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GENERAL PROVISIONS**§ 30.01 BRANCHES OF CITY GOVERNMENT.**

The government of the city shall consist of the following branches:

(A) Executive branch;

(B) Legislative branch;

(C) Fiscal branch;

(D) Judicial branch; and

(E) Statutory boards and commissions.

('79 Code, § 2-11) (Ord. passed 8-30-82)

EXECUTIVE BRANCH**§ 30.15 CHIEF CITY EXECUTIVE.**

The Mayor is the chief executive of the city and head of the executive branch. The Mayor shall faithfully perform the duties and responsibilities contained in IC 36-4-5 and other statutes of the state of Indiana.

('79 Code, § 2-12) (Ord. passed 8-30-82)

§ 30.16 AUTHORITY OF MAYOR TO HIRE EMPLOYEES AND PURCHASE MATERIALS AND SERVICES.

Subject to the appropriation power of the Common Council, the Mayor, with the approval of the Board of Public Works and Safety, shall have the authority to hire such employees and purchase or contract for such materials or services as the Board of Public Works and Safety deems necessary to perform their public functions.

('79 Code, § 2-14) (Ord. passed 8-30-82)

§ 30.17 BOARD OF PUBLIC WORKS AND SAFETY.

(A) *Establishment of Board and Board's control of executive departments of city.* There is hereby established a Board of Public Works and Safety within the executive branch. The Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments which are hereby established:

(1) Police Department;

(2) Fire Department;

(3) Utilities Department, consisting of the sewage collection and disposal system, electrical generation and distribution system and waterworks;

(4) Street Department;

(5) Garbage Collection Department; and,

(6) Parks Department.

Cross-reference:

For further provisions concerning the Parks Department, see § 30.47

For further provisions concerning the duties of the Board of Public Works in relation to garbage collection, see § 50.02

(B) *Members of board, appointment of department heads.* The members of the Board of Public Works and Safety are the Mayor and two others who shall be chosen by the Mayor pursuant to law and serve at the Mayor's pleasure. The chiefs of the police and fire departments and the heads of the department of law, electrical, sewage, and street and sanitation department and the park board are appointed by the Mayor and serve at the Mayor's pleasure.

('79 Code, § 2-13) (Ord. passed 8-30-82)

§ 30.18 DEPARTMENT OF LAW ESTABLISHED.

There is hereby established a department of law pursuant to IC 36-4-9-12.
(‘79 Code, § 2-15) (Ord. passed 8-30-82)

LEGISLATIVE BRANCH

§ 30.25 COMMON COUNCIL.

(A) *Authority generally.* The legislative branch of the city is the Common Council. The Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the city, and to perform other necessary and desirable legislative functions.

(B) *Regular meetings.* The Common Council of the city shall meet on the first and third Tuesday of each month at the city hall in the council room or at such other place as is designated by the Mayor or presiding officer. The meeting shall begin at 7:00 p.m. local time.

('79 Code, § 2-16) (Ord. passed 8-30-82)

Cross-reference:

Clerk-Treasurer designated Clerk of Council, see § 31.16

§ 30.26 MEETINGS OF COUNCIL.

(A) The Mayor, or in his or her absence the Councilmember at large of the Common Council, shall be the presiding officer of the Council pursuant to IC 36-4-6-8, and meetings shall be conducted pursuant to the applicable statutes and in accordance with the rules set out in division (B) below.

(B) The following rules of conduct shall apply at meetings of the Council:

(1) Council agenda. An agenda of the order of the business of the regular meeting shall be prepared by the Clerk-Treasurer not later than closing time on the Friday before a Tuesday meeting.

(2) Contempt and disorder in the council room. No person shall use violent or contemptuous language, behave in a disorderly manner, or refuse to obey the orders of the Mayor or presiding officer in the council room while the Common Council is in session. The Mayor or the presiding officer may order the removal from the council room of anyone who intentionally disturbs the decorum of the Council meeting by proper police personnel.

(3) Introduction and adoption of ordinances and resolutions.

(a) All ordinances shall be regularly filed with the Clerk-Treasurer and distributed to Councilmembers at least five business days before a regular meeting.

(b) Each ordinance and resolution shall have a title and shall bear a brief summary of its contents and purpose on a separate sheet.

(c) All ordinances and resolutions shall be posted for public inspection immediately upon filing. At least three copies of each ordinance and resolution read by the Council shall be available to members of the public who are present at Council meeting.

(d) All ordinances shall be read one time before being passed, and no ordinances shall pass unless the provisions of the Indiana Code are complied with. Exception: If an ordinance carries a penalty, it must be read twice.

(e) It shall require a majority of all the elected members of the Council to pass an ordinance unless otherwise provided by law.

(f) Resolutions shall be subject to the same rule in the method of introduction as ordinances but only require one reading for adoption.

(g) On the passage or adoption of any ordinance or resolution, the yeas and nays shall be taken and entered in the record, and the ordinance shall be processed in accordance with IC 36-4-6-14 through 36-4-6-17.

(h) No ordinance, order, or resolution of the Council shall become a law, or operative until it has been signed by the Mayor or passed over his veto and promulgated according to law.

(i) Every ordinance, order or resolution of the Council shall immediately upon its passage, enrollment, attestation and signature by the Clerk-Treasurer be presented by the Clerk-Treasurer to the Mayor and a record of the time of the presentation made by the Clerk-Treasurer. If the Mayor approves the ordinance, order or resolution he or she shall enter his approval thereon and sign the same and file it in the office of the Clerk-Treasurer. If he or she does not approve the ordinance, he or she shall veto it and return it to the Clerk-Treasurer with his objections in writing within ten days after receiving it, and the Clerk-Treasurer shall present it to the Council at its next regular meeting. If the Mayor should fail to discharge his duty by approving or disapproving the ordinance within the time, this failure shall be deemed a disapproval.

(j) If the Mayor should veto any ordinance, order or resolution passed by the Council, the Council may override the veto by passing it again by a two-thirds vote of all the members elect of the Council at the next regular or special Council meeting following the Mayor's veto.

(k) All ordinances shall, within a reasonable time after their approval by the Mayor, or their becoming law in spite of his or her veto, be recorded in a book kept for that purpose by the Clerk-Treasurer.

(4) Questions of order. The Mayor or presiding officer shall decide all questions of order. The Mayor shall decide whether any question submitted to the Council for adoption or rejection is decided in the affirmative or negative. When two or more members ask to be heard at the same time, the Mayor or presiding officer shall decide which shall speak first. *Robert's Rules of Order, Revised*, the latest edition, shall be the controlling authority on all questions of parliamentary law and procedure not covered by statute or ordinance.

(5) Appeal from decision of presiding officer. From any decision of the presiding officer any member may appeal to the Council. The appeal shall be by motion duly made and seconded. A majority vote, as defined in IC 36-4-6-11, is necessary to overrule the chair.

