Battle Ground

Ordinances and Resolutions

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Reproduction Standards

This reproduction of the Ordinance Book attempts to duplicate the various styles from the original - within reason. In most cases, paragraph delineation and page formatting have been preserved. Font variations have been duplicated where practical (bold, italics, all capitals, etc.) but have not been adjusted to match various typewriters.

Spelling has been corrected in many cases to present a reproduction that is accurate to the intent of the original. In some cases, spelling corrections were necessary to insure that word seaches via this application would not miss important documents.

During the reproduction process, certain standards have been developed:

Void or Inactive Ordinances:

All inactive or void materials will be indicated by a ***(VOID)*** stamp in the title. ***VOID*** materials are not generally searchable, but can be opened through the Chronological Index for "ALL" materials. Example...

VOID ordinances and resolutions are generally represented as digital images, but may be watermarked with a "VOID" stamp:

Handwriting:

Handwritten text, typically used for entering the date of the ordinance, is indicated by a slightly larger font, underlined, in italics: Handwritten Text. Example...

Signatures:

Signatures are indicated as handwritten text (larger font, underlined, in italics) and are also colored green: `My Signature` Example...

Note that many ordinances are not signed. In these cases, there is often an empty signature block. Example...

References:

References between ordinances use standard HTML linkage techniques and style. For *backward* references such as an ordinance that amends or repeals an earlier ordinance, the link typically uses the text as found. More specific references to section numbers or paragraphs, for example, allow for more specific links. Example...

Forward references do not contain text to represent the linkage; ordinances do not contain references to the future ordinances that will amend or repeal them. Therefore, Editor's Notes (below) are used to denote complementary *forward* links. Example...

Editor's Notes:

When text has been added to a document - whether for clarification or to indicate a forward link - that text is indicated by an "Editor's Note". The notes are typically delineated as such, but are also in red. Note that links within a note will use the standard link color, although they are clearly contained within the note.

Example...

Archived Material:

When material has been archived, the old material is available through an "Expand/Collapse" button: +/-

Example...

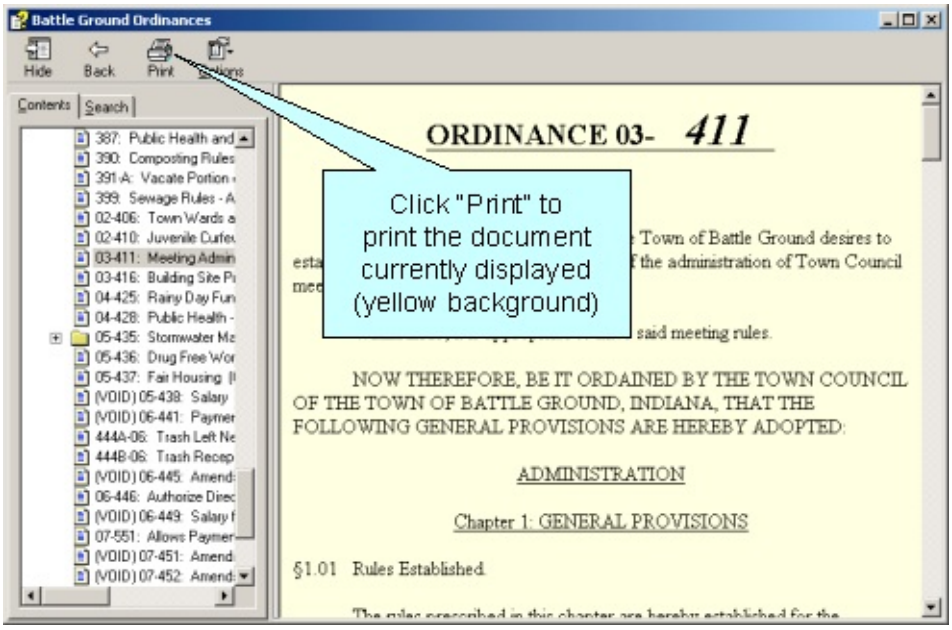
One "click" on the button will expand *(show)* the hidden material, a second "click" will collapse *(hide)* it.

Usage Tips:

A few features of this production have been extremely valuable: *Print*, *Select* and *Search*.

Print

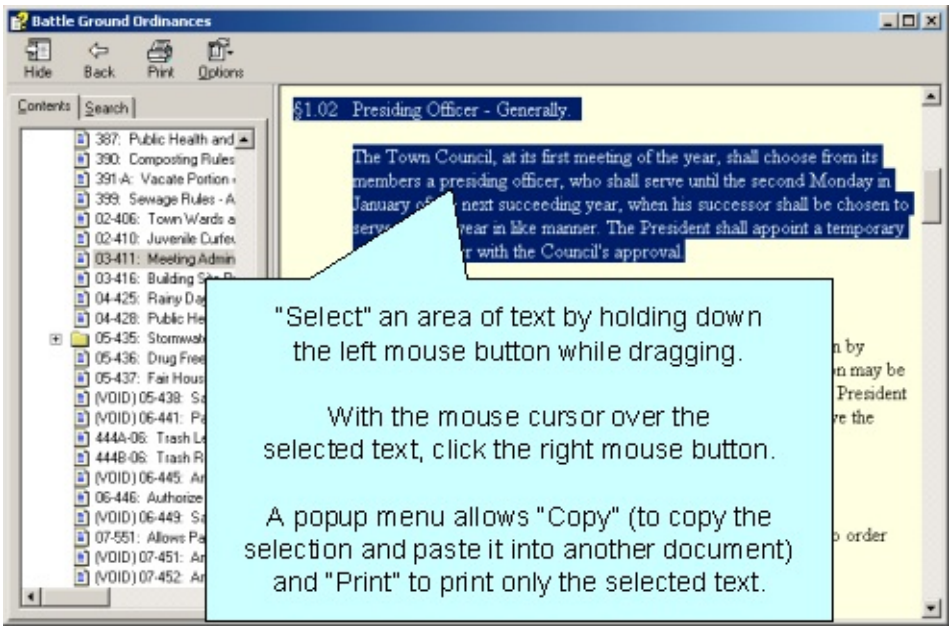
Ordinances or Resolutions may be printed simply by selecting the printer icon (see image below) from the upper left menu. The currently visible document will be directed to the default printer.



To print a portion of a document, refer to the *Select* section below.

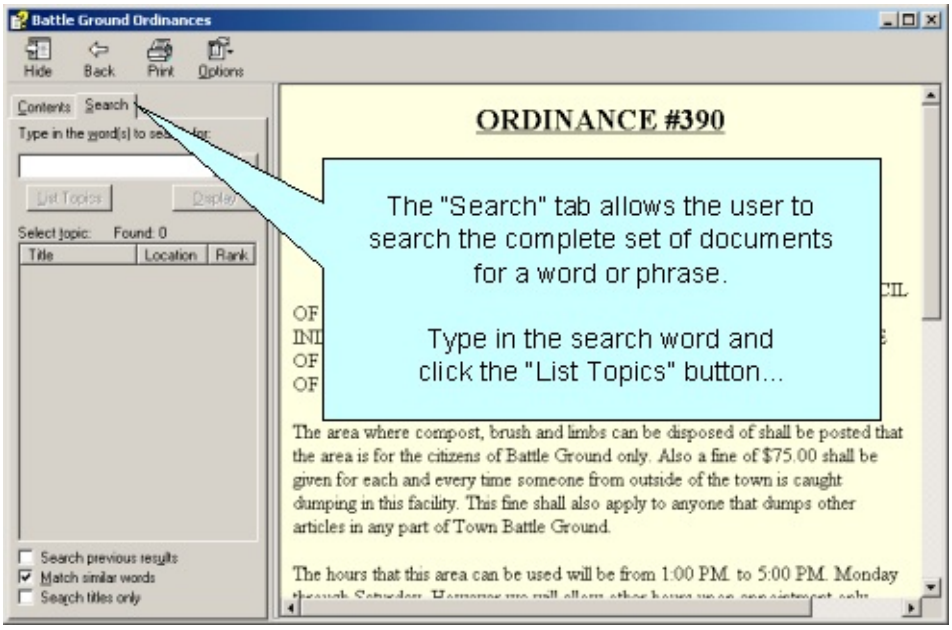
Select

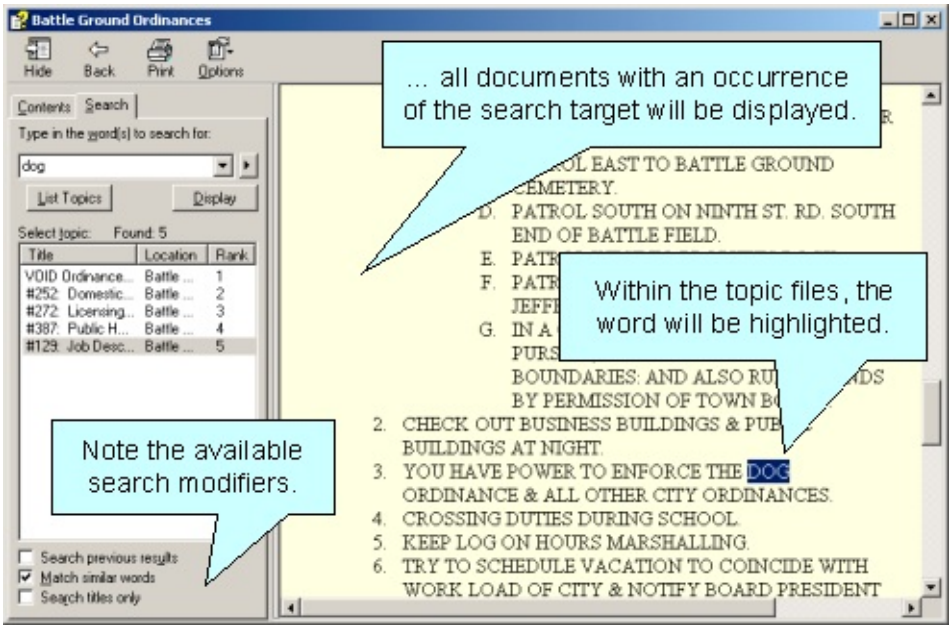
A section of text may be "selected" when the entire document is not required.



Search

The "Search" function is one of the most powerful features of this production. "Search" for a word or phrase and all ordinances matching the search criteria will be listed.





Search Notes:

Standard Internet syntax is used for entering the word or phrase search targets. For example, a search for *Load Limits* (without quotes) will find all documents that contain *load* **or** *limits*.

A similar search for *"Load Limits"* will find only documents with the phrase *load limits*.

The "right arrow" button to the right of the search term allows modifiers such as "AND", "OR",

"NEAR" and "NOT". A search for *Load AND Limits* will find documents with these two terms - whether the two words are together or not.

Search modifiers - at the bottom of the "Search" pane - allow subsequent searches on previous results. For example, the user may search for *Load* and then search for *Limits* on the results of the first search.

Production Contacts:

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Version:

This is **Version 2016** of the Battle Ground Ordinance Book, published on March 8, 2016. It includes materials that were in the Battle Ground Ordinance Book, a binder in the Clerk-Treasurer's Office, through January 11, 2016.

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

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

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.

Administrative

General

Abolishes Town Court	# 117	2/24/1964
Repeal Outdated and Duplicate Ordinances	# 187	1/4/1982
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Meeting Administration	# 03-411	3/19/2003
North East Tippecanoe Fire Territory	# 14-522	3/28/2014

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Drug Free Workplace	# 05-436	6/13/2005
Fair Housing	# 05-437	6/13/2005
Adopts Mosquito Misting Policy	# 08-24R	3/10/2008
Non-Employee Travel Reimbursement	# 08-27R	11/10/2008
Identity Theft Prevention	# 09-32R	4/13/2009
Nepotism Policy	# 2012-499	6/21/2012
ADA Plan	# 12-52R	12/10/2012
ADA Coordinator and Procedures	# 12-51R	12/10/2012
Accessibility Guidelines	# 12-50R	12/10/2012
Street Cut Permits	# 14-521	3/10/2014
Credit Card Policy	# 13-56R	5/13/2013
Opposing Limestone Quarry Near Americus	# 14-59R	8/11/2014

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Expenses for Organization Membership	# 198	8/2/1982
Mileage Rate	# 227	6/3/1985
Adopts Employee Policies Manual	# 08-23R	3/10/2008
Employee Policies Manual		
Overtime Compensation	# 10-45R	12/13/2010
Pay-Down of Compensation and Vacation Time	# 11-490	3/29/2011
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Salary for 2016	# 16-541	1/11/2016

Police

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Regulations for Marshal, Deputy Marshal, and Police Reserve	# 171	6/2/1980
Abolishes Police Reserve System	# 260	6/5/1988
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Establishes Water Conservancy District	# 157	4/18/1977
Include Annexed Areas in Conservancy District	# 330	8/7/1995
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Adopts Area Planning	# 142	4/2/1973
Area Plan Representation	# 153	12/29/1975
Area Plan Representation Amendment	# 234	3/3/1986
Area Plan Representation	# 329	7/3/1995
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CFF Grant Application Authorization (Lions)	# 10-40R	3/8/2010

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Rainy Day Fund	# 04-425	3/8/2004
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Allows Payments by Clerk-Treasurer	# 07-551	1/24/2007
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Establishes Cumulative Capital Development Fund	# 15-67R	6/8/2015
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Maximum Levy Increase Justification	# 15-68R	10/12/2015
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Public Health and Safety Amendments	# 04-428	5/10/2004
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Domestic Animal Licensing Ordinance	# 272	(undated)
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Abandoned Items Disposal Ordinance	# 265	8/7/1989
Trash Disposal Ordinance	# 274	8/7/1989
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Trash Receptacles Left Near Curbs	# 444B-06	7/10/2006
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Prohibits Discharge of Firearms	# 320	11/7/1994
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Noise	# 379	5/1/2000
Juvenile Curfew	# 02-410	1/13/2003
Requires Address Numbers	# 2008-459	4/22/2008
Snow Removal from Sidewalks	# 2009-467	5/11/2009
Sidewalks - Repair Standards and Policy	# 10-487A	12/13/2010
Abandoned Vehicles (Nuisance Amendment)	# 11-491A	9/12/2011
Vegetative Nuisances	# 2012-497	5/14/2012
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Liquor Retailer's Permit	# 138	8/7/1972
Licensing for Peddlers and Salesman Amendment	# 219	11/5/1984
Licensing for Peddlers and Salesman	# 276	8/7/1989
Street Cut Permits	# 14-521	3/10/2014

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Requires Address Numbers	# 2008-459	4/22/2008
Snow Removal from Sidewalks	# 2009-467	5/11/2009
Sidewalks - Repair Standards and Policy	# 10-487A	12/13/2010

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Town Boundaries	# 164	1/8/1979

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Annexation	# 101	12/5/1960
Annexation	# 273	8/7/1989
Annexation	# 323	11/7/1994
Annexation	# 324	3/6/1995
Annexation	# 327	7/3/1995
Annexation	# 331	11/6/1995
Annexation	# 333	4/1/1996
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Annexation	# 337	8/12/1996
Annexation	# 339	12/2/1996
Annexation	# 341	5/5/1997
Annexation	# 346	11/3/1997
Annexation	# 347-97	11/3/1997
Annexation - Town Park	# 07-453A	6/19/2007
Fiscal Plan for Annexation (07-453A)	# 07-15R	6/19/2007
Requesting Consent to Annex	# 2013-58R	6/10/2012
Adopting Fiscal Plan (Annexation - Shawnee Ridge)	# 2013-57R	6/10/2012
Annexation of Shawnee Ridge	# 14-523	5/12/2014
Adopting a Fiscal Plan for Annexation	# 14-58R	5/12/2014
Amending the Fiscal Plan	# 14-60R	8/11/2014
Amending the Fiscal Plan	# 14-63R	10/14/2014
Begin Dates for Non-Capital Services	# 14-61AR	10/14/2014
Adopting a Fiscal Plan for Annexation	# 14-62R	10/14/2014

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Vacates and Alley	# 225	2/4/1985
Vacate an Alley	# 283	7/10/1990
Vacate a Portion of a Street	# 284	7/10/1990
Vacate an Alley	# 291	4/1/1991
Vacate an Alley	# 292	4/1/1991
Vacate an Alley	# 293	4/1/1991
Vacate an Alley	# 309	7/6/1993
Vacating Unused Public Alleys	# 318	6/6/1994
Vacate Portion of a Public Way	# 391-A	8/13/2001
Right to Encroach on Town Right-of-Way	# 09-31R	2/9/2009

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Attractions Signage	# 07-16R	6/19/2007
Potawatomi Historic Trail Signage	# 08-26R	9/8/2008
Building Regulations		
Building Permits	*(un-numbered)*	6/2/1975
Unsafe Building Ordinance	# 230	10/7/1985
Building Code	# 325	4/3/1995
Unsafe Buildings	# 326	4/3/1995
Designate Building Commissioner	*(un-numbered)*	4/3/1995
Contractor Bonds	# 343	8/4/1997
Bonding for Improvement Permits	# 03-19R	3/19/2003
Building Site Procedures	# 03-416	6/9/2003
Updating the Unsafe Building Ordinance	# 2012-496	5/14/2012
Plan Adoptions		
Adopt Transportation Plan	# 295	10/7/1991
Adopts Transportation Plan for 2025	# 05-2R	3/14/2005
Adopts Transportation Plan for 2030	# 06-05R	6/12/2006
Adopts Multi-Hazard Mitigation Plan	# 06-7R	10/10/2006
Amends Comprehensive Plan	# 07-17R	7/17/2007
Amend Comprehensive Plan for County	# 11-47R	8/8/2011
Amend Comprehensive Plan for County	# 12-49R	7/9/2012
Subdivision Control		
Subdivision Control	# 169	3/3/1980
Subdivision - Amendments	# 170	4/7/1980
Subdivision Control Amendment	# 221	3/4/1985
Unified Subdivision Ordinance Amendment	# 258	7/5/1988
Unified Subdivision Ordinance Amendment	# 259	7/5/1988
Subdivision Amendments	# 377	2/7/2000
Subdivision Amendments	# 402	7/8/2002
Subdivision Amendments	# 412-03	4/12/2003
Subdivision Amendment	# 2009-472	--/--/2009
Amendments to Unified Subdivision Ordinance	# 13-505	1/14/2013
Subdivision Amendment - Primary Approval	#13-504	1/14/2013
Amendments to Unified Subdivision Ordinance	# 13-509A	5/13/2013
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Zoning Amendment	# 352	3/2/1998
Zoning Amendment	# 353	3/2/1998
Zoning Amendment	# 354	4/6/1998
Zoning Amendment	# 355	4/6/1998

Zoning Amendment	# 361	7/6/1998
Zoning Amendment	# 364	8/3/1998
Zoning Amendment	# 365	9/8/1998
Zoning Amendment	# 366	9/8/1998
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Zoning Amendment	# 368	11/2/1998
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Zoning Amendment	# 370	3/1/1999
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Zoning Amendment	# 375A	10/4/1999
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Zoning Amendment	# 378	(undated)
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Zoning Amendment	# 382	(undated)
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Zoning Amendment	# 391-B	9/10/2001
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Zoning Amendment	# 400	6/10/2002
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Zoning Amendment	# 404	9/9/2002
Zoning Amendment	# 405	9/9/2002
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Zoning Amendment	# 04-431	10/12/2004
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Zoning Amendment	# 442-06	3/13/2006
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Zoning Amendment	# 2008-461	4/22/2008
Zoning Amendment (206 Railroad Street)	# 09-468	5/11/2009
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Traffic

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Traffic Ordinance Amendments	# 177-B	11/3/1980
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Parking

Parking Violations Fines Ordinance	# 266	8/7/1989
Parking Violations Fines Ordinance Amendment	# 278	12/4/1989
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No Parking on Tecumseh Street	# 94R	12/5/1994
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Railroad Traffic Speed Limit	# 109	3/8/1963
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Authorize Waste Hauling Contract	# 05-03R	4/11/2005

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Sewage Rates	# 133	10/26/1971
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Sewage Tap-On Fees - Amendment	# 285	10/1/1990
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Intent to Reimburse from Bonds	# 10-38R	3/8/2010
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PER Acceptance	*(un-numbered)*	4/29/2010
Signatory Authorization	*{un-numbered}*	3/12/2012
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ACTIVE MATERIALS - CHRONOLOGICAL INDEX

NOTE: This Chronological Index includes all *active* ordinances, resolutions, or agreements sorted by adoption date. 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.

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12/7/1987	# 249	Railroad Speed Limits Ordinance
3/7/1988	# 252	Domestic Animal Licensing Ordinance
6/1/1988	# 255	Sewage Works Bond (Amended & Restated)
6/5/1988	# 260	Abolishes Police Reserve System
7/5/1988	# 258	Unified Subdivision Ordinance Amendment
7/5/1988	# 259	Unified Subdivision Ordinance Amendment
2/6/1989	# 262	Sewer Ordinance
8/7/1989	# 265	Abandoned Items Disposal Ordinance
8/7/1989	# 266	Parking Violations Fines Ordinance
8/7/1989	# 270	Traffic Ordinance
8/7/1989	# 271	Establishes Ordinance Violations Bureau
(undated)	# 272	Domestic Animal Licensing Ordinance
8/7/1989	# 273	Annexation
8/7/1989	# 274	Trash Disposal Ordinance
8/7/1989	# 276	Licensing for Peddlers and Salesman
12/4/1989	# 278	Parking Violations Fines Ordinance Amendment

1990 to 1995

7/10/1990	# 283	Vacate an Alley
7/10/1990	# 284	Vacate a Portion of a Street
10/1/1990	# 285	Sewage Tap-On Fees - Amendment
3/4/1991	# 288	Domestic Animals - Amendment
4/1/1991	# 291	Vacate an Alley
4/1/1991	# 292	Vacate an Alley
4/1/1991	# 293	Vacate an Alley
10/7/1991	# 295	Adopt Transportation Plan

6/1/1992	# 301-A	Claim Payments by Fiscal Officer
1/4/1993	# 305	Sewage Tap-on - Amendments
3/1/1993	# 306	Vehicular Load Limits
5/3/1993	# 307	Load Limits - Amendment
6/7/1993	# 308	Parking
7/6/1993	# 309	Vacate an Alley
11/30/1993	# 313	Sewage Bond Revisions
1/4/1994	# 312	Open Container Prohibition
6/6/1994	# 318	Vacating Unused Public Alleys
11/7/1994	# 320	Prohibits Discharge of Firearms
(undated)	# 321	Nuisances
11/7/1994	# 323	Annexation
12/5/1994	# 94R	No Parking on Tecumseh Street

1995 to 2000

3/6/1995	# 324	Annexation
4/3/1995	# 325	Building Code
4/3/1995	# 326	Unsafe Buildings
4/3/1995	*(un-numbered)*	Designate Building Commissioner
6/5/1995	*(un-numbered)*	Town Hall - NonSmoking
7/3/1995	# 327	Annexation
7/3/1995	# 329	Area Plan Representation
8/7/1995	# 330	Include Annexed Areas in Conservancy District
11/6/1995	# 331	Annexation
3/25/1996	# 96-1R	Adopts County Income Tax
4/1/1996	# 333	Annexation
8/5/1996	# 96-2R	Accept Streets in Annexed Territories
8/12/1996	# 337	Annexation
10/7/1996	*(un-numbered)*	Creates Donation Fund
12/2/1996	# 339	Annexation
12/2/1996	# 340	Asset Capitalization Policy
5/5/1997	# 341	Annexation
8/4/1997	# 343	Contractor Bonds
11/3/1997	# 346	Annexation
11/3/1997	# 347-97	Annexation
1/5/1998	# 348	Parking Fines - Amendments
(undated)	# 349-97	NUZO
3/2/1998	# 352	Zoning Amendment
3/2/1998	# 353	Zoning Amendment
4/6/1998	# 354	Zoning Amendment

4/6/1998	# 355	Zoning Amendment
7/6/1998	# 361	Zoning Amendment
8/3/1998	# 364	Zoning Amendment
9/8/1998	# 365	Zoning Amendment
9/8/1998	# 366	Zoning Amendment
11/2/1998	# 367	Zoning Amendment
11/2/1998	# 368	Zoning Amendment
3/1/1999	# 369	Zoning Amendment
3/1/1999	# 370	Zoning Amendment
5/3/1999	# 371	Zoning Amendment
6/6/1999	# 373	Zoning Amendment
6/7/1999	# 372	Zoning Amendment
10/4/1999	# 375A	Zoning Amendment
11/1/1999	# 375B	Zoning Amendment

2000 to 2005

2/7/2000	# 376	Zoning Amendment
2/7/2000	# 377	Subdivision Amendments
(undated)	# 378	Zoning Amendment
5/1/2000	# 379	Noise
6/5/2000	# 380	Office Equipment
6/5/2000	# 381	Zoning Amendment
(undated)	# 382	Zoning Amendment
9/5/2000	# 384	Zoning Amendment
4/9/2001	# 387	Public Health and Safety
4/9/2001	# 388	Zoning Amendment
8/13/2001	# 391-A	Vacate Portion of a Public Way
9/10/2001	# 391-B	Zoning Amendment
10/8/2001	# 392	Zoning Amendment
10/8/2001	# 394	Zoning Amendment
12/10/2001	# 395	Zoning Amendment
2/19/2002	# 397	Zoning Amendment
4/8/2002	# 398	Zoning Amendment
6/10/2002	# 400	Zoning Amendment
7/8/2002	# 402	Subdivision Amendments
9/9/2002	# 401	Zoning Amendment
9/9/2002	# 403	Zoning Amendment
9/9/2002	# 404	Zoning Amendment
9/9/2002	# 405	Zoning Amendment
11/18/2002	# 407-02	Zoning Amendment

1/13/2003	# 02-410	Juvenile Curfew
3/19/2003	# 03-19R	Bonding for Improvement Permits
3/19/2003	# 03-411	Meeting Administration
4/12/2003	# 412-03	Subdivision Amendments
4/14/2003	# 413-03	Zoning Amendment
5/12/2003	# 414-03	Zoning Amendment
6/9/2003	# 03-416	Building Site Procedures
7/14/2003	# 418-03A	Zoning Amendment
7/14/2003	# 418-03B	Zoning Amendment
7/14/2003	# 419-03	Zoning Amendment
8/11/2003	# 420-03	Zoning Amendment
8/11/2003	# 421-03	Zoning Amendment
(undated)	# 422-03	Zoning Amendment
2/9/2004	# 424-04	Zoning Amendment
3/8/2004	# 04-425	Rainy Day Fund
4/12/2004	# 427-04	Zoning Amendment
5/10/2004	# 04-428	Public Health and Safety Amendments
10/12/2004	# 04-431	Zoning Amendment

2005 to 2010

2/15/2005	# 05-434	Zoning Amendment
3/14/2005	# 05-2R	Adopts Transportation Plan for 2025
4/11/2005	# 05-03R	Authorize Waste Hauling Contract
6/13/2005	# 05-436	Drug Free Workplace
6/13/2005	# 05-437	Fair Housing
3/13/2006	# 442-06	Zoning Amendment
6/12/2006	# 06-05R	Adopts Transportation Plan for 2030
6/12/2006	# 06-446	Authorize Direct Deposit by State
7/10/2006	# 444A-06	Trash Left Near Curbs
7/10/2006	# 444B-06	Trash Receptacles Left Near Curbs
8/14/2006	# 06-447	Zoning Amendment
10/10/2006	# 06-448	Zoning Amendment
10/10/2006	# 06-7R	Adopts Multi-Hazard Mitigation Plan
1/24/2007	# 07-551	Allows Payments by Clerk-Treasurer
2/12/2007	# 07-450	Zoning Amendment
5/14/2007	# 07-14R	Attractions Signage
6/17/2007	# 07-454	Zoning Amendment
6/19/2007	# 07-15R	Fiscal Plan for Annexation (07-453A)
6/19/2007	# 07-16R	Attractions Signage
6/19/2007	# 07-453A	Annexation - Town Park

7/17/2007	# 07-17R	Amends Comprehensive Plan
9/11/2007	# 07-455	Zoning Amendment
3/10/2008	# 08-23R	Adopts Employee Policies Manual
		Employee Policies Manual
3/10/2008	# 08-24R	Adopts Mosquito Misting Policy
3/10/2008	# 458-08	Zoning Amendment
4/22/2008	# 2008-459	Requires Address Numbers
4/22/2008	# 2008-461	Zoning Amendment
4/22/2008	# 2008-462	Zoning Amendment
5/12/2008	# 2008-463	Sewage Rates
9/8/2008	# 08-26R	Potawatomi Historic Trail Signage
11/10/2008	# 08-27R	Non-Employee Travel Reimbursement
2/9/2009	# 09-31R	Right to Encroach on Town Right-of-Way
4/13/2009	# 09-32R	Identity Theft Prevention
5/11/2009	# 09-468	Zoning Amendment (206 Railroad Street)
5/11/2009	# 2009-467	Snow Removal from Sidewalks
6/8/2009	# 09-469	Stormwater Permit Fees
6/8/2009	# 09-470	Zoning Amendment
--/--/2009	# 2009-472	Subdivision Amendment
9/14/2009	# 2009-473	Zoning Amendment
9/14/2009	# 2009-474	Zoning Amendment
12/14/2009	# 09-477	Zoning Amendment

2010 to 2015

2/15/2010	# 10-39R	Declaring Blighted Structure (Lions)
3/8/2010	# 10-38R	Intent to Reimburse from Bonds
3/8/2010	# 10-40R	CFF Grant Application Authorization (Lions)
4/12/2010	# 10-479	Zoning Amendment
4/29/2010	*(un-numbered)*	Signatory Authorization (SRF)
4/29/2010	*(un-numbered)*	PER Acceptance Resolution
6/7/2010	# 10-479A	Zoning Amendment
8/9/2010	# 10-481	Zoning Amendment
8/9/2010	# 10-482	Zoning Amendment
9/14/2010	# 10-483	Zoning Amendment
9/14/2010	# 10-484	Zoning Amendment
10/12/2010	# 10-485	Zoning Amendment
12/13/2010	# 10-487A	Sidewalks
12/13/2010	# 10-45R	Overtime Compensation
1/10/2011	# 10-488	Zoning Amendment
1/10/2011	# 10-488	Zoning Amendment - Bufferyard Requirements

2/15/2011	# 10-489	Zoning Amendment - Permitted Use Table
3/29/2011	# 11-490	Pay-Down of Compensation and Vacation Time
3/29/2011	# 11-46R	Pay-Down of Accumulated Compensation Time
7/18/2011	# 11-491	Zoning Amendment - Wind Farms
8/8/2011	# 11-47R	Amend Comprehensive Plan for County
9/12/2011	# 11-491A	Abandoned Vehicles (Nuisance Amendment)
2/13/2012	# 12-493	Revised Comprehensive Stormwater Management
3/12/2012	*{un-numbered}*	Signatory Authorization
5/14/2012	# 2012-496	Updating the Unsafe Building Ordinance
5/14/2012	# 2012-497	Vegetative Nuisances
5/21/2012	# 12-495	Sewage Works Bond Issue
5/21/2012	# 12-498	Sewage Works Rates and Charges
6/10/2012	# 2013-58R	Requesting Consent to Annex
6/10/2012	# 2013-57R	Adopting Fiscal Plan (Annexation - Shawnee Ridge)
6/12/2012	# 12-49BR	Contingent Notice of Contract Award
6/21/2012	# 2012-499	Nepotism Policy
7/9/2012	# 12-49R	Amend Comprehensive Plan for County
11/12/2012	# 12-501	Zoning Amendment - Farm Drainage Tile Contractor
11/12/2012	# 2012-502	Revised Town Ward Boundaries
12/10/2012	# 12-504	Replaces Composting Ordinance
12/10/2012	# 12-52R	ADA Plan
12/10/2012	# 12-51R	ADA Coordinator and Procedures
12/10/2012	# 12-50R	Accessibility Guidelines
1/14/2013	# 13-505	Amendments to Unified Subdivision Ordinance
1/14/2013	#13-504	Subdivision Amendment - Primary Approval
4/8/2013	# 13-508	Zoning Amendments - Commitments
4/8/2013	# 13-508A	Zoning Amendments - Farm Drainage Tile Contractor
5/13/2013	# 13-508B	Zoning Amendments - Agricultural Rental Hall
5/13/2013	# 13-509	Clarifying the Sprinkling Credit
5/13/2013	# 13-509A	Amendments to Unified Subdivision Ordinance
5/13/2013	# 13-56R	Credit Card Policy
7/8/2013	# 13-512	Zoning Amendments - Elevation of Existing Residences
6/10/2013	# 13-57R	Adopting a Fiscal Plan for Annexation
6/10/2013	# 13-58R	Requesting Consent to Annex
10/15/2013	# 13-513	Zoning Amendments - Non-Conforming Mobile Homes
11/12/2013	# 13-514	Zoning Amendments - Rezoning a Property
12/9/2013	# 13-515	Fireworks
12/9/2013	# 13-516	Trailer Parking in Non-Designated Areas

