

WHEREAS, the Town already has a CCD fund, and that CCD fund and the tax rate imposed thereunder have been in effect for more than two (2) years;

WHEREAS, a county option income tax was in effect in Montgomery County on January 1, 2009 and several years prior thereto;

WHEREAS, the Ladoga Town Council, as the municipality's fiscal body, would like to amend the Town's CCD tax rate and to clarify the purposes for which CCD funds can be spent, all in conformity with I.C. 36-9-15.5, including recent changes made by Public Law 146-2008;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, that

SECTION 1. There is hereby re-established the Cumulative Capital Development Fund ("the CCD Fund") within the Town of Ladoga.

SECTION 2. The purposes of the CCD Fund are each and every approved purpose set forth in I.C. 36-9-15.5, as it may be amended from time to time, and the Town of Ladoga shall adhere to all the provisions of I.C. 36-9-15.5 with respect to expenditures from the CCD Fund. Therefore, pursuant to said statute, monies from the CCD Fund may be used for one or more of the following statutory purposes:

IC 8-16-3 (allows for certain bridge capital expenditures);

IC 8-22-3-25 (allows for certain airport capital expenditures);

IC 14-27-6-48 (concerns levees in Vanderburgh County);

IC 14-33-14 (concerns conservancy district channel improvements, levees, and water retarding or impoundment structures);

IC 16-23-1-40 (concerns city-owned hospitals);

IC 36-8-14 (allows for certain fire and police capital expenditures);

IC 36-9-4-48 (concerns public mass transportation);

IC 36-9-16-2 (which allows for the following expenditures:

(1) To purchase, construct, equip, and maintain buildings for public purposes.

(2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.

(3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.

(4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.

(5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.)

IC 36-9-16-3 (which allows for the following expenditures:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

- (6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.
- (7) To purchase or acquire land, with or without buildings, for park or recreation purposes.
- (8) To purchase, lease, or pay all or part of the purchase price of motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.
- (9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.
- (10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.
- (11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.
- (12) The fund may be used for any of the following purposes:
 - (A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:
 - (i) Computer hardware.
 - (ii) Computer software.
 - (iii) Wiring and computer networks.
 - (iv) Communication access systems used to connect with computer networks or electronic gateways.
 - (B) To pay for the services of full-time or part-time computer maintenance employees.
 - (C) To conduct nonrecurring inservice technology training of unit employees.

IC 36-9-16.5 (which allows for the acquisition of rights-of-way for public ways or sidewalks or the construction or reconstruction of public ways or sidewalks);

IC 36-9-17 (which allows for the construction, repair, or improvement of streets, alleys, sidewalks, curbs, gutters, and sewers);

IC 36-9-26 (which allows for expenditures for storm and sanitary sewer systems);

IC 36-9-27-100 (which allows for expenditures for the construction, reconstruction, or maintenance of drains);

IC 36-10-3-21 (which allows for expenditures for building, remodeling, and repairing park and recreation facilities, or purchasing land for park and recreation purposes);

IC 36-10-4-36 (which allows for additional park capital expenditures); or

IC 36-9-15.5(8)(c) (which allows for certain emergency expenditures).

SECTION 3. The tax rate for the CCD Fund shall be and shall not exceed \$.05 per \$100 of assessed valuation and shall be levied beginning with taxes assessed in 2009 and due and payable in the year 2010, continuing until reduced or rescinded.

SECTION 4. (A) All provisions of existing ordinances in conflict with this ordinance are hereby repealed.

(B) In the event that any provision of this ordinance is held to be invalid by a court of competent jurisdiction, all other provisions of this ordinance not otherwise invalidated shall remain in full force and effect.

SECTION 5. Proofs of publication of the notice of the required public hearing held on this ordinance, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.

SECTION 6. This ordinance shall be effective upon passage, subject to approval by the Department of Local Government Finance and any other requirements of law.

Adopted and passed by the Town Council of the Town of Ladoga, Indiana, 30th day of July , 2009.

ATTEST:	Sandra E. Powers President
Viki L. Powers	Lester Miles


Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Jeremy Chadwick



Attachments:

[Indiana Code 36-9-15.5](#) *(External Internet Link - valid only with a live Internet connection)*

 #2009-4: Letter from DLGF (7/30/2009)

 #2009-4: Letter to DLGF (8/8/2009)

A RESOLUTION AUTHORIZING EXPENDITURE OF FUNDS FROM THE CUMULATIVE
CAPITAL IMPROVEMENT FUND FOR A SEWER PROJECT

WHEREAS, the Town of Ladoga maintains a Cumulative Capital Improvement (CCI) Fund;

WHEREAS, Indiana Code 36-9-16-3(4) allows for the expenditure of CCI monies to construct and maintain sanitary or storm sewers, or both; and

WHEREAS, in 2009 the Town has undertaken a sewer improvement project that requires the Town to expend monies for construction, including change orders duly approved by the Town Council,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. (a) The Clerk-Treasurer of the Town of Ladoga is hereby authorized to expend from the Town of Ladoga's Cumulative Capital Improvement (CCI) Fund such sums as have been and may be appropriated by the Town Council for payment of costs and expenses associated with the 2009 sewer improvement project, including but not limited to any change orders approved by the Council during the course of the project.

(b) Nothing in this resolution shall mandate that the Clerk-Treasurer spend monies from the CCI Fund, rather than from the Wastewater Utility accounts or from any other source, for this or any other project, it being the intent of the Council that she simply be authorized to expend CCI funds for this project, and in particular for payment of change orders.

Section 2. This resolution shall be effective upon passage but shall apply to any and all expenditures of CCI monies by the Town for the foregoing project in 2009.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
23rd DAY OF September , 2009.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy L. Chadwick

Attachments:

[Indiana Code 36-9-15.5](#) *(External Internet Link - valid only with a live Internet connection)*

RESOLUTION #10 - 2009

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS WITHIN THE GENERAL FUND
(SEWER PROJECT)

WHEREAS, in 2009 the Town has undertaken a sewer improvement and repair project that requires the Town to transfer certain available and appropriated monies within the General Fund of the Town for completion of said project,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized to transfer the sum of \$15,000.000 from the following account:

General FundPersonal ServicesGroup Insurance

to the following account:

General FundOther Services & ChargesSewer Materials

to pay costs and expenses incurred in the 2009 sewer project.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
17th DAY OF October , 2009.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy Chadwick

RESOLUTION #1-2010

A RESOLUTION ESTABLISHING A CJI GRANT FUND
(POLICE VEHICLE PURCHASE)

WHEREAS, the Town of Ladoga has obtained grant funding from the Indiana Criminal Justice Institute (CJI) for the purchase of a police vehicle and related public safety equipment;

WHEREAS, to make use of that grant funding, which entails reimbursement, it is necessary to create a dedicated fund for these purchases and for receipt of CJI reimbursement in the future,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

SECTION 1. There is hereby created the "CJI Grant Fund," a nonreverting fund of the Town of Ladoga, to be used for the sole purpose of purchasing a police vehicle and related public safety equipment, all of which expenditures are intended to be made in compliance with the applicable grant requirements of the Indiana Criminal Justice Institute.