(6) Suspension of rules. The order of business may be suspended by a two-thirds vote of the members of the Council.
(79 Code, § 2-18) (Ord. passed 8-30-82; Am. Ord. 2000-19, passed 12-26-00)

§ 30.27 COMPOSITION OF COUNCIL; DISTRICTS GENERALLY.

(A) The Common Council shall be composed of five members, four of whom are elected from districts and one of whom is elected at large. The districts are as heretofore adopted by § 30.28 and as it may hereafter be amended.

(B) The councilmanic district at large shall consist of the entire city.
(79 Code, § 2-19) (Ord. passed 8-30-82)

Statutory reference:

Redistricting of Councilmanic districts generally, see IC 36-4-6-4

§ 30.28 COMMON COUNCIL POSITIONS.

(A) *Election to be governed by state law.* The Common Council does hereby elect to be governed pursuant to the terms of IC 36-4-6-5, as to council election districts in third class cities having a population of less than 10,000 persons.

(B) *Adoption of precincts.* The Council adopts the four precincts as described herein to be the four councilmanic districts of the city.

(C) *Filling of positions.*

(1) Beginning with the next regular election of city officials in the year of 1983 and thereafter until changed by law of this state, there shall be five Common Councilmembers elected at the city election in 1983 and in every city election thereafter, and those five Common Council positions shall be filled as follows:

(a) One position to be an "at large" position, filled by a resident of the city;

(b) One position to be a Councilmember from and resident of the precinct known as Keyser 1;

(c) One position to be a Councilmember from and resident of the precinct known as Keyser 2;

(d) One position to be a Councilmember from and resident of the precinct known as Keyser 3;

(e) One position to be a Councilmember from and resident of the precinct known as Keyser 4.

(2) Each voter of the City of Garrett may vote for one candidate at-large and one candidate from the district from which he or she resides.

(D) *When candidates deemed elected.* The at-large candidate receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts shall be deemed elected to the Common Council.

(E) *Revision of districts.* A revised division of the districts shall be made in the year 1992, in the year 2002, and every ten years thereafter.
(79 Code, § 2-20) (Ord. passed 3-16-82)

§ 30.29 COUNCILMANIC DISTRICTS.

(A) There shall be four councilmanic districts known as Keyser 1, Keyser 2, Keyser 3 and Keyser 4, and there shall also be one council-at-large position. Each voter of the city votes for one candidate at large and for one candidate from his or her respective district.

(B) The boundaries of the districts are defined as follows:

(1) Keyser 1. All that portion of Garrett, Indiana situated north of the CSX Transportation Railroad tracks (railroad tracks) and also that part of Garrett south of the railroad tracks bounded as follows: Beginning at the intersection of North Randolph Street and railroad tracks and then south on Randolph Street to its intersection with West Keyser Street, then west on Keyser Street to its intersection with South Hamsher Street, then north on Hamsher Street to its intersection with West King Street, then west on West King Street to its intersection with North Union Street, then north on North Union Street to the railroad tracks.

(2) Keyser 2. That portion of Garrett bounded as follows: Beginning at the intersection of North Randolph Street and railroad tracks and then east on the railroad tracks to the eastern city limits, then south on the east city limits to the south city limits, then west on the south city limits to its intersection with Columbian Run, then north on Columbian Run to its intersection with East Houston Street, then west on East Houston Street to its intersection with South Randolph Street, thence north on south Randolph Street to the railroad tracks.

(3) Keyser 3. That portion of Garrett bounded as follows: Beginning at the intersection of North Randolph Street and Keyser Street, thence west on Keyser Street to its intersection with Hamsher Street, thence west on King Street to its intersection with Union Street, thence north on Union Street to its intersection with the north city limit line (alley), thence west on said city limit line to the west city limit line, thence south on the city limit line to the south corporate line, thence east on the corporate line to its intersection with Union Street (the previous three calls include that portion of Garrett west of Union Street) thence south on Union Street. which is also the west city limit, continuing south on the west city limits to its intersection with County Road 52, which is the southern city limit, then east on the southern city limit to its intersection with South Cowen Street, then south on South Cowen Street to its intersection with Country Road 54, then east on Country Road 54 to its intersection with South Randolph Street, thence north on South Randolph Street to the place of beginning.

(4) Keyser 4. Beginning at the intersection of South Randolph Street and Houston Street, thence east on Houston Street to its intersection with Columbian Run, then south on Columbian Run to its intersection with Warfield Street, then west on Warfield Street to its intersection with the existing eastern city limits, then southerly on the eastern city limits to its intersection with County Road 54, thence west on County Road 54 to its intersection with South Randolph Street, then north on South Randolph Street to the place of beginning.

(C) All boundaries are measured from the center of the street and the center of the railroad tracks.

('79 Code, § 8-1) (Ord. passed 12-20-66; Am. Ord. passed 3-16-82; Am. Ord. 12192, passed 12-1-92; Am. Ord. 2002-23, passed 10-15-02; Am. Ord. 2013-01, passed 1-15-13)

§ 30.30 COMMITTEES.

The Common Council may, by resolution adopted by a majority vote of its elected members, establish committees as necessary to facilitate the transaction of business. These committees shall

perform the duties required by the Council and report their actions or findings at any meeting of the Common Council whenever called upon to do so.
(Ord. 2000-19, passed 9-26-00)

§ 30.31 APPOINTMENTS TO BOARDS AND COMMISSIONS.

Vacancies on boards and commissions to be filled by the Common Council shall be filled by a majority vote of the members in a properly convened session of the Council.
(Ord. 2000-19, passed 9-26-00)

§ 30.32 INVESTIGATORY POWERS.

The Common Council shall have the power to investigate all departments, officers and employees of the city. The investigation shall be conducted in accordance with the rules and procedures set forth in IC 36-4-6-21.
(Ord. 2000-19, passed 9-26-00)

FISCAL BRANCH**§ 30.35 CLERK-TREASURER DESIGNATED FISCAL OFFICER.**

The Clerk-Treasurer is the fiscal officer of the city and responsible for keeping all city records and books of accounting. He or she shall perform the duties assigned by IC 36-4-10, and such other duties as the Common Council may by ordinance require. All books and records shall be open to the public.
(79 Code, § 2-21) (Ord. passed 8-30-82)

JUDICIAL BRANCH**§ 30.40 CITY COURT ESTABLISHED.**

There is hereby established, effective January 1, 1984, a city court to be headed and operated by a city judge elected and seated pursuant to IC 33-10.1-1-3.
(79 Code, § 2-22) (Ord. passed 8-30-82)

STATUTORY BOARDS AND COMMISSIONS

§ 30.45 POLICE PENSION BOARD OF TRUSTEES ESTABLISHED.