12/9/2013	# 13-57AR	Transfer Resolution
12/9/2013	# 13-514A	Zoning Amendments - Elevating Homes in FP Deadline Extension
2/10/2014	# 14-519	Zoning Amendments - Multi-Family Subdivisions
2/10/2014	# 14-520	Zoning Amendments - Duplex Apartment Complexes in R2 Zones
3/10/2014	# 14-521	Street Cut Permits
3/28/2014	# 14-522	North East Tippecanoe Fire Territory
5/12/2014	# 14-523	Annexation of Shawnee Ridge
5/12/2014	# 14-58R	Adopting a Fiscal Plan for Annexation
5/12/2014	# 14-524	Zoning Amendments - Establishment of Zones and Zone Boundaries
7/21/2014	# 14-526	Zoning Amendments - FP Improvements and Special Setbacks
7/29/2014	# 14-527	Equipment Replacement Fund
8/11/2014	# 14-59R	Opposing Limestone Quarry Near Americus
8/11/2014	# 14-60R	Amending the Fiscal Plan
9/8/2014	# 14-529	Zoning Amendments - Planned Developments
10/14/2014	# 14-63R	Amending the Fiscal Plan
10/14/2014	# 14-530	Adopting Fee Schedule
10/14/2014	# 14-61AR	Begin Dates for Non-Capital Services
10/14/2014	# 14-62R	Adopting a Fiscal Plan for Annexation
11/3/2014	# 14-531	No Parking Area, S. Railroad South of North Street
11/3/2014	# 14-532	Times for School Zone Speed Limits
11/3/2014	# 14-533	Fines for Sewer Violations
12/8/2014	# 14-65R	Transfer Resolution

2015 to Present

2/23/2015	# 15-66R	Additional Appropriations
6/8/2015	# 15-67R	Establishes Cumulative Capital Development Fund
9/21/2015	# 15-67AR	Filing Request for Excess Maximum Levy
10/12/2015	# 15-68R	Maximum Levy Increase Justification
10/12/2015	# 15-69R	Petition to Appeal for Increase Above Maximum Levy
10/12/2015	# 15-538	Zoning Amendments - Outdoor Advertising Restrictions on Select Corridors
10/12/2015	# 15-539	Zoning Amendments - Parking Standards
11/9/2015	# 15-540	APC Membership
11/9/2015	# 15-68AR	Transfer Resolution
1/11/2016	# 16-541	Salary for 2016

ALL MATERIALS - CHRONOLOGICAL INDEX

NOTE: This Chronological Index includes all ordinances, resolutions, or agreements - **including void materials** - sorted by adoption date. 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.

pre-1970

2/6/1957	*(void)*	# 3	Dog Licensing
4/30/1959	*(void)*	# 10-A	Salary Ordinance
5/6/1959		# 11-A	Health Ordinance
2/6/1960	*(void)*	# 102	General Offenses
3/7/1960	*(void)*	# 100	Licensing for Peddlers and Salesman
12/5/1960		# 101	Annexation
6/9/1961	*(void)*	# 103	Waterworks Bond
6/9/1961	*(void)*	# 104	Waterworks Rates
8/22/1961	*(void)*	# 105	Establishes Town Court
9/8/1961	*(void)*	# 106	Waterworks Rates
5/16/1962		# 107	Traffic
8/6/1962	*(void)*	# 108	Prohibits the Discharge of Firearms
3/8/1963		# 109	Railroad Traffic Speed Limit
3/8/1963	*(void)*	# 110	Voter Registration
7/25/1963	*(void)*	# 111	Voter Registration
8/2/1963	*(void)*	# 112	Ward Redistricting
8/2/1963	*(void)*	# 113	Judge and Bailiff Salary
11/8/1963	*(void)*	# 114	Delinquent Water Bills
12/6/1963	*(void)*	# 116	Voter Registration
12/21/1963	*(void)*	# 115	Waterworks - Delinquent Bills, Tampering, Meter Deposits
2/24/1964		# 117	Abolishes Town Court
7/6/1965	*(void)*	# 118	Cigarette Tax Usage
8/2/1965		# 119	Mobile Home Park Regulations and Licensing
2/21/1968	*(void)*	# 120	Salary Ordinance
12/2/1968	*(void)*	# 121	Salary Ordinance
4/7/1969	*(void)*	# 122	Salary Ordinance
4/7/1969	*(void)*	# 123	Dog Licensing
8/4/1969	*(void)*	# 124	Mileage Reimbursement Rate

1970 to 1975

4/6/1970	*(void)*	# 125	Salary Ordinance
4/6/1970	*(void)*	# 126	Salary Ordinance

4/6/1970	*(void)*	# 127	Waterworks Tap-On Fee
12/30/1970	*(void)*	# 128	Ward Redistricting
4/8/1971		# 129	Job Descriptions
9/13/1971		# 130	Voter Registration
9/13/1971		# 131	Sewer Rates
10/4/1971		# 132	Sewage Works Bond
10/26/1971		# 133	Sewage Rates
10/26/1971		# 134	Sewage: Connection and Discharge Regulations
12/6/1971	*(void)*	# 135	Salary Ordinance for Full Time Employee
12/6/1971		# 136	Sewage Works Amendments
12/6/1971	*(void)*	# 137	Salary Ordinance for Clerk-Treasurer
4/30/1972	*(void)*	# 140-72	Dog Licensing (Amendments)
8/28/1972	*(void)*	# 139	Budget
8/7/1972		# 138	Liquor Retailer's Permit
2/5/1973	*(void)*	# 140-73	Dog Licensing (Amendments)
4/2/1973	*(void)*	# 141	Zoning
4/2/1973		# 142	Adopts Area Planning
4/2/1973		# 143	Well Regulations and Etc.
5/7/1973	*(void)*	# 144	Abandoned Vehicles
8/27/1973	*(void)*	# 145	Budget for 1974
9/10/1973	*(void)*	# 146	Sewage Rates
10/15/1973	*(void)*	# 147	Zoning Amendments
1/7/1974	*(void)*	# 148	Salary Ordinance - Full Time Employee
1/7/1974	*(void)*	# 149	Salary Ordinance - Trustees
10/7/1974		# 150	Truck Regulations and Load Limits
10/7/1974	*(void)*	# 151	Establishes Traffic Violations Clerk
2/3/1975	*(void)*	# 152	Salary Ordinance

1975 to 1980

6/2/1975		*(un-numbered)*	Building Permits
12/29/1975		# 153	Area Plan Representation
12/29/1975	*(void)*	# 154	Salary Ordinance
2/2/1976		# 155	Rezone
12/27/1976	*(void)*	# 156	Salary Ordinance
4/18/1977		# 157	Establishes Water Conservancy District
4/18/1977	*(void)*	# 158	Salary Ordinance - Trustees
9/12/1977	*(void)*	# 159	Salary Ordinance Amendments
9/12/1977	*(void)*	# 160	Dog and Cat Licensing
1/9/1978	*(void)*	# 161	Salary Ordinance
10/16/1978	*(void)*	# 162	Police Reserve Department Established

12/28/1978	*(void)*	# 163	Salary Ordinance
1/8/1979		# 164	Town Boundaries
10/1/1979	*(void)*	# 165	Police Reserve Department - Amendments
10/1/1979		# 166	Deputy Marshall Position Established
12/27/1979	*(void)*	# 168	Salary Ordinance

1980 to 1985

3/3/1980		# 169	Subdivision Control
4/7/1980		# 170	Subdivision - Amendments
5/30/1980	*(void)*	# 177-A	Television Cable Franchise
6/2/1980		# 171	Regulations for Marshal, Deputy Marshal, and Police Reserve
8/4/1980	*(void)*	# 172	Unified Zoning Ordinance - Amendments
8/4/1980	*(void)*	# 173	Unified Zoning Ordinance - Amendments
9/8/1980		# 175	Speed Limits
9/8/1980		# 176	Abandoned and Stolen Vehicles
10/5/1980	*(void)*	# 174	Unified Zoning Ordinance - Amendments
11/3/1980		# 177-B	Traffic Ordinance Amendments
12/1/1980	*(void)*	# 178	Salary Ordinance
2/2/1981	*(void)*	# 179	Unified Zoning Ordinance - Amendments
2/2/1981	*(void)*	# 180	Salary Ordinance - Amendment
7/1/1981	*(void)*	# 181	Unified Zoning Ordinance - Amendments
7/1/1981	*(void)*	# 182	Unified Zoning Ordinance - Amendments
7/1/1981	*(void)*	# 183	Unified Zoning Ordinance - Amendments
7/1/1981	*(void)*	# 185	Salary Ordinance
8/3/1981	*(void)*	# 184	Dog and Cat Licensing - Amendments
12/7/1981	*(void)*	# 188	Funds Transfer
12/7/1981	*(void)*	# 192	Salary Ordinance
1/4/1982		# 187	Repeal Outdated and Duplicate Ordinances
2/1/1982	*(void)*	# 189	Salary Ordinance Amendments
2/1/1982	*(void)*	# 190	Salary Ordinance
4/5/1982	*(void)*	# 191	Unified Zoning Ordinance Amendments
6/7/1982	*(void)*	# 194	Salary Ordinance
6/7/1982	*(void)*	# 197	Repeals Ordinance 190
7/6/1982	*(void)*	# 193	Unified Zoning Ordinance Amendments
8/2/1982	*(void)*	# 196	Funds Transfer
8/2/1982		# 198	Expenses for Organization Membership
8/2/1982	*(void)*	# 201	Unified Zoning Ordinance Amendments
9/7/1982	*(void)*	# 202	Unified Zoning Ordinance Amendments
10/4/1982	*(void)*	# 195	Redistricting
10/4/1982	*(void)*	# 199	Cat and Dog Licenses

10/4/1982	*(void)*	# 200	Unified Zoning Ordinance Amendments
12/6/1982	*(void)*	# 203	Unified Zoning Ordinance Amendments
12/6/1982	*(void)*	# 204	Salary Ordinance
6/6/1983	*(void)*	# 206	Salary Ordinance
6/6/1983		# 207	Election of Town Board & Clerk
7/5/1983	*(void)*	# 205	Cat and Dog Licenses
7/5/1983	*(void)*	# 209	Salary Ordinance Amendments
7/5/1983	*(void)*	# 210	Salary Ordinance Amendments
8/1/1983	*(void)*	# 208	Unified Zoning Ordinance Amendments
8/1/1983	*(void)*	# 211	Appropriations Ordinance
(undated)	*(void)*	# 212	Portable Signs
(undated)	*(void)*	# 213	Portable Signs
10/3/1983	*(void)*	# 214	Unified Zoning Ordinance Amendments
5/7/1984	*(void)*	# 215	Additional Appropriation Ordinance
6/4/1984	*(void)*	# 216	Salary Ordinance
10/1/1984	*(void)*	# 217	Unified Zoning Ordinance Amendments
10/1/1984	*(void)*	# 218	Cat and Dog Licenses Amendment
11/5/1984		# 219	Licensing for Peddlers and Salesman Amendment

1985 to 1990

2/4/1985	*(void)*	# 223	Unified Zoning Ordinance Amendments
2/4/1985	*(void)*	# 224	Salary Ordinance Amendments
2/4/1985		# 225	Vacates and Alley
3/4/1985	*(void)*	# 220	Unified Zoning Ordinance Amendments
3/4/1985		# 221	Subdivision Control Amendment
3/4/1985	*(void)*	# 222	Unified Zoning Ordinance Amendments
5/6/1985	*(void)*	# 228	Salary
6/3/1985		# 227	Mileage Rate
(undated)	*(void)*	# 229	Unified Zoning Ordinance Amendments
10/7/1985		# 230	Unsafe Building Ordinance
2/3/1986		# 231	Prohibition of Burning Leaves
2/3/1986	*(void)*	# 232	Unified Zoning Ordinance Amendments
3/3/1986	*(void)*	# 233	Salary Ordinance Amendments
3/3/1986		# 234	Area Plan Representation Amendment
5/5/1986	*(void)*	# 235	Salary Ordinance
5/5/1986	*(void)*	# 237	Salary Ordinance Amendments
6/2/1986	*(void)*	# 236	Unified Zoning Ordinance Amendments
12/1/1986	*(void)*	# 236-B	Unified Zoning Ordinance Amendments
12/1/1986	*(void)*	# 237-B	Unified Zoning Ordinance Amendments
12/1/1986	*(void)*	# 238	Unified Zoning Ordinance Amendments

12/1/1986		# 241-B	Rename 225 to Tecumseh Street
1/5/1987	*(void)*	# 239	Unified Zoning Ordinance Amendments
(undated)	*(void)*	# 240	Subdivision Control Amendment
1/5/1987	*(void)*	# 241	Salary Ordinance Amendments
2/2/1987	*(void)*	# 242	Unified Subdivision Amendment
6/1/1987	*(void)*	# 243	Sewer Rates Amendments
7/6/1987	*(void)*	# 244	Salary Ordinance
8/17/1987	*(void)*	# 246	Salary Ordinance
10/5/1987	*(void)*	# 245	Unified Zoning Ordinance Amendments
10/5/1987	*(void)*	# 247	Salary Ordinance
12/7/1987	*(void)*	# 248	Domestic Animal Licensing Ordinance
12/7/1987		# 249	Railroad Speed Limits Ordinance
12/7/1987	*(void)*	# 250	Weight Limits Ordinance
5/2/1988	*(void)*	# 251	Unified Zoning Ordinance Amendments
3/7/1988		# 252	Domestic Animal Licensing Ordinance
5/2/1988	*(void)*	# 253	Unified Zoning Ordinance Amendments
5/2/1988	*(void)*	# 254	Unified Zoning Ordinance Amendments
6/1/1988		# 255	Sewage Works Bond (Amended & Restated)
6/5/1988		# 260	Abolishes Police Reserve System
6/6/1988	*(void)*	# 256	Salary Ordinance
7/5/1988	*(void)*	# 257	Unified Zoning Ordinance Amendments
7/5/1988		# 258	Unified Subdivision Ordinance Amendment
7/5/1988		# 259	Unified Subdivision Ordinance Amendment
8/1/1988	*(void)*	# 261	Salary Ordinance Amendment
2/6/1989		# 262	Sewer Ordinance
2/20/1989	*(void)*	# 263	Unified Zoning Ordinance Amendments
8/7/1989	*(void)*	# 264	Salary Ordinance Amendment
8/7/1989		# 265	Abandoned Items Disposal Ordinance
8/7/1989		# 266	Parking Violations Fines Ordinance
8/7/1989	*(void)*	# 267	Salary Ordinance
8/7/1989		# 270	Traffic Ordinance
8/7/1989		# 271	Establishes Ordinance Violations Bureau
(undated)		# 272	Domestic Animal Licensing Ordinance
8/7/1989		# 273	Annexation
8/7/1989		# 274	Trash Disposal Ordinance
8/7/1989	*(void)*	# 275	Firearms Ordinance
8/7/1989		# 276	Licensing for Peddlers and Salesman
8/7/1989	*(void)*	# 277	Traffic Ordinance - Weight Limits
12/4/1989		# 278	Parking Violations Fines Ordinance Amendment

12/4/1989	*(void)*	# 279	Unified Zoning - Amendments

1990 to 1995

6/4/1990	*(void)*	# 281	Unified Zoning - Amendments
7/10/1990	*(void)*	# 282	Salary
7/10/1990		# 283	Vacate an Alley
7/10/1990		# 284	Vacate a Portion of a Street
10/1/1990		# 285	Sewage Tap-On Fees - Amendment
10/1/1990	*(void)*	# 287	Unified Zoning - Amendments
3/4/1991		# 288	Domestic Animals - Amendment
3/4/1991	*(void)*	# 289	Sewage Tap-On - Amendment
4/1/1991	*(void)*	# 290	Salary - Amendment
4/1/1991		# 291	Vacate an Alley
4/1/1991		# 292	Vacate an Alley
4/1/1991		# 293	Vacate an Alley
7/1/1991	*(void)*	# 294	Salary - Amendments
9/3/1991	*(void)*	# 296	Unified Zoning - Amendments
10/7/1991		# 295	Adopt Transportation Plan
10/7/1991	*(void)*	# 297	Unified Zoning - Amendments
10/7/1991	*(void)*	# 298	Unified Zoning - Amendments
12/16/1991	*(void)*	# 299	Salary
12/16/1991	*(void)*	# 299-A	Salary
2/3/1992	*(void)*	# 300	Salary - Amendments
6/1/1992		# 301-A	Claim Payments by Fiscal Officer
7/7/1992	*(void)*	# 301	Salary
8/3/1992	*(void)*	# 302	Salary - Amendments
10/5/1992	*(void)*	# 303	Unified Zoning - Amendments
12/7/1992	*(void)*	# 304	Salary - Amendments
1/4/1993		# 305	Sewage Tap-on - Amendments
3/1/1993		# 306	Vehicular Load Limits
5/3/1993		# 307	Load Limits - Amendment
6/7/1993		# 308	Parking
7/6/1993		# 309	Vacate an Alley
7/6/1993	*(void)*	# 310	Unified Zoning - Amendments
8/2/1993	*(void)*	# 311	Salary
11/30/1993		# 313	Sewage Bond Revisions
1/4/1994		# 312	Open Container Prohibition
2/7/1994	*(void)*	# 313-A	Overhead Door Appropration and Purchase
(undated)	*(void)*	# 314	Building Code
3/7/1994	*(void)*	# 315	Re-establishes Cumulative Capital Dev. Fund

4/4/1994	*(void)*	# 316	Additional Appropriation
6/6/1994	*(void)*	# 317	Additional Appropriation
6/6/1994		# 318	Vacating Unused Public Alleys
7/5/1994	*(void)*	# 319	Salary
(undated)		# 321	Nuisances
9/19/1994	*(void)*	# 322	Additional Appropriation
11/7/1994		# 320	Prohibits Discharge of Firearms
11/7/1994		# 323	Annexation
12/5/1994		# 94R	No Parking on Tecumseh Street

1995 to 2000

3/6/1995		# 324	Annexation
4/3/1995		# 325	Building Code
4/3/1995		# 326	Unsafe Buildings
4/3/1995		*(un-numbered)*	Designate Building Commissioner
6/5/1995		*(un-numbered)*	Town Hall - NonSmoking
7/3/1995		# 327	Annexation
7/3/1995	*(void)*	# 328	Salary
7/3/1995		# 329	Area Plan Representation
8/7/1995		# 330	Include Annexed Areas in Conservancy District
11/6/1995		# 331	Annexation
3/4/1996	*(void)*	# 332	Salary - Amendment
3/25/1996		# 96-1R	Adopts County Income Tax
4/1/1996		# 333	Annexation
6/3/1996	*(void)*	# 334	Unified Zoning - Amendments
8/5/1996		# 96-2R	Accept Streets in Annexed Territories
8/5/1996	*(void)*	# 336	Salaries
8/12/1996		# 337	Annexation
10/7/1996		*(un-numbered)*	Creates Donation Fund
(undated)	*(void)*	# 338	Unified Zoning - Amendments
12/2/1996		# 339	Annexation
12/2/1996		# 340	Asset Capitalization Policy
5/5/1997		# 341	Annexation
5/5/1997	*(void)*	# 342	Sewage Rates - Amendment
8/4/1997		# 343	Contractor Bonds
9/2/1997	*(void)*	# 344	Salary
11/3/1997		# 346	Annexation
11/3/1997		# 347-97	Annexation
12/1/1997	*(void)*	# 350	Salary Amendment
1/5/1998		# 348	Parking Fines - Amendments

(undated)		# 349-97	NUZO
3/2/1998	*(void)*	# 351	Salary Amendment
3/2/1998		# 352	Zoning Amendment
3/2/1998		# 353	Zoning Amendment
3/30/1998	*(void)*	# 357	Cummulative Capital Development Fund
4/6/1998		# 354	Zoning Amendment
4/6/1998		# 355	Zoning Amendment
4/27/1998	*(void)*	# 358	Cummulative Capital Development Fund
7/6/1998	*(void)*	# 359	Town Election Districts
7/6/1998	*(void)*	# 360	Juvenile Curfew
7/6/1998		# 361	Zoning Amendment
7/6/1998	*(void)*	# 362	Salary Amendment
8/3/1998		# 364	Zoning Amendment
9/8/1998	*(void)*	# 363	Salary
9/8/1998		# 365	Zoning Amendment
9/8/1998		# 366	Zoning Amendment
11/2/1998		# 367	Zoning Amendment
11/2/1998		# 368	Zoning Amendment
3/1/1999		# 369	Zoning Amendment
3/1/1999		# 370	Zoning Amendment
5/3/1999		# 371	Zoning Amendment
6/6/1999		# 373	Zoning Amendment
6/7/1999		# 372	Zoning Amendment
7/6/1999	*(void)*	# 374	Salary
10/4/1999		# 375A	Zoning Amendment
11/1/1999		# 375B	Zoning Amendment

2000 to 2005

2/7/2000		# 376	Zoning Amendment
2/7/2000		# 377	Subdivision Amendments
(undated)		# 378	Zoning Amendment
5/1/2000		# 379	Noise
6/5/2000		# 380	Office Equipment
6/5/2000		# 381	Zoning Amendment
(undated)		# 382	Zoning Amendment
8/7/2000	*(void)*	# 383	Salary
9/5/2000		# 384	Zoning Amendment
4/9/2001	*(void)*	# 386	Sewage Rate
4/9/2001		# 387	Public Health and Safety
4/9/2001		# 388	Zoning Amendment

8/13/2001	*(void)*	# 389	Salary Amendment
8/13/2001		# 391-A	Vacate Portion of a Public Way
9/10/2001	*(void)*	# 390	Composting Rules
9/10/2001		# 391-B	Zoning Amendment
10/8/2001		# 392	Zoning Amendment
(undated)	*(void)*	# 393	Salary
10/8/2001		# 394	Zoning Amendment
12/10/2001		# 395	Zoning Amendment
2/19/2002		# 397	Zoning Amendment
4/8/2002		# 398	Zoning Amendment
4/8/2002	*(void)*	# 399	Sewage Rules Amendment
6/10/2002		# 400	Zoning Amendment
7/8/2002		# 402	Subdivision Amendments
9/9/2002		# 401	Zoning Amendment
9/9/2002		# 403	Zoning Amendment
9/9/2002		# 404	Zoning Amendment
9/9/2002		# 405	Zoning Amendment
10/28/2002	*(void)*	# 02-406	Town Wards and Election Districts
11/18/2002		# 407-02	Zoning Amendment
12/9/2002	*(void)*	# 406B	Salary
12/27/2002	*(void)*	# 409	Salary Amendments
1/13/2003		# 02-410	Juvenile Curfew
3/19/2003		# 03-19R	Bonding for Improvement Permits
3/19/2003		# 03-411	Meeting Administration
4/12/2003		# 412-03	Subdivision Amendments
4/14/2003		# 413-03	Zoning Amendment
5/12/2003		# 414-03	Zoning Amendment
6/9/2003	*(void)*	# 415	Salary Amendment
6/9/2003		# 03-416	Building Site Procedures
7/14/2003		# 418-03A	Zoning Amendment
7/14/2003		# 418-03B	Zoning Amendment
7/14/2003		# 419-03	Zoning Amendment
8/11/2003		# 420-03	Zoning Amendment
8/11/2003		# 421-03	Zoning Amendment
(undated)		# 422-03	Zoning Amendment
12/30/2003	*(void)*	# 423	Salary
2/9/2004		# 424-04	Zoning Amendment
3/8/2004		# 04-425	Rainy Day Fund
4/12/2004		# 427-04	Zoning Amendment
5/10/2004		# 04-428	Public Health and Safety Amendments

8/9/2004	*(void)*	# 429	Additional Appropriations
8/23/2004	*(void)*	# 04-430	Additional Appropriations
10/12/2004		# 04-431	Zoning Amendment
12/13/2004	*(void)*	# 432	Salary

2005 to 2010

2/1/2005	*(void)*	# 433	Additional Appropriations
2/15/2005		# 05-434	Zoning Amendment
3/14/2005	*(void)*	# 05-435	Adopts Stormwater Management
3/14/2005		# 05-2R	Adopts Transportation Plan for 2025
4/11/2005		# 05-03R	Authorize Waste Hauling Contract
6/13/2005		# 05-436	Drug Free Workplace
6/13/2005	*(void)*	*(un-numbered)*	Authorize Grant Appl. And Local Match
6/13/2005		# 05-437	Fair Housing
12/12/2005	*(void)*	# 05-438	Salary
3/13/2006	*(void)*	# 06-441	Payment Vouchers
3/13/2006		# 442-06	Zoning Amendment
6/12/2006		# 06-05R	Adopts Transportation Plan for 2030
6/12/2006	*(void)*	# 06-445	Amends Salary (05-438)
6/12/2006		# 06-446	Authorize Direct Deposit by State
7/10/2006		# 444A-06	Trash Left Near Curbs
7/10/2006		# 444B-06	Trash Receptacles Left Near Curbs
8/14/2006		# 06-447	Zoning Amendment
10/10/2006		# 06-448	Zoning Amendment
10/10/2006		# 06-7R	Adopts Multi-Hazard Mitigation Plan
12/11/2006	*(void)*	# 06-449	Salary for 2007
1/24/2007		# 07-551	Allows Payments by Clerk-Treasurer
2/12/2007		# 07-450	Zoning Amendment
2/12/2007	*(void)*	# 07-451	Amends Salary (06-449)
2/12/2007	*(void)*	# 07-452	Amends Salary (06-449)
5/14/2007	*(void)*	# 07-453	Amends Salary (06-449)
5/14/2007		# 07-14R	Attractions Signage
6/17/2007		# 07-454	Zoning Amendment
6/19/2007		# 07-15R	Fiscal Plan for Annexation (07-453A)
6/19/2007		# 07-16R	Attractions Signage
6/19/2007		# 07-453A	Annexation - Town Park
7/17/2007		# 07-17R	Amends Comprehensive Plan
9/11/2007		# 07-455	Zoning Amendment
9/11/2007	*(void)*	# 07-455A	Amends Salary (06-449)
12/3/2007	*(void)*	# 07-456	Salary for 2008

3/10/2008		# 08-23R	Adopts Employee Policies Manual Employee Policies Manual
3/10/2008		# 08-24R	Adopts Mosquito Misting Policy
3/10/2008		# 458-08	Zoning Amendment
4/22/2008		# 2008-459	Requires Address Numbers
4/22/2008	*(void)*	# 2008-460	Prohibits Yard Sales on August 9, 2008
4/22/2008		# 2008-461	Zoning Amendment
4/22/2008		# 2008-462	Zoning Amendment
5/12/2008		# 2008-463	Sewage Rates
6/--/2008	*(void)*	# 2008-25R	Grant Submission and Local Match Commitment
8/11/2008	*(void)*	# 08-464	Amending 2008 Salary
9/8/2008	*(void)*	# 08-465	Amending 2008 Salary
9/8/2008		# 08-26R	Potawatomi Historic Trail Signage
11/10/2008		# 08-27R	Non-Employee Travel Reimbursement
12/8/2008	*(void)*	# 08-466	2009 Salary
1/12/2009	*(void)*	# 09-30R	Grant Submission and Local Match Commitment
2/9/2009		# 09-31R	Right to Encroach on Town Right-of-Way
4/13/2009		# 09-32R	Identity Theft Prevention
5/11/2009	*(void)*	# 09-466A	Amending 2009 Salary
5/11/2009		# 2009-467	Snow Removal from Sidewalks
5/11/2009		# 09-468	Zoning Amendment (206 Railroad Street)
6/8/2009		# 09-469	Stormwater Permit Fees
6/8/2009		# 09-470	Zoning Amendment
--/--/2009		# 2009-472	Subdivision Amendment
9/14/2009		# 2009-473	Zoning Amendment
9/14/2009		# 2009-474	Zoning Amendment
10/13/2009	*(void)*	# 2009-471	Sewage Rates
11/9/2009	*(void)*	# 09-34R	Compensation Time Amendment
12/14/2009	*(void)*	# 09-475	Amending 2009 Salary
12/14/2009	*(void)*	# 09-476	2010 Salary
12/14/2009		# 09-477	Zoning Amendment
12/14/2009	*(void)*	# 09-478	Amending 2009 Salary

2010 to 2015

2/15/2010	# 10-39R	Declaring Blighted Structure (Lions)
3/8/2010	# 10-38R	Intent to Reimburse from Bonds
3/8/2010	# 10-40R	CFF Grant Application Authorization (Lions)
4/12/2010	# 10-479	Zoning Amendment
4/29/2010	*(un-numbered)*	Signatory Authorization (SRF)
4/29/2010	*(un-numbered)*	PER Acceptance Resolution

6/7/2010		# 10-479A	Zoning Amendment
7/12/2010	*(void)*	# 10-480	Salary Amendment
7/12/2010	*(void)*	# 10-481A	Salary Amendment
8/9/2010		# 10-481	Zoning Amendment
8/9/2010		# 10-482	Zoning Amendment
9/14/2010		# 10-483	Zoning Amendment
9/14/2010		# 10-484	Zoning Amendment
10/12/2010		# 10-485	Zoning Amendment
12/13/2010		# 10-487A	Sidewalks
12/13/2010		# 10-45R	Overtime Compensation
12/13/2010	*(void)*	# 10-487	2011 Salary
1/10/2011		# 10-488	Zoning Amendment
1/10/2011		# 10-488	Zoning Amendment - Bufferyard Requirements
2/15/2011		# 10-489	Zoning Amendment - Permitted Use Table
3/29/2011		# 11-490	Pay-Down of Compensation and Vacation Time
3/29/2011		# 11-46R	Pay-Down of Accumulated Compensation Time
7/18/2011		# 11-491	Zoning Amendment - Wind Farms
8/8/2011		# 11-47R	Amend Comprehensive Plan for County
9/12/2011		# 11-491A	Abandoned Vehicles (Nuisance Amendment)
12/12/2011	*(void)*	# 11-492	2012 Salary
2/13/2012		# 12-493	Revised Comprehensive Stormwater Management
3/12/2012		*{un-numbered}*	Signatory Authorization
3/29/2012	*(void)*	# 12-494	North East Tippecanoe Fire Territory
5/14/2012		# 2012-496	Updating the Unsafe Building Ordinance
5/14/2012		# 2012-497	Vegetative Nuisances
5/21/2012		# 12-495	Sewage Works Bond Issue
5/21/2012		# 12-498	Sewage Works Rates and Charges
6/10/2012		# 2013-57R	Adopting Fiscal Plan (Annexation - Shawnee Ridge)
6/10/2012		# 2013-58R	Requesting Consent to Annex
6/12/2012		# 12-49BR	Contingent Notice of Contract Award
6/21/2012		# 2012-499	Nepotism Policy
7/9/2012		# 12-49R	Amend Comprehensive Plan for County
11/12/2012		# 12-501	Zoning Amendment - Farm Drainage Tile Contractor
11/12/2012		# 2012-502	Revised Town Ward Boundaries
12/10/2012		# 12-504	Replaces Composting Ordinance
12/10/2012		# 12-50R	Accessibility Guidelines
12/10/2012		# 12-51R	ADA Coordinator and Procedures
12/10/2012		# 12-52R	ADA Plan
1/14/2013		#13-504	Subdivision Amendment - Primary Approval