SECTION 2. The Clerk-Treasurer is hereby directed and authorized to transfer the sum of \$37,529.00 from the General Fund "Unappropriated Funds" account into the CJI Grant Fund, it being the Council's intention that these funds be appropriated for the foregoing purposes and, after expenditure, reimbursed by the CJI per its grant.

SECTION 3. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
13th DAY OF February , 2010.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

RESOLUTION #3-2010

A RESOLUTION ABOLISHING THE 1995 SEWER CONSTRUCTION ACCOUNT

WHEREAS, the Town of Ladoga has now completed a sewer construction project funded with bonds issued in 1995; and

WHEREAS, the account created at the time as a “pass-through” fund for the fiscal management of that project is now unnecessary and duplicative of other funds,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

SECTION 1. The "Sewer Construction Account" created in or about 1995 is hereby abolished.

SECTION 2. The Clerk-Treasurer is hereby directed and authorized to transfer any monies remaining in said account into the Town's Sewer Fund.

SECTION 3. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS
13th DAY OF February , 2010.

ATTEST: Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Editor's Note: See Also: [Resolution No. 2007-8](#) (10/31/2007).

A RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FROM THE GENERAL FUND TO
THE RAINY DAY FUND

WHEREAS, the General Fund of the Town of Ladoga (“General Fund”) has monies on hand for which the Town has no immediate planned use;

WHEREAS, the Rainy Day Fund of the Town of Ladoga (“Rainy Day Fund”) is in need of replenishment, for reasons of prudent fiscal planning,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to transfer from the Town of Ladoga General Fund the sum of \$10,000.00 to the Town of Ladoga Rainy Day Fund, to be used for the purposes set forth by statute and ordinance for such a fund.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 17th DAY OF April, 2010.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Jeremy Chadwick

Lester Miles

RESOLUTION # 5-2010

A RESOLUTION AUTHORIZING PAYMENT OF CERTAIN FIREFIGHTING AND EMS
EXPENSES

WHEREAS, Indiana Code 36-8-2-3 provides that a unit, which includes a town, may establish, maintain, and operate a firefighting and fire prevention system and may provide facilities and equipment for that system;

WHEREAS, the Town of Ladoga contracts, through Clark Township, with the Ladoga Volunteer Fire Department, Inc. (LVFD) for firefighting and emergency medical services (EMS) within the Town;

WHEREAS, the Town provides space and facilities at its Town Hall to house various LVFD fire and EMS vehicles and equipment;

WHEREAS, for reasons beyond the control of the Town of Ladoga, the Clark Township Trustee has been unable to approve payment of certain claims, including bills for insurance premiums for the foregoing fire and EMS vehicles and equipment, as well as death and disability insurance premiums for firefighters and EMTs, all of which are used by and under contract with the Town and Township for such services;

WHEREAS, in the opinion of the Town Council of the Town of Ladoga, the Township's inability to pay these insurance premiums impairs the LVFD's ability to provide effective firefighting and EMS service to the Town of Ladoga and its citizens, thereby jeopardizing public safety in the Town;

WHEREAS, the Town has appropriated monies on hand with which to pay these premiums, subject to later adjustment with the Township when and if the Township finds itself able to pay and/or reimburse these payments made on its behalf by the Town.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that for reasons of public health, safety and welfare, in light of the foregoing circumstances, an emergency is hereby declared, and the Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to pay any and all property, casualty, liability, disability, life, and other insurance premiums of the Ladoga Volunteer Fire Department, Inc. that are reasonably related to its ability to perform the functions delegated to it by statute and contract, until such time as the Clark Township Trustee is able to pay same, or until further resolution by the Council.

This Resolution is effective immediately.

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 26th DAY OF
May , 2010 , BY A VOTE OF 2 IN FAVOR AND 0 AGAINST, WITH 0 ABSTAINING.

ATTEST:

Sandra E. Powers

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

A RESOLUTION AUTHORIZING A TRANSFER OF FUNDS FROM THE GENERAL FUND TO
THE RAINY DAY FUND

WHEREAS, the General Fund of the Town of Ladoga (“General Fund”) has monies on hand for which the Town has no immediate planned use;

WHEREAS, the Rainy Day Fund of the Town of Ladoga (“Rainy Day Fund”) is in need of replenishment, for reasons of prudent fiscal planning,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to transfer from the Town of Ladoga General Fund the sum of \$15,000.00 (fifteen thousand dollars) to the Town of Ladoga Rainy Day Fund, to be used for the purposes set forth by statute and ordinance for such a fund.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 11th
DAY OF December, 2010.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Be it ordained by the LADOGA CIVIL TOWN unit, Montgomery County, Indiana that for the expenses of LADOGA CIVIL TOWN for the year ending December 31, 2012 the sum of \$464,100, as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of LADOGA CIVIL TOWN , a total property tax levy of \$162407 and a total tax rate of 0.8872 as shown on Budget Form 4-B are included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

Name of Adopting Entity	Select Type of Fiscal Body	Date of Adoption
Town of Ladoga		09/10/2011

Name	(circle one)	Signature
Sandra E. Powers	Aye [circled]	Sandra E. Powers
Lester Miles	Aye [circled]	Lester Miles
Jeremy Chadwick	Aye Nay Abstain	

ATTEST

Name	Title	Signature
Viki L. Powers	Clerk-Treasurer	Viki L. Powers

MAYOR ACTION (For City Use Only)

Name	(circle one)	Signature
	Approve Veto	

TOWN OF LADOGA

RESOLUTION # 2011- 2

BE IT KNOWN: that on the 28th day of September 2011, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility, due to bankruptcy, of the following debts to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

	Electric	Water	Sewer	Storm Water	Total
Michael Maynor	\$420.66				\$420.66
James & Danielle Lowery	\$205.91	\$48.48	\$86.00	\$4.20	\$344.59
Carla Lawson	\$363.48	\$107.79	\$35.23	\$9.00	\$517.50
TOTALS:	\$917.55	\$156.27	\$121.23	\$13.20	\$1282.75

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 28th DAY OF SEPTEMBER, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST.