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by IC 36-8-6 (1925 Fund), and IC 36-8-8 (1977 Fund), concerning the statutory pensions of city police. ('79 Code, § 2-23) (Ord. passed 8-30-82)

§ 30.46 CITY PLANNING COMMISSION, BOARD OF ZONING APPEALS, ECONOMIC DEVELOPMENT COMMISSION AND PARK BOARD ESTABLISHED; DESIGNATION OF LEGAL COUNSEL.

There shall be a City Planning Commission, a Board of Zoning Appeals, an Economic Development Commission, and Park Board whose members shall be appointed as prescribed by statute. The Mayor shall appoint the Attorney to serve as Legal Counsel to such boards upon advice and consent of the City Attorney. ('79 Code, § 2-24) (Ord. passed 8-30-82)

§ 30.47 RECREATION BOARD.

Under the provision of IC 36-10-5-2, the Common Council establishes a Recreation Board which shall serve as Park Authority.

(A) The Recreation Board shall be composed of five resident freeholders.

(B) The five members of the Recreation Board shall be appointed by the Mayor with one member being a member of the governing body of the Garrett-Keyser-Butler Community School District Corporation.

(C) No member of the Recreation Board may also be a member of the Common Council.

(D) All members appointed to the Recreation Board must be qualified by an interest in and knowledge of the social and educational values of recreation. All members shall serve without compensation.

(E) (1) Members shall be appointed for four-year terms from January 1 of the year of appointment until a successor is appointed. The initial terms of the members of the Recreation Board shall be as follows:

(a) One term for one year.

(b) One term for two years.

(c) One term for three years.

(d) Two terms for four years.

(2) Any vacancies shall be filled by the Mayor for the remainder of any unexpired term of any member.

(F) The Recreation Board shall manage all parks, including approaches, that belong to the City of Garrett.

(G) The City of Garrett, the Park Authority, and the Recreation Board shall have all powers and limitations enumerated in IC 36-10-5-2 as amended from time to time. Any amendments to said code section are hereby incorporated by reference under the terms of this section as said amendments shall be promulgated. Any conflict between the provisions of this section and IC 36-10-5-2 shall be controlled by IC 36-10-5-2.

(Ord. 97-2, passed 2-4-97; Ord. 97-5, passed 2-18-97)

Statutory reference:

Enabling establishment of Park Authority and Recreation Board, see IC 36-10-5-2

§ 30.48 REDEVELOPMENT COMMISSION.

(A) The Garrett Redevelopment Committee was properly and lawfully adopted February 17, 1987, pursuant to the provisions of IC 36-7-14-1 et seq. as it existed at that time and as has been amended thereafter.

(B) The Commission has had and shall continue to have five commissioners which shall be appointed as follows:

(1) Three shall be appointed by the municipal executive.

(2) Two shall be appointed by the municipal legislative body.

(C) Each Redevelopment Commissioner shall serve for one year, and Commissioners shall be appointed or re-appointed for terms beginning January 1 of each year.

(D) The Redevelopment Commission shall have all of the rights, privileges, duties and powers as provided in IC 36-7-14-1 et seq. as may be amended from time to time.

(Ord. 94-26, passed 12-6-94)

§ 30.49 REDEVELOPMENT AUTHORITY.

(A) The Common Council of the city now deems it to be in the best interest of the city and its citizens to establish and create a redevelopment authority as a separate body corporate and politic and as an instrumentality of the city with all of the powers under IC 36-7-14.5 et seq. (the "Act"). A redevelopment authority is hereby established in the city to be known as the City of Garrett Redevelopment Authority (the "Redevelopment Authority") and shall operate with all the powers, obligations and privileges authorized under the Act as the same is presently in force and effect, or as it may be amended from time to time.

(B) The Redevelopment Authority shall be governed by a Board of Directors (the "Board") composed of three members, each of whom must be residents of the city. The Mayor shall appoint the members of the Board. Members of the Board shall serve for a term of three years and may be reappointed for subsequent terms. The Mayor shall fill any vacancy on the Board by appointing a new member for the remainder of the vacated term. Any Board member may be removed for cause by the Mayor. Board members shall not receive a salary, and no profit or money of the Redevelopment Authority shall inure to the benefit of a member. Upon their appointment the members of the Board shall take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Redevelopment Authority,
(Ord. 2015-02, passed 2-3-15)

CHAPTER 31: OFFICERS AND EMPLOYEES

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Code Enforcement and Safety Officer

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GENERAL PROVISIONS

§ 31.01 MILEAGE ALLOWANCE.

(A) If it is necessary and expedient that the Mayor, City Councilmembers, Clerk-Treasurer, City Attorney and city employees shall use their personal automobiles in the carrying out of the duties of their respective offices, such city officials shall be repaid for the use of a personal automobile.

(B) For the use of such personal automobile in the carrying out of the official duties of the city officials as above enumerated, the city officials and employees shall be allowed the sum per mile for the use of such personal automobile as is allowed by the state for state employees.

(C) Claim for such usage shall be submitted by officials and employees upon appropriate forms with the Clerk-Treasurer, such claims showing the purpose for which the personal automobile was used, the miles driven, the date of usage and should also set forth the total amount claimed. The claims shall be filed at least once each month if any such personal usage has occurred during each preceding month.

('79 Code, § 2-30) (Ord. passed 11-19-74; Am. Ord. 3-6-85)

§ 31.02 ANTI-NEPOTISM POLICY.

(A) The city finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the city and in contracting with the city 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.

(B) On July 1, 2012 the city 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 will begin.

(C) The City of Garrett Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements 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.

(D) The City of Garrett Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements 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.

(E) The city finds that both IC 36-1-20.2 and I.C. 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed requirements are necessary.

(F) The city further 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 the body and therefore without such authority by the majority he or she will not be in the direct line of supervision. (See IC 36-5-2-9.4.)

(G) The city finds that a single member of governing bodies with authority over employees in the city cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the 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.

(H) All elected and appointed officials and employees of the city are hereby directed to cooperate fully in the implementation of the policies created by this section and demonstrating compliance with these same policies.

(I) Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the city who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the nepotism policy may be subject to action allowed by law.

(J) 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 a curative action. An elected or appointed official of the City of Garrett who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law.

(K) (1) The policies created by this section are hereby directed to be implemented by any of the following actions:

(a) Posting a copy of Ordinance 2012-07 in its entirety in at least one of the locations in the city where it posts employer posters or other notices to its employees;

(b) Providing a copy of Ordinance 2012-07 to its employees and elected and appointed officials;

(c) Providing or posting a notice of the adoption of Ordinance 2012-07; or

(d) Any such other action or actions that would communicate the policies established by this section to its employees and elected and appointed officials.

(2) Upon taking any of these actions, these policies are deemed implemented by the city.

(L) Two copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk or Clerk-Treasurer for the City of Garrett for public inspection as may be required by IC 36-1-5-4.