1/14/2013		# 13-505	Amendments to Unified Subdivision Ordinance
2/11/2013	*(void)*	# 13-506	Street Cut Permits
3/28/2013	*(void)*	# 13-507	North East Tippecanoe Fire Territory
4/8/2013		# 13-508	Zoning Amendments - Commitments
4/8/2013		# 13-508A	Zoning Amendments - Farm Drainage Tile Contractor
5/13/2013		# 13-508B	Zoning Amendments - Agricultural Rental Hall
5/13/2013		# 13-509	Clarifying the Sprinkling Credit
5/13/2013		# 13-509A	Amendments to Unified Subdivision Ordinance
5/13/2013		# 13-56R	Credit Card Policy
6/10/2013		# 13-57R	Adopting a Fiscal Plan for Annexation
6/10/2013		# 13-58R	Requesting Consent to Annex
7/8/2013		# 13-512	Zoning Amendments - Elevation of Existing Residences
10/15/2013		# 13-513	Zoning Amendments - Non-Conforming Mobile Homes
11/12/2013		# 13-514	Zoning Amendments - Rezoning a Property
12/9/2013		# 13-515	Fireworks
12/9/2013		# 13-516	Trailer Parking in Non-Designated Areas
12/9/2013		# 13-57AR	Transfer Resolution
12/9/2013		# 13-514A	Zoning Amendments - Elevating Homes in FP Deadline Extension
12/9/2013	*(void)*	# 13-517	Salary for 2014
2/10/2014		# 14-519	Zoning Amendments - Multi-Family Subdivisions
2/10/2014		# 14-520	Zoning Amendments - Duplex Apartment Complexes in R2 Zones
3/10/2014		# 14-521	Street Cut Permits
3/28/2014		# 14-522	North East Tippecanoe Fire Territory
5/12/2014		# 14-523	Annexation of Shawnee Ridge
5/12/2014		# 14-58R	Adopting a Fiscal Plan for Annexation
5/12/2014		# 14-524	Zoning Amendments - Establishment of Zones and Zone Boundaries
7/21/2014		# 14-526	Zoning Amendments - FP Improvements and Special Setbacks
7/29/2014		# 14-527	Equipment Replacement Fund
8/11/2014		# 14-59R	Opposing Limestone Quarry Near Americus
8/11/2014		# 14-60R	Amending the Fiscal Plan
9/8/2014		# 14-529	Zoning Amendments - Planned Developments
10/14/2014		# 14-63R	Amending the Fiscal Plan
10/14/2014		# 14-530	Adopting Fee Schedule
10/14/2014		# 14-61AR	Begin Dates for Non-Capital Services
10/14/2014		# 14-62R	Adopting a Fiscal Plan for Annexation
11/3/2014		# 14-531	No Parking Area, S. Railroad South of North Street
11/3/2014		# 14-532	Times for School Zone Speed Limits
11/3/2014		# 14-533	Fines for Sewer Violations
12/8/2014		# 14-65R	Transfer Resolution

12/8/2014	*(void)*	# 14-535	Salary for 2015

2015 to Present

2/23/2015		# 15-66R	Additional Appropriations
6/8/2015		# 15-67R	Establishes Cumulative Capital Development Fund
7/20/2015	*(void)*	# 15-537	Amends 2015 Salary
9/21/2015		# 15-67AR	Filing Request for Excess Maximum Levy
10/12/2015		# 15-68R	Maximum Levy Increase Justification
10/12/2015		# 15-69R	Petition to Appeal for Increase Above Maximum Levy
10/12/2015		# 15-538	Zoning Amendments - Outdoor Advertising Restrictions on Select Corridors
10/12/2015		# 15-539	Zoning Amendments - Parking Standards
11/9/2015		# 15-540	APC Membership
11/9/2015		# 15-68AR	Transfer Resolution
1/11/2016		# 16-541	Salary for 2016

ORDINANCE NO. 159

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE AMENDING SECTION 4 AND AMENDING

SECTION 10 OF ORDINANCE NO. 156 ENTITLED "AN

ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES

FOR ALL EMPLOYEES OF THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, AND THE

CLERK-TREASURER AND COMPENSATION FOR ALL

EMPLOYEES FOR 1977.

WHEREAS, there is a change in employment and the Senior Employee and the Junior Employee are assuming more responsibility.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT

SECTION 1. Section 4 be amended to read as follows:

The full time Senior Employee shall receive an hourly rate of pay of Four Dollars and Ninety-Six Cents ($4.96) and shall be paid from Motor Vehicle Highway Fund, Water Operating Fund and Sewage Operating Fund, all pay retroactive to August 22, 1977.

SECTION 2. Section 10 be amended to read as follows:

The full time Junior Employee shall receive an hourly rate of pay of Three Dollars and Eighty-One Cents ($3.81) and shall be paid from Motor Vehicle Highway Fund, Water Operating Fund and Sewage Operating Fund, all pay retroactive to August 22, 1977.

SECTION 3. All Ordinances or parts of Ordinance in conflict with this Ordinance shall be null and void on the passage of this Ordinance.

PASSED THIS THE 12th DAY

OF September , 1977.

Donald D. McKee

Presiding Officer

William D. Rogers
Trustee

Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

CERTIFICATION

THIS IS TO CERTIFY THAT ORDINANCE NO. 159 WAS POSTED

SEPTEMBER 2, 1977 IN THE FIVE WARDS OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:
WARD #1. S. W. CORNER TIPTON & COLLEGE STREETS.
WARD #2. S E CORNER WINANS & NORTH STREETS.
WARD #3. MAIN STREET AT CRACKERBARREL.

WARD #4. JEFFERSTON & "E" STREETS S. W.
WARD #5. S. W. CORNER LIBERTY & MAIN STREETS.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE # 11- 491A

Amending Ordinance #321, Section 3, Abandoned Vehicles

Whereas, Ordinance #321, adopted in 1994, defines certain conditions and acts as nuisance violations and provides for the abatement thereof and penalties for violations, and

Whereas, Section 3 of Ordinance #321 contains outdated language to define abandoned vehicles, and

Whereas, Indiana State Code 9-13-2-1 contains updated definitions for abandoned vehicles,

Now, therefore be it ordained by the Town Council of the Town of Battle Ground, Indiana that:

Section 3 of Ordinance #321 be deleted and replaced by the following text:

Section 3: It shall be unlawful for any person other than a licensed automobile, truck or farm implement dealer to keep, park, store or maintain or cause to be kept, parked, stored or maintained on any private or public grounds or property within the corporate limits of the Town of Battle Ground, Indiana, and within public view any abandoned motor vehicle of any and all kinds as set out under Indiana Code 9-13-2-1 or any junk, dismantled, disused or abandoned tractor, implement or farm tool, maintained as above provided is hereby declared a nuisance.

In all other respects, Ordinance #321 shall remain unchanged.

PASSED ON THIS 12 DAY OF September , 2011.

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

BATTLE GROUND COUNCILPERSONS

Becky Holladay
Becky Holladay, Council President

Brian Brewer
Brian Brewer

Karen Pearson
Karen Pearson

Carolyn Roth

Steve Egly
Steve Egly

RESOLUTION 96-2

Be it herby resolved that the Council for the Town of Battle Ground do hereby accept the following streets into the Town of Battle Ground.

Prophets Rock Road as described in Ordinance #323, annexing the County Park and the Sewage Treatment Plant.

County Road 600 North as described in Ordinance #324, annexing part of Prophets Rock Heights.

Battleview Drive and Battleview Court as described in Ordinance #327, annexing the next step in Prophets Rock Heights.

Lookout Drive as described in Ordinance #333, annexing the next step in Prophets Rock Heights.

Wild Cherry Drive and Bittersweet Drive as described in Ordinance #335, annexing Quail Ridge.

[Editor's Note: The references above to Ordinances 333 and 335 should refer to Ordinances 331 and 333, respectively.]

Dated this 5th day of August , 1996.

Attest:

Geraldine Berghoff Geraldine Berghoff
Clerk-Treasurer

Council Members

Donald D. McKee

Steven C. Egly

Marie McCoy

ORDINANCE # 295

WHEREAS, THE TIPPECANOE COUNTY AREA PLAN COMMISSION pursuant to IC 36-7-4-508 has adopted an amendment to the Comprehensive Plan for Tippecanoe County at a public meeting held on August 21, 1991; and

WHEREAS, hearings and the meeting notices required by IC 36-7-4-507 were held, and complied with; and,

WHEREAS, an adopted long range transportation plan is required for continued financial assistance from the Federal Highway Administration, U.S. Dept. of Transportation for projects; and,

WHEREAS, the Greater Lafayette Area Transportation and Development Study's TRANSPORTATION PLAN for 2010 was adopted by a vote of a majority of the members of the Tippecanoe County Area Plan Commission, as provided by law; and,

WHEREAS, a certified copy of the TRANSPORTATION PLAN for 2010 has been filed with the CLERK of the Town of Battle Ground, and copies distributed to the members of the Town council, it is hereby incorporated by reference and made part of this Ordinance.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

The Comprehensive Plan for Tippecanoe County is hereby amended to include the TRANSPORTATION PLAN for 2010.

This Ordinance shall be in full force and effect from and after its passage.

ADOPTED AND PASSED by the Town council of the Town of Battle Ground, this 7th day of October, 1991.

_____

Presiding Officer

_____

_____

_____

_____

Attest:

_____

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 348 -98

AMENDMENT TO ORDINANCES #278 and #266, ESTABLISHING FINES FOR PARKING VIOLATIONS IN THE TOWN OF BATTLE GROUND, INDIANA.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT: ORDINANCES #278 and #266 SHALL BE AMENDED AND REVISED AS FOLLOWS: SECTION 1. Any parking violation shall require a fine of Ten Dollars ($10.00) payable to the Ordinance Violations Clerk within five days of the receipt of the ticket. From the sixth day to the tenth day the fine shall be Twenty Dollars ($20.00). Unpaid fines after ten (10) days will be turned over to the Town Attorney and will result in the vehicle owner being summoned to appear in Tippecanoe County Court. In that event, the fine will be Seventy-five Dollars ($75.00), plus the applicable court costs.

Any and all ordinances in conflict with this ordinance, or parts of this ordinance, upon its passage, are hereby null and void.

PASSED ON THIS 5th DAY OF JANUARY, 1998.

_____
Donald McKee

_____
J. Dave Fisher

_____
Stan Cunningham

_____
Marie McCoy

_____
Linda Miller

ATTEST:

_____
Geraldine Berghoff

ORDINANCE # 278

AN ORDINANCE AMENDING ORDINANCE #266, ESTABLISHING FINES FOR PARKING VIOLATIONS IN THE TOWN OF BATTLE GROUND, IN.

Editor's Note: Referenced by Ordinance #308 and Ordinance 2013-516.

WHEREAS, the Town Council of the Town of Battle Ground, Indiana having passed Ordinance # 107, that being a traffic ordinance regulating parking in the Town of Battle Ground, Indiana;

WHEREAS, the Town of Battle Ground, Indiana by the Town Council wishes to establish a schedule of fines for parking violations in the Town of Battle Ground, Indiana;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

SECTION 1. Any parking violation shall require a fine of Ten Dollars ($10.00) payable to the Ordinance Violations Clerk within five days of the receipt of the ticket. From the sixth day to the tenth day the fine shall be Twenty Dollars ($20.00). Unpaid fines after ten (10) days will be turned over to the Town Attorney and will result in the vehicle owner being summoned to appear in Tippecanoe County Court. In that event, the fine will be Seventy-five Dollars ($75.00), plus the applicable court costs.

(Amended by Ordinance # 348, adopted 1/5/1998.)

+/- { *view archive* }

Any and all ordinances in conflict with this ordinance, or parts of ordinances upon its passage are hereby null and void.

Passed on this 4th day of December 1989.

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

AYES:	NAYS:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ORDINANCE #349-97

ADOPTION OF THE NEW UNIFIED ZONING ORDINANCE

Editor's Note: Due to length, formatting and complexity, the New Unified Zoning Ordinance (UZO) is not incorporated in this compilation of Battle Ground Ordinances. The full text of the ordinance is available at the Tippecanoe County Area Plan website:
http://www.tippecanoe.in.gov/egov/docs/1228497239_113006.pdf

Please note that the ordinance, as found on the Tippecanoe County Area Plan website, is currently **284 pages** and includes all but the most recent amendments. Amendments to the ordinance, going forward from this point, are included in pictorial form only. All zoning questions should reference the new UZO.

Paragraph 1-9-1 of the New UZO specifically repeals the former zoning ordinances. In the case of of Battle Ground, this repeal directly targets Ordinance 169-A and, indirectly, repeals all amendments to that original zoning ordinance.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS 1st DAY OF December , 19 97 .

Donald D. McKee
Donald D. McKee, President

Stan Cunningham
Stan Cunningham, Council Member

Dave Fisher
Dave Fisher, Council Member

Marie McCoy
Marie McCoy, Council Member

Linda Miller
Linda Miller, Council Member

ATTEST:

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

Employee Policies Manual

Revision 1.0

The policies and procedures in this manual are not intended to be contractual commitments by the Town of Battle Ground, and employees shall not construe them as such.

The policies and procedures are intended to be guides to management and are merely descriptive of suggested procedures to be followed. The Town of Battle Ground reserves the right to revoke, change or supplement guidelines at any time without notice.

No policy is intended as a guarantee of continuity of benefits or rights. No permanent employment or employment for any term is intended or can be implied from any statements in this manual.

The Town of Battle Ground
100 College Street, Battle Ground, Indiana 47920
March 10, 2008

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Introduction to the

Town of Battle Ground

Welcome to the Town of Battle Ground! We are pleased to have you with us and hope that you find your new job rewarding and challenging. Battle Ground is a growing town, and we feel that all of us have the opportunity to benefit. We want to maintain the benefits of our current environment as we expand and grow over the coming years.

To reach our goal we must provide superior service to our customers and this means employing the best people. As a member of the town's team, you are critical to our success. Through your success we can reach our goals.

Battle Ground strives to create an exciting, challenging and rewarding work environment that allows you to flourish. We want you to build a long and successful association with the Town of Battle Ground and be a happy and productive member of our team. Through your dedication, creativity, perseverance and efforts, our town will continue to grow.

Regards,

Battle Ground Council President

Continuity of Policies - Right to Change or Discontinue

The policies and procedures in this manual are not intended to be contractual commitments by the Town of Battle Ground and employees shall not construe them as such. They are intended to be guides to management and merely descriptive of suggested procedures to be followed.

The Council reserves the right to revoke, change, or supplement these guidelines at any time without notice. Such changes shall be effective immediately upon approval by the Council unless otherwise stated.

No policy is intended as a guarantee of continuity of benefits or rights. No permanent employment or employment for any term is intended or can be implied by statements in this manual.

Equal Opportunity Policy

The Town of Battle Ground is an Equal Opportunity employer.

No employee of the town will discriminate against an applicant for employment or a fellow employee because of race, creed, color, religion, sex, national origin, ancestry, age or any physical or mental disability. No employee of the town will discriminate against any applicant or fellow employee because of the person's veteran status.

This policy applies to all employment practices and personnel actions including advertising, recruitment, testing, screening, hiring, selection for training, upgrading, transfer, demotion, layoff, termination, rates of pay and other forms of compensation or overtime.

Recruitment

The Town of Battle Ground's positions may be filled by either transfer or promotion of existing employees or by new employees who are recruited or apply. Recruitment may be conducted through advertising, employment agencies, schools, employee referrals or technical and trade referrals. Council/director/supervisors should consider the most appropriate method of recruitment for filling departmental positions. All recruitment shall be conducted in an ethical, professional and non-discriminatory manner.

The Town of Battle Ground provides equal employment opportunity to all applicants on the basis of demonstrated ability, experience and training.

Employee Selection and Development

The Town of Battle Ground provides equal opportunity to all applicants on the basis of demonstrated ability, experience, training, and potential. Qualified persons are selected without prejudice or discrimination as stated in the Town's Equal Opportunity Policy.

The employment requisitions, initiated by the council/director/supervisors, will define the job-related tasks and qualifications necessary to assume the position. The defined tasks and stated qualifications will be the basis for screening applications. The council/ director/supervisors will conduct structured initial interviews limited to job-related questions to assess each candidate's experience, demonstrated ability and training. The telephone may be used for these initial interviews.

Recruiting is only one part of continued employee development, which is a five-part process designed to help retain good workers. The employment development process includes (1) recruiting, (2) interviewing, (3) hiring, (4) training and (5) evaluation.

Recruiting

Recruiting involves a variety of factors:

- Developing a job description
- Finding candidates through
  - employee referral
  - job boards
  - advertising in trade magazines or the general media
  - executive recruiters

Interviewing

Interviewing also involves a variety of factors:

- Telephone screening to determine if candidates meet the job description
- Initial one-on-one interviews
- Follow-up interviews with peers
- Checking references and backgrounds
- Gaining the consensus of interviewers to hire or not to hire

Before extending an employment offer and upon the applicant's prior agreement, at least two applicant references must be checked. Inquiries are to be made in a professional manner requesting only factually verifiable and job-related information. The reference data is used only as supplemental information for the hiring decision.

Hiring

once the council/director/supervisors has made a decision a verbal or written offer will be submitted to the applicant. Upon applicants acceptance he/she will be hired and welcomed as a member of the Town of Battle Ground team. Following employment, the references and interview ratings must be retained for

up to one year and then may be destroyed.

After candidate interviews, verification of employment history and reference inquiries, the hiring manager/supervisors are responsible for the employment offer. After the verbal offer has been made and the candidate has agreed to the essential terms of the offer (typically the position, employee classification, salary or rate, and the starting date), a written offer will be prepared and submitted to the candidate in person or by mail confirming the verbal offer and will include the essential terms of the verbal offer as agreed to by the candidate. The candidate will be required to sign and date an acceptance of the written offer that will state as follows:

"The undersigned accepts the above employment offer and agrees that it contains the terms of employment with the Town of Battle Ground and that there are no other terms express or implied. It is understood that employment is subject to verification of identity and employment eligibility and may be terminated by the Town of Battle Ground at any time for any reason."

The verbal or written offer must never express or imply that employment is "permanent," "long-term," of a specific duration, or words of similar meaning. An exception may be made where a temporary position of known duration is to be filled. Employment may be made contingent upon certain job-related factors, such as obtaining a specific state or federal license when appropriate or desirable.

After the candidate has accepted the employment offer, she or he will be required to provide documentation of identity and employment eligibility in accordance with federal law. Form I9, shall be used for this purpose.

Here is an outline of the hiring process:

- Make verbal offer
- Follow-up with basic offer letter outlining key terms
- Receive acceptance of offer letter from new employee
- File paperwork (W2, signed employment agreement and I-9)

Training

All new employees will be provided with an orientation briefing, which will be held within their first week of employment with the town. The orientation is designed to acquaint the new employee with the town and its policies. The director/supervisors will be responsible for ensuring the attendance of new employees at the town orientation sessions.

On the first day of employment, the employee's director/supervisors are responsible for assisting the employee in completing all check-in and benefit enrollment procedures with the Personnel and Accounting departments. In addition the director/supervisors will ensure that the new employee receives an introduction within the town and is provided with in-depth information regarding his or her specific role and responsibilities within his or her department.

Here is a brief outline of this first week:

- Introduction to coworkers on Day 1

- Director/supervisors identifies specific roles and responsibilities of employee on Day 1
- Director/supervisors reviews the town history and facilities within 1st week of employment

Evaluation

giving constructive feedback at various times during the employment relationship is the final stage of the employment development process. New and existing employees will be provided with feedback at different times during the year.

Director/supervisors will provide the following:

- New employees will be provided performance evaluation criteria before the end of the 1st month of employment
- Quarterly feedback sessions with all employees
- Semiannual professional development review for all employees
- Annual Performance Reviews for all employees

Sexual Harassment

The Town of Battle Ground will not allow any form of sexual harassment within the work environment.

Sexual harassment interferes with work performance and creates an intimidating, hostile or offensive work environment. Sexual harassment influences or tends to affect the career, salary, working conditions, responsibilities, duties or other aspects of career development of an employee or prospective employee; or creates an explicit or implicit term or condition of an individual's employment. It will not be tolerated.

Sexual harassment, as defined in this policy, includes, but is not limited to, sexual advances, verbal or physical conduct of a sexual nature, visual forms of a sexual or offensive nature (e.g., signs and posters) or requests for sexual favors.

Any intentional sexual harassment is considered to be a major violation of the town policy and will be dealt with accordingly by corrective counseling and/or suspension or termination, depending upon the severity of the violation.

Illegal Drug Abuse/Alcohol Abuse

This policy is implemented because we believe that the impairment of any town employee due to his or her use of illegal drugs or due to alcohol abuse is likely to result in the risk of injury to other employees, the impaired employee, or to third parties, such as customers or business guests. Moreover illegal drug abuse adversely affects employee morale and productivity.

"Impairment" or "being impaired" means that an employee's normal physical or mental abilities or faculties while at work have been detrimentally affected by the use of illegal drugs or alcohol.

The employee who begins work while impaired or who becomes impaired while at work is guilty of a major violation of the town rules and is subject to severe disciplinary action. Severe disciplinary action can include suspension, dismissal or any other penalty appropriate under the circumstances. Likewise the use, possession, transfer or sale of any illegal drugs on town premises or in any town storage area or job site is prohibited. Employees who violate this rule are subject to severe disciplinary action. In all instances disciplinary action to be administered shall be at the sole discretion and determination of the director/supervisors or council.

When an employee is involved in the use, possession, transfer or sale of illegal drugs in violation of this policy, the town may notify appropriate authorities. Such notice will be given only after such an incident has been investigated and reviewed by the employee's director/supervisors and the council. The town council is aware that illegal drug abuse is a complex health problem that has both physical impact and an emotional impact on the employee, his or her family, and social relationships. A drug abuser is a person who uses illegal drugs, as defined above, for no medical reasons, and this use affects job performance detrimentally or interferes with normal social intercourse at work. Illegal drug abuse is both a management and a medical problem.

The director/supervisors who suspect a drug or alcohol abuse case should discuss the situation immediately with the town council. Because each case is usually different, the handling and referral of the case must be coordinated with the director/ supervisors and the town council.

Applicants who have a past history of substance abuse and who have demonstrated an ability to abstain from the substance, or who can provide medical assurance of acceptable control, may be considered for employment as long as they are otherwise qualified for the position for which they are applying.

The town council has chosen to adopt an alcoholic beverage policy in keeping with the concern for and the risks associated with alcohol use. Alcoholic beverages shall not be served or used on the town premises at any time.

Social activities held off-premises and paid for on a personal basis are not affected by this policy.

The town is concerned with its employee's privacy, especially when matters regarding medical and personal information are involved. As long as the information is not needed for police or security purposes, the town shall maintain employee medical and personal information in confidence and release this information to authorized town personnel on a "need to know" basis. An exception to this policy is when the employee signs a release for the transfer of such information on forms acceptable to the town to designated persons or agencies.

Nothing contained in this section shall eliminate or modify the town's right to terminate any employee at any time for any reason.

Smoking

No smoking will be allowed in the office area at any time. This policy is for the health and safety of all employees.

Employment Classifications

There are three classifications of employees:

Regular Full-time is an employee who works a minimum 40-hour workweek on a regularly scheduled basis.

Regular Part-time is an employee who works either a regularly scheduled workweek or an irregular scheduled workweek for an undetermined amount of weeks.

Temporary is an employee hired for a position required for only a specific, known duration, usually less than six months, and who is not entitled to regular benefits. A temporary employee may be full-time or part-time.

All employees are classified as exempt and nonexempt according to these definitions:

Salaried Exempt Positions of a managerial, administrative or professional nature, as prescribed by federal and state labor statutes, which are exempt from mandatory overtime payments.

Salaried Nonexempt (hourly) Positions defined by statute, which are covered by provisions for overtime payments.

If you are uncertain as to your status, please contact your director/supervisors.

Employee Safety

The Town of Battle Ground strives to provide its employees with a safe and healthful workplace environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety.

All job-related injuries or illnesses are to be reported to your director/supervisors immediately, regardless of severity. In the case of serious injury, an employee's reporting obligation will be deferred until circumstances reasonably permit a report to be made. Failure to report an injury or illness may preclude or delay the payment of any benefits to the employee and could subject the town to fines and penalties.

Return to Work After Serious Injury or Illness

As a joint protection to the employee and the town, employees who have been absent from work because of serious illness or injury are required to obtain a doctor's release specifically stating that the employee is capable of performing his or her normal duties or assignments. A serious injury or illness is defined as one that results in the employee being absent from work for more than two (2) consecutive weeks or one which may limit the employee's future performance of regular duties or assignments. (Also see Medical/Family Leave policy.)

The director/supervisors shall ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse.

If the cause of the employee's illness or injury was job-related, the employee's director/supervisors will make every reasonable effort to assign the returning employee to assignments consistent with the instructions of the employee's doctor until the employee is fully recovered. A doctor's written release is required before recovery can be assumed.

Performance Improvement

Performance improvement may be suggested whenever town management believes that an employee's performance is less than satisfactory and can be resolved through adequate counseling. Corrective counseling is completely at the discretion of the director/supervisors. The town desires to protect its investment of time and expense devoted to employee orientation and training whenever that goal is in the town's best interests. The town expressly reserves the right to discharge "at will." Even if corrective counseling is implemented, it may be terminated at any step at the discretion of the council. The council, in its sole discretion, may warn, reassign, suspend or discharge any employee at will, whichever it chooses and at any time.

The director/supervisors will determine the course of action best suited to the circumstances. The steps in performance improvement are as follows:

Verbal Counseling

The first step in correcting unacceptable performance or behavior, the director/supervisors should review pertinent job requirements with the employee to ensure his or her understanding of them. The director/supervisors should consider the severity of the problem, the employee's previous performance appraisals and all of the circumstances surrounding the particular case. Stating that a written warning, probation or possible termination could result if the problem is not resolved should indicate the seriousness of the performance or misconduct. The employee should be asked to review what has been discussed to ensure his or her understanding of the seriousness of the problem and the corrective action necessary. The director/supervisors should document the verbal counseling for future reference immediately following the review.

Written counseling

if the unacceptable performance or behavior continues, the next step shall be a written warning. Certain circumstances, such as violation of a widely known policy or safety requirement, may justify a written warning without first using verbal counseling. The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination or both may result if improvement is not observed. Written counseling becomes part of the employee's personnel file, although the director/supervisors may direct that the written warning be removed after a period of time, under appropriate circumstances.

Probation

if the problem has not been resolved through written counseling or the circumstances warrant it, or both, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within the probationary period. The employee's director/supervisors, after review of the employee's corrective counseling documentation, will determine the length of probation. Typically, the probation period should be at least two weeks and no longer than 60 days, depending on the circumstances. A written probationary notice to the employee is prepared by the director/supervisors. The letter should include a statement of the following:

- The specific unsatisfactory situation;

- A review of oral and written warnings;
- The length of probation;
- The specific behavior modification or acceptable level of performance;
- Suggestions for improvement;
- A scheduled counseling session or sessions during the probationary period; and
- A statement that further action, including termination, may result if defined improvement or behavior modification does not result during probation. "Further action" may include, but is not limited to, reassignment, reduction in pay, grade or demotion.

The director/supervisors should personally meet with the employee to discuss the probationary letter and answer any questions. The employee should acknowledge receipt by signing the letter. If the employee should refuse to sign, the director/supervisors may sign attesting that it was delivered to the employee and identifying the date of delivery. The probationary letter becomes part of the employee's personnel file.

On the defined probation counseling date or dates, the employee and director/supervisors will meet to review the employee's progress in correcting the problem which led to the probation. Brief written summaries of these meetings should be prepared with copies provided to the employee.

At the completion of the probationary period, the director/supervisors will determine whether the employee has achieved the required level of performance and to consider removing the employee from probation, extending the period of probation or taking further action. The employee is to be advised in writing of the decision. Should probation be completed successfully, the employee should be commended, though cautioned that any future recurrence may result in further disciplinary action.

Involuntary Termination

involuntary termination notice is prepared by the director/supervisors with concurrence of, and review by, the town council. The employee is notified of the termination by the director/supervisors and will be directed to report to the town council for debriefing and completion of termination documentation. Involuntary termination is are cases that cannot be resolved by corrective counseling or a major violation has occurred which cannot be tolerated.

The following definitions and classification of violations, for which corrective counseling, performance improvement or other disciplinary action may be taken, are merely illustrative and not limited to these examples. A particular violation may be major or minor, depending on the surrounding facts or circumstances.

Minor violations

is a less serious violations that have some effect on the continuity, efficiency of work, safety, and harmony within the town. They typically lead to corrective counseling unless repeated or when unrelated incidents occur in rapid succession. Here are some examples of minor violations:

- Excessive tardiness;
- Unsatisfactory job performance;
- Defacing town property;
- Interfering with another employee's job performance;

- Excessive absenteeism;
- Failure to observe working hours, such as the schedule of starting time, quitting time, rest and meal periods;
- Performing unauthorized personal work on town time;
- Failure to notify the director/supervisors of intended absence either before or within one hour after the start of a shift; and
- Unauthorized use of the town telephone or equipment for personal business.

Major Violations

More serious violations would include any deliberate or willful infraction of town rules and may preclude continued employment of an employee. Here are some examples of major violations:

- Fighting on town premises;
- Repeated occurrences of related or unrelated minor violations, depending upon the severity of the violation and the circumstances;
- Any act which might endanger the safety or lives of others;
- Departing town premises during working hours for personal reasons without the permission of the director/supervisors;
- Bringing firearms or weapons onto the town premises;
- Deliberately stealing, destroying, abusing, or damaging town property, tools, or equipment or the property of another employee or visitor;
- Disclosure of confidential town information or trade secrets to unauthorized persons;
- Willfully disregarding town policies or procedures;
- Willfully falsifying any town records;
- Willfully deleting any files and town records;
- Employee's conviction for or confession to fraud, misappropriation, embezzlement, theft or the like against the town;
- Employee's conviction of a felony or a crime involving moral turpitude;
- If Employee performs any intentional act which, under the reasonable man standard, damages the reputation of the town;
- Employee's conviction for or confession to sexual harassment in any form towards employees of the town or anyone affiliated with the town; or
- Employee's excessive absence from performing his duties for the town, as determined by the town, in the town's sole and absolute discretion.

Termination

Terminations are to be treated in a confidential and professional manner by all concerned. The director/supervisors must assure thorough, consistent and evenhanded termination procedures. This policy and its administration will be implemented in accordance with the town equal opportunity statement.

Terminated employees are entitled to receive all earned pay, including vacation pay.