ATTEST:

President

Viki L. Powers
Viki L. Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Jeremy L. Chadwick

RESOLUTION #2012-3
TOWN OF LADOGA
TOWN COUNCIL
BAD DEBT WRITE OFF

BE IT KNOWN: that on the 12th day of May, 2012, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility of the following debts; totaling \$559.88, to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

Electric Utility:	Michael P Richmond	\$ 73.34	Unknown Address
	William & Jenny Shuck	\$125.47	Bankruptcy
Water Utility:	Michael P Richmond	\$ 71.63	Unknown Address
	William & Jenny Shuck	\$141.39	Bankruptcy
Sewer Utility:	Michael P Richmond	\$ 3.52	Unknown Address
	William & Jenny Shuck	\$109.73	Bankruptcy
Trash Utility:	William & Jenny Shuck	\$ 22.00	Bankruptcy
Storm Water Utility:	William & Jenny Shuck	\$ 12.80	Bankruptcy

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 12th DAY OF MAY, 2012, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

Lester Miles

Supporting Documentation:

+/- Customer History Report, William & Jenny Shuck

+/- Customer History Report, Michael P. Richmond

+/- Customer History Report, Michael P. Richmond

+/- Customer History Report, Michael P. Richmond

RESOLUTION #2012-4
TOWN OF LADOGA
TOWN COUNCIL
BAD DEBT WRITE OFF

BE IT KNOWN: that on the 9th day of June, 2012, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility of the following debts; totaling \$516.21, to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

Electric Utility:	Pat Chilcote	\$ 161.21	Unknown Address
	Laura Hankins/Jessie Cox	\$ 64.19	Incarceration
Water Utility:	Pat Chilcote	\$ 105.09	Unknown Address
	Laura Hankins/Jessie Cox	\$ 15.31	Incarceration
Sewer Utility:	Pat Chilcote	\$ 97.05	Unknown Address
	Laura Hankins/Jessie Cox	\$ 73.36	Incarceration

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 9th DAY OF JUNE, 2012, BY A VOTE OF 2 IN FAVOR AND 0 AGAINST.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

James B. Cox
President

Ivan Jack Vaught

Supporting Documentation:

- +/-

Customer History Report, Pat Chilcote
- +/-

Customer History Report, Laura Hankins/Jessie Cox

A RESOLUTION REDUCING
THE 2012 LOCAL ROAD & STREET FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's L R & S Fund for the 2012 budget by the sum of Fifteen Thousand Dollars (\$15,000.00), in order to maintain the needed L R & S Fund budget amount for 2013; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2012 budget appropriation for the L R & S Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Fifteen Thousand Dollars (\$15,000.00).

This Resolution shall be effective upon passage.

Done this 25th day of July 2012.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

Lester Miles

A RESOLUTION REDUCING
THE 2012 MOTOR VEHICLE HIGHWAY FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's MVH Fund for the 2012 budget by the sum of Eleven Thousand Dollars (\$11,000.00), in order to maintain the needed MVH Fund budget amount for 2013; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2012 budget appropriation for the MVH Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Eleven Thousand Dollars (\$11,000.00).

This Resolution shall be effective upon passage.

Done this 25th day of July 2012.

ATTEST:

James B. Cox
President


Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

Lester Miles

Ordinance/Resolution No. 2012-4

Editor's Note: Because the Appropriations and Tax Rate Ordinance/Resolution is a government form, it is included here as a digital image:

 #2012-4: Appropriations and Tax Rate, 10/6/2012

A RESOLUTION VOIDING STALE CHECKS

WHEREAS, there are still-outstanding refund checks from Town of Ladoga to various former utility customers that are more than two (2) years old and are therefore highly unlikely ever to be negotiated by those recipients, and

WHEREAS, the Clerk-Treasurer of the Town of Ladoga would like to void said stale checks to better maintain accurate up-to-date current account balances,

NOW THEREFORE, the Common Council of the Town of Ladoga resolves as follows:

Section A. (1) The following outstanding checks of the Town of Ladoga are hereby declared stale and hereby voided:

Check #	Dated	Amount	Vendor/Payee	Operating Fund
32261	12/28/2009	\$15.01	Jackie Harrison	Electric
32074	11/30/2009	\$38.08	Natalie Leslie	Electric Consumer Deposit
32188	11/30/2009	\$14.56	Mike or Beth Page	Electric Consumer Deposit
32343	4/23/2010	\$24.91	Michael Walters	Electric Consumer Deposit

(2) The Clerk-Treasurer is hereby authorized to remove the above checks from the list of outstanding obligations of the Town and to adjust the Town's accounts accordingly.

(3) In the event that a person entitled to the above funds makes a timely claim for payment in the future, the Council will consider payment of that claim at that time.

Section B. (1) All other provisions of the Town Code and Town employment policies not in conflict with this Resolution shall remain in full force and effect.

(2) The subsequent invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

(3) This Resolution shall be in full force and effect upon adoption.

Adopted by the Ladoga Town Council this 27th day of Feb. , 2013.

Lester Miles

Attest:

James B. Cox

Ivan Jack Vaught

Viki L. Powers
Clerk-Treasurer

Supporting Documentation:

 Accounts Payable G/L Transfer Transactions, 3/9/2013

A RESOLUTION AUTHORIZING A
TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE RAINY DAY FUND

WHEREAS, the General Fund of the Town of Ladoga (“General Fund”) has monies on hand for which the Town has no immediate planned use;

WHEREAS, the Rainy Day Fund of the Town of Ladoga (“Rainy Day Fund”) is in need of replenishment, for reasons of prudent fiscal planning,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to transfer from the Town of Ladoga General Fund the sum of \$15,000.00 to the Town of Ladoga Rainy Day Fund, to be used for the purposes set forth by statute and ordinance for such a fund.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 26th DAY OF June, 2013.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

A RESOLUTION REDUCING
THE 2013 MOTOR VEHICLE HIGHWAY FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's MVH Fund for the 2013 budget by the sum of Ten Thousand Dollars (\$10,000.00), in order to maintain the needed MVH Fund budget amount for 2014; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2013 budget appropriation for the MVH Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Ten Thousand Dollars (\$10,000.00).

This Resolution shall be effective upon passage.

Done this 31st day of July 2013.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

James B. Cox
President

Lester Miles

A RESOLUTION REDUCING
THE 2013 LOCAL ROAD & STREET FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's L R & S Fund for the 2013 budget by the sum of Fifteen Thousand Dollars (\$15,000.00), in order to maintain the needed L R & S Fund budget amount for 2014; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2013 budget appropriation for the L R & S Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Fifteen Thousand Dollars (\$15,000.00).

This Resolution shall be effective upon passage.

Done this 31st day of July 2013.