(Ord. 2012-07, passed 6-26-12)

CLERK-TREASURER

§ 31.15 OFFICE OF CLERK-TREASURER.

The offices of City Clerk and City Treasurer are hereby consolidated and shall be known as Clerk-Treasurer and shall be held by one person, individually.
(79 Code, § 2-29) (Ord. 37, passed - -33)

Cross-reference:

City Clerk-Treasurer serves as Violations Clerk, see § 35.02

§ 31.16 CLERK OF THE COUNCIL.

The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by IC 36-4-6-9, and such other duties as the Council may direct.
(79 Code, § 2-17) (Ord. 37, passed 8-30-82)

CODE ENFORCEMENT AND SAFETY OFFICER**§ 31.20 POSITION CREATED.**

The position of Code Enforcement and Safety Officer is created effective June 2001. The Code Enforcement and Safety Officer shall have those duties and responsibilities as contained in the job description and as otherwise properly assigned to and conferred upon the position. (Ord. 2004-1, passed 1-6-04)

CHAPTER 32: PERSONNEL REGULATIONS

Section

32.01 Personnel ordinances adopted by reference

§ 32.01 PERSONNEL ORDINANCES ADOPTED BY REFERENCE.

The personnel ordinances of the city are adopted herein by reference as if fully set forth in this chapter.

(Ord. 21786, passed 2-17-86; Am. 122088-2, passed 12-20-88; Am. Ord. 81589, passed 8-15-89; Am. Ord. 6590-3, passed 6-5-90; Am. Ord. 73092-1, passed 7-30-92; Am. Ord. 96-23, passed 12-17-96; Am. Ord. 2001-23, passed 12-27-01; Am. Ord. 2002-3, passed 2-5-02; Am. Ord. 2008-17, passed 5-19-09; Am. Ord. 2014-14, passed 12-1-14)

CHAPTER 33: ECONOMIC DEVELOPMENT

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DEPARTMENT OF ECONOMIC DEVELOPMENT

§ 33.01 DEPARTMENT OF ECONOMIC DEVELOPMENT CREATED.

There is now created a Department of Economic Development.
(‘79 Code, § 2-42) (Ord. passed 10-16-74)

§ 33.02 COMMISSION; CONTROL OF DEPARTMENT.

The Department of Economic Development shall be under the control of a commission of three members, to be known as the “Garrett Economic Development Commission.”
(‘79 Code, § 2-43) (Ord. passed 10-15-74)

§ 33.03 APPOINTMENT TO COMMISSION; TERMS.

The members of the Economic Development Commission shall be appointed by the Mayor as follows: [one shall be selected by the Mayor]; one member so appointed by the County Council; and one shall be nominated by the Common Council of the city. The Commissioners shall take office upon their appointment and their terms shall run the following number of years from February 1 following such original appointment. The Commissioner nominated by the Common Council: two years; the Commissioner nominated by the County Council: one year; and the Commissioner selected by the Mayor: three years.

('79 Code, § 2-44) (Ord. passed 10-16-74)

§ 33.04 COMMISSION TO BE GOVERNED BY STATE LAW.

The economic development commission shall be governed by and comply with IC 36-7-12-1 et seq. and all amendments to such act.

('79 Code, § 2-45) (Ord. passed 10-16-74; Am. Ord. passed 3-4-75)

COMMITTEE ON TAX ABATEMENT**§ 33.15 COMMITTEE DESIGNATED.**

There is hereby designated a Committee on Tax Abatement of the Common Council which is designated as the agency of the city for receiving and processing all applications from persons, firms, organizations or corporations requesting designation of economic revitalization area and tax abatement as permitted by IC 6-1.1-12.-1-1 et seq.

('79 Code, § 7.5-30) (Ord. passed 7-2-85)

§ 33.16 COMPOSITION; APPOINTMENT.

The Committee on Tax Abatement, hereinafter referred to as the "committee," shall be composed of three members of the City Council, one member selected by the City Council, one member selected by the Mayor and a third member selected by the appointees of the Mayor and of the City Council. All members of the Committee shall be members of the City Council. The Committee shall, upon appointment, serve for the remainder of the calendar year of their appointment. Each year the appointment shall be made to the Committee on an annual basis and if no appointment is made, the current Committee member or members shall serve until said appointments are made.

('79 Code, § 7.5-31) (Ord. passed 7-2-85)

§ 33.17 SPECIFIC INFORMATION REQUIRED FOR APPLICATION FOR ECONOMIC REVITALIZATION AREA OR TAX ABATEMENT.

The Committee shall require all applicants applying for an economic revitalization area or for tax abatement to provide the following information in making application and the Committee shall consider the following items in making their recommendations to the City Council:

(A) Proposed use of real estate.

(B) Proposed type and cost of buildings and equipment.

(C) Proposed operations and the number of jobs to be created, both permanent jobs and temporary jobs.

(D) The effects of the proposed uses upon the environment.

(E) The financial viability of the applicant requesting the designation as that can be generally determined by examining financial sheets, including profit and loss statements and statements of condition.

(F) A description of the property for which a deduction is sought, which description shall be in sufficient detail to afford identification.

(G) The assessed value of improvements, if any, before rehabilitation.

(H) The projected increase in assessed value of the improvements resulting from the rehabilitation.

(I) The projected assessed value of the new structure in case of redevelopment.

(J) The projected amount of deduction to be claimed for the first year of the deduction.

(K) A map and plat that identify the area or a simplified description of the boundaries of the area by describing its location in relation to public ways, streams, other landmarks, or otherwise.

(L) Such other items as the Committee shall deem necessary.
(’79 Code, § 7.5-32) (Ord. passed 7-2-85)

§ 33.18 INVESTIGATION; RECOMMENDATION TO COMMON COUNCIL.

The Committee, upon receipt of an application, shall investigate the applicant and the application to determine the best interests of the city, and shall thereafter make written recommendations to the Common Council as to the desirability or nondesirability of designating the area as an economic revitalization area. The Common Council shall make final approval of all requests for designation as an economic revitalization area and shall pass an ordinance in each instance regarding the same.

(’79 Code, § 7.5-33) (Ord. passed 7-2-85)

ECONOMIC REVITALIZATION

§ 33.25 FEE FOR TAX ABATEMENT.

The fee to be paid by the applicant requesting tax abatement for real estate shall be paid to the

Clerk-Treasurer and shall remain the property of the city and shall be in an amount of \$50 per applicant.

('79 Code, § 7.5-16) (Ord. passed 7-2-85)

§ 33.26 MAP OF REVITALIZATION AREAS.

A map marked Exhibit "A" shall set forth and designate the economic revitalization areas as outlined according to the legend on said map. This map is on file for inspection in the office of the Clerk-Treasurer.