Employment with the town is normally terminated through one of the following actions:

Resignation

voluntary termination by the employee;

Dismissal

involuntary termination for substandard performance or misconduct; or

Layoff

termination due to reduction of the work force or elimination of a position

Resignation

an employee who wants to terminate employment, regardless of employee classification, is expected to give as much advance notice as possible. Two weeks or ten working days is generally considered to be sufficient notice time.

Substandard Performance

an employee may be discharged if his or her performance is unacceptable. The director/supervisors shall have counseled the employee concerning performance deficiencies, provided direction for improvement, and warned the employee of possible termination if performance did not improve within a defined period of time. The director/supervisors are expected to be alert to any underlying reasons for performance deficiencies such as personal problems or illegal drug abuse. The management team must concur in advance of advising the employee of discharge action. Documentation to be prepared by the director/supervisors shall include reason for separation, performance history, corrective efforts taken, alternatives explored and any additional pertinent information.

Misconduct

an employee found to be engaged in activities such as, but not limited to, theft of town property, insubordination, conflict of interest or any other activities showing willful disregard of the town interests or policies will be terminated as soon as the director/supervisors and management team have concurred with the action.

Termination resulting from misconduct shall be entered into the employee's personnel file. The employee shall be provided with a written summary of the reason for termination. No salary continuance or

severance pay will be allowed.

Termination Processing Procedures

the director/supervisors must immediately notify the management team of the termination so that a termination checklist can be initiated. The management team will approve and direct the termination procedure.

On the final day of employment, the director/supervisors must receive all keys and town property from the employee.

The director/supervisors may conduct an exit interview with the employee.

The employee will pick up his or her final payroll which includes all earned pay and any expenses due the employee.

Grievance Procedure

The Town of Battle Ground recognizes the value of a grievance procedure that provides for the timely review of employee grievances in a fair yet workable manner. A grievance is considered to be any dispute between an employee and the town which impacts on an employee's ability to perform his or her job.

Although purely personal matters between employees would not ordinarily give rise to a grievance subject to this grievance procedure, any matter that adversely affects an employee's ability to perform his or her job could be the subject of a grievance. Use good individual judgment and common sense as your guide.

An employee may express a verbal grievance to his or her immediate director/supervisors. If the concern is not resolved to the employee's satisfaction within one week, the employee may put in writing the details of his or her grievance and submit the grievance to the town council.

The problem will be discussed in the presence of the employee and director/supervisors.

The decision will be reduced to writing, a copy given to the employee and director/supervisors, with the original kept in the employees file in the clerk's office.

Employment Disputes

Any dispute or claim that arises out of or that relates to employment with the Town of Battle Ground or that arises out of or that is based on the employment relationship (including any wage claim, any claim for wrongful termination or any claim based on any employment discrimination or civil rights statute, regulation or law), including tort or harassment claims (except a tort that is a "compensable injury" under workers' compensation law), shall be resolved by arbitration in accordance with the then effective commercial arbitration rules of the American Arbitration Association by filing a claim in accordance with the Association's filing rules, and judgment on the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

Compensation

Equal Pay

The Town of Battle Ground will not pay wages to any employee at a rate less than the town pays employees of the opposite sex for work that is substantially equivalent requiring comparable skills.

This policy is to be construed in accordance with applicable federal and state laws and regulations.

Job Descriptions

Job descriptions are available through the director/supervisor for all positions opened in the town.

Position descriptions are used to determine employee selection, job requirements, performance criteria, organizational structure, and the relative worth of jobs in relation to each other. Town director/supervisors review all town positions to ensure equity and consistency in our Personnel system.

Workday

Normal scheduled hours for town employees are 7:30am to 4:00pm with adjustments to seasonal hours.

Payday

Paydays will take place on Friday each week unless requesting paid earlier due to vacation.

Overtime Compensation

Nonexempt salaried (hourly) employees will accumulate compensation pay at the rate of one and one-half times their regular hourly rate of pay for all time in excess of 40 hours in any one workweek.

(Amended by Resolution No. 10-45, adopted 12/13/2010.
+/- { *view archive 2* }

(Amended by Resolution No. 09-34, adopted 11/9/2009.
+/- { *view archive 1* }

The Battle Ground Town Council may elect to pay-down accumulated compensation time by adopting a resolution for such purpose that specifies the process.

Editor's Note: The preceeding paragraph was added by Ordinance No. 11-490, adopted 3/29/2011. For an example of a "Pay-Down" Resolution, see Resolution 11-46, adopted 3/29/2011.

Overtime is never at the employee's discretion. It shall only be incurred and paid at the request of the

employee's director/supervisors. Director/supervisors shall ensure that no unauthorized overtime hours are worked.

Performance Review

It is the director/supervisors responsibility to develop and maintain a work environment in which employees can openly discuss performance and develop plans. The employee will be notified in writing ten days in advance of the performance review date. Also included in the notification will be the time, place, and the discussion topics for the employee to prepare for the review. The employee, as well as the director/supervisor, is to bring the following to the review meeting:

- A summary statement of the progress made toward meeting his or her employment goals;
- Examples of job-related areas demonstrating greatest strengths and identifying areas where additional training is needed;
- An outline of job-related tasks in which the employee can participate to improve performance;
- A recommendation of job responsibilities and goals to be established for the next six-month period;
- A summary of overall employment performance.

The director/supervisor is responsible for establishing a relaxed atmosphere at the performance review and encouraging two-way communication. The discussion should be conducted in a positive manner, in complete privacy and with no interruptions. The director/supervisor shall verify that the employee is familiar with his or her job duties, previous goals and the appraisal criteria or factors. At the conclusion of the performance appraisal, the employee will be requested to sign the appraisal verifying that he or she participated in the evaluation. The employee should be encouraged to submit comments about the appraisal that will become part of the record. A date for the next appraisal shall be agreed upon and noted on the appraisal form. The employee must be given a signed copy of the appraisal. The appraisal is then submitted for review to the town council.

The Town of Battle Ground believes that pay increases should be related to an employee's performance. Following performance reviews, the director/supervisor will rank the employee's performance according to his or her relative level of contribution to the town. Factors will include how well the employee has met the objectives agreed upon in the last review and the employee's level of contribution to the success of the department relative to other employees. The director/supervisor will rank all department employees in one of five groupings:

1. Outstanding
2. Very Good
3. Good
4. Marginal
5. Unsatisfactory

Any employee receiving a rating of 4 or 5 must be put on warning with a corrective action plan to address the issues identified.

A decision relating to the employee's merit increase in pay will be made by the director/supervisor after the review and ranking process has been completed. The director/supervisor will forward a merit increase recommendation with the appraisal to the town council. Merit increases in pay are neither

automatic nor periodic. They are reserved for employees who show skills improvement and higher than average performance. Information about rates of pay and merit increases in pay, if any, are deemed to be confidential matters between the town and each employee and are not to be discussed among employees.

Salary Administration

It is a council policy to award annual merit increases to employees for their dedication to the town based on their skills, improvement and outstanding performance. Every employee is eligible for a merit increase. However merit increases are not automatic. Following the employee's performance review, the director/supervisor will rank the employee's performance according to his or her relative level of contribution to the town. Factors will include, without limitation, how well the employee has met the objectives agreed upon in the last review. Employees will be ranked as:

1. Outstanding
2. Very Good
3. Good
4. Marginal
5. Unsatisfactory

The director/supervisor will forward a merit increase recommendation with the appraisal to the town council for final approval.

Payroll Deductions

The following mandatory deductions will be made from every employee's gross wages: federal income tax, social security FICA tax, Medicare tax and applicable state and county taxes.

Every employee must fill out and sign a federal withholding allowance certificate, IRS Form W-4, on or before his or her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 at anytime when his or her circumstances change. Employees who paid no federal income tax for the preceding year and who expect to pay no income tax for the current year may fill out an Exemption from Withholding Certificate, IRS Form W-4E. Employees are expected to comply with the instructions on Form W-4. Questions regarding the propriety of claimed deductions may be referred to the IRS in certain circumstances.

Other optional deductions include the portion of group health insurance not paid by the town, which is deducted from each payroll check. Other voluntary contributions (if applicable), such as pension (PERF) plan, are also deducted each pay period.

Every employee will receive an annual Wage and Tax Statement, IRS Form W-2, for the preceding year on or before January 31. Any employee, who believes that his or her deductions are incorrect for any pay period, or on Form W-2, should check with the town clerk immediately.

Employee Benefits

Insurance

Employees should refer to the current salary ordinance for information on insurance coverage.

The Town of Battle Ground has the right to change insurance companies or to modify or terminate eligibility requirements, benefits, or coverage at any time.

PERF Program

Eligibility

A full time employee is to enter the plan on the first week of work.

Contributions

It is mandatory to contribute 3% of your compensation or current rate on a pre-tax basis weekly although you are allowed to contribute more. For further information contact the clerk.

Transfer of monies between your fund choices or changes in allocation of your percentage of contribution to any or all of your funds are allowed with time restrictions.

Statements: Participant statements will be prepared by PERF on a quarterly basis and mailed to your home address.

Vacation

New employees become eligible for vacation in accordance to the current salary ordinance. Part-time and temporary employees are not entitled to paid vacation. Employees who are not entitled to paid vacation may request permission from their director/supervisor to take vacation time without pay.

All vacations must be scheduled in advance with the employee's director/supervisor. Employees are responsible for planning ahead for vacation and working out a complete schedule with their director/supervisor.

The Battle Ground Town Council may elect to pay-down accumulated vacation time by adopting a resolution for such purpose that specifies the process.

Editor's Note: The preceeding paragraph was added by Ordinance No. 11-490, adopted 3/29/2011.

Upon termination, the employee's accrued and unused vacation hours will be added to the final paycheck

using the employee's then-current straight-time hourly rate for conversion.

Holidays

Employee paid holidays will be listed in the current salary ordinance and the town hall will be closed on these days.

*

If these holidays fall on Saturday, the Friday before will be a holiday. If they fall on Sunday, the following Monday will be a holiday.

Only regular full-time employees are eligible for holiday pay. Part-time and temporary employees are not eligible for holiday pay.

If a designated holiday falls within an employee's vacation period, the holiday is not considered a vacation day.

Sick Days

The Town of Battle Ground does not provide paid sick days. Employees can however use accumulated compensation time or vacation time.

It is in the best interests of the town and the employee who is ill or injured to not remain at work. It is the director or supervisor's responsibility to send the employee home if the employee is incapacitated.

Employees are encouraged to make their routine doctor or dentist appointments before arriving for work or after leaving work for the day, if possible. If time off is required for such appointments, arrangements should be made in advance with the employee's director or supervisor.

An employee is expected to notify his or her director/supervisor at the beginning of each work day during illness or injury. Exceptions to this include a serious accidental injury or hospitalization, or when it is known in advance that the employee will be absent for a certain period of time.

A medical statement from the employee's doctor may be requested by the town when an employee is absent from work for more than three working days.

Leave of Absence

A leave of absence is time off in a non-pay status. Upon receipt of a formal written request for leave of absence from regular full-time employees, management will determine whether a leave of absence will be granted. The employee is expected to request leave of absence with as much advance notice as possible.

Vacation or compensation time should be used for such absences. Each case will be evaluated on its own merits, and the following will be taken into considerations:

1. The reason for the request;
2. The amount of time required; and
3. The employee's length of service and past record.

Return to Work

Employees who do not return to work after any leave of absence will be terminated effective on the last day of work or paid leave, whichever is later.

Benefits during Approved Leave of Absence

Holidays

to receive holiday pay, an employee must be in active pay status the day before and the day after the holiday. Employees are not eligible to receive pay for any holiday during the leave period.

Vacation

No vacation hours are earned during the leave period. Employees requesting a leave of absence for medical or military reasons may choose to use all earned vacation before beginning leave of absence. Employees requesting personal leave of absence must use all earned vacation before beginning leave of absence.

Insurance

The town will continue the employee's insurance benefits on a leave of absence, provided that the employee pays the entire cost of the premiums.

Bereavement Leave

The town will pay for three day of time off in the event of death of the following immediate family members: spouse, child, brother, sister, mother or father, grandparents and father and mother-in-laws.

Additional time off will be decided between the employee and director/supervisor. Accumulated comp-time or vacation time can be used at this time.

Leave for attendance at the funeral of a non-immediate family member or person with an especially close relationship may be granted without pay.

Jury Duty

The Town of Battle Ground will grant employees time off for mandatory jury duty or court appearances as a witness when the employee must serve or is required to appear as a result of a court order or subpoena.

A copy of the court order or subpoena must be supplied to the employee's director/supervisor when requesting time off.

The employee is entitled to full pay for each day of jury duty or service as a witness in addition to any other paid leave. However time off for court appearances as a party to any civil or criminal litigation shall not be compensated and the employee must arrange for time off without pay or use accrued vacation or compensation time for such appearances.

Employee-Incurred Expenses and Reimbursement

All items purchased or charged by the employee are to have a paid receipt to be turned over to the town clerk. His or her director/supervisor must approve all such expenses incurred by an employee before the clerk will make payment.

Employees are **not** allowed to make personal purchases on the town accounts under any circumstance.

Travel Reimbursement

This policy establishes the general guidelines and procedures to be followed when business travel is required:

1. Travel-related expenses are to be detailed on a log sheet or from an on line (Map Quest) or some similar source of the proof of the mileage;
2. Employees will be reimbursed at the federal *state* mileage rate *(See Council Minutes, April, 2009)*;
3. All parking expenses and highway tolls incurred as a result of business travel will be reimbursed;
4. Employees lodging must include a detailed receipt from the hotel or motel;
5. Employees will be allowed $40 per day for meals and provide a receipt when available. A reasonable tip to the restaurant will be reimbursed;
6. All reimbursement requests are to be submitted to the town clerk.

Non-Employee Travel Reimbursement

1. Citizens appointed to represent the Town of Battle Ground on boards or commissions will be subject to the requirements and reimbursement of the "Travel Reimbursement" Subsection of this document, with the term "Appointees" replacing the term "Employees" as appropriate.
2. The Town Council must approve non-employee travel outside of Tippecanoe County or where overnight lodging is required before such travel occurs.

(Resolution 08-27, adopted 11/10/2008.)

Conferences and Meetings

Employees may attend conferences or meetings sponsored by institutions or professional organizations. The subject matter to be presented must relate directly to the employee's position or provide beneficial information to be shared in the employee's department.

The employee's director/supervisor and the must approve the employee's participation in the conference or meeting.

The town will pay for the following expenses if attendance is approved: registration fees, travel costs, lodging and meal expenses not covered by registration.

Time off for attendance and travel during normal working hours will be paid at the normal rate of pay.

Required Management Approval

All employee travel, mileage, purchase requisitions and other business-related expense reports must have a director/supervisor's approval. Employees may request an advance of expenditures whenever needed to prevent any heart ship. All expenses are to be submitted to the town clerk. Prior to being honored by the town clerk, these expenses must have the employee's signature and date and must be approved by the employee's director/supervisor.

Miscellaneous Policies

Confidentiality of Company Information

It is the responsibility of all town employees to safeguard sensitive town information. Continued employment with the company is contingent upon compliance with this policy. The director/supervisor bears the responsibility for the orientation and training of his or her employees to ensure enforcement of town confidentiality.

All such information shall be appropriately marked or verbally identified to each employee. When such information is transferred from one employee to another, the transferor must do all of the following:

1. Determine that the transfer is necessary and in the interest of the town;
2. Determine that the transferee has a need to know the information;
3. In consideration of their employment with the town, employees will be exposed to information and materials which are confidential. Employees will not at any time disclose or use, either during or subsequent to their employment, any information, knowledge or data which they receive.

Confidentiality of the Town Information E-Mail

The town computers and e-mail system are town property. All employees are expected to use good judgment in using electronic mail and to avoid indiscretions such as offensive or inappropriate messages or any other message the town deems inappropriate. E-mail messages should be used for town business only. Misuse of e-mail may result in disciplinary action or possibly termination.

Employee Privacy

The Town of Battle Ground recognizes our employees' rights to privacy. In achieving this goal, the town adopts these basic principles:

1. The collection of employee information will be limited to that which the town needs for business and legal purposes;
2. The confidentiality of all personal information in our records will be protected;
3. All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy will result in disciplinary action;
4. Internal access to employee records will be limited to those employees having an authorized, business-related, need-to-know basis. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena;
5. The town will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so;
6. Employees are permitted to see the personal information maintained about them in the town records.

They may correct inaccurate factual information or submit written comments in disagreement with any material contained in their town records.

Telephone

Personal calls of short duration may be received and made at your desk or workstation. Personal telephone call privileges are subject to change or termination at any time. For instance, if the company telephone lines become overloaded with calls or an employee is found spending more than just limited time on personal calls, this privilege will be revoked either generally or specifically as to the offending employee.

TOWN ORDINANCE NO. 117

AN ORDINANCE TO REPEAL ORDINANCE NO. 105 AS AMENDED BY ORDINANCE NO.113 REGARDING TOWN COURT AND TOWN JUDGE

Whereas, a vacancy exists in the office of Town Judge of The Town Court of the Town of Battle Ground, Indiana, and

Whereas, it is deemed that a town court is unnecessary for the Town of Battle Ground, Indiana, and constitutes an unnecessary expense for the taxpayers thereof: now, therefore

ARTICLE I-- Be it ordained by the Board of Trustees of the Town of Battle Ground, Indiana,

That Ordinance No. 105 as amended by Ordinance No. 113 be and the same is hereby repealed.

Passed and adopted on this 24th day of Feburary,1964

ORDINANCE 187

AN ORDINANCE TO REPEAL OUTDATED AND DUPLICATE ORDINANCES

WHEREAS, certain ordinances of the Town of Battle Ground have become outdated and duplicative.

WHEREAS, it is no longer necessary for said ordinances to remain as existing ordinances.

WHEREAS, it is necessary and appropriate that said ordinances be repealed.

NOW THEREFORE, be it Ordained by the Town of Battle Ground, Indiana that Ordinances #1 through 10-A, [Editor's Note: including Ordinance #3] 12, through 99, 105, 110, 111, 112, 113, 116, 118, 120, 121, 122, 125, 126, 128, 135, 137, 139, 145, 148, 149, 151, 152, 154, 156, 158, 159, 161, 163, 168.

Passed this the 4th day of January 1982.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Chris S. Dare
Trustee - Christopher Dare

Melvin Swisher
Trustee - Melvin Swisher

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 271

[Editor's Note: Referenced by Ordinance #306 and Ordinance #320].

ORDINANCE TO ESTABLISH AN ORDINANCE VIOLATIONS BUREAU AND SCHEDULE OF ORDINANCES SUBJECT TO ADMISSION OF VIOLATION.

WHEREAS, the 1988 Indiana General Assembly passed Public Law 177-1988 amending I.C. 33-6-3-1 to allow a legislative body of a municipal corporation to establish by ordinance an Ordinance Violations Bureau; and

WHEREAS, the legislative body of a municipal corporation can appoint a Violations Clerk who may be the Clerk-Treasurer of the town who administers said Violations Bureau; and

WHEREAS, THE Clerk-Treasurer of the town, pursuant to I.C. 33-6-3-1 can accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than fifty dollars ($50.00) in ordinance violation cases subject to a Schedule of Ordinances prescribed by the legislative body;

BE IT THEREFORE ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana as follows:

1. That there shall be created a Ordinance Violations Bureau for the Town of Battle Ground, Indiana, and that the Clerk-Treasurer and the Deputy Clerk-Treasurer of the Town of Battle Ground, Indiana, shall serve as the Violations Clerk of such Bureau.

2. The Deputy Violations Bureau Clerk is permitted to perform all acts performed by the Violations Bureau Clerk.

3. The Violations Bureau Clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than fifty dollars ($50.00) in Ordinance Violation cases.

4. The following Schedule of Ordinances of the Town of Battle Ground, Indiana, shall be subject to admission of violation before the Ordinance Violations Clerk:

1. Ordinance 272 - Animals;
2. Ordinance 231 - Burning Leaves;
3. Ordinance 277 - Ordinance Regulating Semi-Tractors and Trailers and Trucks weighing more than Nine Thousand Pounds in the Town of Battle Ground, In.;
4. Ordinance 275 - Ordinance Prohibiting the discharge of firearms;
5. Ordinance 102 - Ordinance Establishing certain offenses and providing a penalty therefore;
6. Ordinance 276 - Peddlers, Hawkers, etc.;
7. Ordinance 266 - Traffic Ordinance;
8. Ordinance 274 - Health Ordinance; and
9. Ordinance 176 - Abandoned and Junked Vehicles;

5. In the event that any individual wishes to challenge any alleged violation subject to this Ordinance, said

individual must request in writing a hearing on said violation no later than ten (10) days from the date of the alleged violation. Said written request must be made to the Ordinance Violations Clerk. In the event that a hearinq is requested, the Town attorney will set the matter for hearing in the Tippecanoe County Court and the individual charged with the violation will be summoned to appear for said hearing.

ADOPTED THIS 7th DAY OF AUGUST, 1989.

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_____

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 380

AN ORDINANCE REGULATING TOWN OFFICE EQUIPMENT

BE IT ORDAINED by the Town Counsel of the Town of Battle Ground, Indiana, that the following shall be in full force and effect from this date forward:

1. The copying machine located in the Town Hall shall be operated only by Town employees.
2. Copies of documents, papers, articles and things for personal use by Town residents may be made by Town employees for residents of the Town at a cost to said resident of ten cents ($0.10) per copy subject to availability of equipment, labor and material and at the discretion of the Town Clerk/Treasurer or her/his deputy.
3. This Ordinance shall not be applicable to accident or investigation reports of the police department.
4. Materials submitted by Town residents or others for submission to the Board of Trustees shall, at the discretion of the Town Clerk/Treasurer or her/his deputy, be copied for the Trustees at no expense to the parties submitting said materials.
5. Official Town records, documents, ordinances and policies appropriate for public viewing and inspection shall be permitted to be viewed and inspected at the Town Hall during normal business hours. Copies of such material shall be at a cost of ten cents ($0.10) per page to the party making such request.
6. Neither the Internet access nor the facsimile machine shall be available or used by residents of the Town for personal business.

PASSED ON FIRST READING THE 5th day of

June , 2000.

PASSED ON SECOND AND FINAL READING THE 5rd day of

June , 2000.

Geraldine Berghoff

Duane Tucker

Town Board President

Town Board
Clerk/Treasurer

Mildred Marie McCoy

Town Board Member

Town Board Member

Richard Berghoff

Town Board Member

Town Board Member

ORDINANCE 03- 411

ORDINANCE

WHEREAS, the Town Council of the Town of Battle Ground desires to establish general provisions for the purpose of the administration of Town Council meetings; and

WHEREAS, it is appropriate to have said meeting rules.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT THE FOLLOWING GENERAL PROVISIONS ARE HEREBY ADOPTED:

ADMINISTRATION

Chapter 1: GENERAL PROVISIONS

§1.01 Rules Established.

The rules prescribed in this chapter are hereby established for the government of the Town Council.

§1.02 Presiding Officer - Generally.

The Town Council, at its first meeting of the year, shall choose from its members a presiding officer, who shall serve until the second Monday in January of the next succeeding year, when his successor shall be chosen to serve for one year in like manner. The President shall appoint a temporary presiding officer with the Council's approval.

§1.03 Election of President

The method of electing the President shall be by voice nomination by council members present. If not all members are present, a motion may be presented to continue for one month, in which case the presiding President would continue in their official capacity. The city attorney will have the honor of conducting the election.

§1.04 To Call Meetings to Order

The presiding officer of the Town Council shall call the Council to order precisely at the regular hour of meeting.

§1.05 To Preserve Order; Right to Speak..

The presiding officer shall preserve order and decorum in the Council Chambers. He may speak to points of order in preference to any member. He shall promptly decide all points of order, which shall be subject to appeal by any two members, upon the question of which appeal no member shall speak more than once without the unanimous consent of the Council.

§1.06 To Decide Who Is Entitled to Floor.

When two or more members of the Council arise to address the presiding officer at the same time, he shall

decide who is entitled to the floor.

§1.07 Time of Regular Meetings.

The regular meeting of the Town Council shall be held on the second Monday of every month at 7:00 P.M. If the second Monday of the month falls on a holiday, then the meeting date will be on the following day at the same time and place.

§1.08 Special Meetings.

Special meetings of the Town Council may be called upon written notice of not less than forty-eight hours by the presiding officer or by not fewer than three members thereof, which notice shall be directed as follows:

"To the Town Council of the Town of Battle Ground," specifying therein the time and object of the meeting. Such notice shall be delivered by the Clerk-Treasurer, or agent, and served on each member of the Council by reading the same in his hearing, or by leaving a copy thereof at the last place of residence of each such members. It shall not be necessary to serve such notice upon such of the members as have signed such call.

§1.09. Meetings may be called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the Town by any event. Notice of said meeting shall be provided as by statute.

§1.10 Quorum.

A majority of all the members elect of the Town Council shall constitute a quorum for the transaction of business.

§1.11 Adjournments Generally.

The Town Council may adjourn from any regular or special meeting to a day certain and a less number that a majority may meet and adjourn to the next regular meeting or to a day certain.

§1.12 Procedures in Absence of Quorum.

If, upon roll call, it appears that a quorum is not present at a meeting of the Town Council, the presiding officer shall not declare the Council adjourned until fifteen minutes after calling the roll, at which time, if no quorum shall appear, he shall declare the Council adjourned for want of a quorum.

§1.13 Order of Business - Agenda Guidelines

1. Call to Order. Call for Request changes or order of the agenda
2. Roll call of members present.
3. Call for Request changes or order of the agenda
4. Request to adopt the agenda.
5. Acceptance of minutes.
6. Employee reports.
    1. Police report.

    2. Wastewater Superintendent report
    3. Street Commissioner report
    4. Area Plan Report
7. Clerk Treasurers report
8. Old Business
9. New Business
10. Announcement
11. Citizens comment
12. Adjournment

§1.14 Voting.

Questions to the Council shall be distinctly put in this or like form: "As many as are of the opinion that" (as the question may be), "Say aye," and, after the affirmative vote is expressed, "as many as are of the contrary opinion, say no." A vote shall be taken on all ordinances and resolutions, the results of which shall be entered on the record.

§1.15 Voting by the President.

The President shall refrain from making motions, but shall have the right to vote as any council member.

§1.16 Motions when Question Is under Debate.

When a question is under debate, no motion shall be received except to lay on the table, for the previous question, to postpone indefinitely, to postpone to a time certain or to commit or to amend, which several motions shall have precedence in the order above named and none of them except the motion to postpone to a time certain and the motion to amend, shall be debatable. No motion or proposition on a subject different from the one under consideration shall be admitted under color of amendment.

§1.17 Previous Question.

The previous question shall be put in this form: "Shall the main question be now put." It shall only be admitted when demanded by a majority of the members and, until it is decided, shall preclude all amendments and further debate of the main question. The effect of the previous question shall be to bring the Council to a vote, first on the amendments, if any, and then on the main question. The previous question itself shall be decided without debate.

§1.18 Motions to Reconsider.

When a motion has been passed or defeated, it shall be in order for any member of the Council who voted with the majority to move to reconsider. Motions to reconsider shall be decided without debate.

§1.19 Motions to Adjourn.

A motion to adjourn is always in order at Council meetings. Motions to adjourn shall be decided without debate.

§1.20 Applicability of Robert's Rule of Order.

All points of order not provided for in this chapter shall be decided according to the rules laid down in Robert's Rules of Order, so far as the same may be applicable.

§1.21 Rescission, Change or Suspension of Standing Rule.

No standing rule of the Town Council shall be rescinded or changed unless two weeks' notice of motion to that effect shall have been given. No such standing rule of the Council shall be suspended except by unanimous consent of the members present.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, this 19th day of March , 2003.

Carolyn Roth
Presiding Officer

ATTEST:
Phyllis Hall
Phyllis Hall, Clerk-Treasurer

NORTH EAST TIPPECANOE FIRE TERRITORY
BATTLE GROUND TOWN ORDINANCE 14-522

WHEREAS, for cost savings to individual units of government and for enhanced public safety, the townships of Tippecanoe, Washington, Perry and Sheffield and Battle Ground Town have determined to create the North East Tippecanoe Fire Territory in conformity with Indiana Code 36-8-19 and

WHEREAS, after proper notice was given, a public hearings were held jointly by these entities on February 25, 2014, March 10, 2014 and March 27, 2014 at which time information about the proposed Territory was provided and input from the taxpayers was received, and

Be it resolved by the Battle Ground Town Board of Tippecanoe County, Indiana adopted the following:

In accordance with IC 36-8-19 adopts the following:

Battle Ground Town is hereby authorized to become a party to one or more agreements for the establishment of the North East Tippecanoe Fire Protection Territory ("the Territory"), a fire protection territory being hereby created pursuant to said statute.

The boundaries of the North East Tippecanoe Fire Territory will include the townships of Tippecanoe, Washington, Perry and Sheffield and Battle Ground Town.

Tippecanoe Township will be identified as the provider unit as established in IC 36-8-19-3

Washington, Perry and Sheffield Townships and Battle Ground Town will be identified as participating units as established in IC 36-8-19-2

The guidelines established in the North East Tippecanoe Fire Territory Primary Organizational Guidelines dated 02/25/14 are incorporated by reference and attached.

The territory will establish a Fire Territory Fund from which all expense for operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, deprecation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred with the territory shall be paid. IC 36-8-19-8. Further the territory will adopt a uniform tax rate upon all of the taxable property within the territory for fire protection services to fund the Fire Territory Fund.

In accordance with IC 36-8-19-6 c adopts the following:

The territory will also establish an Equipment Replacement Fund IC 36-8-19-8.5 to be used to purchase fire protection equipment, including housing, that will be used to serve the entire territory.

The territory will establish the Equipment Replacement Fund at .0333 for all taxable property in the fire territory.

In addition, the town authorizes the provider unit, Tippecanoe Township, to establish the funds delineated above for the operation of the North East Tippecanoe Fire Territory.

Adopted this 28th day of March 2014

NAY	AYE
	Steven C. Egly
	Karen Pearson

Becky Holladay

ATTEST:
Phyllis Hall
Clerk-Treasurer Battle Ground Town

North East Tippecanoe Fire Territory

Primary Organizational Guidelines

The North East Tippecanoe Fire Territory is created to streamline the financial and administrative responsibilities for fire protection for the townships of Tippecanoe, Washington, Perry, and Sheffield and Battle Ground Town, in Tippecanoe County Indiana. The fire territory's governing Board is composed of the elected township trustees of the member townships and an elected representative of Battle Ground Town. The provider unit would be Tippecanoe Township, and Washington, Perry and Sheffield and Battle Ground Town would be classified participating units. The territory board will be responsible for establishing a tax rate and funding all territory expenses.

The territory would combine financial resources starting in budget year 2014. The Fire Operating tax rate necessary would be equal in all townships and Battle Ground Town of the territory. The territory would establish a Fire Protection Territory Fund for operating and an Equipment Replacement Fund to purchase fire protection equipment, including housing, that will be used to serve the entire territory.

The territory will have authority to contract with the Tippecanoe Township Volunteer Fire Department, the Washington Township Volunteer Fire Department and the Sheffield Township Firefighters Association to man the territory's stations and apparatus for the purpose of fire protection and EMS. Tippecanoe, Washington and Sheffield departments will operate under their own bylaws and SOGs and be under the command of their own officers.

An administrative body known as Central Command will be created from the member volunteer organizations. Central Command will consist of the Chief and Deputy Chief of Tippecanoe, Washington and Sheffield Fire Departments. Central Command will be responsible for administration of day to day operations of the territory. Central Command and the Territory Board will develop guidelines concerning purchasing authority and financial limits on purchasing for day to day operations.