ATTEST:


James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Ordinance Number: 2013-4

Editor's Note: Because the Appropriations and Tax Rate Ordinance/Resolution is a government form, it is included here as a digital image:

 #2013-4: Appropriations and Tax Rate, 9/25/2013

RESOLUTION #2013-6

TOWN OF LADOGA
TOWN COUNCIL
BAD DEBT WRITE OFF

BE IT KNOWN: that on the 12th day of October, 2013, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: that by reason of the uncollectibility of the following debts; totaling \$1,191.64, to the Town of Ladoga the same are hereby charged off the books of accounts receivables in the following utilities:

Electric Utility:	Neil Summers	\$ 131.73	Bankruptcy
	Paul Kyger	\$ 842.19	Bankruptcy
	Timothy & Misha Gerdes	\$ 10.16	Unknown Address
Water Utility:	Neil Summers	\$ 8.80	Bankruptcy
Sewer Utility:	Neil Summers	\$ 76.31	Bankruptcy
	Timothy & Misha Gerdes	\$ 116.25	Unknown Address
Storm Water Utility:	Neil Summers	\$ 6.20	Bankruptcy

ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF LADOGA THIS 12th DAY OF OCTOBER, 2013, BY A VOTE OF 3 IN FAVOR AND 0 AGAINST.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

Lester Miles

Supporting Documentation:

+/-

Customer History Report, Neil Summers



Customer History Report, Paul Kyger



Customer History Report, Timothy & Misha Gerdes

RESOLUTION # 2013-7

A RESOLUTION AUTHORIZING TRANSFERS INTO
CERTAIN UTILITY CUSTOMER DEPOSIT FUNDS

WHEREAS, the municipal water and electric utilities of the Town of Ladoga, Indiana have over several years collected deposits and other payments from past and present customers; and

WHEREAS, after periodic review of those accounts, deposits belonging to certain customers who have left town sufficiently long ago or are otherwise no longer discoverable should be transferred to the cash accounts of the Town pursuant to best accounting practices; and

WHEREAS, after periodic review of those deposit accounts, an adjustment to the respective utilities' deposit funds by resolution of the Town Council is now required to reconcile those accounts with cash accounts,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, as the Council and as the Utility Service Board for said utilities, that:

Section 1. The sum of \$976.15 should be transferred from the Electric Utility Operating Fund to the Electric Utility Consumer Deposit Fund.

Section 2. The sum of \$219.02 should be transferred from the Water Utility Operating Fund to the Water Utility Consumer Deposit Fund.

Section 3. The Clerk-Treasurer is hereby authorized and directed to make those transfers from the specific stale accounts she has located in the course of her periodic review.

Section 4. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 12th
DAY OF October , 2013.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

James B. Cox
President

Ivan Jack Vaught
Member

Lester Miles
Member

Supporting Documentation:

+/-

Accounts Payable Voucher

+/-

Accounts Payable Voucher

A RESOLUTION VOIDING STALE CHECKS

WHEREAS, there are still-outstanding refund checks from Town of Ladoga to various former utility customers that are more than two (2) years old and are therefore highly unlikely ever to be negotiated by those recipients, and

WHEREAS, the Clerk-Treasurer of the Town of Ladoga would like to void said stale checks to better maintain accurate up-to-date current account balances,

NOW THEREFORE, the Common Council of the Town of Ladoga resolves as follows:

Section A. (1) The following outstanding checks of the Town of Ladoga are hereby declared stale and hereby voided:

Check #	Dated	Amount	Vendor/Payee	Operating Fund
32675	5/17/2011	\$35.54	William Wilson	Electric Consumer Deposit
22542	10/28/2011	\$00.78	Jessica Cornell	Water Consumer Deposit

(2) The Clerk-Treasurer is hereby authorized to remove the above checks from the list of outstanding obligations of the Town and to adjust the Town's accounts accordingly.

(3) In the event that a person entitled to the above funds makes a timely claim for payment in the future, the Council will consider payment of that claim at that time.

Section B. (1) All other provisions of the Town Code and Town employment policies not in conflict with this Resolution shall remain in full force and effect.

(2) The subsequent invalidity of any section, clause, sentence, or provision of this Resolution shall not affect the validity of any other part of this Resolution which can be given effect without such invalid part or parts.

(3) This Resolution shall be in full force and effect upon adoption.

Adopted by the Ladoga Town Council this 30th day of October , 2013.

Lester Miles

Ivan Jack Vaught

James B. Cox

Attest:

Viki L. Powers
Clerk-Treasurer

Supporting Documentation:

+/-

Accounts Payable G/L Transfer Transactions, 10/31/2013

RESOLUTION # 2014-1

A RESOLUTION AUTHORIZING TRANSFERS INTO
CERTAIN UTILITY CUSTOMER DEPOSIT FUNDS

WHEREAS, the municipal water and electric utilities of the Town of Ladoga, Indiana have over several years collected deposits and other payments from past and present customers; and

WHEREAS, after periodic review of those accounts, deposits belonging to certain customers who have left town sufficiently long ago or are otherwise no longer discoverable should be transferred to the cash accounts of the Town pursuant to best accounting practices; and

WHEREAS, after periodic review of those deposit accounts, an adjustment to the respective utilities' deposit funds by resolution of the Town Council is now required to reconcile those accounts with cash accounts,

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, as the Council and as the Utility Service Board for said utilities, that:

Section 1. The sum of \$50.00 should be transferred from the Water Utility Operating Fund to the Water Utility Consumer Deposit Fund.

Section 2. The Clerk-Treasurer is hereby authorized and directed to make those transfers from the specific stale accounts she has located in the course of her periodic review.

Section 4. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 26th
DAY OF Feb. , 2014.

ATTEST:

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

James B. Cox
President

Lester Miles
Member

Ivan Jack Vaught
Member

A RESOLUTION AUTHORIZING A
TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE RAINY DAY FUND

WHEREAS, the General Fund of the Town of Ladoga (“General Fund”) has monies on hand for which the Town has no immediate planned use;

WHEREAS, the Rainy Day Fund of the Town of Ladoga (“Rainy Day Fund”) is in need of replenishment, for reasons of prudent fiscal planning,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to transfer from the Town of Ladoga General Fund the sum of \$20,000.00 to the Town of Ladoga Rainy Day Fund, to be used for the purposes set forth by statute and ordinance for such a fund.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, ON THIS 28TH DAY OF MAY 2014.

ATTEST:

James B. Cox
President

Lester Miles

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

A RESOLUTION REDUCING
THE 2013 LOCAL ROAD & STREET FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's L R & S Fund for the 2014 budget by the sum of Ten Thousand Dollars (\$10,000.00), in order to maintain the needed L R & S Fund budget amount for 2015; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2014 budget appropriation for the L R & S Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Ten Thousand Dollars (\$10,000.00).

This Resolution shall be effective upon passage.

Done this 30th day of July 2014.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

Supporting Documentation:



Appropriation Report 202 Road and Street Fund

A RESOLUTION REDUCING
THE 2013 MOTOR VEHICLE HIGHWAY FUND APPROPRIATION FOR
THE TOWN OF LADOGA, INDIANA

WHEREAS, the Town Council of the Town of Ladoga, Indiana, has determined that it is necessary and advisable to reduce the appropriation for the Town's MVH Fund for the 2014 budget by the sum of Ten Thousand Dollars (\$10,000.00), in order to maintain the needed MVH Fund budget amount for 2015; and,

WHEREAS, a *reduction* of said appropriation does not require published notice or a public hearing,

NOW THEREFORE, BE IT RESOLVED that by the Town Council of the Town of Ladoga, Indiana, that the 2014 budget appropriation for the MVH Fund of the Town of Ladoga shall be and hereby is reduced by the sum of Ten Thousand Dollars (\$10,000.00).

This Resolution shall be effective upon passage.