('79 Code, § 7.5-17) (Ord. passed 7-2-85; Am. Ord. 2-4-86; Am. Ord. 22189-2, passed 2-21-89; Am. Ord. 8189, passed 8-1-89)

§ 33.27 EXPIRATION OF ECONOMIC REVITALIZATION AREA; REAPPLICATION AND FEE.

If the improvements as proposed in an application for an economic revitalization area are not started within one year from the date of designation by the Common Council, the economic revitalization area designation shall expire; however, the applicant may reapply and the fee for such reapplication shall be \$100. The reapplication shall be made within 90 days after the date of the expiration of the initial one-year period.

('79 Code, § 7.5-18) (Ord. passed 7-2-85)

CHAPTER 34: FINANCE; MUNICIPAL FUNDS

Section

City Funds

- 34.01 Cumulative capital improvement fund
- 34.02 Cumulative capital development fund
- 34.03 Enforcement aid fund
- 34.04 Collecting costs for emergency services provided by city
- 34.05 Depreciation or Replacement Fund for city utilities; Cash Reserve Fund; loans between utilities
- 34.06 Cumulative Capital Building Fund for Parks and Recreation
- 34.07 Nonreverting Operating Fund for Heritage Park
- 34.08 Volunteer Fire Company Cumulative Building and Equipment Fund
- 34.09 Fire Protection Territory Funds
- 34.10 Riverboat Wagering Tax Revenue Sharing Distribution Fund
- 34.11 Rainy Day Fund

Payment of Expenses

- 34.15 Allowing Clerk-Treasurer to make claim payments in advance for certain kinds of expenses
- 34.16 City promotion

Cross-reference:

Clerk-Treasurer designated fiscal officer, see § 30.35

Emergency Services

- 34.25 Definitions
- 34.26 Cost accounting, allocations and assignment
- 34.27 Hearings
- 34.28 Payment of charged or assessed costs
- 34.29 Monies collected

CITY FUNDS**§ 34.01 CUMULATIVE CAPITAL IMPROVEMENT FUND.**

(A) *Definition.* The term **CAPITAL IMPROVEMENT**, when used in this section, means the construction or improvement of any property owned by the city, including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of the city issued, and the proceeds used for the purpose of constructing capital improvements. **CAPITAL IMPROVEMENT** shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

(B) *Created.* In accordance with the requirements of IC 6-7-1-31.1, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the city into which the cigarette taxes allotted to the city by reason of IC 6-7-1-29.1(c) and 6-7-1-30.1 and 6-7-1-31.1, as amended, shall be deposited. Such fund shall be a cumulative fund and all of the monies deposited into the fund shall be appropriated and used solely for capital improvements as defined in this section and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements.

('79 Code, § 2-1) (Ord. passed 7-20-66)

§ 34.02 CUMULATIVE CAPITAL DEVELOPMENT FUND.

(A) There is hereby reestablished a "Garrett Cumulative Capital Development Fund."

(B) An *ad valorem* property tax levy will be imposed and the revenues from the levy will be retained in the Cumulative Capital Development Fund.

(C) The maximum rate of levy under division (B) will not exceed \$.05 per \$100 of assessed valuation for 2011 and all years thereafter.

(D) The Cumulative Capital Development Fund is established until such time as presented.

(E) The funds accumulated in the Cumulative Capital Development Fund will be used for any purpose for which property taxes may be imposed within the city under the authority of IC 8-16-3, 8-22-3-25, 14-27-6-24, 14-33-14, 16-23-1-10, 36-8-14, 36-9-4-48, 36-9-16-2, 36-9-16-3, 36-9-16.5, 36-9-17, 36-9-26, 36-9-27-100, 36-10-3-21, 36-10-4-36, and for other purposes which are authorized by amendments to IC 36-9-15.5 et seq.

(F) Notwithstanding division (D), funds accumulated in the Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in division (D), if the purpose is to protect the public health, welfare or safety in an emergency situation that demands immediate action. Money may be spent under the authority of this division only after the Mayor issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

(G) The fund takes effect upon approval of the Department of Local Government Finance. (Ord. 7390, passed 7-3-90; Am. Ord.72093-1, passed 7-20-93; Am. Ord. 2011-7, passed 7-26-11)

§ 34.03 ENFORCEMENT AID FUND.

(A) An Enforcement Aid Fund is hereby created for the exclusive use of the City Police Department.

(B) The Enforcement Aid Fund shall be used:

(1) To assist in enforcement of the laws of the United States of America, the State of Indiana, the county and the city.

(2) To the ends of the proper and just administration of justice in and around the city; and

(3) In any manner deemed proper by the Chief of Police.

(C) The Enforcement Aid Fund shall be in a the form of an appropriation to be approved by the Common Council.

(D) Funding for the Enforcement Aid Fund shall be authorized from the General Fund of the city. The funding shall be reviewed by the State Board of Accounts.

(E) *Rules for expenditures.*

(1) The expenditure of funds from the Enforcement Aid Fund shall follow guidelines as established in the rules in Appendix A attached to Ord. 101789, which is codified herein.

(2) Expenditures specifically designated for the purchase of evidence shall follow the rules established in Appendix B attached to said ordinance.

(3) Expenditures specifically designated for use in paying an informant shall follow the rules established in Appendix B and Appendix C attached to said ordinance.

(F) It shall be the responsibility of the Clerk-Treasurer to create those forms necessary for the proper documentation and accounting of funds requested, expended and returned.

(G) Ultimate approval for monies to fund the Enforcement Aid Fund shall be to the Common Council in an appropriation form.
(Ord. 101789, passed 10-17-89)

§ 34.04 COLLECTING COSTS FOR EMERGENCY SERVICES PROVIDED BY CITY.

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

BOARD. The Board of Public Works and Safety of the city.

COSTS. The expenditure of money, time and materials required to alleviate, gain control of, or contain the emergency, including expenses and fees required to collect the costs defined herein.

DEPARTMENT. Any one of the following:

- (1) Fire.
- (2) Police.
- (3) Water.
- (4) Electric.
- (5) Sewage.
- (6) City Engineer.
- (7) Street.
- (8) City Attorney.

EMERGENCY. A situation arising unexpectedly requiring quick response by a department of the city such as a chemical spill, exposure to hazardous waste or hazardous materials, damage or incidents causing loss or interruption of municipal services such as electricity, water, sewage and other similar situations but shall not include responses for residential fire calls.

(B) *Cost Accounting, allocations and assignment.*

(1) Whenever a department responds to an emergency, the department head or his or her assign shall maintain a record of the costs incurred and shall present a complete accounting and total of the costs to the Board.

(2) The Board shall set a hearing at which testimony may be taken. The purpose of the hearing shall be to determine the allocation of the costs to each department and to assign the costs to the individual, business or entity receiving the benefit of the department's emergency services. The determination of the Board as to the costs and assignment of the costs shall be final.