Central Command will:

- develop long range plans for large projects, such as replacement or addition of apparatus and buildings, and convey those plans to the Territory Board for action.
- assign apparatus or other equipment to the departments in such a way that best utilizes the equipment. Apparatus and equipment, purchased by the territory, may also be reallocated by Central Command as situations change.
- resolve issues that arise when the bylaws or SOGs of one department conflict with those of another member department and those issues adversely affect safe and efficient operations.

work to see that members of all three departments are receiving the same quality of training. Joint training will be encouraged. Firefighters may have various levels of training based on their abilities and the amount of time they have to volunteer but all firefighters must attain any minimum levels set by the State of Indiana.

Tippecanoe, Washington and Sheffield Volunteers Organizations will be free to continue having their own fund raisers, maintain their own funds and make purchases from those funds that benefit their volunteer fire departments.

The territory board will select a chairman who will communicate official territory business to Central Command. Central Command will have a chairman, with the chairmanship rotating thru the 3 chiefs on a 1 year term. The Central Command chairman will communicate official business to the territory board chairman.

Tippecanoe Township is established as the provider unit and will be responsible for the duties of the provider unit as established in IC 36-8-19, which includes the formulation of the annual budget for the territory. The participating units will provide annual budget estimates and territory board will resolve a final budget.

Modification of these guidelines can be adopted by resolution of the participating units.

Adopted 03/28/14 by North East Tippecanoe Fire Territory

RESOLUTION FOR THE TOWN OF BATTLE GROUND

Whereas, the Council has decided the Town Hall should be a nonsmoking building for all purposes, upon passage of this resolution it shall become a nonsmoking building.

Passed this 5 day of June , 1995.

Donald D. McKee

ATTEST:
Geraldine Berghoff
Geraldine Berghoff

Marie McCoy

Stan Cunningham

David L. Ferringer

Steven C. Egly

GENERAL ORDINANCE 05-436

Drug Free Workplace

Section 1 Overview

WHEREAS, the Town of Battle Ground, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the Town and its employees. Since the Town of Battle Ground values each employee, the Town offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2 Policy

WHEREAS, the Town of Battle Ground requires all employees to 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.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. 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 Ordinance 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.

Section 3 Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.111308.15) and prescription controlled substance which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on County premises (including vehicles used for Town business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4 Alcohol

The use of alcohol on the job or on Town premises is prohibited, unless such use is non-abusive and is part ot an authorized official event held off Town premises. The use of alcohol in vehicles used for Town business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are

not allowed on the job or on Town premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for Town business is never authorized.

Section 5 Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the Town under a criminal drug statute for violations occurring on or off Town premises when conducting Town business. Report of a conviction must be made to the Town within five (5) business days after the conviction. The Town will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the Town will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the Countys reputation and image

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

Section 6 Employee Rehabilitation

Health maintenance is primarily a personal responsibility and it is the individuals responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the Town will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to not a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other Town policies or job requirements.

Any employee identified through a Town investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

Section 7 Testing

The Town of Battle Ground, Indiana will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

1 When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.

2 During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the Town.

3 When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the Town. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the Town. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

Certification of Adoption

It is hereby certified that this Ordinance Number 05-436 was passed by the Town Council of the Town of Battle Ground, Indiana, at its legally convened meeting of June 13 , 2005

Carolyn Roth
Carolyn Roth, Town Council President

Attested By:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

GENERAL ORDINANCE 05-437

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 Battle Ground, Indiana, AS FOLLOWS:

Section 1 Policy Statement

It shall be the policy of the Town of Battle Ground 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.

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:

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 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. 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 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 229.5-5-1 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 exemption shall apply only to one such sale within any 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 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 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. he has, 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. he has, 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 transaction 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 (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:

A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, 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 of 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 induct 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 modifications, 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, 1998, 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 persons in wheelchairs; and

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

1. an accessible route into and through the dwelling;

2. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

4. 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).

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 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

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 Presidential real estate-related transactions 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 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 Prevent on of Intimidatzon 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 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 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 Indian 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. 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 person (as defined in the state or federal program) or;

b. intended for, and solely occupied by, person 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 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 Battle Ground, Indiana.

B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Battle Ground, 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 Battle Ground, 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 Battle Ground, 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 Battle Ground, Indiana, or the Chief Elected Officials 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 05-437 was passed by the Common Council of the Town of Battle Ground, Indiana, at its legally convened meeting of June 13 , 2005

Carolyn Roth
Carolyn Roth, Council President

6-13-05
Date

Attest By:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Resolution # 08-24

A RESOLUTION TO ADOPT "MOSQUITO CONTROL: ULTRA LOW VOLUME (ULV) BIOMIST SPRAY APPLICATION GUIDELINES, REVISION 1.1" AS THE MOSQUITO POLICY FOR THE TOWN OF BATTLE GROUND, INDIANA.

WHEREAS, the Town Council of the Town of Battle Ground, Indiana, desires to protect the citizens of the Town of Battle Ground from conditions which may exist on land, water and in buildings which attract mosquitoes, and

WHEREAS, these conditions and the mosquitoes they attract are likely to contribute to disease and other health hazards in the community,

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA that:

"Mosquito Control: Ultra Low Volume (ULV) Biomist Spray Application Guidelines, Revision 1.1" (attached hereto) shall be adopted as the Mosquito Misting Policy for the Town of Battle Ground, Indiana.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 10 day of March , 2008.

Attest:

Phyllis Hall **Phyllis Hall - Clerk-Treasurer**

Councilpersons:

Steve Egly
Steve Egly - Council President

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

Karen Pearson
Karen Pearson

Carolyn Roth

Town of Battle Ground

Mosquito Control:
Ultra Low Volume (ULV) Biomist Spray Application Guidelines
Revision 1.1

1. The certified technician and/or licensed Category 8 applicator Public Works Employee will decide when, where and how larviciding and ULV Biomist spraying will be done. The need to conduct larviciding and ULV biomist application may be determined by mosquito trapping (hotspots) and residents' complaints of mosquito activity. The Utility Manager, who is a licensed applicator, may assist the Public Works employee as needed.
2. The designated Public Works employee may inspect, upon permission of the home owner, the surrounding area for mosquito breeding spots. Please give them your full cooperation.
3. ULV Biomist spray application will occur on Thursday nights. If weather conditions prevent the ULV biomist spraying, it will occur the following Monday night.
4. During the course of the summer mosquito season, it may be necessary to spray both Thursday and Monday nights throughout the entire town.
5. When the Tippecanoe County Health Department or White County Health Department have detected West Nile Virus (WNV) in mosquitoes, birds, mammals and/or humans, ULV biomist spraying may be conducted every Thursday and Monday night. The designated Public Works employee will consult with the respective Health Departments to determine the threat level from WNV vector mosquitoes in Battle Ground and Tippecanoe County.
6. When ULV biomist spraying is conducted, the machine will remain on continuously throughout the entire route in town.
7. If you have questions regarding the application of ULV biomist spraying and mosquito control, please contact the Town Hall at 567-2603 to speak with the certified technician and/or licensed pesticide applicator.

BATTLE GROUND TOWN COUNCIL

RESOLUTION *08-27*

WHEREAS, the Town of Battle Ground, Indiana may appoint citizens who are not council members to represent the town on certain boards and commissions; and **WHEREAS,** the Town wishes to reimburse the travel expenses of these appointees when travel is required to represent the town; **BE IT NOW THEREFORE RESOLVED** that the Employee Policies Manual (Revision 1.0) shall be revised as follows:

Under the Section labeled "Employee Benefits", subsection "Non-Employee Travel Reimbursement" will be added: **Non-Employee Travel Reimbursement**

1. Citizens appointed to represent the Town of Battle Ground on boards or commissions will be subject to the requirements and reimbursement of the "Travel Reimbursement" Subsection of this document, with the term "Appointees" replacing the term "Employees" as appropriate.
2. The Town Council must approve non-employee travel outside of Tippecanoe County or where overnight lodging is required before such travel occurs.

Passed on this *10* day of *Nov*, 2008.

Councilpersons:

Steve Egly
Steve Egly - Council President

Carolyn Roth

Brian Brewer
Brian Brewer

Karen Pearson
Karen Pearson

Becky Holladay
Becky Holladay

Attest:

Phyllis Hall
Phyllis Hall Clerk-Treasurer

RESOLUTION TO PROVIDE AN IDENTITY THEFT PREVENTION PROGRAM TO COMPLY WITH FEDERAL REGULATIONS
#09-32

Identity Theft Prevention Program

For

Battle Ground Sewage Utilities

100 College Street
Battle Ground, Indiana 47920

April 13, 2009

Battle Ground Utilities Identity Theft Prevention Program Pursuant to federal law the Federal Trade Commission (FTC) adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancies and the detection and prevention of identity theft.

This Plan is intended to comply with the FTC by identifying red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

Contact Information:

The Person responsible for this plan is:

Clerk-Treasurer 765-567-2603

The Governing Body Members of the Utility are:
Battle Ground Sewage Department

1. Utility Superintendent
2. Council President

Risk Assessment

Battle Ground Utilities 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. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft:

1. New accounts opened In Person
2. Account information accessed In Person
3. Account information accessed via Telephone (Person)

Detection (Red Flags):

Battle Ground Utilities 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:

1. Photo and physical description do not match appearance of applicant.
2. Other information is inconsistent with information provided by applicant.
3. Other information provided by applicant is inconsistent with information on file.
4. Personal information provided by applicant does not match other sources of information.
5. Information provided is associated with known fraudulent activity. (address or phone number provide is same as that of a fraudulent application)
6. Information commonly associated with fraudulent activity is provided by applicant. (Address that is a mail drop, non-working phone number or associated with answering service/pager)
7. Phone number same as other customer at utility.
8. Customer fails to provide all information requested.
9. Personal information provided is inconsistent with information on file for a customer.
10. Identity theft is reported or discovered.

Response

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 superintendent.

1. Ask applicant for additional documentation
2. Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Clerk-Treasurer.
3. Notify law enforcement: The utility will notify the Battle Ground Police Department at 765-567-2223 of any attempted or actual identity theft.
4. Do not open the account.
5. Close the account.
6. Do not attempt to collect against the account, but notify authorities.

Personal Information Security Procedures Battle Ground Utilities adopts the following security procedures:

1. All new accounts must be opened in person at the Battle Ground Town Hall.
2. Paper documents, files and electronic media containing secure information will be stored in locked file cabinets.
3. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
4. Employees will store files when leaving their work areas.
5. Employees will log off their computer when leaving their work areas.
6. Access to sensitive information will be controlled using passwords. Employees will choose passwords with a mix of letters, numbers and characters. User name and passwords will be different. Passwords will be changed at least monthly.
7. Password will not be shared or posted near workstations.
8. Anti-virus and anti-spy ware programs will be run on individual computers and on servers regularly.
9. When installing new software, vendor-supplied default passwords will be changed.
10. The computer network will have a firewall where the network connects to the Internet.
11. Access to a customer's personal identify information will be limited to employees with a "need to know".
12. Paper records will be shredded before being placed into the trash.

Periodic Updating of Program

Battle Ground Utilities will monitor identity theft schemes reported on the internet, and in the mainstream media such as radio and television, in order to continually reevaluate the appropriateness and adequacy of its Theft Prevention Program.

Identity Theft Prevention Program Review and Approval This plan has been reviewed and adopted by the Battle Ground Town Council. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

Sigatures:

Becky Holladay
Council President

A report will be prepared and submitted to the superintendent or governing body of any changes that are needed to improve the effectiveness or any oversights of our policies as needed.

ORDINANCE NO. 2012- 499

AN ORDINANCE IMPLEMENTING A NEPOTISM POLICY

WHEREAS, pursuant to Indiana House Enrolled Act No. 1005, effective July 1, 2012, all units of local government must implement and adopt a nepotism policy consistent with the provisions of Indiana Code § 36-1-20.2, *et seq.* and § 36-1-21, *et seq.*; and

WHEREAS, the Indiana Department of Local Government Finance will not approve a local governmental unit's annual budget or any additional appropriations for the ensuing calendar year if such nepotism policy is not implemented by the local governmental unit and the Town Council President does not submit a statement verifying such policy implementation.

THEREFORE, be it ordained by the Council of the Town of Battle Ground, Indiana, as follows:

SECTION 1. Be it ordained by the Council of the Town of Battle Ground, Indiana, as follows:

a. Purpose. Decisions about hiring, promoting, evaluating, awarding salary

increases, job assignment, terminating employees, and the awarding of contracts for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the Town of Battle Ground in a position in which a relative, as defined in this Section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the Town of Battle Ground for goods, services, and public works projects.

b. Definitions.

(1) **Break in Employment.** Termination, retirement, or resignation of an employee from the Town. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated followed by immediate re-employment by the Town without loss of payroll time.

(2) **Town.** The Town of Battle Ground, Indiana and its boards and departments.

(3) **Direct Line of Supervision.** An elected officer or employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and actions taken by

the Town Council regarding the passage of annual salary ordinances, budgets, and personnel policies are excluded from this definition.

(4) **Elected Official.** Town Clerk/Treasurer and members of the Town of Battle Ground Council.

(5) **Employed.** An individual who works for or is appointed to any department or board of the Town on a full-time, part-time, temporary, intermittent, seasonal, hourly, or contractual basis.

(6) **Member of the Police Department.** The police chief and any police officer appointed to the Battle Ground Police Department.

(7) **Relative.** For the purposes of this Section, the term includes any of the following:

(A) Spouse;

(B) Parent or step-parent;

(C) Child or step-child (includes an adopted child);

(D) Sister, brother, step-sister, step-brother (includes sister or brother by half-blood);

(E) Niece or nephew;

(F) Aunt or uncle; and

(G) Daughter-in-law or son-in-law.

c. Employment Policy

Individuals who are relatives, as defined in subsection (b) above, of

(1) existing employees may not be employed by the Town in a position that results in one (1) relative being in the direct line of supervision of the other relative.

(2) An individual who is employed by the Town on July 1, 2012, is not subject to this nepotism policy unless the individual has a break in employment, as defined herein, with the Town.

(3) If an individual is employed by the Town and the individual's relative begins serving a term of elected office, the individual may continue his/her employment with the Town and retain his/her position or rank even if that individual's position or rank would be in the direct line of supervision of the individual's relative.

While an individual who is employed by the Town and the individual's relative begins serving a term of elected office may continue his/her

(4)

employment with the Town, that individual may not be promoted to a position or rank if the new position or rank would place that individual within the direct line of supervision of the individual's relative.

(5) The Town 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/she will not be in the direct line of supervision. *See [I.C. 36-4-6-11] [36-5-2-9.4]*.

(6) The Town Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. § 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. Contracting Policy. The Town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an elected official or a business entity in which a relative has an ownership interest if:

(1) The elected official files with the Town a full disclosure which must be:
  (A) In writing; and
  (B) Describe the contract or purchase to be made by the Town; and
  (C) Describe the relationship the elected official has to the individual or business entity that provides the contract for goods, services or public works projects.
(2) The appropriate Town board or department:
  (A) Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or
  (B) Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.
(3) Town satisfies all other requirements of Indiana's public purchasing (I.C. § 5-22) or public works projects (I.C. § 36-1-12) statutes.
(4) The elected official complies with disclosure provisions of I.C. § 35-44-1-3.

The Town Contracting Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. § 36-1-21, and

(5)

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. Submission of Compliance Statements. In addition to any other disclosures or certifications required by this Section, the following actions must be taken:

(1) The annual report filed by the Town with the State Board of Accounts under I.C. § 5-11-13-1 must include a Town Council President's statement that the Town has implemented a nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

(2) Prior to December 31st of each year, each elected officer shall submit to the Town Council President a certification in writing, subject to the penalties of perjury, that said officer has not violated the provisions of the Town's nepotism policy with regard to employment matters and the contracting for the procurement of goods and services.

SECTION 2. All existing employment policies, employee handbooks, and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby modified and amended accordingly.

WHEREAS, an emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect on July 1, 2012, from and after its passage by the Common Council of the Town of Battle Ground Indiana and its approval by the Town Council President and publication as required by law.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

21 day of

June , 2012.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly
Steve Egly, Presiding Officer

ATTEST:

Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Becky Holladay
Becky Holladay

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

21 day of

June , 2012.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly
Steve Egly, Presiding Officer

ATTEST:

Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Becky Holladay
Becky Holladay

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

RESOLUTION 12-52

A Resolution of the Town Council of the Town of Battle Ground, Indiana to Adopt an Americans with Disabilities Act Transition Plan for the Town of Battle Ground, Indiana

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 Federal government enacted the Americans with Disabillities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and **WHEREAS,** Title II of the ADA requires that municipalities inventory all programs and facilities for compliance with the ADA and adopt a schedule for compliance, including such information within an ADA Transition Plan; and **WHEREAS,** meeting notices required by IC 36-7-4-507 and public comment periods required by Title II of the ADA were complied with and meetings held and Plans posted for comment.

NOW, THEREFORE, BE IT RESOLVED by the **Town Council of the Town of Battle Ground, Indiana:**

The Town of Battle Ground hereby adopts an ADA Transition Plan with all necessary parts and information.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 10th day of December , 2012.

Steven C. Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Becky Holladay

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 10th day of December , 2012.

Steven C. Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

RESOLUTION 12-51

A Resolution of the Town Council of the Town of Battle Ground, Indiana
Adopting the Americans with Disabilities Act (ADA) ADA Coordinator and
Procedures

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, in compliance with Title II of the ADA the **Town of Battle Ground** shall name an ADA Coordinator; and

WHEREAS, in compliance with Title II of the ADA the **Town of Battle Ground** shall 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 Battle Ground** shall publish notice to the public regarding the ADA;

WHEREAS, in compliance with Title II of the ADA the **Town of Battle Ground** shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

NOW, THEREFORE, BE IT RESOLVED by the **Town Council of the Town of Battle Ground, Indiana:**

The Assistant Street Supervisor, Keith Rausch, is designated as the ADA Coordinator for the County.

The Notice under the Americans with Disabilities Act, a copy of which is posted to the Town's website, is adopted as the **Town of Battle Ground** Notice under the Americans with Disabilities Act.

The **Town of Battle Ground** ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the **Town of Battle Ground.**

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 Americans with Disabilities Act, and **Town of Battle Ground** Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this *10th* day of *December*, 2012.

Steven C. Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this *10th* day of *December*, 2012.

Steven C. Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

Non-discrimination Notice

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **Town of Battle Ground** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **Town of Battle Ground** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The **Town of Battle Ground** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **Town of Battle Ground** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **Town of Battle Ground** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **Town of Battle Ground** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **Town of Battle Ground**, should contact the office of Keith Rausch, ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **Town of Battle Ground** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the **Town of Battle Ground** is not accessible to persons with disabilities should be directed to Keith Rausch, (765) 567-4002.

The **Town of Battle Ground** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Grievance Procedure under The Americans with Disabilities Act
Town of Battle Ground, Indiana

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Town of Battle Ground**. The **Town of Battle Ground** Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 6o calendar days after the alleged violation to:

Keith Rausch
ADA Coordinator (& Asst. Street Supervisor)
100 College Street
Battle Ground, IN 47920
(765) 567-4002

Within 15 calendar days after receipt of the complaint, ***Keith Rausch*** or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, ***Keith Rausch*** or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **Town of Battle Ground** and offer options for substantive resolution of the complaint.

If the response by ***Keith Rausch*** or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the ***Town Council*** or its designee.

Within 15 calendar days after receipt of the appeal, the ***Town Council*** or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ***Town Council*** or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by ***Keith Rausch*** or his designee, appeals to the ***Town Council*** or its designee, and responses from these two offices will be retained by the **Town of Battle Ground** for at least three years.

+/- #12-51R: ADA Grievance Form

RESOLUTION 12-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA)

ACCESSIBILITY GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN AND GUIDELINES FOR PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY

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, Title II of the ADA requires that municipalities adopt the Americans with Disabilities Standards for Accessible Design (ADAAG) that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-ofWay (PROWAG) that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for Accessible Design (ADAAG) and the Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) in 2010 and 2011, respectively; and

WHEREAS, the Town of Battle Ground remains committed to the ADA and the elimination of barriers to public facilities; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Battle Ground hereby adopts the 2010 Americans with Disabilities (ADA) Standards for Accessible Design (ADAAG) and the 2011 Guidelines for Pedestrian Facilities in the Public Rightof-Way (PROWAG) and will adhere to any subsequent revisions.

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 10th day of December , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED and ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 10th day of December , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Phyllis Hall
Becky Holladay
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

Ordinance No. 14-521

Procedure for Permitting Street Cuts within the Town of Battle Ground, Indiana

WHEREAS, the town of Battle Ground is responsible for the upkeep, maintenance, and condition of streets and alleyways within the Town, with the exception of State Road 225, and **WHEREAS,** these streets must occasionally be cut to repair sub-surface utilities, and **WHEREAS,** a procedure is needed to insure that streets are repaired to the satisfaction of the Town of Battle Ground, **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Battle Ground, Indiana, that:

Section 1: A procedure shall be created for controlling cutting, sawing, boring, or other penetration of streets and alleyways within the Town of Battle Ground. All street or alleyway surface disturbances by any party *other than* the Town of Battle Ground Street Department shall require a "Street Cut Permit".

Section 2: The "Street Cut Permit" (attached), allowing the party wishing to disturb the street or alleyway surface to proceed with work, may be obtained at the Battle Ground Town offices, 100 College Street, Battle Ground, Indiana during office hours. If the work must begin at a time when the office is not open, the permit must be obtained within 24 hours of the next opening of the Town offices.

Section 3: All portions of the "Street Cut Permit" must be completed to the satisfaction of the Battle Ground Street Superintendent (or Supervisor) and the Battle Ground Clerk-Treasurer. The $50. (Fifty dollar) Inspection Fee must be paid at the time of application for the permit. Failure to obtain the necessary permit or abide by the regulations therein will result in a fine of up to $1,000.00 (One Thousand Dollars) per offense.

Section 4: If a water leak is detected under the surface of a Battle Ground street or alleyway, repair work must begin within 24 hours of detection and/or notification of the Water Conservancy and/or Water Superintendent.

Section 5: Each separate incident requires a new Street Cut Permit. A single permit will cover coincident holes or openings related to the same utility issue, in the same area, and opened at nearly the same time.

Section 6: This ordinance replaces and repeals Ordinance No. 13-506, adopted on April 8, 2013.

Section 7: This ordinance shall be in full force and effective upon passage and publication as required by Indiana Code.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana, on first reading this 10th day of March , 2014.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

Joe Bird
Mike Bird

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana, on second reading this _____ day of _____, 2014.

_____
Steve Egly, Presiding Officer

_____
Brian Brewer

ATTEST:

_____
Becky Holladay

_____
Phyllis Hall, Clerk-Treasurer

_____
Karen Pearson

_____
Mike Bird

Town of Battle Ground
Street Cut Permit

This permit is required of all parties wishing to cut, saw, bore or otherwise disturb street or alleyway surfaces within the Town of Battle Ground, Indiana. Failure to obtain this permit, or abide by the contained regulations, will result in a fine of up to $1,000.00 (One Thousand Dollars) per offense.

APPLICANT: _____ DATE: _____

ADDRESS: _____

PHONE: _____

LOCATION OF CUT: _____

REASON FOR STREET/ALLEYWAY CUT:

_____

_____

ALL THE FOLLOWING MUST BE PROVIDED:

MAINTENANCE BOND ($5,000.) POSTED? YES / NO
AGREEMENT TO HOLD TOWN HARMLESS? YES / NO
PERMIT FEE ($50. (Fifty Dollars)) PAID? YES / NO
STREET SUPERVISOR NOTIFIED BEFORE STREET CUT? YES / NO
INSPECTION AND APPROVAL BEFORE BACKFILL (*)? YES / NO
INSPECTION AND APPROVAL BEFORE PATCHING? YES / NO
INSPECTION AND APPROVAL BEFORE FINAL SURFACING (*)? YES / NO
FINAL SURFACING ACCEPTED (*)? YES / NO
BOND RELEASED? YES / NO
DATE CLOSED: _____

(*) - IN THE ABSENSE OF A SPECIFICATION STATING OTHERWISE, ALL BACKFILL MATERIAL MUST BE CLEAN, STRUCTURAL FILL. FINAL SURFACE DEPTH MUST MEET OR EXCEED DEPTH OF SURFACE AT EDGES OF CUT. THE INSPECTOR MAY REQUIRE THAT HOLES BE “SQUARED” BEFORE PROCEEDING WITH BACKFILL.

Resolution No. 13-56

Credit Card Policy for the Town of Battle Ground, Indiana

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, **NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Battle Ground, Indiana, that:

Section 1: The Town of Battle Ground authorizes the Battle Ground 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 authorized service has been provided and is appropriate in usual business circumstances.

Section 2: 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 Battle Ground 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.

Section 3: 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.

Section 4: 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.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on this 13th day of May , 2013.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay

Phyllis Hall
Becky Holladay

Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

RESOLUTION 2014-59

A RESOLUTION OPPOSING THE DEVELOPMENT OF A LIMESTONE QUARRY NEAR AMERICUS, INDIANA

WHEREAS, Rogers Group has plans to develop a limestone quarry along the Wabash River, near the town of Americus, Indiana; and WHEREAS, citizens from the Americus area have expressed concerns about the potential impacts on their well-being; and WHEREAS, the quarry would have potential environmental impacts on the Wabash River which, in turn, could impact the Battle Ground area and/or Prophetstown State Park; and WHEREAS, the quarry would impact the safety and serenity of old State Road 25, NOW THEREFORE be it resolved by the Town Council of the Town of Battle Ground, Indiana that: We are opposed to development of a limestone quarry in this area as proposed by the Rogers Group and believe the potential environmental impacts outweigh commercial interests.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana, on this 11th day of August , 2014.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

Joe Bird
Mike Bird

ORDINANCE NO. 129

An ordinance to provide the duties of the Town Employee or Employees, including water commissioner, street commissioner and Town Marshal.

BE IT HEREBY ORDAINED THAT THE FOLLOWING REGULATIONS BE MET:

SECTION I. DUTIES OF WATER COMMISSIONER:

1. KEEP PUMP STATIONS & AUTOMATIC SYSTEMS IN ORDER AT ALL TIMES.
    1. CHART WATER CONSUMPTION ON DAILY BASIS FOR STATE REGULATION ON CHLORINE.
2. CHART WATER CONSUMPTION ON A MONTHLY BASIS AND GIVE TO TOWN CLERK FOR RECORD.
3. REPAIR BREAKS IN LINES AS NEEDED & REPORT ANY & ALL EMERGENCIES TO HEAD OF TOWN BOARD AS SOON AS POSSIBLE.
4. KEEP WATER METERS IN WORKING ORDER AT ALL TIMES & PLAN TO HAVE AT LEAST SIX (6) SPARE METERS ON HAND FOR SERVICE AT ALL TIMES.
5. TURN WATER OFF & ON WHEN ASKED BY TOWN CLERK OR HEAD OF TOWN BOARD BECAUSE OF THE FOLLOWING REASONS:
    1. MOVING OUT OF HOUSE
    2. MOVING INTO HOUSE
    3. FAILING TO PAY WATER BILL & OR PENALTY
    4. BEING DESTRUCTIVE TO WATER WORKS PROPERTY
6. FLUSH ALL WATER MAINS THRU FIRE HYDRANTS AT LEAST SIX (6) TIMES PER YEAR. EVERY TWO (2) MONTHS OR MORE IF NEEDED.
7. SEND IN WATER SAMPLES ONCE A WEEK TO BOARD OF HEALTH.
8. CLEAN & PAINT ALL FIRE HYDRANTS, ONCE A YEAR.
9. TURN IN A WEEKLY REPORT ON CHLORINE TEST OR AS REQUIRED BY LAW.
10. READ ALL WATER METERS 15TH & 16TH OF EACH MONTH IF WEATHER PERMITS.
11. RETURN ALL WATER METER BOOKS TO CLERK- TREASURER AS SOON AS METERS ARE READ. NO LATER THAN 20TH OF EACH MONTH.
12. KEEP TOWN BOARD NOTIFIED OF CONDITION OF EQUIPMENT EACH MONTH.
13. PERFORM ANY OTHER DUTIES PERTAINING TO WATER WORKS THAT THE TOWN BOARD DEEM NECESSARY.
14. TOWN EMPLOYEE IS URGED TO SUGGEST ANY & ALL IMPROVEMENTS.

SECTION II. DUTIES OF STREET COMMISSIONER:

1. KEEP STREETS PATCHED, NEEDS ONE (1) HELPER.
2. CLEAN CURBS & STREETS AS NEEDED, INCLUDING CATCH BASINS.
3. CHECK & REMOVE DEBRIS FROM STREETS & ALLEYS FOLLOWING STORMS.
4. MOW & SPRAY TO KILL WEEDS AS NEEDED.
5. NOTICE & KEEP ALL STREET SIGNS IN ORDER & PAINT AS NEEDED.
6. PAINT PARKING & NO PARKING AREAS ONCE A YEAR & MORE IF NEEDED.
7. KEEP MAIN BUSINESS AREA CLEAN FOR CUSTOMERS & VISITORS.
8. KEEP MACHINERY & EQUIPMENT CLEANED UP & IN WORKING ORDER & ALWAYS

REPORT ANY MAJOR PROBLEMS OR EXPENSES TO HEAD OF BOARD, SO THEY CAN BE DISCUSSED AS TO WHAT MOVE SHOULD BE MADE TO CORRECT IT.

9. ASSESS SIDEWALK SITUATION & NOTIFY BOARD IN WRITING: THEY IN TURN WILL NOTIFY PROPERTY OWNER OF NEEDED REPAIR AND THEIR LIABILITY OF SAME.
    1. CHECK STREET LIGHTING & NOTIFY TIPMONT R. E. M. C. OF ANY REPAIRS NEEDED.
10. ASSESS ANY OTHER WORK IN WRITING THE CHAIRMAN OF THE BOARD SO DESIRES.
11. TOWN EMPLOYEE IS URGED TO SUGGEST ANY & ALL IMPROVEMENTS.

SECTION III. DUTIES OF TOWN MARSHAL:

1. PATROLLING AREAS UNDER ORDINARY CONDITIONS:
    1. PATROL NORTH OUT RD. 225 TO GEORGE THOMAS RESIDENCE.
    2. PATROL SOUTH OUT RD. 225 TO SWISHER RD.
    3. PATROL EAST TO BATTLE GROUND CEMETERY.
    4. PATROL SOUTH ON NINTH ST. RD. SOUTH END OF BATTLE FIELD.
    5. PATROL WEST TO PROPHETS ROCK.
    6. PATROL TO END OF BLACKTOP ON JEFFERSON STREET AT CITY LIMITS.
    7. IN A CASE OF EMERGENCY OR IN PURSUIT, YOU MAY GO BEYOND THESE BOUNDARIES: AND ALSO RUN ERRANDS BY PERMISSION OF TOWN BOARD.
2. CHECK OUT BUSINESS BUILDINGS & PUBLIC BUILDINGS AT NIGHT.
3. YOU HAVE POWER TO ENFORCE THE DOG ORDINANCE & ALL OTHER CITY ORDINANCES.
4. CROSSING DUTIES DURING SCHOOL.
5. KEEP LOG ON HOURS MARSHALLING.
6. TRY TO SCHEDULE VACATION TO COINCIDE WITH WORK LOAD OF CITY & NOTIFY BOARD PRESIDENT ONE MONTH IN ADVANCE IF POSSIBLE.
7. PROVIDING YOU HAVE NOTIFIED THE HEAD OF TOWN BOARD, IN CASE OF WORKING EMERGENCIES AT NIGHT, YOU MAY COMPENSATE REST BY NOT WORKING EQUAL AMOUNT OF HOURS THE FOLLOWING DAY.