Done this 30th day of July 2014.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Lester Miles

=====

Supporting Documentation:

 +/- Appropriation Report 201 Motor Vehicle Hwy Fund

RESOLUTION 1998-2
AUTHORIZING APPLICATION SUBMISSION AND LOCAL
MATCH COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LADOGA, INDIANA, AUTHORIZING SUBMITTAL OF THE
PLANNING GRANT APPLICATION TO THE INDIANA
DEPARTMENT OF COMMERCE AND ADDRESSING RELATED
MATTERS.

WHEREAS, the Town Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town Council of Ladoga, Indiana has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Department of Commerce, said public hearing to assess the housing, public facilities, and economic needs of its low and moderate income residents:

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to formulate a plan to rehabilitate and/or upgrade water and sewer utilities in the Town of Ladoga, Indiana, and to execute and administer a resultant grant including requisite general administration and project management contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in an amount not to exceed five thousand six hundred dollars (\$5,600), half of which will come from the water utility, and half from the sewer utility, as matching funds for said program, such commitment to be contingent upon receipt of funding from the Indiana Department of Commerce.

Adopted by the Town Council of the Town of Ladoga, Indiana this twentieth day of January, 1998, at 8pm.

Mike Hubble
Town Council President

ATTEST: Sandra E. Powers , Clerk-Treas.
Name, Title

TOWN OF LADOGA
BOX 187
LADOGA, IN 47954
(765) 942-2531

RESOLUTION 1999-3

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA DEPARTMENT OF COMMERCE AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Ladoga, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address sanitary sewer collection system rehabilitation, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of one hundred sixty six thousand dollars and no cents (\$166,000.00), in the form of a \$90,000 interdepartmental loan from the water utility reserve fund, sewer utility construction fund cash on hand and sewer maintenance general fund cash on hand, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

Adopted by the Town Council of the Town of Ladoga, Indiana this 31st day of March, 1999, at 7:45 P.M.

SIGNATURE: Eric S. Gray
Eric S. Gray, Town Council President

ATTEST: Sandra E. Powers
Sandra Powers, Clerk-Treasurer

**EXHIBIT 10A: SAMPLE RESOLUTION FOR APPLICATION SUBMITTAL AND
LEVERAGE FUNDS
(CDBG APPLICATIONS ONLY)**

RESOLUTION NO. 1 (2001)

RESOLUTION OF THE TOWN OF LADOGA, INDIANA AUTHORIZING THE SUBMITTAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE INDIANA HOUSING FINANCE AUTHORITY AND ADDRESSING RELATED MATTERS

WHEREAS, the Town of Ladoga recognizes the need to stimulate growth and to maintain affordable housing to benefit its citizens;

WHEREAS, the Housing and Community Development Act of 1974, as amended, allows the Indiana Housing Finance Authority to award grants to local units of government to meet the affordable housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Ladoga has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Housing Finance Authority, to assess the housing, public facilities, and economic needs of low and moderate income residents.

NOW THEREFORE, BE IT RESOLVED by the Town of Ladoga that:

1. The Chief Elected Official (CEO) is authorized to prepare and submit an application on March 1st, 2001 for up to \$20,000 in Community Development Block Grant funding to address conditions relating to housing needs and economic development in Ladoga, Indiana, and to execute and administer resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Housing Finance Authority and the United States Department of Housing and Urban Development.
2. Funds in the amount of Two Thousand Dollars (\$2,000) shall be and are set aside for this project. Such commitment fulfills the minimum leverage requirement for the CDBG request and is to be contingent upon receipt of CDBG funding from the Indiana Housing Finance Authority. The anticipated source of this leverage is IN KIND DONATIONS BY CONSULTANT.

Adopted this 10th day of February, 2001 at 9:00 a.m.

Town of Ladoga, Indiana

Harold L. Lowe

Harold L. Lowe, Council President

Attest: Viki L. Powers

By Sandra E. Powers

Clerk-Treasurer

TOWN OF LADOGA

RESOLUTION NO. 2 2001

WHEREAS the State Legislature has appropriated funds for the Old Ladoga Normal Restoration project; and,

WHEREAS for the funds to be distributed a political subdivision must sponsor the project; and,

WHEREAS Historic Ladoga, Inc., is a public benefit not-for-profit corporation, recognized by the Internal Revenue Service as a qualified Internal Revenue code §501(c)(3) organization.

WHEREAS the Town of Ladoga wishes to support the project and agrees to sponsor the distribution of the funds;

NOW THEREFORE BE IT HEREBY RESOLVED: That the Ladoga Town of Ladoga agrees to sponsor the awarding of Build Indiana Funds to Historic Ladoga, Inc., and authorizes the President of the Town Council to execute such forms necessary to sponsor and carry out these purposes.

Adopted this 11th day of August, 2001.

Sandra E. Powers

President, Town Council

Harley Barnard
Town Council Member

Town Council Member

ATTEST:

Viki L. Powers
Clerk Treasurer

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH COMMITMENT

ATTEST: Viki L. Powers
Vickie Powers, Clerk-Treasurer

**EXHIBIT 11A: Sample Resolution for Application Submittal and Leverage Funds
(CDBG APPLICATIONS ONLY)**

RESOLUTION NO. 3

RESOLUTION OF THE Town of Ladoga, INDIANA
[HEREAFTER REFERRED TO AS "APPLICANT"]
AUTHORING THE SUBMITTAL OF THE
COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
TO THE INDIANA HOUSING FINANCE AUTHORITY
AND ADDRESSING RELATED MATTERS

WHEREAS, the Applicant recognizes the need to stimulate growth and to maintain affordable housing to benefit its citizens;

WHEREAS, the Housing and Community Development Act of 1974, as amended, allows the Indiana Housing Finance Authority to award grants to local units of government to meet the affordable housing and community development needs of low and moderate income persons; and

WHEREAS, the Applicant has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Housing Finance Authority, to assess the housing, public facilities, and economic needs of low and moderate income residents.

NOW THEREFORE, BE IT RESOLVED by the Applicant that:

1. The Chief Elected Official (CEO) is authorized to prepare and submit an application on July 1, 2003 (due date) for up to \$30,000 in Community Development Block Grant funding to address conditions relating to A feasibility study to convert the old Ladoga Health Care Building to other uses in Ladoga (location), Indiana, and to execute and administer resultant grant including requisite general administration and management, contracts and agreements pursuant to regulations of the Indiana Housing Finance Authority and the United States Department of Housing and Urban Development.
2. Funds in the amount of Three Thousand Dollars (\$3,000) shall be and are set aside for this activity. Such commitment fulfills the minimum leverage requirement for the CDBG request and is to be contingent upon receipt of CDBG funding from the Indiana Housing Finance Authority. The anticipated source of this leverage is Local In Kind Donated Services. Adopted this 28th day of July, 2003 at 10:00 a.m./p.m.