(3) The Board shall require payment of those costs so assigned within 90 days from the date of determination.

(4) The Clerk-Treasurer shall notify the individual, business or entity to which costs are assigned of those costs, which notice shall be in writing and shall specify the determination of the costs and the assignment of costs.

(5) The Board shall direct the City Attorney to institute legal proceedings if payment is not made within 90 days of the date of determination.

(6) The individual, business or entity against which legal proceedings are commenced, shall be responsible for the payment of all legal fees and other expenses incurred by the city in the collection process.

(7) The Board has the authority to suspend the assignment of costs when it finds that the costs were incurred in a nonemergency situation or when it is determined the collection of such costs would work an undue financial hardship on the individual, business or entity receiving emergency services.

(C) Hearings.

(1) All hearings on the accounting, allocation and assignment of costs shall be scheduled to coincide with regularly scheduled Board meetings except in the following situations:

(a) When the hearing is expected to last more than 30 minutes; or

(b) When undue hardship would be placed upon any witness; or

(c) Whenever urgent circumstances exist to require a special meeting of the Board to conduct the hearing.

(2) The individual, business or entity benefitting from services shall be given a notice not less than ten days before the scheduled hearing, which notice shall be given in writing by the Clerk-Treasurer by ordinary mail.

(3) The parties to the hearing shall have the opportunity to present witnesses, evidence and to cross-examination.

(4) The decision of the Board after such hearing shall be final.

(D) *Payment of assigned costs.*

(1) Payment of assigned costs shall be made to the Clerk-Treasurer by cash, money order or certified check. Personal checks will not be accepted.

(2) The Clerk-Treasurer is authorized to establish a payment schedule or accept partial payments of the entire amount due provided that the entire amount due is paid within 90 days or otherwise provided for in this section.

(3) Any requests for extension of time within which to pay the costs assigned beyond the 90 days shall be made in writing, shall specifically state the facts which form the basis for the request and shall be presented to the Board through the Clerk-Treasurer. The Board shall have no authority to grant a request for an extension unless payment of at least 50% of the assigned costs have been made by the responsible individual, business or entity prior to the time the extension is requested.

(E) *Monies collected.* All monies collected pursuant to this section shall be credited to the department or departments in the amounts as determined by the Board pursuant to the allocation process under division (B) of this section.

(Ord. 4489-2, passed 4-4-89)

§ 34.05 DEPRECIATION OR REPLACEMENT FUND FOR CITY UTILITIES; CASH RESERVE FUND; LOANS BETWEEN UTILITIES.

(A) There is hereby continued a "Depreciation or Replacement Fund" for municipal utilities; that into such Depreciation or Replacement Fund there shall be paid each month 3% of the operating cash revenues of the utilities.

(B) There is hereby created in the municipal utilities a "Cash Reserve Fund," which shall consist of the surplus earnings of the utilities. **SURPLUS EARNINGS** to be placed monthly in the fund are hereby defined to be those cash earnings remaining after provision has been made to take care of current obligations, including those for operating expenses, depreciation, as hereinbefore set out, sinking funds, bond and interest retirement funds, or any other priority fund requirements fixed by ordinance or law. Such surplus earnings shall be paid into the cash reserve fund and carried on the books of the utilities as such.

('79 Code, § 20-1) (Ord. passed 6-20-52; Am. Ord. passed 10-17-78)

(C) Funds in the Cash Reserve Fund may be used to make loans to another utility owned by the city for periods not to exceed five years, at any interest rate. The amounts of the loans and the terms of repayment shall be approved by the Common Council and the Clerk-Treasurer shall be directed to keep accurate accountings of all such loans and repayments. The repayment of the loans and interest shall be returned to the Cash Reserve Fund. (Ord. 4489-4, passed 4-4-89)

§ 34.06 CUMULATIVE CAPITAL BUILDING FUND FOR PARKS AND RECREATION.

(A) There is hereby created a Garrett Parks and Recreation Cumulative Building Fund.

(B) An ad valorem property tax levy will be imposed and revenues from the levy will be retained in the Garrett Parks and Recreation Cumulative Building Fund.

(C) The levy for the Garrett Parks and Recreation Cumulative Building Fund shall be \$0.0167 on each \$100 of assessed valuation of taxable property for the year 2010 and thereafter as permitted by law.

(D) The funds may be used for the building, remodeling, and repair of Parks and Recreation facilities or for the purchase of land for Parks and Recreation purposes.

(E) The Garrett Parks and Recreation Cumulative Building Fund shall continue for a period of ten years, and the tax levy shall be advertised annually as are other tax levies and in accordance with IC 36-10-3-21.

(F) This Fund and the levy shall take effect upon approval by the Indiana Department of Local Government Finance.
(Ord. 72192, passed 7-21-92; Am. Ord. 2010-05, passed 4-6-10)

§ 34.07 NONREVERTING OPERATING FUND FOR HERITAGE PARK.

There is hereby established a special nonreverting operating fund for Heritage Park pursuant to IC 36-10-3-22(b)(1).

(A) The expenditures from such Fund shall be appropriated by the Board of Parks and Recreation.

(B) The following expenditures may be made from this Fund: Expenditures for maintenance, materials, supplies, equipment, and other expenses relating to the management, maintenance, and upkeep of Heritage Park, especially the Heritage Park Museum buildings.

(C) The following deposits shall be made into that Fund: Rental fees collected from the Museum; fees collected from vending machines or pay telephones; fees from special events; rental income from the renting of any portion of the Heritage Park Museum buildings; donations made to the city or to the Garrett Park Department specifically for the Heritage Park or Heritage Park Museum.
(Ord. 6193, passed 6-1-93)

§ 34.08 VOLUNTEER FIRE COMPANY CUMULATIVE BUILDING AND EQUIPMENT FUND.

(A) As allowed by IC 36-8-14-1 et seq., there is hereby established a Garrett Volunteer Fire Company Cumulative Building and Equipment Fund.

(B) An ad valorem property tax levy will be imposed and revenues from the levy will be retained as part of the fund and shall be deposited in a qualified public depository or depositories and held in a special fund to be known as the "Building or Remodeling, Fire Fighting, and Police Radio Equipment Fund".

(C) The rate of tax levy shall be \$0.0333 on each \$100 of assessed valuation for the year 2010 and thereafter as permitted by law.

(D) The Fund may be used for the following purposes:

(1) The purchase, construction, renovation, or addition to buildings used by the Volunteer Fire Company.

(2) The purchase of fire fighting equipment for use of the Volunteer Fire Company, including making the required payments under a lease rental with Option to Purchase Agreement made to acquire equipment.

(3) The purchase of police radio equipment.

(4) Any other purpose that may be permitted by IC 36-8-14-1 et seq. as that may be amended from time to time.

(E) This fund and levy shall take effect upon approval by the State Board of Tax Commissioners pursuant to IC 6-1.1-41-1 et seq.