SECTION IV. BE IT HEREBY ORDAINED THAT ANY & ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE BY HEREBY REPEALED.

SECTION V. NOTICE IS HEREBY GIVEN THAT THIS ORDINANCE SHALL GO INTO EFFECT IMMEDIATELY UPON FINAL APPROVAL BY THE BOARD OF TRUSTEES.

ADOPTED THIS 8th DAY OF April , 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK-TREASURER

ATTESTED TO THIS 8th DAY OF April , 1971.

ORDINANCE # 198

BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF BATTLE GROUND, INDIANA THAT:

The Board of Trustees shall be empowered to make any expenditures and appropriations reasonable and necessary, including travel expenses, for the Town or its Agents to become a member or participate or be certified in any organizations.

APPROVED this 2nd day of August , 1982.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE ### 227

AN ORDINANCE FIXING A MILEAGE RATE FOR ACTUAL MILES TRAVELED IN AN EMPLOYEES, ELECTED OFFICIALS, OR AN APPOINTED COMMITTEE MEMBERS VEHICLE ON PROPER AND OFFICIAL BUSINESS FOR THE TOWN OF BATTLE GROUND, INDIANA.

WHEREAS: it is necessary for Town officials and employees to use their personal automobiles while performing Town business and attending meetings of benefit to the Town, and . . .

WHEREAS: the Federal IRS allows 20.5 cents per mile as an allowable amount not to be taxed as income on Federal Tax Returns

NOW THEREFORE BE IT ORDAINED, that reimbursement shall not exceed the amount that is allowable on Federal Tax Returns without becoming income. The amount shall be the maximum allowable without becoming income on the tax forms which is currently 20.5 cents per mile. This figure will be adjusted without amendment to concur with tax allowable maximums. Effective April 1, 1985.

This ordinance replaces and repeals ordinance #124 passed August 4th, 1969. Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

APPROVED THIS THE 3rd DAY OF June 1985.

Hugh Ralstin
Presiding Officer

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

Dennis W Pettit
Trustee

Daniel T. Kelly
Trustee

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

[Editor's Note: There is a photocopy of a relevant article attached to this ordinance. Due to potential copyright issues, the attachment is not included here. Please see the original Battle Ground Ordinance

Book for details.]

Resolution # 08-23

A RESOLUTION TO ADOPT "EMPLOYEE POLICIES MANUAL, REVISION 1.0" AS THE EMPLOYEE POLICIES AND PROCEDURES FOR THE TOWN OF BATTLE GROUND, INDIANA.

WHEREAS, the Town Council of the Town of Battle Ground, Indiana, desires to provide documented policies and procedures for all town employees, and

WHEREAS, the current Policies and Procedures Manual has become outdated,

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA that:

"Employee Policies Manual, Revision 1.0" (attached hereto) shall be adopted as the employee policies and procedures manual for the Town of Battle Ground, Indiana.

BE IT ALSO RESOLVED that:

All employees of the Town of Battle Ground shall be provided their own copy of the "EMPLOYEE POLICIES MANUAL, REVISION 1.0".

Each employee should sign a form indicating that:

1. The employee has received a copy of the manual, and
2. The employee understands the manual and that his/her questions have been answered.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 10 day of March , 2008.

Attest:

Phyllis Hall
Phyllis Hall - Clerk-Treasurer

Councilpersons:

Steve Egly
Steve Egly - Council President

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

Karen Pearson
Karen Pearson

Carolyn Roth

Resolution 10-45

A RESOLUTION TO CLARIFY THE COMPENSATION TIME DEFINITION DURING PERIODS WITH PAID HOLIDAYS

Whereas, the "Employee Policies Manual", adopted by Resolution 08-23 on March 10, 2008, describes Overtime Compensation and the criteria for receiving compensation time; and

Whereas, the council wishes to clarify the definition relative to paid holidays,

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA that:

The first paragraph of the "Overtime Compensation" section, as amended by Resolution 09-34 (11/09/2009), which currently reads as:

"Nonexempt salaried (hourly) employees will accumulate compensation pay at the rate of one and one-half times their regular hourly rate of pay for all time in excess of 40 hours in any one workweek. Time worked (during snow emergencies) and town approved paid holidays will count toward the 40 hour threshold. Personal time off, such as vacation, sick leave, or personal days will not count toward the 40 hour threshold."

Shall be replaced by the following paragraph:

"Nonexempt salaried (hourly) employees will accumulate compensation pay at the rate of one and one-half times their regular hourly rate of pay for all time in excess of 40 hours in any one workweek."

This modification shall be retroactive to November 1, 2010.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 13 day of December , 2010

BATTLE GROUND COUNCILPERSONS

Becky Holladay Becky Holladay, Council President

Brian Brewer

Steve Egly
Steve Egly

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Ordinance *11-490*

AN ORDINANCE REVISING THE EMPLOYEE POLICIES MANUAL TO ALLOW FOR PAY-DOWN OF ACCUMULATED COMPENSATION AND VACATION TIME

WHEREAS, the Battle Ground Town Council wishes to have the flexibility to pay-down accumulated compensation and vacation time, and WHEREAS, the "Employee Policies Manual" covers Vacation and Compensation Time arrangements, NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA that:

1. The following paragraph shall be added to the "Vacation" section of the "Employee Policies Manual": "The Battle Ground Town Council may elect to pay-down accumulated vacation time by adopting a resolution for such purpose that specifies the process."

2. The following paragraph shall be added to the "Overtime Compensation" section of the "Employee Policies Manual": "The Battle Ground Town Council may elect to pay-down accumulated compensation time by adopting a resolution for such purpose that specifies the process."

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this *29* DAY OF *March*, 2011.

BATTLE GROUND COUNCILPERSONS

Becky Holladay
Becky Holladay, Council President

Brian Brewer

Steve Egly
Steve Egly

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Resolution 11-46

A RESOLUTION PROVIDING FOR A TEMPORARY PAY-DOWN OF ACCUMULATED COMPENSATION TIME

Employees may elect to be paid up to ten (10) hours of accumulated compensation time per week until:

A. the employee's accumulated compensation time is reduced to zero (0) hours, or
B. the employee requests that weekly pay-down be discontinued, or
C. the Town Council decides to discontinue the pay-down operation.

If an employee wishes to participate in this pay-down operation, they must specify in writing how many hours they are requesting per week - up to a maximum of ten (10). During the pay-down operation, the employee may make written request to adjust the pay-down amount only once.

An employee who participates in the pay-down operation may make a written request to discontinue participation. Once an employee has discontinued pay-down, they may not reinitiate participation.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 29 day of March , 2011.

BATTLE GROUND COUNCILPERSONS

Karen Pearson
Becky Holladay
Karen Pearson
Becky Holladay, Council President

Carolyn Roth
Carolyn Roth
Brian Brewer

ATTEST:

Steve Egly
Steve Egly

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE # 2016-541

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA INCLUDING ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS
FOR THE YEAR 2016

SECTION I: The Clerk-Treasurer shall receive **$538.86** weekly ($23.20/hr) and will be paid equally from the Sewage and General Funds. ....

SECTION II. The Deputy Clerk-Treasurer shall receive **$239.80** weekly (11.99/hr) and will be paid from the Sewage Funds.

SECTION III: Town Marshal shall receive an hourly rate of **$ 20.62**
#1 Deputy shall receive an hourly rate of **$ 18.00**
#2 Deputy shall receive an hourly rate of **$ 14.54**
#3 Deputy shall receive an hourly rate of **$ 17.50**
#4 Crossing guard shall receive **$ 13.77** per time crossing is covered.
#5 IDACS Coordinator shall receive **$ 12.50-** per hour
Total salary for Section III is not to exceed **$102,000** and will be paid from the General Fund.

SECTION IV: Street Supervisor shall receive a weekly check for **$761.66** ($19.04/hr) to be paid equally from the MVH and Sewage Funds.

SECTION V: Utility/Street Laborer shall receive a weekly check for **$645.60** ($16.14/hr) to be paid equally from the MVH and Sewage Funds.

SECTION VII: Budget for part time help will be **$1000** and will be paid from the Department they are working for.

SECTION VIII: The Council Members are also the Sewage Utility Board and shall be paid **$1,600** from the General Fund and **$1,600** from the Sewage Fund, and shall be paid quarterly. The Council Member who serves as President and/or Area Plan Representative will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund.
Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their category for said year.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees except for the **$12.00** per week which will be paid from each insured employee. The employees shall also be responsible for **1/4** of the cost of their dependent's medical insurance.

SECTION X: A clothing allowance of **$300** for the Street Supervisor/Utility Labor and **$300** for Street/Utility Labor will be provided to cover cost of work clothing and steel-toed boots for the year. Cleaning of clothing will be done by employees. The General, MVH and Sewage Department Funds will provide all protective equipment needed. Unused clothing allowance from any employee will be rolled over into their next years clothing allowance.

SECTION XI: Vacation/sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.
Two weeks paid vacation/sick leave after one year worked.
Three weeks paid vacation/sick leave after two years worked.
Four weeks paid vacation/sick leave after 20 years worked
Any employee with vacation left at the time of their anniversary date, that remaining vacation amount will be paid to the employee.

SECTION XII: The following holidays will be paid for all full-time salaried employees:
New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and the day after, Christmas Eve and Christmas Day. Election Day and the Primary will be observed in the year there is an election. When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday. When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Bonuses may be given to the full time employees up to $70 at the discretion of the council.

SECTION IX: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 11TH DAY OF JANUARY, 2016.

BATTLE GROUND COUNCILPERSONS

Steve Egly
STEVE EGLY, COUNCIL PRESIDENT

Joe Bird
JOSEPH BIRD

ATTEST:

Georgia Jones
GEORGIA JONES, CLERK—TREASURER

Greg Jones
GREG JONES

J B Miller
J.B. MILLER

Greg Schroeder
GREG SCHROEDER

ORDINANCE NO. 166

AN ORDINANCE ESTABLISHING THE POSITION OF DEPUTY MARSHAL FOR THE TOWN OF BATTLE GROUND.

WHEREAS, Indiana Code 18-3-1-32 authorizes the Board of Trustees of any town to adopt ordinances for the establishment of the position of Marshal or Deputy Marshal in their respective jurisdictions; and WHEREAS, the Town of Battle Ground is desirous of adopting an ordinance establishing the position of Deputy Marshal for said Town of Battle Ground.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, that the following shall constitute the ordinance establishing the position of Deputy Marshal to the Town of Battle Ground.

SECTION 1. APPOINTMENT.

The Deputy Marshal shall be duly appointed by the Town Marshal subject to the approval of the Board of Trustees of the Town of Battle Ground.

SECTION 2. POWERS AND DUTIES.

The Deputy Marshal shall possess all common law and statutory powers of constables, except in relation to the service of civil process; and the Deputy Marshal may execute any search or arrest subject to the laws of the State of Indiana governing arrest and bail. The Deputy Marshal's powers will be guided and conditioned upon all applicable statutes of the State of Indiana including but not limited to Indiana Code 18-3-1-32.

SECTION 3. SEVERABILITY CLAUSE.

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS THE 1st DAY OF October , 1979.

DF J Dave Fisher
Presiding Officer

HR Hugh G. Ralstin
Trustee

DM Donald D. McKee
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE ORDINANCE NO. 166 WAS POSTED SEPTEMBER 21, 1979, IN ALL WARDS AS STATED BELOW:
WARD #1 S W CORNER TIPTON & COLLEGE STREETS.
WARD #2 S E CORNER WINANS & NORTH STREETS.
WARD #3 MAIN STREET AT LIONS BUILDING.
WARD #4 SOUTH SIDE OF JEFFERSON STREET AT HIGH SCHOOL AVENUE.
WARD #5 N W CORNER MAIN AT LIBERTY STREET.

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 171

AN ORDINANCE SETTING FORTH RULES AND REGULATIONS FOR THE MARSHAL, DEPUTY MARSHAL AND RESERVES FOR THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND TAKES PRECEDENCE OVER ANY PREVIOUS ORDINANCES WHICH REGULATE THEIR DUTIES AND RESPONSIBILITIES.

Whereas, the attached rules and regulations meet State and Federal standards and codes,

Whereas, they are a just set of standards and guidelines for dress, responsibility, and authority,

Whereas, a need for a set of guidelines exists,

THEREFORE BE IT ORDAINED ON THE 2ND DAY OF JUNE, 1980, BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee - Melvin Swisher

Trustee - Marilyn Jo Adams

Attest:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE #260

AN ORDINANCE TO REPEAL ORDINANCE #162 AND #165 REGULATING POLICE RESERVES.

WHEREAS, Battle Ground Board of Trustees wishes to remove these ordinances from the laws of the Town of Battle Ground, because the Town no longer operates with a reserve system and WHEREAS, the Town Marshal no longer wishes to keep the reserve system in operation or on the books of the town, NOW THEREFORE BE IT ORDAINED, that Ordinances #162 & #165 are hereby repealed and are no longer in effect.

ADOPTED by Battle Ground Board of Trustees on this 5th day of June, 1988.

_____

_____

_____

_____

_____

ATTEST:

_____
Clerk-Treasurer

ORDINANCE NO. 130

AN ORDINANCE AMENDING SECTION 2 OF TOWN ORDINANCE NO. 111 RELATING TO THE REGISTRATION OF VOTERS FOR TOWN ELECTIONS IN THE TOWN OF BATTLE GROUND, INDIANA.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. SECTION 2 OF TOWN ORDINANCE NO. 111 BE AND IS HEREBY AMENDED TO READ IN WORDS AND FIGURES AS FOLLOWS, TO-WIT:

NO RESIDENT OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, SHALL BE ENTITLED TO REGISTER AS A VOTER IN ANY TOWN ELECTION IN BATTLE GROUND UNLESS HE IS A CITIZEN OF THE UNITED STATES, AT LEAST 18 YEARS OF AGE AND SHALL HAVE BEEN A RESIDENT OF INDIANA SIX (6) MONTHS, OF TIPPECANOE TOWNSHIP SIXTY (60) DAYS AND OF THE PRECINCT OF HIS RESIDENCE IN THE TOWN, THIRTY (30) DAYS IMMEDIATELY PRECEDING THE ELECTION.

SECTION 2. AN EMERGENCY IS HEREBY DECLARED AND THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND ADOPTION.

SECTION 3. ANY ORDINANCE OR PART OF AN ORDINANCE IN CONFLICT HEREWITH IS HEREBY REPEALED.

PASSED AND ADOPTED THIS 13TH DAY OF SEPTEMBER, 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

Anne Herr
TRUSTEE

ATTESTED TO THIS 13TH DAY OF SEPTEMBER, 1971.

Laurlene Lewis
CLERK-TREASURER

ORDINANCE #207

AN ORDINANCE REGULATING THE ELECTION OF TOWN BOARD OF TRUSTEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, IN., THAT:

SECTION I: The elective officers of the Town of Battle Ground shall be one (1) trustee from each ward and a clerk-treasurer for the town at large. Each trustee must reside in the ward from which he runs, and will be elected by the vote of the voters at large. The clerk-treasurer shall be elected at large.

SECTION II: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION III: This Ordinance shall be in full force and effect from and after its passage and signing by the President of the Town of Battle Ground Board of Trustees.

PASSED AND ADOPTED BY THE TOWN OF BATTLE GROUND BOARD OF TRUSTEES, on the 6th day of June, 1983.

Hugh Ralstin President of Board of Trustees

David Samuelson
Trustee

Melvin Swisher
Trustee

Jean Smith
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 2012-502

AN ORDINANCE FIXING THE ELECTION DISTRICTS AND TOWN WARDS

BE IT ORDAINED by the Town Council of the Town of Battle Ground., Indiana as follows:

Sec. I. ELECTION DISTRICTS AND TOWN WARDS

Ward Areas. The Town of Battle Ground, Indiana, pursuant to I.C. 36-5-2-4.1, is hereby divided into the following election districts and wards, containing the following census blocks.

WARD 1. Block Numbers	3029, 3030, 5001, 5008, 5009, 5010, 5018, 5020
WARD 2. Block Numbers	3034, 3035, 3036, 3037 3040, 3042, 5004, 5011 5012, 5013, 5014, 5015 5016, 5017, 5019, 5026
WARD 3. Block Numbers	4023, 4025, 4031, 4032 4033, 4046, 4047, 4048 4053, 4061, 4069, 4070 4071, 5021, 5022, 5023 5024, 5025, 5027, 5028 5029, 5030, 5031, 5032 5033
WARD 4. Block Numbers	1039, 1040, 1041, 4026 4027, 4035, 4037, 4045 4052, 4065, 4067, 4068
WARD 5. Block Numbers	4012, 4017, 4018, 4034 4036, 4038, 4039, 4040 4041, 4042, 4043, 4044 4055, 4056, 4057

Ward map. A map of the ward boundaries as above set forth is incorporated by reference hereby, and a copy of same is on file with the Town Clerk.

Election of Town Council members. One member of the Town Council shall be elected from each ward by voters of the whole Town.

Sec. II. Seat 1 of the Town Council shall be elected from Ward 1, Seat 2 shall be elected from Ward 2, Seat 3 shall be elected from Ward 3, Seat 4 shall be elected from Ward 4 and Seat 5 shall he elected from Ward 5.

Sec. III. This ordinance shall be effective on January 1 following its adoption, being January 1, 2013.

Sec. IV. All Ordinances or Resolutions in conflict with this ordinance, specifically Ordinance No. 02-406, are hereby repealed.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 12 day of November , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Phyllis Hall
Becky Holladay
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 10 day of December , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Phyllis Hall
Becky Holladay
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

ORDINANCE NO. 157

ORDINANCE FOR THE ESTABLISHMENT OF BATTLE GROUND CONSERVANCY DISTRICT. AN ORDINANCE ESTABLISHING THE TOWN OF BATTLE GROUND AS A CONSERVANCY DISTRICT, PURSUANT TO INDIANA CODE 19-3-2-(1-106), FOR THE PURPOSE OF PROVIDING WATER SUPPLY, INCLUDING TREATMENT AND DISTRIBUTION FOR DOMESTIC, INDUSTRIAL AND PUBLIC USE.

WHEREAS, Indiana Code 19-3-2-13 empowers cities to file a petition to establish a conservancy district pursuant to an ordinance duly adopted by its legislative body; and

WHEREAS, it would be to the mutual benefit of the citizens who live in the area encompassing the proposed conservancy district to have a safe and reliable water system; and

WHEREAS, it is necessary to establish a conservancy district in order to obtain the means to provide the needed water system;

NOW THEREFORE, BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. That the Town of Battle Ground shall submit a petition to the Circuit Court of Tippecanoe County which shall comply with the requirements as to form and content of Indiana Code 19-3-2-10, for the purpose of establishing the Town of Battle Ground as a conservancy district.

SECTION 2. That the uneven number of directors to serve on the Board of the Conservancy District, said number to be included in the Petition, shall be five (5).

SECTION 3. That the Petition shall be conditioned upon a grant of State Funds from the Department of Natural Resources Flood Control Revolving Fund.

SECTION 4. That the proposed district shall be divided into the following areas: Five (5) areas congruent with the five (5) wards of the Town of Battle Ground.

SECTION 5. That the maintenance and operation of the works of improvement necessary to accomplish the purposes of the conservancy district shall be paid for solely by annual levy of special benefits tax plus revenue plus State or Federal Funds.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS 18th DAY OF APRIL, 1977.

Donald D. McKee
Presiding Officer

J Dave Fisher
Trustee

Del Bolleher
Trustee

Neal E. Ferrs
Trustee

William D. Rogers
Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 157 was posted April 7, 1977, in the Five Wards of the Town of Battle Ground, Tippecanoe County, Indiana, as follows:
WARD #1 S W Corner College & Jewett Sts.
WARD #2 S E Corner North & Winans Sts.
WARD #3 Main Street by Crackerbarrel
WARD #4 S E Corner Sherman & Jefferson Sts.
WARD #5 N W Corner Liberty & Main Sts.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 330 -95

AN ORDINANCE TO INCLUDE RECENTLY ANNEXED AREA IN THE BATTLE GROUND CONSERVANCY DISTRICT

WHEREAS, the Town of Battle Ground is included as a part of the Battle Ground Conservancy District; and

WHEREAS, the municipal boundaries of said town have recently been expanded by annexation to include certain property belonging to the Tippecanoe County Park and Recreation Board of Tippecanoe County the legal description of which is attached hereto and made a part hereof marked Exhibit A; and

WHEREAS, said real estate was not previously included in the Battle Ground Conservancy District; and

WHEREAS, the Town Board of Trustees desires to include said real estate in said district.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT

SECTION 1. Pursuant to I.C. 13-3-3-6 the real estate described on attached Exhibit A is hereby declared to be included in the Battle Ground Conservancy District.

SECTION 2. The attorney for the Town Board of Trustees of the Town of Battle Ground is hereby directed to file all necessary documents and petitions with the Tippecanoe Circuit Court and Indiana Department of Natural Resources pursuant to Indiana law to include said real estate in said Battle Ground Conservancy District.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON AUGUST 7, 1995.

_____
President

_____
Trustee

_____
Trustee

_____
Trustee

_____

Clerk-Treasurer

EXHIBIT A

Auditor Key #'s 124-03600-026 NT
124-03600-050 NT
124-03500-011 NT
124-03900-022 NT

The South East quarter of the South East quarter of Section twenty-two (22), in Township twenty-four (24) North, Range four (4) West, containing thirty nine and ninety five hundredths (39.95) acres.

ALSO twelve and forty-five hundredths (12.45) acres off the entire south end of that portion of the South West quarter of the South West quarter of Section twenty three (23), Township and Range aforesaid, as platted in the County Surveyor's Records of Tippecanoe County, in Book "B", Page 29, containing twenty-nine and twenty hundredths (29.20) acres more or less, the north boundary of said 12.45 acres being parallel to the south boundary of the South West quarter of said Section twenty-three(23).

ALSO a part of the North East quarter of the North East quarter of Section twenty-seven, Township twenty-four (24) North, Range four (4) West, described as follows: Beginning at the North West corner of said North East quarter of said North East quarter of said Section twenty-seven (27), and running thence South sixty seven (67) degrees and 28 minutes East five hundred eighty-eight (588) feet to the center of the Riverside and Battle Ground Gravel Road; thence North Easterly along said road to the North line of said section twenty-seven (27); thence West on said Section twenty-seven (27) to the place of beginning containing one and sixty five hundredths (1.65) acres more of less.

ALSO all that portion of the South West quarter of the South West quarter of Section twenty-three (23), Township twenty-four (24) North, Range four (4) West, as platted in the County Surveyor's Records of Tippecanoe County, in Book "B', Page 29, containing twenty-nine and twenty hundredths (29.20) acres more or less.

EXCEPT real estate taken for County Highway described in Deed Record 71, Page 3075.

ALSO EXCEPT a tract of land which is a part of the South West quarter of Section 23, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, more fully described as follows, to wit:

Beginning at a point in the approximate center of Prophet's Rock Road on the North line of the South West quarter of the South West quarter of Section 23, said point being 420.5 feet East of the West line and 1340.0 feet South of the North West corner of the South West quarter of said section, said point being marked with an existing nail in said road; thence South 89 degrees 50 minutes East for 962,5 feet along the existing fence line, to the approximate center of Burnett's Creek; thence in a southerly direction, along

the meandering of Burnett's Creek, South 41 degrees 48 minutes West for 401.4 feet; thence North 89 degrees 50 minutes West for 901.5 feet to a steel railroad spike in Prophet's Rock Road; thence North 34 degrees 34 minutes East for 363.7 feet along the apparent center line of Prophet's Rock Road to the place of beginning, said tract containing 6.4 acres, more or less.

ALSO EXCEPT Beginning at a point in the apparent center of Prophet's Rock Road approximately 300 feet South of the North line of the South West quarter of the South West quarter of Section 23, Township 24 North, Range 4 West, thence South 89 degrees 50 minutes East 901.5 feet to the center line of Burnett's Creek, then along the meandering of said creek in a southerly direction to a point 200 feet South of the preceding course, thence North 89 degrees 50 minutes West 950.5 feet to the apparent center of Prophet's Rock Road, thence in a northeasterly direction along the center line of Prophet's Rock Road to the place of beginning, containing 4.25 acres, more or less, in Tippecanoe Township, Tippecanoe County, State of Indiana.

ORDINANCE NO. 142

AN ORDINANCE ADOPTING THE PROVISIONS OF "AN ACT AUTHORIZING THE ESTABLISHMENT OF AREA PLANNING DEPARTMENT AND THROUGH THEIR ADMINISTRATION THE DEVELOPMENT, THROUGH PLANNING AND ZONING, OF URBAN AND RURAL AREAS" AND PROVIDING FOR THE APPOINTMENT OF A REPRESENTATIVE TO THE ADVISORY COUNCIL.

WHEREAS, Chapter 138, Article V, Indiana Acts of 1957, as amended, empowers cities and towns who desire to participate in an area planning department to pass an ordinance adopting the provisions of said act; and

WHEREAS, there has been established in Tippecanoe County, Indiana, an area planning department under said act; and

WHEREAS, the area encompassing what is now the Town of Battle Ground was prior to the incorporation of the Town of Battle Ground, under the jurisdiction of said Area Planning Department; and

WHEREAS, the Town of Battle Ground desires to participate in said area planning department;

NOW THEREFORE, BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. That the provisions of the Acts of 1957, chapter 138, of the Indiana General Assembly, being entitled "AN ACT AUTHORIZING THE ESTABLISHMENT OF AREA PLANNING DEPARTMENT AND THROUGH THEIR ADMINISTRATION AND DEVELOPMENT THROUGH PLANNING AND ZONING OF URBAN AND RURAL AREA'S" be hereby adopted.

SECTION 2. That the President of the Board of Trustees is hereby authorized to appoint one member of the Board of Trustees of the Town of Battle Ground as a member on the Advisory Council on Town Affairs of the Area Planning Commission, such member to serve until December 31, 1973, and thereafter such member shall be appointed for a term of one year, said term to begin on January 1, of each year.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS 2ND DAY OF APRIL, 1973.

NAYS:	AYES:
President, Board of Trustees	Otis C. Anderson President, Board of Trustees
Trustee	Gary W. Younker Trustee
Trustee	James M. Wilson Trustee
Trustee	Francis L. Meyers Trustee

Trustee Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 142 was posted March 20, 1973 in all five wards as stated below:
WARD 1 - S W Corner Tipton & College Streets
WARD 2 - S E Corner Winans & North Streets
WARD 3 - Main St. at Crackerbarrell Store
WARD 4 - So. side of Jefferson St. at High School Ave.
WARD 5 - N W corner Main St. at Liberty Street

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 153

AN ORDINANCE BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, ESTABLISHING THE NUMBER OF MEMBERS, THE REPRESENTATION AND THE QUALIFICATION OF MEMBERS OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION.

WHEREAS, the TOWN OF BATTLE GROUND has heretofore, pursuant to Indiana Code 18-7-4-4, adopted an Ordinance to participate in the establishment of the Area Plan Commission of Tippecanoe County; and

WHEREAS, Indiana Code 18-7-4-8 establishes the representation and membership of such Area Plan Commission; and

WHEREAS, Indiana Code 18-7-4-8.5 authorizes all the legislative bodies who had adopted an ordinance pursuant to Indiana Code 18-7-4-4 in counties between 108,000 and 114,500 population to adopt a similar ordinance and change the representation on such Area Plan Commission as to number and qualifications; and

WHEREAS, Tippecanoe County by reason of its population is thereby authorized upon adoption of an ordinance by all the legislative bodies who are participants in said Area Plan Commission to change said representation:

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AS FOLLOWS:

SECTIONS 1-4. Replaced by Ordinance No. 234, adopted 3/3/1986.
+/- { *view archive I* }

+/- { *view archive II* }

SECTION 5. That subject to the full implementation and enactment of this Ordinance and the transfer of all necessary matters to the jurisdiction of the Tippecanoe County Area Plan Commission the Tippecanoe Council of Governments shall disband and all Ordinances for its creation or implementations shall be repealed.

SECTION 6. The appointment of representatives shall be effective as of the____day of_____, 19___, or one month following adoption by all participants, whichever is latest.

PASSED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 29th DAY OF December , 1975.

Presiding Officer

Trustee

Trustee

Trustee

Trustee

ATTEST:

Clerk-Treasurer

ORDINANCE # 234

AN ORDINANCE AMENDING ORDINANCE NO. 153 BEING AN ORDINANCE ESTABLISHING THE NUMBER OF MEMBERS, THE REPRESENTATION AND QUALIFICATION OF MEMBERS OF THE TIPPECANOE COUNTY AREA PLAN COMMISSION.

WHEREAS, prior hereto, the legislative body of Tippecanoe County. of the City of Lafayette. of the City of West Lafayette, of the Town of Battle Ground, and the Town of Dayton all in Tippecanoe County, Indiana, have adopted pursuant to Indiana Code 36-7-4-202, an ordinance to participate in establishing and becoming a part of the Area Plan Commission of Tippecanoe County, Indiana, and each has further adopted pursuant to Indiana Code 36-7-4-211 an ordinance establishing representation on Said Area Plan Commission as jointly determined by the legislative bodies; and

WHEREAS, there has been incorporated within Tippecanoe County, Indiana, the Town of Shadeland, who must pursuant to Indiana Code 36-7-4-204 adopt the planning laws, and said Town is now entitled pursuant to Indiana Code 36-7-4- 211 (b) to a representative on said Area Plan Commission; and

WHEREAS, pursuant to Indiana Code 36-7-4-211 (a) each participating unit within the Area Plan Commission must establish the representation on the Area Plan Commission by a similar ordinance.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND. INDIANA, AS FOLLOWS:

Section 1. That Sections 1,2,3, and 4 of Ordinance No. 153 are hereby amended to read as follows:

Section 1. That the representation, both as to the number of members and the qualification of members of the Area Plan Commission of Tippecanoe County, Indiana, be pursuant to Indiana Code 36-7-4-211 fixed at a total of 15 members to be determined as follows:

a. Two representatives who shall be members of the Tippecanoe County Board of Commissioners, and who shall be chosen by such Board of Commissioners and whose term shall be fixed by such Board, but shall not exceed their term as such Commissioners.

b. Two representatives who shall be members of the Tippecanoe County Council, and who shall be chosen by such County Council, and whose term shall be fixed by such Council. but shall not exceed their term on such Council.

c. A representative who shall be an elected official who shall be appointed by the Mayor of the City of Lafayette, Indiana. and whose term shall correspond to his office as such elected official.

d. One representative who shall be a member of the City Council of the City of Lafayette, Indiana, and who shall be chosen by such City Council, and whose term shall be fixed by such

e. A representative who shall be an elected official who shall be nominated by the mayor of the City of West Lafayette, Indiana, subject to Council approval of the appointment, and whose term shall correspond to his office as such elected official.

f. One representative who shall be a member of the Town Board of the Town of Battle Ground, Indiana,

and who shall be chosen by such Town Board, and whose term shall be fixed by such Town Board, but shall not exceed his term on such Town Board.

g. One representative who shall be a member of the Town Council of the Town of Clarks Hill, Indiana and who shall be chosen by such Town Council, and whose term shall be fixed by such Town Council, but shall not exceed his or her term on such Town Council. The initial term shall begin on July 1, 1995, or the month of the adoption of this provision by the last adopting member unit, whichever is latest.

(Replaced by Ordinance #329, adopted 7/3/1995.)