The Town of Ladoga, Indiana
(APPLICANT)

Harley Barnard _____
Chief Elected Official

Harley Barnard _____
Typed Name

Sandy Powers
Member


Member

Member

Attest: Viki L. Powers Clerk-Treas

Typed Name: Viki Powers, Title: Clerk-Treasurer

Editor's Note: A "sticky note" attached to this ordinance indicates that it is "not valid". Please see the attached photo:

 #2003-3R with Note

Sandy Powers
Typed Name

Typed Name

Typed Name

RESOLUTION 2005-1

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH COMMITMENT

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Department of Commerce to provide grants to local units of government to meet the housing and community development needs of low-and moderate-income persons; and

WHEREAS, the Town of Ladoga, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Department of Commerce, said public hearings to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the Water Line Replacement, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Department of Commerce and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of Ninety Thousand Dollars (\$90,000) in the form of \$60,000 from General Fund Water Material, \$20,000 from General Fund Cum Cap. Improvement, and \$10,000 from General Fund Rainey Day, as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Department of Commerce.

Adopted by the Town of Ladoga, Indiana this 12th day of March, 2005, @ 9:00 A.M. .

SIGNATURE: Harley R. Barnard
Harley R. Barnard, Town Council President

ATTEST: Viki L. Powers
Viki L. Powers, Clerk-Treasurer

RESOLUTION No: 2006-3

AUTHORIZING APPLICATION OF GRANT MODIFICATION

Resolution of the Town Council of the Town of Ladoga, Indiana, Authorizing the submittal of the Application of Grant Modification To the Indiana Office of Rural Affairs

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indian Office of Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low and moderate income persons; and

WHEREAS, the Town of Ladoga, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low and moderate income

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant modification to address the Town of Ladoga's Water Line Replacement needs, and to execute and administer a resultant grant including requisite general administration and project management, contract and agreements pursuant to regulations of the Indiana Office of Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits to request the increase of 13.5% of linear footage of lines to complete the Water Line Replacement project in the scope of the project, without any increase in the budget cost.

Adopted by the Town Council of the Town of Ladoga, Indiana this 11th day of March 2006.

Sandra E. Powers
Name
Sandra E. Powers
Town Council President

Viki Powers
Name
Attested Viki Powers
Clerk-Treasurer

PER ACCEPTANCE RESOLUTION
RESOLUTION NUMBER 2008-2

WHEREAS, the Town of Ladoga of Montgomery County, Indiana, has caused a Preliminary Engineering Report, PER, dated May 28th 2008, to be prepared by the consulting firm of Municipal Civil Corporation; and

WHEREAS, said plan has been presented to the public at a public hearing held May 28th, for their comments; and

WHEREAS, the Town of Ladoga's Town Council finds that there was not sufficient evidence presented in objection to the recommended project in the Preliminary Engineering Report.

NOW, THEREFORE BE IT RESOLVED THAT:

The Ladoga Preliminary Engineering Report dated May 28th 2008 be approved and adopted by the Town of Ladoga Town Council; and

That said PER be submitted to the State Revolving Fund Loan Program for review and approval.

Passed and adopted by the Ladoga Town Council this 28th day of May 2008 at their regularly scheduled meeting.

Sandra Powers
Council President

Jeremy L. Chadwick
Member

Member

Attest: Viki L. Powers
Viki L. Powers, Clerk-Treasurer

SIGNATORY AUTHORIZATION RESOLUTION
RESOLUTION NUMBER 2008-3

WHEREAS, the Town of Ladoga of Montgomery County Indiana herein called the community, has plans for a municipal water pollution control project to meet State and Federal regulations, such as the NPDES discharge limitations, and the community intends to proceed with the construction of such works:

WHEREAS, the Town of Ladoga of Montgomery County, has adopted this Resolution dated May 28th 2008.

NOW, THEREFORE, BE IT RESOLVED by the Town Council, the governing body of said community, that:

1. Sandra Powers, Council President be authorized to make application for an SRF Loan and provide the State Revolving Fund Loan Program such information, data and documents pertaining to the loan process as may be required, and otherwise act as the authorized representative of the community.
2. The community agrees to comply with the Indiana Department of Environmental Management, State of Indiana and Federal requirements as they pertain to the SRF.
3. That two certified copies of the resolution be prepared and submitted as part of the community's Preliminary Engineering Report.

ADOPTED this 28th day of May, 2008.

The Town of Ladoga, Indiana
By and Through its Town Council

AUTHORIZED SIGNATORY

Sandra Powers
BY: SANDRA POWERS

Jeremy L. Chadwick

ATTEST: Viki L. Powers
Viki L. Powers, Clerk-Treasurer

RESOLUTION 2008- 6
AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH
COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the Town of Ladoga Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. Council President is authorized to prepare and submit an application for grant funding to address Sanitary System Rehabilitation Project, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of Nine Hundred Forty-Seven Thousand Two Hundred and Ten dollars (\$947,210), in the form of State Revolving Fund (SRF) Loan as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town Council of the Town of Ladoga, Indiana this 27th day of August 2008, at 3:00 pm.

SIGNATURE: Sandra E. Powers
 Sandra E. Powers, Council President

ATTEST: Viki L. Powers
 Viki L. Powers, Clerk-Treasurer

RESOLUTION NUMBER 2009-3

RESOLUTION AUTHORIZING LOCAL MATCH AND APPLICATION SUBMISSION OF A GRANT REQUEST TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA,
AUTHORIZING THE SUBMITTAL OF THE DISASTER APPLICATION TO THE INDIANA
OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2008 Public Law 110-252, approved June 30, 2008, and Public Law 110-329, approved September 30, 2008, for disaster relief of unmet needs resulting from tornadoes and flooding in the state, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the Town of Ladoga, Indiana has conducted or will conduct a public hearing prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearing to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address building a new Fire/EMS Station, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana will be committing \$60,000 in local funds for this project; in the form of \$50,000 from CCD Fund and \$10,500 from Montgomery County Community Foundation.

Adopted by the Town Council of the Town of Ladoga, Indiana this 22nd day of July, 2009, at 9:00 am.

SIGNATURE: Sandra E. Powers Sandra E. Powers, Council President

ATTEST: Viki L. Powers
Viki L. Powers, Clerk-Treasurer

Editor's Note: See Also: [Resolution 2009-6](#) (9/23/2009) and [Resolution 2010-2](#) (2/13/2010).

AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA,
AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF
COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the Town of Ladoga Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. Council President is authorized to prepare and submit an application for grant funding to address Emergency Services — Fire/EMS Station, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of Sixty Thousand Five Hundred Dollars (\$61,500), in the form of CCD Fund - Capital Outlay - \$50,000 and Montgomery County Community Foundation - \$11,500 as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town Council of the Town of Ladoga, Indiana this 23rd day of September 2009, at 9:00 am.

SIGNATURE: Sandra E. Powers Sandra E. Powers, Council President

ATTEST: Viki L. Powers
 Viki L. Powers, Clerk-Treasurer

Editor's Note: This resolution is *identical* to [Resolution 2010-2](#) (2/13/2010), except the two versions were adopted on different dates.

See Also: [Resolution 2009-3](#) (7/22/2009).