(Ord. 96-21, passed 12-3-96; Am. Ord. 98-5, passed 3-3-98; Am. Ord. 2010-04, passed 4-6-10)

§ 34.09 FIRE PROTECTION TERRITORY FUNDS.

(A) There is hereby established the City of Garrett/Keyser Township Fire Protection Territory Fund from which all expenses of operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, depreciation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred within the territory shall be paid.

(B) There is hereby established the City of Garrett/Keyser Township Fire Protection Territory Equipment Replacement Fund to be used to purchase fire protection equipment, including housing, that will be used to serve the territory. This fund is to be funded by the imposition of a uniform tax rate upon all the taxable property within the territory.

(Ord. 2011-3, passed 3-15-11)

§ 34.10 RIVERBOAT WAGERING TAX REVENUE SHARING DISTRIBUTION FUND.

(A) There is hereby created a Riverboat Wagering Tax Revenue Sharing Distribution Fund for the city.

(B) All such funds received by the city shall be deposited into the fund and may be used for the following purposes:

(1) To reduce the property levy of the city. This reduction of property tax levy does not reduce the maximum levy of the city.

(2) To fund additional property tax replacement credits in property tax increment allocation areas.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the fiscal body of the city appropriates the riverboat wagering tax revenue sharing. The riverboat wagering tax revenue sharing used for this purpose does not reduce the property tax levy of the city or reduce the maximum levy of the city.

(Ord. 2003-16, passed 9-16-03)

§ 34.11 RAINY DAY FUND.

(A) There is hereby created a Rainy Day Fund.

(B) Transfers to the Rainy Day Fund must be made after the last day of the city's fiscal year (now December 31) and before March 1 of the following calendar year, or as otherwise provided in I.C. 36-1-8-5 as amended from time to time.

(C) Whenever the purposes of a general or special tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the Council shall by resolution direct the balance of that fund to be transferred into the Rainy Day Fund. In any fiscal year, the Common Council may transfer not more than 10% of the city's total budget for that year into the Rainy Day Fund. The Clerk-Treasurer shall be responsible for submitting a proposed resolution to the Common Council for the transfers into the Rainy Day Fund.

(D) The Rainy Day Fund shall be used for those purposes as the Council, by written resolution, deems appropriate and proper.

(E) Transfers from the Rainy Day Fund are subject to the same appropriation process as other funds that receive tax money.

(Ord. 2004-2, passed 1-6-04)

PAYMENT OF EXPENSES**§ 34.15 ALLOWING CLERK-TREASURER TO MAKE CLAIM PAYMENTS IN ADVANCE FOR CERTAIN KINDS OF EXPENSES.**

(A) The Clerk-Treasurer is hereby allowed to make claim payments in advance of approval and allowance by the Board of Public Works and Safety, but only for the following kinds of expenses:

(1) Property or services purchases or leased from the United States government, its agencies, or its political subdivisions.

(2) License or permit fees.

(3) Insurance premiums.

(4) Utility payments or utility connection charges.

(5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(6) Grants of state funds authorized by statute.

(7) Maintenance or service agreements.

(8) Leases or rental agreements.

(9) Bond or coupon payments.

(10) Payroll.

(11) State, federal or county taxes.

(12) Expenses that must be paid because of emergency circumstances.

(13) A product or service for which the city legislative body has accepted a bid.

(B) For each of the types of expenses listed above, each payment must be supported by a fully itemized claim.

(C) The claim shall be reviewed and allowed at the next regular or special meeting of the Board of Public Works and Safety following the pre-approved payment of the expense.

(Ord. 8492-2, passed 8-4-92; Am. Ord. 96-6, passed 2-20-95)

§ 34.16 CITY PROMOTION.

The "City Promotion" appropriation line item contained in the Mayor's portion of the city budget, as may be established from year to year, may be used to pay the expenses of or to reimburse city officials, as the case may be, for expenses incurred in promoting the best interests of the city. Those expenses include, but are not limited to, the following:

(A) Rental of meeting places.

(B) Meals.

(C) Decorations.

(D) Memorabilia and awards.

(E) Expenses incurred in interviewing job applicants.

(F) Expenses incurred in promoting industrial, commercial and residential development.

(G) Expenses incurred in developing relations with other units of government.

(H) Expenses incurred in employee recognition celebrations, employee retirement recognitions, expression of sympathy for city employees and their families, including former city employees.

(I) Recognition of efforts of volunteers.

(J) Travel for elected city officials, appointed city officials and employees in connection with meetings, activities, and events promoting the city.

(K) Any other expense of a civic or governmental nature deemed by the Mayor to be in the best interests of the city.

(Ord. 96-9, passed 5-7-96)

EMERGENCY SERVICES**§ 34.25 DEFINITIONS.**

For the purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COSTS. Those necessary expenditures of monies, time and materials required to alleviate, control or contain an emergency, including any costs required to collect those costs expended.

DEPARTMENT. Within the meaning of this subchapter is one or more of the following:

- (1) Fire.
- (2) Police.
- (3) Street.
- (4) Water.
- (5) Electric.
- (6) Sewage.
- (7) City Engineer.
- (8) City Attorney.
- (9) Code Enforcement.
- (10) Civil Defense.

EMERGENCY. That situation which arises unexpectedly and requires quick response by a department of the city.
(Ord. 2003-18, passed 11-5-03)

§ 34.26 COST ACCOUNTING, ALLOCATIONS AND ASSIGNMENT.

(A) Whenever the city or a department responds by request or mandate to an emergency, the department head or his/her assign shall maintain a log of the costs incurred.

(B) When a final tabulation of the costs is completed, the department head or his/her assign shall present the same of the Board of Public Works and Safety.

(1) The Board shall set a hearing at which testimony may be taken from which a determination as to the amount of costs to be allocated to each department and the amount charged or assessed to the individual or business receiving the department emergency services shall be made.

(2) Said determination of the Board shall be final.

(3) The Board shall require any payment of those costs charged or assessed within 90 days from the date of determination.

(4) The Board shall be authorized to empower the City Attorney to institute legal proceedings upon nonpayment within 90 days. The costs to the city for legal proceedings shall also be assessed to the nonpaying party.

(5) The Board shall have the authority to suspend the assessment of costs upon finding of a routine emergency situation or when there is a determination of undue hardship on the party receiving the emergency services.
(Ord. 2003-18, passed 11-5-03)

§ 34.27 HEARINGS.

(A) All hearings on the accounting, allocation and charging or assessment of costs shall be set to coincide with regularly scheduled Board meetings except as follows:

- (1) When a hearing is expected to last greater than 30 minutes; or
- (2) When undue hardship would be placed on any witnesses; or

(3) Whenever urgent circumstances exist or require a special meeting of the Board to conduct the hearing.