+/- { *view archive* }

h. One representative who shall be a member of the Town Board of the Town of Dayton, Indiana, and who shall be chosen by such Town Board, and whose term shall be fixed by such Town Board, but shall not exceed his term on such Town Board.

i. Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office, who shall be appointed by the County Board of Commissioners which appointees having heretofore been appointed shall continue in their present term which terminates December 31, 1995, and whose successor shall thereafter be appointed for a term of two years.

(Replaced by Ordinance #329, adopted 7/3/1995.)

+/- { *view archive* }

j. One representative, who shall be a citizen member, holding no other elected or appointed municipal, county or state office, who shall be appointed by the Mayor of the City of West Lafayette, Indiana which appointee, having heretofore been appointed, shall continue the present term which terminates December 31, 1995, and whose successors shall thereafter be appointed for a term of two years.

(Replaced by Ordinance #329, adopted 7/3/1995.)

+/- { *view archive* }

k. Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office, who shall be appointed by the Mayor of the City of Lafayette, which appointees, having heretofore been appointed, shall continue in their present term which terminates December 31, 1996, and whose successor shall thereafter be appointed for a term of two years.

(Replaced by Ordinance #329, adopted 7/3/1995.)

+/- { *view archive* }

SECTION 2. In the event any City or Town named herein is not, on the effective date of this ordinance, a participant by ordinance in the Area Plan Commission of Tippecanoe County, or subsequently withdraws from said participation, then the representative or representatives, be they Mayor, CityCouncilmen, Town

Board Member, or citizen appointment, shall not be entitled to membership on the Plan Commission and the total membership of the Commission shall be reduced thereby.

Section 3. In the event any governmental unit, who has made an appointment to the Area Plan Commission of Tippecanoe County under this ordinance should amend this ordinance so as to eliminate or alter their particular representation on said Area Plan Commission, without the adoption of a similar ordinance by all other participation governmental units, the representation by such governmental unit shall terminate, and for failure to then be in compliance with Indiana Code 36-7-4-211 (B), the membership of such governmental unit in the Area Plan Commission shall be considered terminated. Thereafter the Area Plan Commission shall provide no further services of any nature, including but not limited to services in zoning, subdivision, board of zoning appeal functions, hearings, recommendations, and enforecement to such governmental unit.

Section 4. This ordinance shall be effective on July,1, 1986, or such later date as the governmental units representing all members shall have adopted this ordinance.

PASSED on the 3rd day of March, 1986.

Hugh Ralstin
Presiding Officer

Daniel T. Kelly
Trustee

Dennis W Pettit
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 329 -95

AN ORDINANCE AMENDING CHAPTER 101, SECTION 6-101-2 OF THE TIPPECANOE COUNTY CODE: CHAPTER 32, SECTION 32.001 OF THE LAFAYETTE CITY CODE: CHAPTER VII, SECTION 2-28 OF THE WEST LAFAYETTE CITY CODE: CHAPTER 31, SECTION 31.01 OF THE TOWN OF DAYTON CODE: AND ORDINANCE NO. 153 OF THE TOWN OF BATTLE GROUND.

Editor's Note: Ordinance 2015-540, adopted 11/9/2015, resets membership for the Area Plan Commission of Tippecanoe County, Indiana. It effectively replaces this ordinance, but did not explicitly VOID this ordinance.

[Editor's Note: Because pertinent sections of Ordinance #153 had been revised by Ordinance #234, the following modifications have been applied to the text of Ordinance #234.]

PROVIDING FOR REPRESENTATION OF THE AREA PLAN COMMISSION OF TIPPECANOE COUNTY.

WHEREAS, the Town of Clarks Hill, Indiana did on June 4, 1995 determine to participate as a member of the Planning Department of Tippecanoe County, and did adopt the area planning laws of Indiana and provided for its membership therein; and

WHEREAS, each participating municipality within the Area Plan Commission of Tippecanoe County must each adopt a similar ordinance when the membership is provided for under Indiana Code 36-7-4-211.

NOW, THEREFORE, BE IT ORDAINED by Town Council of the Town of Battle Ground, Indiana as follows:

SECTION 1: That Section 1g of the Ordinance 153 be hereby amended to read as follows:

g. One representative who shall be a member of the Town Council of the Town of Clarks Hill, Indiana and who shall be chosen by such Town Council, and whose term shall be fixed by such Town Council, but shall not exceed his or her term on such Town Council. The initial term shall begin on July 1, 1995, or the month of the adoption of this provision by the last adopting member unit, whichever is latest.

SECTION 2: That Section 1i of Ordinance 153 is hereby amended to read as follows:

i. Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office, who shall be appointed by the County Board of Commissioners which appointees having heretofore been appointed shall continue in their present term which terminates December 31, 1995, and whose successor shall thereafter be appointed for a term of two years.

SECTION 3: That Section 1j of Ordinance 153 is hereby amended to read as follows:

j. One representative, who shall be a citizen member, holding no other elected or appointed municipal, county or state office, who shall be appointed by the Mayor of the City of West Lafayette, Indiana which appointee, having heretofore been appointed, shall continue the present term which terminates December 31, 1995, and whose successors shall thereafter be appointed for a term of two years.

SECTION 4: That Section 1k of the Ordinance 153 be hereby amended to read as follows:

k. Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office, who shall be appointed by the Mayor of the City of Lafayette, which appointees, having heretofore been appointed, shall continue in their present term which terminates December 31, 1996, and whose successor shall thereafter be appointed for a term of two years.

SECTION 5: This Ordinance shall be effective on the date that all governmental units representing all members shall adopt an ordinance providing the representation as herein provided.

ADOPTED AND PASSED this 3rd day of July, 1995, by the Town Council of the Town of Battle Ground, Indiana.

David L. Ferringer
Presiding Officer

ATTEST:

Geraldine Berghoff

Ordinance No. 2015-540

AN ORDINANCE AMENDING CHAPTER 31, SECTION 31.016 OF THE TIPPECANOE COUNTY CODE; CHAPTER 2.04, SECTION 2.04.010 OF THE LAFAYETTE CITY CODE; CHAPTER 24, SECTION 24.22 OF THE WEST LAFAYETTE CITY CODE; CHAPTER 32, SECTION 32.035 OF THE TOWN OF DAYTON CODE; AND ORDINANCE NO. 329 OF THE TOWN OF BATTLEGROUND; AND ORDINANCE NO. 95-4 OF THE TOWN OF CLARKS HILL.

PROVIDING FOR REPRESENTATION ON THE AREA PLAN COMMISSION OF TIPPECANOE COUNTY.

WHEREAS, the City of West Lafayette, Indiana, did on October 15, 2014, become a second class city as designated in Indiana Code chapter 36-4-1;

WHEREAS, the designation of the City of West Lafayette, Indiana, warrants a change in the membership structure of the Area Plan Commission of Tippecanoe County, Indiana; and

WHEREAS, each participating municipality within the Area Plan Commission of Tippecanoe County must each adopt a similar ordinance when the membership is provided for under Indiana Code 36-7-4-211.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana, as follows:

Section I: That Ordinance No. 329 of the Town of Battle Ground is hereby amended to read as follows:

The representation, both as to the number of members and the qualification of members of the Area Plan Commission of Tippecanoe County shall be pursuant to IC 36-7-4-211, fixed at a total of seventeen (17) members, to be determined as follows:

A. Two representatives who shall be members of the County Board of Commissioners and who shall be chosen by such Board of Commissioners and whose term shall be fixed by such Board, but shall not exceed their terms as such Commissioners.

B. Two representatives who shall be members of the County Council and who shall be chosen by such County Council and whose term shall be fixed by such Council, but shall not exceed their terms on such Council.

C. A representative who shall be an elected official, who shall be appointed by the Mayor of the City of Lafayette and whose term shall correspond to such elected official's term.

D. One representative who shall be a member of the City Council of the City of Lafayette, and who shall be chosen by such City Council and whose term shall be fixed by such Council, but shall not exceed such Council member's term on such Council.

E. A representative who shall be an elected official, who shall be appointed by the Mayor of the City of West Lafayette and whose term shall correspond to such elected official's term.

F. ne representative who shall be a member of the City Council of the City of West Lafayette, and who shall be chosen by such City Council and whose term shall be fixed by such Council, but shall not exceed such Council member's term on such Council.

G. One representative who shall be a member of the Town Board of the Town of Battle Ground. Indiana and who shall be chosen by such Town Board and whose term shall be fixed by such Town Board. but shall not exceed such Town Board member's term.

H. One representative who shall be a member of the Town Council of the Town of Clarks Hill, Indiana and who shall be chosen by such Town Council and whose term shall be fixed by such Town Council. but shall not exceed his or her term on such Town Council. The initial term shall begin on July 1. 1995. or the month of the adoption of this provision by the last adopting member unit. whichever is latest.

I. One representative who shall be a member of the Town Board of the Town of Dayton. Indiana and who shall be chosen by such Town Board and whose term shall be fixed by such Town Board. but shall not exceed such Town Board member's term.

J. Two representatives who shall be citizen members holding no other elected or appointed municipal. county, or state office, who shall be appointed by the County Board of County Commissioners which appointees having heretofore been appointed shall continue in their present term and whose successor shall thereafter he appointed for a term of two years.

K. Two representatives who shall be citizen members holding no other elected or appointed municipal. county, or state office, who shall be appointed by the Mayor of the City of West Lafayette. The current appointee having heretofore been appointed shall continue in the present term. The initial term of the new appointee shall be for two years beginning on January 1, 2016. Thereafter all appointments shall he for a terms of two years.

L. Two representatives who shall be citizen members holding no other elected or appointed municipal. county, or state office, who shall be appointed by the Mayor of the City of Lafayette, which appointees having heretofore been appointed shall continue in their present terms and whose successor shall thereafter be appointed for a term of two years.

This ordinance shall be in full force and effect on January 1, 2016.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS 9 **DAY OF** November **,** 2015.

Steve Egly
President

Karen Pearson
Council Member

Brian Brewer
Council Member

Becky Holladay
Council Member

Joe Bird
Council Member

ATTEST:

Georgia Jones
Clerk-Treasurer

+/- #15-540: Clerk-Treasurer Certification

RESOLUTION # 10-39

RESOLUTION DESIGNATING THE LIONS CLUB BUILDING AS A BLIGHTED STRUCTURE

WHEREAS, the Town Council of the Town of Battle Ground desires to eliminate slum and blighted structures within the corporate limits of Battle Ground, Indiana, and WHEREAS, identifying such a structure is necessary for effective action to eliminate slum and blighting conditions, and

WHEREAS, public improvements such as sidewalks and streets have severely deteriorated, contributing to slum and blighting conditions, and WHEREAS, the structure has experienced a cessation of private investment since 1977, and

WHEREAS, 9 (nine) percent of first floor commercial space, 100 (one hundred) percent of second floor commercial space, and 23 (twenty-three) percent of total commercial space in downtown Battle Ground is currently vacant, and WHEREAS, widespread deterioration of the structure 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 Town Council of the Town of Battle Ground that the following property hereby be designated as a slum/blighted structure as defined by Indiana Code 36-7-14: the Battle Ground Lions Club Building located at 101 Main Street, Battle Ground, Indiana.

PASSED ON THIS 15 DAY OF February , 2010.

BATTLE GROUND COUNCILPERSONS

Becky Holladay
Becky Holladay, Council President

Brian Brewer
Brian Brewer

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

Steve Egly
Steve Egly

ATTEST:
Phyllis Hall
Phyllis Hall, Clerk-Treasurer

RESOLUTION 10-40

RESOLUTION OF THE TOWN OF BATTLE GROUND, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Town of Battle Ground, 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 Battle Ground, Indiana has conducted or will conduct public hearings prior to 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 Town of Battle Ground, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address the historic preservation of the Battle Ground Lions Club Building, and to execute and administer a resultant grant including requisite general administrative 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 Battle Ground, Indiana hereby commits the requisite local funds in the amount of $55,600. These funds will be derived from funds provided to the project from the Battle Ground Lions Club and will be provided 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 of Battle Ground, Indiana this 8th day of March, 2010.

SIGNATURE: Becky Holladay, President
Becky Holladay, President

ATTEST: Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Attachment:

+/- Environmental Review (Lions Club Building)

ORDINANCE NUMBER 301A-92

Editor's Note: This ordinance was effectively replaced, but not specifically repealed, by Ordinance #07-551.

AN ORDINANCE ALLOWING TOWN LEGISLATIVE BODIES TO ALLOW THE FISCAL OFFICER TO MAKE CLAIM PAYMENTS IN ADVANCE OF BOARD ALLOWANCE FOR THE FOLLOWING KINDS OF EXPENSES:

(1) Property or services purchased 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.

WHEREAS, each payment of expenses must be supported by a fully itemized claim and WHEREAS, the town legislative body or Town Board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approved payment of the expense.

PASSED on the 1st day of June, 1992.

Battle Ground Town Councilpersons: *Donald D. McKee*

Don McKee, President

Steven C. Egly
Steven C. Egly

Selma Patterson

David L. Ferringer
David L. Ferringer

Stan Cunningham
Stan Cunningham

ATTEST:

Geraldine Berghoff
Geraldine Berghoff-Clerk-Treasurer

RESOLUTION 96-1

Be it resolved by the Town Board of Battle Ground, Indiana that the following proposed ordinance be adopted by the Tippecanoe County Income Tax Council: **ORDINANCE NO. 96-**

WHEREAS, Tippecanoe County Indiana has established the Tippecanoe County Income Tax Council pursuant to the provisions of I.C. 6-3.5-6-1, et seq.; and WHEREAS, the Tippecanoe County Income Tax Council has established an adjusted gross income tax for Tippecanoe County pursuant to I.C. 6-3.5-6-8, et seq.; and WHEREAS, pursuant to I.C. 6-3.5-6-16, a special operating account was established within the State general fund; and WHEREAS, the Indiana Department of State Revenue retains a balance in said special account equal to six (6) months estimated receipts from such income tax; and WHEREAS, pursuant to I.C. 6-3.5-6-17.5, the Tippecanoe County Income Tax Council may elect to reduce the required County income tax balance from a six (6) month balance to a three (3) month balance.

NOW, THEREFORE, the Tippecanoe County Income Tax Council elects to reduce the requirement of the Tippecanoe County special account balance from a six (6) month balance to a three (3) month balance.

Adopted at Lafayette, Indiana, on this 25 day of March, 1996.

TOWN BOARD OF BATTLE GROUND, INDIANA
By Donald D. McKee

Marie McCoy

Stanley J. Cunningham

Steven C. Egly

RESOLUTION

BE IT ORDAINED THAT THE BATTLE GROUND TOWN COUNCIL DEEMS IT NECESSARY TO CREATE A DONATION FUND.

BE IT THEREFORE RESOLVED THAT A DONATION FUND IS NOW ESTABLISHED FOR THE RECEIPT OF DONATED FUNDS FOR DESIGNATED PURPOSES BY THE DONOR.

DATED THIS 7TH DAY OF OCTOBER, 1996.

Donald D. McKee

Steven C. Egly

ATTEST: Geraldine Berghoff
GERALDINE BERGHOFF

Stan Cunningham

Marie McCoy

Joni Davis

ORDINANCE NO. 340- 96

AN ORDINANCE ESTABLISHING A FIXED ASSET CAPITALIZATION POLICY

ORDAINED BY THE COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

WHEREAS, the Council is the governing body of the Town of Battle Ground, in Tippecanoe County, in the State of Indiana, and

WHEREAS, the Council of the Town of Battle Ground, Indiana, so desires to establish a capitalization policy for the Town.

NOW THEREFORE, BE IT ORDAINED by the governing body of the Town of Battle Ground, in Tippecanoe County, in the State of Indiana:

SECTION 1. DEFINITIONS AND PROVISIONS:

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

"Tangible Assets" Assets that can be observed by one or more of the physical senses. They may be seen and touched and, in some environments, heard and smelled.

"Fixed Assets" Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

"Capital Outlays" Expenditures which benefit both the current and future fiscal periods. This includes costs of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government's general fixed assets.

Land

This Town will capitalize all land purchases, regardless of cost.

Exceptions to land capitalization are land purchased outright, as easements, or rights-of-way for infrastructure. Examples of infrastructures are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, wharves, and storm water collection.

Original cost of land will include the full value given to the seller, including relocation, legal services incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town workers [salary and benefits]), such as demolishing buildings, excavating, clean up, and/or inspection.

Donated land will be recorded at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State Funding will follow the source funding policies and above procedures.

MACHINERY AND EQUIPMENT:

The definition of machinery and equipment is: an apparatus, tool, or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

This Town will capitalize and tag items with an individual value equal to or greater than $750. Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set up, (including contractors and/or Town works [salary and benefits]), which makes such equipment operable for its intended purpose will be capitalized.

Improvements or renovations to existing machinery and equipment will be capitalized only if the result of the change meets all of the following conditions:

1) total costs exceeds $750
2) the useful life is extended two or more years, and
3) the total costs will be greater than the current book value and less than the fair market value.

Examples include:

A work truck being equipped with screens, lights, or radios for use as single unit throughout its life expectancy is considered one unit.

If the police car is constantly changing light bars or radios, the Town will capitalize each piece of equipment separately, if it meets the required dollar amount.

A computer (CPU, monitor, keyboard, and printer) is considered one unit.

Donated machinery and equipment will be recorded at fair market value on the date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

BUILDINGS:

Buildings will be capitalized at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, heating, cooling, plumbing, lighting, or sprinkler systems, or any part of the basic building. Also included will be the cost of items designed or purchased exclusively for the building.

A new building will be capitalized only if it meets the following conditions:

1) the total cost exceeds $5,000, and
2) the useful life is greater than two years.

Improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

1) the total cost exceeds $5,000
2) the useful life is extended two or more years, and
3) the total cost will be greater than the current book value and less than the fair market value.

Capital building costs will include preparation of land for the building, architectural and engineering fees, accounting costs if material, and any costs directly attributable to the construction of a building.

Donated buildings will be recorded at fair market value on the date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

IMPROVEMENTS OTHER THAN BUILDINGS:

The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than two years.

Examples are walks, parking areas and drives, golf cart paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon Town-owned land that provide support to our facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon Town-owned land for use by the public and for the support of our facility are capital assets.

The Town will capitalize new improvements other than buildings only if it meets the following conditions:

1) the total cost exceeds $5,000, and
2) the useful life is greater than two years.

The Town will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

1) the total cost exceeds $5,000,
2) the asset's useful life is extended two or more years, and
3) the total cost will be greater than the current book value and less than the fair market value.

Donated improvements other than buildings will be recorded at fair market value on the date of transfer with any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above

procedures.

"Historical Cost" The cash equivalent price exchanged for goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the historical cost attribute.

"Enterprise Funds" Those funds used to account for operation (a) that are financed and operated in a manner similar to private business enterprise - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability and other purposes.

The enterprise funds of the Town of Battle Ground, Indiana shall include the municipally owned sewage utility. Operation of this utility shall require enterprise fund accounting and reporting.

SECTION 2. - RECORDING AND ACCOUNTING:

The Town shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Accounting manual. The cost of property, plant and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

The Town's municipally owned utility shall record acquisition of Fixed Assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is simply recorded at the amount of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

1. Assets acquired for a lump-sum purchase price
2. Purchase on deferred payment contract
3. Acquisition under capital lease
4. Acquisition by exchange of non-monetary assets
5. Acquisition by issuance of securities
6. Acquisition by self-construction
7. Acquisition by donation or discovery

Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Reference to an intermediate accounting manual will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utility the valuation of assets shall be based on historical cost.

In addition, an asset register (prescribed form 211) shall be maintained to provide a detail record of the capital assets of the governmental unit.

SECTION 3. SAFEGUARDING OF ASSETS:

Be it ordained that accounting controls be designed and implemented to provide reasonable assurances that:

1. Capital expenditures made by the Town and Utility be in accordance with management's authorization as documented in the minutes.
2. Transactions of the utility be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principles.
3. Adequate detail records be maintained to assure accountability for Town and Utility owned assets.
4. Access to assets be permitted in accordance with management's authorization.
5. The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action be taken with respect to any differences.

ORDAINED AND PASSED by the Council of the Town of Battle Ground, Indiana, this 2nd day of December, 1996.

_____
Don McKee

_____
Steve Egly

_____
Stan Cunningham

_____
Marie McCoy

_____
Joni Davis

ATTEST:

_____
Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 04-425

AN ORDINANCE ESTABLISHING THE TOWN OF BATTLE GROUND RAINY DAY FUN

WHEREAS, Indiana Code 36-1-8-5(b) allows municipalities to establish a special fund entitled "Rainy Day Fund" to receive transfers of unused and unencumbered funds; and

WHEREAS, the Town of Battle Ground has the following unused and unencumbered fund, to-wit: Special State E.D.I.T. Distribution; and

WHEREAS, the Town of Battle Ground believes it necessary and prudent to allocate monetary amounts in the amounts in this fund to a Rainy Day Fund;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AS FOLLOWS

1. There is hereby established a Battle Ground Rainy Day Fund beginning in the year 2004

2. The Battle Ground Rainy Day Fund is a non-reverting fund into which grants and other unused or unencumbered funds may be transferred.

3. The purpose of the Battle Ground Rainy Day Fund is to be used to defray general operating expenses of the Town of Battle Ground, and other purposes that may be allowed by law.

4. The Battle Ground Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax monies.

Passed and adopted by the Town Council of the Town of Battle Ground, Indiana, this 8th day of March, 2004.

Carolyn Roth
President, Town Council of the
Town of Battle Ground, Indiana

ATTEST:

Phyllis Hall
Clerk-Treasurer of the
Town of Battle Ground, Indiana

ORDINANCE NO. 06-446

AN ORDINANCE GIVING AUTHORIZATION TO THE STATE OF INDIANA TO MAKE DIRECT DEPOSITS TO THE BATTLE GROUND TOWN BANK ACCOUNT HELD AT THE FARMERS STATE BANK IN BATTLE GROUND, INDIANA.

WHEAREAS, It has been determined that it is now necessary for the State to deposit the town's funds directly into a bank.

SEC. 1 Be it ordained by the Battle Ground Town Council of Battle Ground, Tippecanoe County, gives their approval to have all State Funds directly deposited into their account at the Farmers State Bank in Battle Ground, Indiana.

Adopted this 12th day of June, 2006

NAY	AYE
	Steven C. Egly
	Carolyn Roth
	Becky Holladay
	John P. Wilson

ATTEST:

Phyllis Hall

CLERK-TREASURER PHYLLIS HALL

ORDINANCE #07-551
VOIDING ORDINANCE #06-441

WHEAREAS, the Town Council of the Town of Battle Ground desires to establish general provisions for the Battle Ground Town Clerk-Treasurer to pay Appropriation Vouchers.

WHEAREAS, it is the Council's decision that the Clerk-Treasurer is allowed to pay appropriation vouchers before the Council's monthly meeting.

WHEAREAS, each of the appropriation vouchers must have an itemized invoice and approval from the department, which made the purchase or contracted the service.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT THE ABOVE GENERAL PROVISION IS HEREBY ADOPTED: Passed on the 24th day of January, 2007

Attest:	**Council Persons:**
	Steven C. Egly
	John P. Wilson
Phyllis Hall	
Phyllis Hall Clerk-Treasurer	Carolyn Roth

BATTLE GROUND

TOWN COUNCIL

RESOLUTION # 13-57

WHEREAS: there are excess funds in the Motor Vehicle Highway Department Improvement Fund and

WHEREAS: there are excess funds in the General Audit Fund and

WHEARAS: there is a need for additional funds in the Motor Vehicle Highway Department Repairs & Maintenance, Gas & Repairs, Street Signs and Bituminous Materials Funds

WHEARAS: there is a need for additional funds in the General Attorney and Maintenance Fund

FROM:	**TO:**	
Motor Vehicle Highway	Motor Vehicle Highway	
	201-00-1231	$4,500
	201-00-1233	$6,700

201-00-1420 **$24,700**

		201-00-1290	**$12,000**
		201-00-1352	$1,500
			$24,700

FROM:		**TO:**	
General		General	
		101-00-1311	$6,700
101-00-1440	**$10,000**		
		101-00-1361	$3,300
			$10,000

Passed on this 9th day of December, 2013

Council Persons:

Steve Egly
Steve Egly Council President

Attest:

Karen Pearson

Phyllis Hall

Brian Brewer

Becky Holladay

Joe Bird

ORDINANCE ESTABLISHING EQUIPMENT REPLACEMENT FUND #14-527
UNDER INDIANA CODE SECTION 36-8-19-8.5

BE IT ORDAINED, by the Battle Ground Town Board of Tippecanoe County, Indiana that a need now exists for the establishment of an Equipment Replacement Fund for the Northeast Fire Protection Territory for the following purposes: all uses as set out in Indiana Code Section 36-8-19-8.5 including but not limited to the acquisition of firefighting apparatus, equipment and housing.

BE IT FURTHER ORDAINED, that this Entity will adhere to the provisions of Indiana Code Section 36-8-19-8.5. The proposed fund will not exceed $0.0333 on each $100 of assessed valuation. The tax rate will be levied beginning with taxes for 2015 payable in 2016.

BE IT FURTHER ORDAINED, that proofs of publication of the public hearing held on the 29th day of July, 2014, and a certified copy of this ordinance be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Equipment Replacement Fund is subject to approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of the Battle Ground Town Board this 29th day of July, 2014.

AYE	**NAY**
Steve Egly	
Karen Pearson	
Joe Bird	

ATTEST: Beth Whitus TITLE Deputy Clerk Treasurer

TOWN OF BATTLE GROUND

RESOLUTION 14-65

WHEAREAS: there are excess funds in the General Town Improvement Fund and the MVH Employee Health Fund and **WHEAREAS:** there is a need for additional funds in several General Funds as listed and additional funds needed in the MVH Repairs/Maintenance and MVH General Improvements Fund and

GENERAL FUND	**FROM:**		**TO:**		
101-00-1420	General Improvements	$26,000	101-00-1210	General Office Supplies	$ 2,000
			101-00-1311	General Legal/Attorney	20,000
			101-00-1313	General Annexation	4,000
					$26,000
MVH	**FROM:**		**TO:**		
201-00-1134	Motor Employee Health	$21,300	201-00-1290	Motor Repairs	$12,900
			201-00-1420	Motor Improvements	8,400
					$21,300

Passed on this 8th day of December 2014

TOWN COUNCIL:

Steve Egly
Steve Egly Council President

ATTEST:

Karen Pearson
Karen Pearson

Phyllis Hall
Phyllis Hall Clerk-Treasurer

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

Joe Bird
Mike Bird

ADDITIONAL APPROPRIATION RESOLUTION 15-66

Whereas, it has been determined that it is now necessary to appropriate money for the 2015 Budget; now, therefore: Section 1. Be it resolved by the Battle Ground Town Council of the Town of Battle Ground, Tippecanoe County, that for the expenses of the taxing unit the following additional sum of money is hereby appropriated out of the fund name and for the purposes specified, subject to laws governing the same:

Fund Name	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
General Fund	$350,000	$350,000
MVH Fund	154,045	154,045
LR&S Fund	30,000	30,000
C EDIT Fund	40,000	40,000
Riverboat Fund	30,000	30,000
CCD Fund		
Local Law Fund		

30,000	**30,000**
3,000	3,000
$637,065	**$637,065**

Adopted this 23rd day of February, 2015

NAY	AYE
	Steve Egly
	Karen Pearson
	Brian Brewer
	Becky Holladay

ATTEST:

Phyllis Hall
Phyllis Hall Clerk-Treasurer

RESOLUTION 15-67

ESTABLISHING CUMULATIVE CAPITAL DEVELOPMENT FUND
Under Indiana Code 36-9-15.5

BE IT RESOLVED by the Town Council of the Town of Battle Ground, Tippecanoe County, Indiana that a need now exists for the establishment of a Cumulative Capital Development Fund for all uses as set out in IC 36-9-15.5

BE IT FURTHER RESOLVED that this Council will adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed $ .05 on each $100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2015 payable 2016.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 8th day of June, 2015, and a certified copy of this resolution shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law.
This Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the Council members of said Town of Battle Ground this 8th day of June, 2015.

AYE	NAY
Steve Egly	
Karen Pearson	
Brian Brewer	
Becky Holladay	
Joe Bird	

ATTEST:

Georgia Jones
Battle Ground Clerk-Treasurer

RESOLUTION 15-67

FILING REQUEST FOR EXCESSIVE MAXIMUM LEVY

BE IT RESOLVED by the Town Board of Battle Ground, Tippecanoe County, Indiana that a need now exists for the request for Excessive Maximum Levy Increase due to Annexation effective January 1, 2016.

BE IT FURTHER RESOLVED Pursuant to Indiana Code 6-1.1-18.5-13(a)(1) which allows a unit to seek an increase in its maximum levy to pay additional costs for providing services to newly annexed or consolidated areas or for extending governmental services to additional geographic areas or persons that the board has properly completed the submission of Form 3 including the notice of excessive levy appeal.

BE IT FURTHER RESOLVED that the board requests the Clerk-Treasurer to formally complete and submit the required forms necessary to request the Department of Local Government Finance to review the request for Excessive Levy prior to October 19, 2015.

BE IT FURTHER RESOLVED that the board requests the Department of Local Government Finance review said petition for an Excessive Levy increase of $70,230 to be a permanent adjustment to the maximum levy.

Duly adopted by the following vote of the members of said Battle Ground Town Board this 21st day of September, 2015.

AYE	NAY
Steve Egly	
Becky Holladay	
Joe Bird	
Brian Brewer	

ATTEST:

Georgia Jones
Battle Ground Clerk-Treasurer

RESOLUTION 15-68

REQUIRED MAXIMUM LEVY INCREASE TO MEET STATUTORY REQUIREMENTS OF PROVIDING SERVICE TO TOWN

BE IT RESOLVED by the Town Council of Battle Ground, Tippecanoe County, Indiana that a need now exists for the request for Excessive Maximum Levy Increase due to Annexation.

BE IT FURTHER RESOLVED pursuant to IC 6-1.1-18.5-12 (a):

Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:
(1) before October 20 of the calendar year immediately preceding the ensuing calendar year: or
(2) in the case of a request described in section 16 of this chapter. before December 31 of the calendar year immediately preceding the ensuing calendar year; appeal to the Department of Local Government Finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

It is required based upon Ordinance 2014-523 that there will be additional costs to the Town as a result of the approved annexation. A majority of the costs are related to the Police Department and Street Department. The summary of the costs is demonstrated in the table below extracted from the Umbaugh Fiscal Impact Study.

ESTIMATED NEW EXPENSES:	
Street Dept. signage (one-time expense)	$ 4,430
Street Dept. maintenance	$ 14,500
Police Dept. personnel and materials & supplies	$ 19,300
General trash collection & recycling	$ 21,900
General street lighting	$ 5,600
General storm drainage	$ 4,500
Total Increase from annexation	$ 70,230

BE IT FURTHER RESOLVED that without the $70,230 increase in the maximum levy the town will be unable to cam out the governmental functions committed to it by law.

BE IT FURTHER RESOLVED that the board requests the Department of Local Government Finance to review said petition for an Excessive Levy increase of $70,230 to be a permanent adjustment to the maximum levy.

NOW THEREFORE duly adopt by the following vote of the members of said Battle Ground Town Council this 12th day of October, 2015.

AYE NAY

Steve Egly

Karen Pearson

Brian Brewer

Becky Holladay

Joe Bird

ATTEST:
Georgia Jones
Clerk-Treasurer

PETITION TO APPEAL FOR AN INCREASE ABOVE THE MAXIMUM LEVY

RESOLUTION 15-69

The Town Council of the Battle Ground Town Tippecanoe County, State of Indiana, has determined to appeal to the Department of Local Government Finance for an excess property tax levy.