RESOLUTION 2010-2
AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH
COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA,
AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF
COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana Office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low- and moderate-income persons; and

WHEREAS, the Town of Ladoga Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low- and moderate-income residents;

NOW, THEREFORE, BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. Council President is authorized to prepare and submit an application for grant funding to address Emergency Services Fire/EMS Station, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of Sixty Thousand Five Hundred Dollars (\$61,500), in the form of CCD Fund- Capital Outlay- \$50,000 and Montgomery County Community Foundation - \$11,500 as matching funds for said program, such commitment to be contingent upon receipt of CFF funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town Council of the Town of Ladoga, Indiana this 13th day of February 2010, at 9:00 am.

SIGNATURE: Sandra E. Powers
 Sandra E. Powers, Council President

ATTEST: Viki L. Powers
 Viki L. Powers, Clerk-Treasurer

Editor's Note: This resolution is *identical* to [Resolution 2009-6](#) (9/23/2009), except the two versions were adopted on different dates.

See Also: [Resolution 2009-3](#) (7/22/2009).

SLUM AND BLIGHT AREA DECLARATORY RESOLUTION

TOWN OF LADOGA RESOLUTION # 2010-7

WHEREAS, the Town of Ladoga Town Council desires to eliminate blighted areas within the corporate limits of Ladoga, Indiana, and specifically downtown Ladoga, and

WHEREAS, identifying such areas is necessary for effective action to eliminate blighting conditions, and

WHEREAS, public improvements such as sidewalks, curb, gutters and streetlights have severely deteriorated, contributing to blighting conditions, and

WHEREAS, the downtown area has experienced a cessation of private investment since 1836, and

WHEREAS, 32% percent of first floor commercial space, 44% percent of second floor commercial space, and 32% percent of total commercial space in downtown Ladoga is currently vacant, and

WHEREAS, widespread deterioration of downtown commercial buildings has taken place as evidenced by crumbling facades, broken or boarded windows, unrepaired vandalism, growth of vegetation, and presence of litter in and around many downtown commercial buildings,

BE IT RESOLVED by the Ladoga Town Council that the following areas of downtown Ladoga hereby be designated as an area in need of redevelopment area as defined by Indiana Code 36-7-14:

Main Street from one block west of Washington Street to and including Washington Street, Franklin Street Sycamore Street and ½ block east of Sycamore Street.

½ block south of Main Street from Washington Street to Franklin Street

1 block north of Main Street from 1/2 block west of Washington Street to ½ block east of Washington Street. (sidewalk/business area)

See [attached map](#)

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 19th
DAY OF September , 2010.

ATTEST:

Sandra E. Powers
President

Viki L. Powers
Viki Powers
Clerk-Treasurer

Lester Miles

Attachments:

 +/-

#2010-7R: Map: Slum and Blight Area Declaration

TOWN OF LADOGA
RESOLUTION 2010-8
RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND
LOCAL MATCH COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA
AUTHORIZING THE SUBMITTAL OF THE CDBG PLANNING GRANT APPLICATION TO THE
INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED
MATTERS

WHEREAS, the Council of the Town of Ladoga, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits: and

WHEREAS, THE Housing and Community Development Act of 1974, as amended, authorizes the Indiana office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low-and moderate-income persons; and

WHEREAS, the Town of Ladoga, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low-and moderate-income residents:

NOW, THEREFORE BE IT RESOLVED by the Council of Ladoga, Indiana that:

1. The Council President is authorized to prepare and submit an application for grant funding to address slum & blighted conditions in the downtown area, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.

2. The Town of Ladoga, Indiana hereby commits the requisite local funds in the amount of Five Thousand Five Hundred Sixty dollars (\$ 5,560.00) in the form of General fund appropriations, as matching funds for said program, such commitment to contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town Council of the Town of Ladoga, Indiana, this 29th day of September, 2010, at 3:00 pm.

SIGNATURE: Sandra E. Powers
Sandra E. Powers, Council President

ATTEST: Viki L. Powers
Viki L. Powers, Clerk-Treasurer

Resolution 2011-1 Town of Ladoga
RESOLUTION APPROVING THE DOWNTOWN REVITALIZATION PLAN

WHEREAS, the Town of Ladoga had identified adequate reason to analyze the Downtown Revitalization Plan, and

WHEREAS, the Town of Ladoga has hired Ken Smith, Municipal Civil Corporation, to define and describe the issues, advise us of our options, and make recommendations to address this issue in the near future, and

WHEREAS, the Town of Ladoga has received federal Community Development Block Grant dollars from the Indiana Office of Community and Rural Affairs to fund this study and has contributed \$5,560 as local match for this project, and

WHEREAS, the Town of Ladoga has reviewed the process and completed study thoroughly and is satisfied with the services performed, information contained therein, and methodology applied;

WHEREAS, the Town of Ladoga has received four (4) copies of this document for our records and will keep them on file in the town offices for future reference, and

BE IT RESOLVED by the Town of Ladoga that the final document is hereby approved, contingent upon comments and approval received from the Indiana Office of Community and Rural Affairs. The Town of Ladoga will fully consider all comments and feedback received from the Indiana Office of Community and Rural Affairs and will direct its consultant to provide amended copies of this plan reflecting all said comments.

Dated this 31st day of August, 2011

Ladoga Town Council

Sandra E. Powers
Sandra E. Powers, Council President

Jeremy Chadwick

Lester Miles

ATTEST:

Viki L. Powers
Viki L. Powers
Clerk-Treasurer

ORDINANCE NO. 1995-4

Editor's Note: This ordinance sets Rates and Charges for the Sewage Utility, but also includes many revised definitions for user classes. It also defines a special "Vacancy Rate".

Because the ordinance was adopted before the codified code for the town of Ladoga, it is assumed that these materials are incorporated in [Chapter 14](#) of that document.

Editor's Note: Photographs of the pages of this ordinance:

+/-

#1995-4, Page 1

+/-

#1995-4, Page 2

+/-

#1995-4, Page 3

+/-

#1995-4, Page 4

ORDINANCE NO. 6-1995

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1995-6, Page 1



(VOID) #1995-6, Page 2

ORDINANCE NO. 1996-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1996-1, Page 1



(VOID) #1996-1, Page 2

ORDINANCE NO. 3-1996

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1996-3, Page 1



(VOID) #1996-3, Page 2

ORDINANCE NO. 1997-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1997-1B, Page 1



(VOID) #1997-1B, Page 2

ORDINANCE NO.: 1998-2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1998-2, Page 1



(VOID) #1998-2, Page 2

Resolution No. 1998-3

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1998-3R

ORDINANCE NO. 3-1998

Editor's Note: This ordinance was explicitly repealed by [Ordinance #1999-6](#).

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #3-1998, Page 1



(VOID) #3-1998, Page 2



(VOID) #3-1998, Page 3



(VOID) #3-1998, Page 4

ORDINANCE NO. 1998-4

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1998-4, Page 1



(VOID) #1998-4, Page 2




(VOID) #1998-4, Page 3


TOWN OF LADOGA


Resolution No. 1998-5


Editor's Note: This resolution was replaced by [Resolution #2002-3R](#) on May 17, 2002.