(B) All parties to the hearing shall be given a notice not less than ten days before the scheduled hearing by the Clerk-Treasurer.

(C) All parties shall have the opportunity to present witnesses and cross examine.

(D) The decision of the Board shall be final.
(Ord. 2003-18, passed 11-5-03)

§ 34.28 PAYMENT OF CHARGED OR ASSESSED COSTS.

(A) Payment of charged or assessed costs shall be made to the Clerk-Treasurer by cash, money order or certified check.

(B) The Clerk-Treasurer is authorized to establish a payment schedule so as to avoid undue hardship on the liable party, but in no event shall the length of payments exceed one year from the date of the Board's determination.
(Ord. 2003-18, passed 11-5-03)

§ 34.29 MONIES COLLECTED.

(A) All monies collected from a liable party shall be credited to the department(s) who incurred the costs for the emergency services.

(B) Nothing herein shall create an obligation upon the city to render emergency services beyond that which heretofore exist by law.
(Ord. 2003-18, passed 11-5-03)

CHAPTER 35: VIOLATIONS BUREAU

Section

- 35.01 Creation
- 35.02 Violations Clerk; duties
- 35.03 Schedule of civil penalties
- 35.04 Ordinances and code provisions in harmony with schedule of civil penalties
- 35.05 Proceeds to be placed in general fund

§ 35.01 CREATION.

There shall be created an Ordinance Violations Bureau ("Bureau") for the city.
(Ord. 4489-1, passed 4-4-89)

§ 35.02 VIOLATIONS CLERK; DUTIES.

(A) The City Clerk-Treasurer is appointed and shall serve as the Violations Clerk, who administers the Bureau.

(B) The Clerk-Treasurer and her staff, as her agents, shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violations provided in the schedule set forth in § 35.03.
(Ord. 4489-1, passed 4-4-89)

§ 35.03 SCHEDULE OF CIVIL PENALTIES.

(A) The following schedule of ordinances and city code provisions shall be subject to the jurisdiction of the Ordinance Violation Bureau and the first violations within a calendar year, and thereafter unless amended, of the ordinances and code provisions shall be subject to the civil penalty set forth:

Code Section	Violation	Civil Penalty
§ 50.06	Nonregulation burning	\$50
§ 50.07	Dumpsters	\$50 per violation
§ 70.02	Driving/parking on sidewalk	\$30

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Code Section	Violation	Civil Penalty
§ 72.10; Ch. 76, Scheds. III, IV	Parking during prohibited hours	\$30
§ 72.05	Parking on yellow line	\$30 per violation
§ 72.06	Inoperable and/or abandoned vehicles	\$100 per day
	Illegal vehicles in a residential area	\$50 per day
	Operable vehicles in yard	\$50 per day
§ 72.10; Ch. 76, Sched. III	Overtime parking violations	\$30 per violation
§ 72.10; Ch. 76, Sched. IV	Parking in no-parking zone	\$30 per violation
§ 72.12	Parking in city lot	\$30 per violation
§ 72.13	Handicapped parking	\$150 per violation
§ 72.135	Handicapped parking space	\$50 per violation
§ 72.99(C)	Parking in residential area/stopping, standing or parking on certain streets	\$30 per violation
§§ 73.01 - 73.21	Bicycles and toy vehicles	\$30 plus court costs
§ 74.05	Towing and storage of abandoned vehicles	\$75 plus storage fees of \$25 per day
§ 74.01 - 74.18	Abandoned vehicles	\$100 for the first offense in a calendar year; not less than \$200 for the second offense in a calendar year; not less than \$300 for all subsequent offenses in a calendar year, but no fine shall exceed \$2,500
§ 77.01 - 77.05	Junked vehicles	\$50 per day for the first offense in a calendar year; \$100 per day for the second offense in a calendar year; \$150 per day, per offense for all subsequent offenses in the same calendar year.

Code Section	Violation	Civil Penalty
§ 90.01; 90.02(A) through (L) inclusive, 90.02 and 90.04	Nuisances as defined in § 90.01; nuisances as contained in the illustrative enumeration contained in § 90.02	\$100 per day for the first offense in a calendar year; \$150 per day for the second offense in a calendar year; \$300 per day, per offense for all subsequent offenses in the same calendar year
Ch. 91	Noise regulations violation	\$50 - \$100 per violation
§ 92.16	Animals running at large	\$50 per incident plus any court costs incurred
§§ 92.19 - 92.23	Regulation of vicious dogs	\$100 per violation
§ 92.24(C)(1)	Redemption of impounded dog plus pound expenses	\$50 for the first violation, \$75 for all subsequent violations in the same calendar year plus pound expenses of \$25 per day
§§ 92.35, 92.36	Regulation and control of cats	\$50 per violation
§§ 95.45; 95.46	Obstruction of sidewalks and streets (free passage of pedestrians)	\$30 per violation
§§ 98.01 - 98.03	False alarms	\$20 initial service charge \$100 subsequent alarms
§§ 111.04 - 111.07	Advertising	\$100 per day
§ 113.15	No street vendor permit	\$75 per violation
§ 131.01	Alcohol in parks	\$50 per violation

<i>Code Section</i>	<i>Violation</i>	<i>Civil Penalty</i>
§ 132.01	Smoking in public buildings	\$50 per violation
§ 130.99	Curfew for minors	\$50 per day for the first offense; \$100 for the second offense; \$250 for the third offense; and for each subsequent offense \$500 per offense

(B) All fines must be paid in person, deposited or postmarked within 72 hours or three city working days of the violation notice.

(Ord. 4489-1, passed 4-4-89; Am. Ord. 8691-3, passed 9-6-91; Am. Ord. 11392-2, passed 11-3-92; Am. Ord. 4693-2, passed 4-6-93; Am. Ord. 11392-2, passed 11-3-92; Am. Ord. 96-22, passed 12-17-96; Am. Ord. 97-20, passed 9-2-97; Am. Ord. 2002-30, passed 12-3-02; Am. Ord. 2003-04, passed 4-1-03; Am. Ord. 2003-21, passed 12-16-03; Am. Ord. 2005-4, passed 3-15-05; Am. Ord. 2012-05, passed 6-19-12)

§ 35.04 ORDINANCES AND CODE PROVISIONS IN HARMONY WITH SCHEDULE OF CIVIL PENALTIES.

The provisions of the city code and any other ordinances of the city referred to in § 35.03 are hereby amended to provide and declare the civil penalty schedule with the code provision or ordinance to be the specific civil penalty for the violation of the code provision or ordinance. (Ord. 4489-1, passed 4-4-89)

§ 35.05 PROCEEDS TO BE PLACED IN GENERAL FUND.

The proceeds from the Violations Bureau shall be placed into the General Fund of the city unless otherwise designated within the specific code provision or ordinance subject to this chapter.

(Ord. 4489-1, passed 4-4-89)