Editor's Note: Photographs of the pages of this resolution:


 (VOID) #1998-5R, Page 1


 (VOID) #1998-5R, Page 2

 (VOID) #1998-5R, Page 3

 (VOID) #1998-5R, Page 4

 (VOID) #1998-5R, Page 5

 (VOID) #1998-5R, Page 6

 (VOID) #1998-5R, Page 7

ORDINANCE NO.: 1999-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1999-2, Page 1



(VOID) #1999-2, Page 2



(VOID) #1999-2, Page 3

ORDINANCE NO. 1999-2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1999-2, Page 1



(VOID) #1999-2, Page 2

ORDINANCE NO. 1999-4

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #1999-4, Page 1



(VOID) #1999-4, Page 2



(VOID) #1999-4, Page 3



(VOID) #1999-4, Page 4

TOWN BOARD
TOWN OF LADOGA, INDIANA
Resolution No. 2000-2

Editor's Note: This resolution is Void. A new IMPA Commissioner was appointed by [Resolution #2008-8R](#), adopted 8/27/2008.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2000-2R, Appointing IMPA Commissioner

ORDINANCE NO. 2000-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2000-1, Page 1



(VOID) #2000-1, Page 2



(VOID) #2000-1, Page 3



(VOID) #2000-1, Page 4

ORDINANCE NO. 2001-2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2001-2, Page 1



(VOID) #2001-2, Page 2



(VOID) #2001-2, Page 3



(VOID) #2001-2, Page 4

TOWN OF LADOGA BOX 187

LADOGA, IN 47954

(765)-942-2531

RESOLUTION 2002-2

BE IT KNOWN: that on the 13th day of April, 2002, the Ladoga Town Council passed the following Resolution.

BE IT HEREBY RESOLVED: That Northern Acres having received preliminary approval of Northern Acres subdivision plat and specifications by the Ladoga Town Council after all repairs were completed Chet Parsons has now submitted a petition for the Town of Ladoga to accept water mains and sewer mains as platted and now constructed and having reviewed the same the Council now finds the improvements are constructed in compliance with the Towns specifications and directives and the sewer and water mains are now accepted for all future maintenance by the Town of Ladoga and its utilities.

TOWN COUNCIL Town of Ladoga

Sandra E. Powers
Sandra E. Powers

Harold L. Lowe
Harold L. Lowe

ATTEST:
Viki L. Powers
Viki L. Powers, Clerk Treasurer

Harley Barnard
Harley Barnard

ORDINANCE NO. 2002-2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2002-2A, Page 1



(VOID) #2002-2A, Page 2

TOWN OF LADOGA

RESOLUTION NO. 3, 2002

Editor's Note: This resolution was effectively replaced by [Resolution #2008-7](#), adopted on August 27, 2008.

Editor's Note: Photographs of the pages of this resolution:



(VOID) Resolution #2002-3, Page 1



(VOID) Resolution #2002-3, Page 2



(VOID) Resolution #2002-3, Page 3



(VOID) Resolution #2002-3, Page 4



(VOID) Resolution #2002-3, Page 5



(VOID) Resolution #2002-3, Page 6



(VOID) Resolution #2002-3, Page 7



(VOID) Resolution #2002-3, Page 8



(VOID) Resolution #2002-3, Page 9

ORDINANCE NO. 2002-3

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2002-3, Page 1



(VOID) #2002-3, Page 2

ORDINANCE NO. 2003-5

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2003-5, Page 1



(VOID) #2003-5, Page 2

ORDINANCE NO. 2004-2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2004-2, Page 1



(VOID) #2004-2, Page 2

ORDINANCE NO. 2004-5

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2004-5, Page 1



(VOID) #2004-5, Page 2

ORDINANCE NO. 2005-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2005-1, Page 1



(VOID) #2005-1, Page 2

ORDINANCE NO.: 2006-4

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 2010-2](#), adopted 4/17/2010.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2006-4: Establishes Stormwater Sinking Fund and Rates and Charges (8/12/2006)

ORDINANCE NO. 2006-6

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2006-6, Page 1



(VOID) #2006-6, Page 2

ORDINANCE NO. 2007-6

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #2007-6, Page 1



(VOID) #2007-6, Page 2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

+/-

(VOID) #2008-3: Amends 2008 Salary (5/10/2008) - Page 1

+/-

(VOID) #2008-3: Amends 2008 Salary (5/10/2008) - Page 2

TOWN BOARD
TOWN OF LADOGA, INDIANA
Resolution No. 2008 - 8

Editor's Note: This resolution is Void. A new IMPA Commissioner was appointed by [Resolution #2011-4R](#), adopted 11/30/2011.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2008-8R, Appointing IMPA Commissioner

Attachments:

 Oath of Office and Notarization

 Minutes Certification

ORDINANCE NO. 2008-8

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2008-8: Salary for 2009 (12/13/2008) - page 1

 (VOID) #2008-8: Salary for 2009 (12/13/2008) - page 2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2009-7: Salary for 2010 (9/8/2009) - Page 1

 (VOID) #2009-7: Salary for 2010 (9/8/2009) - Page 2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

+/-

(VOID) #2009-8: Amending Salary for 2009 (9/23/2009) - Page 1

+/-

(VOID) #2009-8: Amending Salary for 2009 (9/23/2009) - Page 2

ORDINANCE NO. 2009- 9

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2009-9: Amending Salary for 2010 (12/12/2009)

ORDINANCE NO. 2010-6

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2010-6: Salary for 2011 (11/23/2010) - Page 1

 (VOID) #2010-6: Salary for 2011 (11/23/2010) - Page 2

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2011-9: Salary for 2012, 11/30/2011 - Page 1

 (VOID) #2011-9: Salary for 2012, 11/30/2011 - Page 2

A RESOLUTION AUTHORIZING A
TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE RAINY DAY FUND

WHEREAS, the General Fund of the Town of Ladoga (“General Fund”) has monies on hand for which the Town has no immediate planned use;

WHEREAS, the Rainy Day Fund of the Town of Ladoga (“Rainy Day Fund”) is in need of replenishment, for reasons of prudent fiscal planning,

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Ladoga, Indiana, that:

Section 1. The Clerk-Treasurer of the Town of Ladoga is hereby authorized and directed to transfer from the Town of Ladoga General Fund the sum of \$15,000.00 to the Town of Ladoga Rainy Day Fund, to be used for the purposes set forth by statute and ordinance for such a fund.

Section 2. This resolution shall be effective upon passage.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LADOGA, INDIANA, THIS 27th DAY OF June, 2012.

ATTEST:

James B. Cox
President

Viki L. Powers
Viki Powers
Clerk-Treasurer
Town of Ladoga, Indiana

Ivan Jack Vaught

Lester Miles

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #2012-5: Salary for 2013, 11/28/2012 - Page 1

 (VOID) #2012-5: Salary for 2013, 11/28/2012 - Page 2