Annexation/Consolidation/Extension of Services (IC 6-1.1-18.5-13(a)(1))	$ 70,230
Three Year Growth (IC 6-1.1-18.5-13(a)(3))	$
Emergency Levy Appeal (IC-1.1-18.5-13(a)(12))	$
Property Tax Shortfall (IC 6-1.1-18.5-16)	$
Correction of Error (IC 6-1.1-18.5-14)	$

The fiscal/governing body of Battle Ground Town, Tippecanoe County, hereby resolves to proceed with a petition for an excess property tax levy to the Department of Local Government Finance to increase the taxing unit's maximum levy.

Adopted this 12th day of October, 2015.

FOR	AGAINST
Steve Egly	
Karen Pearson	
Brian Brewer	
Becky Holladay	
Joe Bird	

ATTEST: Georgia Jones
Clerk Treasurer

TOWN OF BATTLE GROUND

RESOLUTION 15-68A

WHEREAS: there are excess funds in the General Town Improvement Fund and the MVH Capital Fund and

WHEREAS: there is a need for additional funds in the General Garbage Collection Fund, General Electric Fun, MVH Insurance Fund and MVH Road Repairs Fund

The Battle Ground Town Council desires to move funds from the excess to use in identified funds:

General	**FROM:**		**TO:**		
101-001-420	General Improvements Fund	$8000	101-001-396	Garbage Collection	$4000
			101-001-351	Electric	$4000
					$8000
MVH	**FROM:**		**TO:**		
201-001-420	Capital Improvements Fund	$8000	201-001-342	Insurance Fund	$2000
			201-001-236	Road Repairs	$6000
					$8000

Passed on this 9th day of November, 2015

TOWN COUNCIL:

Steve Egly
Steve Egly Council President

Brian Brewer
Brian Brewer

ATTEST:

Georgia Jones
Georgia Jones Clerk Treasurer

Karen Pearson
Karen Pearson

Becky Holladay
Becky Holladay

Joe Bird
Mike Bird

HEALTH ORDINANCE 11-A

An Ordinance designed in the promotion of the general public welfare and health of the citizens of Battle Ground City Indiana: providing for the disposal of trash, garbage, tin cans, bottles, refuge, lifeless matter and unwholesome substances, within the municipal corporation limits of Battle Ground, City Indiana.

Section 1. It shall be unlawful for any person or persons, firms or corporation, to deposit, dump, scatter or place any unwholesome matter of any kind or nature, garbage, tin cans, ashes, trash or refuge of any kinds or nature upon any public street, alley or any other public property owned and governed by the municipal government of Battle Ground City, Indiana.

Section 2. It shall be unlawful for any person or persons, firms or corporations to deposit, dump, scatter or place any unwholesome matter of any kind or nature, garbage, tin cans, ashes, trash or refuge of any kind or nature at any place within the municipal corporation limits of Battle Ground City Indiana or upon any privately owned or leased real estate unless written permission has been given by the respective real estate and property owner with approval of the Board of Trustees of Battle Ground City Indiana, or be the written permission being granted by the Board of Trustees of Battle Ground City, Indiana.

Section 3. It is further ordained by the said Board of Trustees that any unwholesome matter, garbage, trash or any refuge of any kind or nature may be burned in an incinerator until consumed to an ash provided, however, that any unwholesome matter, garbage, trash, tin cans or any other refuge may be buried to a sufficient depth in the soil that the same will not be uncovered and exposed to the open air.

Section 4. Be it further ordained by the Board of Trustees of Battle Ground City Indiana, that any person or persons, shall on conviction for the violation of the provisions of this ordinance be fined a sum of not less than Twenty-five Dollars ($25.00) and not more than One Hundred Dollars ($100.00) for each violation of this ordinance.

Section 5. The Clerk-Treasurer is ordered and directed to publish this ordinance once each week for two consecutive weeks in two newspapers of general circulation printed and published in the English language in the City of Lafayette, Indiana.

Section 6. All ordinances from and after its passage shall be and the same are hereby repealed.

(Notice is hereby given that the foregoing ordinance will come up for final action at the regular meeting of the Board of Trustees of Battle Ground City Indiana, at 7:00 p.m. on Wednesday, May 6, 1959).

This ordinance shall be in full force and effect from and after its passage.

Adopted and passed by the Board of Trustees of Battle Ground City Indiana, this 6 day of May , 19 59 .

E. Raymond Smith
Presiding Officer

Phillip Clymer

Donald Downing

Charles E. Floyd

Raymond M. Lamb

ATTEST:

Jean Smith
Clerk-Treasurer

Presented by me to the President of the Board of Trustees of Battle Ground City, Indiana, this 6 day of May , 19 59 .

E. Raymond Smith
President of the Board Of Trustees of Battle Ground City, Indiana.

ATTEST:

Jean Smith
Clerk-Treasurer

ORDINANCE 387

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF BATTLE GROUND

WHEREAS, the Town Council of Battle Ground desires to protect the citizens of the Town of Battle Ground from Item conditions which may exist on land and in buildings which attract vermin, insects, and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana the following:

SECTION ONE: The following listed acts and conditions are declared to be and to constitute a public nuisance and a violation of this ordinance if the same is found to exist on public or private property within the town:

(a) Open or uncovered cisterns, cellars, wells, pits, excavations, sewers or vaults situated in any part of the town.

(b) Any building or part thereof which, by reason of its unsanitary condition or its being infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants of the town or which otherwise endangers the public health,

(c) Any unsafe or unhealthy storage or handling of substances which may contaminate or pollute ground water,

(d) The burning of any animal or human waste in such a manner as to interfere with other property owners' reasonable use of their property,

(e) A condition which arises by a dog, cat, or other animal destroying, defacing or damaging shrubbery, lawns, or flowers or which results in the general discomfort of citizens in the neighborhood where the dog, cat, or other animal is harbored.

(f) A condition which arises from the accumulation of animal excrete on the property of the owner, public, or any other citizen as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin or cause a public health nuisance,

(g) The owner of every animal shall be responsible for the prompt removal of any excrete deposited by his animal on public areas and on his own property and shall not permit defecation on private property other than his own.

(h) All accumulations of junk, litter, rubbish, tin cans, or trash of any kind shall constitute a public nuisance and shall be unlawful as such,

(i) Any machinery not connected with the operation of a household or business; or any equipment, including but not limited to refrigerators or freezers, outside or in any building or structure to which the public has access, shall constitute a public nuisance and shall be unlawful as such,

(j) To cause, suffer, or permit the growth of grass above ten inches high, weeds; or noxious, poison, or offensive vegetation; or the deposit or accumulation of weeds, or noxious, poison or offensive vegetation, matter, or substance; or the existence of stagnant water, in or upon any portion of the lots, parcels of ground, or tracts of land.

Editor's Note: See also Ordinance 2012-497, adopted 5/14/2012, regarding Abatement of Grass, Weeds or Vegetation Nuisances.

(k) It shall be unlawful for any person to throw or deposit any poisonous substance in any of the streets, alleys, parks, commons, yards or other places, whether public or private, within the town, so that the same shall be liable to be consumed by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

(l) Repealed by Ordinance No. 2009-467, adopted 6/8/2009.

+/- { *view archive* }

SECTION TWO: No permit, special exception, variance, or approval shall be given to any applicant by the Council if at the time of the application, the applicant owes money to the town. Upon payment of the funds and compliance with the ordinances, the applicant's request will be considered like any other request.

SECTION THREE:

(a) Whenever any nuisance shall be found to exist which is referred to in SECTION ONE, the Clerk-Treasurer is authorized to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found, or upon the person owning or causing any such nuisance requiring abatement of such nuisance. Said notice may be made by certified mail or by posting on the property.

(b) Said notice shall provide the person owning or causing any such nuisance ten (10) days from receipt or the posting of said notice to abate said nuisance.

(c) In the event of refusal or neglect on the part of the notified offender to obey such Order within the time limit named in the Order, the Clerk-Treasurer shall have the power and authority to cause to be removed and abate the unlawful conditions thereof which shall be paid from the Treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may after the charges have gone unpaid for a period of six (6) months certify the amount due of such charge from each person to the Auditor and the amount of such charge shall be placed upon the duplicate by the Auditor and collected as taxes are collected.

(d) Violation of this Ordinance shall subject the violator to a civil penalty of not less than $25.00 and no more than $100.00. Each day a violation of this chapter occurs or continues is a separate and distinct violation of this chapter. The Town may seek enforcement by court injunction that the violation cease.

(Section 3 Amended by Ordinance # 04-428, adopted 5/10/2004.)

+/- { *view archive* }

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana this 9th day of April 2001

Stephen Wilt
Stephen Wilt

Jeffrey Brown
Jeffrey Brown

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

R Berghoff
Richard Berghoff

James Miller

Mildred M McCoy
Mildred McCoy

ORDINANCE #04- 428

AN ORDINANCE TO AMEND ORDINANCE #387 "AN ORDINANCE TO PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF BATTLE GROUND"

WHEREAS, the Town Council of the Town of Battle Ground desires to protect the citizens of the Town of Battle Ground from conditions which may exist on land and in buildings which attract vermin, insects and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

WHEREAS, the Town Council of the Town of Battle Ground desires to amend existing Ordinance #387.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA as follows:

Section Three of Ordinance #387 is amended as follows:

SECTION THREE:

(a) Whenever any nuisance shall be found to exist which is referred to in SECTION ONE, the Clerk-Treasurer is authorized to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found, or upon the person owning or causing any such nuisance requiring abatement of such nuisance. Said notice may be made by certified mail or by posting on the property.

(b) Said notice shall provide the person owning or causing any such nuisance ten (10) days from receipt or the posting of said notice to abate said nuisance.

(c) In the event of refusal or neglect on the part of the notified offender to obey such Order within the time limit named in the Order, the Clerk-Treasurer shall have the power and authority to cause to be removed and abate the unlawful conditions thereof which shall be paid from the Treasury upon sworn vouchers of such person and the cost and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may after the charges have gone unpaid for a period of six (6) months certify the amount due of such charge from each person to the Auditor and the amount of such charge shall be placed upon the duplicate by the Auditor and collected as taxes are collected.

(d) Violation of this Ordinance shall subject the violator to a civil penalty of not less than $25.00 and no more than $100.00. Each day a violation of this chapter occurs or continues is a separate and distinct violation of this chapter. The Town may seek enforcement by court injunction that the violation cease.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 10th day of May , 2004.

Carolyn M. Roth

Presiding Officer

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE # 252

An Ordinance licensing and regulating the keeping of domestic animals within Battle Ground, Tippecanoe County, Indiana and providing the penalties for the violation thereof.

SECTION I - It shall be unlawful for any person owning or harboring a domestic animal to permit said animal to run at large upon the streets or other public places in Battle Ground, Indiana. In addition, all dogs and cats six (6) months of age or more must be licensed at the Office of the Clerk-Treasurer of the Town of Battle Ground by January 1, 1988. Registration fees are $1.00 for altered animals and $3.00 for unaltered animals. In order to license an animal six (6) months of age or older, proof of rabies vaccination must be submitted to the Clerk-Treasurer.

SECTION II: It shall be unlawful for any person to harbor or keep within the Town of Battle Ground any animal that is vicious or that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping, shall cause serious annoyance or disturbance to the neighborhood.

SECTION III - For the purpose of this Ordinance the following words shall have the meaning prescribed to them herein:

(1) Vicious animal for the purpose of this Ordinance shall mean any animal that has been known to have bitten a human being, inflicting a personal injury, or an animal who promiscously attacks other animals.

(2) Nuisance as used in this Ordinance shall mean a condition which arises by an animal barking or howling consistently so as to disturb the peace and quiet of the surrounding neighborhood, or an animal who consistently or at intervals chases bicycles, automobiles or people walking on the streets or sidewalks of the community, or any other condition created by an animal which results in the general discomfort of citizens in the community where said animal is harbored.

SECTION IV - It shall be unlawful for any person owning or harboring an animal to permit said animal to run at large. Animals are to be confined to owner 's property or on leash when being walked. Penalties for violation of this section are stated in Section VI of this Ordinance.

SECTION V - Any person who shall allow any animal to remain and be lodged and be fed within his house and yard, store or enclosure, shall be considered as harboring the same within the meaning of this Ordinance.

SECTION VI - It shall be the duty of the Town Marshal of the Town of Battle Ground, Indiana and his assistants to enforce the provisions of the Ordinance. All violators of this Ord inance will receive a written warning by a law enforcement officer of the Town of Battle ground. Any subsequent violation of this Ordinance will be a criminal infraction and upon conviction, the owner will receive a fine of Fifty Dollars ($50.00).

SECTION VII - It shall be unlawful for any owner, lessee, or occupant of any ground or premises within the Town of Battle Ground with the exception of those areas of the town designated as Forestry Conservation Areas, to maintain or permit to be maintained thereon any animals or fowls except per dogs, cats, and other common household pets.

SECTION VIII - Any and all ordinances in conflict with the Ordinance upon its passage are hereby null

and void. This Ordinance replaces Ordinance Number 205 and Ordinance NO. 218.

SECTION IX - This Ordinance shall have no effect on those residents of the town who prior to November 1, 1987, who have maintained animals other than dogs, cats, or common household pets in the town.

APPROVED THIS 7th day of March, 1988.

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Presiding Officer

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ATTEST:

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Judith E. MARKS, Clerk-Treasurer

ORDINANCE NO. 272

ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOMESTIC ANIMALS WITHIN BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND PROVIDING THE PENALTIES FOR THE VIOLATION THEREOF.

SECTION 1. It shall be unlawful for any person owning or harboring a domestic animal to permit said animal to run at large upon the streets or other public places in Battle Ground, Indiana. In addition, all dogs and cats six (6) months of aqe or more must be licensed at the Office of the Clerk-Treasurer of the Town of Battle Ground, Indiana by January 1, 1988. Registration fees are One Dollar ($1.00) for altered animal and Three Dollars ($3.00) for unaltered animals. In order to license an animal six (6) months of age or older, proof of rabies vaccination must be submitted to the Clerk-Treasurer.

SECTION 2. It shall be unlawful for any person to harbor or keep within the Town of Battle Ground, Indiana any animal that is vicious or that creates a nuisance, or which by loud or frequent or habitual barking, howling or yelping, shall cause serious annoyance or disturbance to the neighborhood.

SECTION 3. For the purpose of this Ordinance the following words shall have the meaning prescribed to them herin:

1. Vicious animal for the purpose of this Ordinance shall mean any animal that has been known to have bitten a human being, off owned proerty, inflicting a personal injury, or an animal who promiscously attacks other animals.

2. Nuisance as used in this Ordinance shall mean a condition which arises by an animal barking or howling consistently so as to disturb the peace and quiet of the surrounding neighborhood, or an animal who consistently or at intervals chases bicycles, authomobiles or people waling on the streets or sidewalks of the community, or any other condition created by an animal which results in the general discomfort of citizens in the community where said animal is harbored.

SECTION 4. It shall be unlawful for any person owning or harboring an animal to permit said animal to run at large. Animals are to be confined to owner's property or on a leash when being walked.

SECTION 5. Any personal who shall allow any animal to remain and be lodged and be fed within his house and yard, store or enclosure, shall be considered as harboring the same within the meaning of this ordinance.

SECTION 6. It shall be the duty of the Town Marshal of the Town of Battle Ground, Indiana, and his assistants to enforce the provision of this ordinance through the pickup and impoundment of said animals. All first-time violators of this ordinance will receive a written warning by a law enforcement officer of the Town of Battle Ground and will be assessed a $10.00 impoundment fee. Any subsequent violation of this ordinance will be a criminal infraction and upon conviction, the owner will be assessed a fine of Twenty-five dollars ($25.00), in addition to the $10.00 impoundment fee.

(Amended by Ordinance # 288, adopted 3/4/1991.)

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SECTION 7. It shall be unlawful for any owner, lessee, or occupant of any ground or premises within the Town of Battle Ground, Indiana with the exception of those areas of the Town designated as Forestry Conservation Areas, to maintain or permit to be maintained thereon any animals or fowls except for dogs, cats, and other common household pets.

SECTION 8. Any and all ordinances in conflict with the Ordinance upon its passage are hereby null and void. This Ordinance replaces Ordinance No. 205 and Ordinance No. 218.

SECTION 9. This Ordinance shall have no effect on those residents of the Town who prior to November 1, 1987, have maintained animals other than dogs, cats, or common household pets in the town.

ADOPTED THIS 7th DAY OF AUGUST, 1989.

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ATTEST:

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Clerk-Treasurer

ORDINANCE NO. 288

AMENDMENT TO ORDINANCE NO. 272

WHEREAS, Ordinance No. 272A, entitled the ordinance licensing and regulating the keeping of domestic animals within Battle Ground was adopted by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana, on the 7th day of August 1984;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT: ORDINANCE NO. SHALL BE AMENDED AND REVISED AS FOLLOWS:

Section 1. Section 6 shall read as follows: It shall be the duty of the Town Marshal of the Town of Battle Ground, Indiana, and his assistants to enforce the provision of this ordinance through the pickup and impoundment of said animals. All first-time violators of this ordinance will receive a written warning by a law enforcement officer of the Town of Battle Ground and will be assessed a $10.00 impoundment fee. Any subsequent violation of this ordinance will be a criminal infraction and upon conviction, the owner will be assessed a fine of Twenty-five dollars ($25.00), in addition to the $10.00 impoundment fee.

Section 2. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

ALL OF WHICH IS ADOPTED THIS 4th day of March, 1991.

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Presiding Officer

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ATTEST:

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ORDINANCE #231

AN ORDINANCE PROHIBITING RESIDENTS FROM BURNING LEAVES ON STREETS WITHIN THE TOWN LIMITS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

Section 1: It shall be unlawful for any person to burn leaves on any paved street within the limits of the Town of Battle Ground.

Section 2: Fines for violation of this Ordinance shall be equivalent to the cost of repairing damage done to the asphalt from the burning leaves. The violator shall receive in writing the amount of his/her fine. All fines shall be paid within thirty (30) days of the date on which the violator receives notive of the amount of his/her fine. Any and all Ordinances in conflict with this Ordinance upon this passage are hereby null and void.

Passed this 3rd day of February , 1986.

Hugh Ralstin
President Board of Trustees

Daniel T. Kelly
Trustee

Dennis W Pettit
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

Attest:
Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 265

AN ORDINANCE DISPOSING OF ABANDONED ITEMS

WHEREAS, from time to time town officials find abandoned items within the Town of Battle ground, Indiana;

WHEREAS, the Town of Battle Ground, Indiana by the Board of Trustees desires to set forth guidelines to dispose of said abandoned items.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THE FOLLOWING ORDINANCE IS HEREBY ADOPTED: 1. Definition. For the purpose of this ordinance, abandoned items will mean any item located on public premises which does not have lawfully affixed thereto ordisplayed thereon any name or markings connecting it with another. Said items must remain unclaimed from the Clerk-Treasurer for thirty (30) days after they are found.

2. Any abandoned items shall be turned into the Clerk-Treasurer of the Town of Battle Ground, Indiana and shall be held for thirty (30) days. If said items are unclaimed after thirty (30) days said items will be placed in a secure facility and will be sold at public auction during the spring in the year following its discovery.

ALL OF WHICH IS ADOPTED THIS 7th day of August, 1989.

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President, Board of Trustees

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 274

ORDINANCE DESIGNED IN THE PROMOTION OF THE GENERAL PUBLIC WELFARE AND HEALTH OF THE CITIZENS OF BATTLE GROUND, IN.: PROVIDING FOR THE DISPOSAL OF TRASH, GARBAGE, TIN CANS, BOTTLES, REFUGE, LIFELESS MATTER AND UNWHOLESOME SUBSTANCES, WITHIN THE MUNICIPAL CORPORATION LIMITS OF BATTLE GROUND, INDIANA.

SECTION 1. It shall be unlawful for any person or persons, firms or corporation, to deposit, dump, scatter or place any unwholesome matter of any kind or nature upon any public street, alley or any other public property owned or governed by the municipal government of Battle Ground, Indiana.

SECTION 2. It shall be unlawful for any person or persons, firms or corporation, to deposit, dump, scatter or place any unwholesome matter of any kind or nature, garbage, tin cans, ashes, trash or refuge of any kind or nature at any place within the municipal corporation limits of Battle Ground, Indiana or upon any privately owned or leased real estate unless written permission has been given by the respective real estate and property owner with approval of the Board of Trustees of Battle Ground, Indiana, or be the written permission being granted by the Board of Trustees of Battle Ground, Indiana.

SECTION 3. It is furher ordained by said Board of Trustees that any unwholesome matter, garbate, trash or refuge of any kind or nature may be burned in an incinerator until consumed to any ash provided, however, that any unwholesome matter, garbage, or trash, tin cans or any other refuge may be buried to a sufficient depth in the soil that the same will not be uncovered and exposed to the open air.

SECTION 4. Be it further ordained by the Board of Trustees of Battle Ground, Indiana, that any person or persons, shall on conviction for the violation of the provisions of this Ordinance be fined a sum of Fifty Dollars ($50.00) payable to the Ordinance Violations Clerk pursuant to Ordinance NO. 271.

SECTION 5. Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

ADOPTED this 7th day of August, 1989.

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ATTEST:

Clerk-Treasurer Clerk-Treasurer

ORDINANCE NO. 444-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, TO ESTABLISH VIOLATIONS AND FINES FOR TRASH LEFT NEAR THE CURBS OF BATTLE GROUND.

WHEREAS, the Town of Battle Ground, Indiana, hereinafter referred to as "Town", has contracted with a waste management company for pickup and disposal of all residential waste (excluding yard debris such as grass clippings, leaves, brush, and limbs);

WHEREAS, the waste management contract provides for weekly pickup of general residential waste and monthly pickup of "large items"; and

WHEREAS, the aforementioned "large items" are defined as trash items too large to fit within the provided receptacle, but less than two cubic yards in total, and excluding the aforementioned yard debris and other specific items such as, but not limited to tires, refrigerators, hazardous chemicals and other items not accepted by the Tippecanoe County Trash Transfer Station.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, STATE OF INDIANA:

SECTION 1. "Large items" shall not be placed at the curb more than 24

hours in advance of the monthly pickup for said "large items". If the items are not picked up for any reason, it shall be the property owner's responsibility to remove these items from the curb within 48 hours of large item pickup time. The items shall be moved to a

place where they are not visible from the pickup point or any major thoroughfare of the Town.

SECTION 2. When a resident is in violation of Section 1 of this ordinance,

the property owner may be fined up to a maximum amount of $50.00 per day for each day the offense continues. Fines shall be payable to the Battle Ground Ordinance Violations Bureau.

SECTION 3. If the offense continues for more than five days with unsatisfactory action on the part of the resident/property owner, the Town may order that the trash be picked up and disposed of by Town employees. The Town will charge the property owner $100.00 or the cost of the action, whichever is greater. If the fee is not paid within 60 days of the action, the Town will either place a lien on the property or seek to add this debt to the property tax bill associated with the property.

SECTION 4. Any previous Battle Ground ordinance that is in conflict with

this ordinance is hereby declared null and void.

Passed by the Town Council of the Town of Battle Ground, Indiana, on this

10 day of

July , 2006.

By: Steven C. Egly
President

Attest: Phyllis Hall
Clerk-Treasurer

Becky Holladay

By:
Member

APPROVED AS TO FORM AND LEGALITY:

Randy Williams

Attorney

Carolyn Roth

By:
Member

John P. Wilson

By:
Member

Brian Brewer

By:
Member

ORDINANCE NO. 444B-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, TO ESTABLISH VIOLATIONS AND FINES FOR TRASH RECEPTACLES LEFT NEAR THE CURBS OF BATTLE GROUND.

WHEREAS, the Town of Battle Ground, Indiana, hereinafter referred to as "Town", has contracted with a waste management company for pickup and disposal of all residential waste (excluding yard debris such as grass clippings, leaves, brush, and limbs); **WHEREAS,** the waste management contract provides for weekly pickup of general residential waste; and **WHEREAS,** the waste management contract provides suitable receptacles (bins) for said weekly pickup, **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, STATE OF INDIANA: SECTION 1.** Trash receptacles shall be removed from the curb within 24 hours of trash pickup. The receptacles shall be moved to a point at least as far from the curb as the residence. Where possible, trash receptacles shall be moved to a location not visible from the trash pickup point or any major thoroughfare of the town.

SECTION 2. When a resident is in violation of Section 1 of this ordinance, the property owner may be fined up to a maximum amount of $20.00 per day for each day the offense continues. Fines shall be payable to the Battle Ground Ordinance Violations Bureau. If the fee is not paid within 60 days of the action, the Town will

either place a lien on the property or seek to add this debt to the property tax bill associated with the property.

SECTION 3. Any previous Battle Ground ordinance that is in conflict with this ordinance is hereby declared null and void.

Passed by the Town Council of the Town of Battle Ground, Indiana, on this

10 day of

July , 2006.

By: Steven C. Egly Attest: Phyllis Hall

President Clerk-Treasurer

Becky Holladay

By: APPROVED AS TO FORM AND LEGALITY:

Member

Randy Williams

Attorney

Carolyn Roth

By:
Member

John P. Wilson

By:
Member

Brian Brewer

By:
Member

ORDINANCE 12-504

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE #390, WHICH ESTABLISHED THE RULES FOR COMPOST, BRUSH, AND LIMB DISPOSAL FOR THE TOWN OF BATTLE GROUND

Be it ordained by the Council of the Town of Battle Ground, Indiana, that Ordinance #390, which established rules for compost, brush and limb disposal in the Town of Battle Ground, is hereby REPEALED. The Town of Battle Ground hereby enacts ORDINANCE 12-504, which shall restrict the disposal of compost, brush, organic yard waste, and tree limbs as follows:

Section 1. Generally. The area where compost, brush, organic yard waste, and tree limbs ("Approved Materials") are to be disposed of, shall be specifically designated by the Town Council ("Compost Site"). A citizen of the Town may dispose of Approved Materials into the Compost Site at appropriate times as posted at the Compost site.

Section 2. Disposal of Unlisted Materials Prohibited. The disposal of materials other than compost, brush, organic yard waste, or tree limbs in the Compost Site shall is prohibited, and shall be a violation of this Ordinance.

Section 3. Non-Resident Disposal Prohibited. Disposal by non-residents of the Town of Battle Ground is hereby prohibited, and shall be a violation of this Ordinance.

Section 4. Residential Disposal Only. Only Approved Materials of a residential nature shall be disposed of at the Compost Site. Disposal of materials from any non-residential source is prohibited. Additionally, materials of any kind are prohibited in the Compost Site, if they are the result of work done by a contractor. Any prohibited disposal under this section, shall be a violation of this Ordinance.

Section 5. Petition for Town Council Approval. A citizen of the Town may petition the Town Council to dispose of materials if that disposal would otherwise violate this Ordinance. The decision as to whether or not to approve the disposal upon petition shall solely be at the discretion of the Town Council, and shall have no effect on the enforceability of this Ordinance.

Section 6. Penalty for Violation. A violation of this Ordinance shall result in a penalty of not more than $500.00 for the first violation and not more than $1,000.00 for any subsequent violations.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 10th day of December , 2012.

Steve Egly
Steve Egly, President

Brian Brewer
ATTEST: Brian Brewer

Becky Holladay
Phyllis Hall Becky Holladay
Phyllis Hall

Clerk/Treasurer

David Sturgeon

Karen Pearson
Karen Pearson

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 10th day of December , 2012.

Steve Egly
Steve Egly, President

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

David Sturgeon
David Sturgeon

Karen Pearson
Karen Pearson

ORDINANCE NO. 176

AN ORDINANCE ESTABLISHING AN ABANDONED AND STOLEN VEHICLE LAW

WHEREAS, the state legislature has passed legislation providing for the enforcement of an abandoned and stolen vehicle statute, namely I.C. 9-9-1.5-1, et seq.

WHEREAS, the Town of Battle Ground by the Board of Trustees presently has in full force and effect Ordinance No. 144, which Ordinance pertains to the removal and disposal of abandoned and stolen vehicles.

WHEREAS, pursuant to the statutory authority granted to local government under I.C. 9-9-1.5-1, et seq., the Board of Trustees of the Town of Battle Ground is desirous of repealing Ordinance No. 144 and adopting Ordinance No. 176.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF BATTLE GROUND THAT THE FOLLOWING ORDINANCE IS HEREBY AS OPTED:

SECTION l: Title. This Ordinance shall hereafter be known and signed as the Abandoned and Stolen Vehicle Ordinance.

SECTION 2: Definitions. For the purpose of this Ordinance the following terms shall have the following meanings:

(a) "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, bus school bus, recreational vehicle, or motor bicycle.

(b) "Abandoned" when used in conjunction with the term vehicle means:

(1) Any vehicle located on public premises which does not have lawfully affixed thereto or displayed thereon a valid unexpired license plate permitting its operation upon the highways of the State of Indiana.

(2) Any vehicle which is left on public premises continuously without being moved for a period of seven (7) days.

(3) Any vehicle located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

(4) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than forty- eight (48) hours.

(5) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or inoperable and left on public premises.

(6) Any vehicle which has been removed by a towing service or a public agency upon request of an officer enforcing a statute or ordinance other than in this ordinance, the violation of which may require the removal and impoundment of said motor vehicle, and which motor vehicle once impounded is not claimed

or redeemed by the owner or his agent within thirty (30) days of its removal.

(c) "Public premises" means any public right- of-way, street, highway, alley, park or other state, county, or municipally owned property.

(d) "Private premises" means all privately owned property which is not classified within the definition of public premises.

(e) "Person" means all natural persons, firms, partnerships, and corporations.

(f) "Officer" means any regular member of the Indiana State Police, any regular member of a city or town police department, any town marshal or town marshal deputy or any regular member of the county sheriff's department.

(g) "Bureau" means the bureau of motor vehicles of the State of Indiana.

(h) "Owner" means the last known record title holder to a vehicle according to the records of the bureau.

(i) "Public agency" means the department of local government which is assigned the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the common council, town board or county council.

(j) Scrap metal processor" means an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and scrap steel or nonferrous scrap for sale for remelting purposes.

(k) "Automobile wrecker" means an automobile wrecking and parts business.

(l) "Disposal agent" means any firm or individual engaged in business as a scrap metal processor or automobile wrecker.

(m) "Commissioner" means the commissioner of the bureau.

(n) "Parts" means all component parts of a vehicle which are in a state of disassembly, or are assembled with other vehicle component parts, but which, in their state of assembly, do not constitute a complete vehicle.

(o) "Towing service" means a business organized for the purpose of moving .or removing disabled motor vehicles and, once removed, to store or impound such motor vehicles.

SECTION 3: Abandonment Prohibited. No person shall abandon a vehicle on any public premises or private premises without the permission of the person having the right to possession of the property upon which the motor vehicle was left.

SECTION 4: Presumption of Abandonment. There is hereby created a prima facie presumption that the owner of an abandoned vehicle is responsible for the abandonment and is thereby liable for all of the costs incidental to the removal, storage, and disposal of such vehicle. Notwithstanding any other provisions of this Ordinance, any person, firm, corporation, or unit of government upon whose property or whose possession is found any abandoned motor vehicle, or any person being the owner of a motor

vehicle whose title certificate is lost or destroyed may dispose of such motor vehicle to a disposal agent as in Section 2 (1) of this Ordinance, without that title or without securing a title if the motor vehicle is valued at less than one hundred dollars ($100.00) and removal is made in conformity with Section 5 of this Ordinance.

SECTION 5: Removal and Disposal of Vehicles Valued at less than $100.00. Any officer who shall find a vehicle or parts abandoned, by the terms of this Ordinance, and therefore in violation hereof, and having a current market value of less than one hundred dollars ($100.00) in the opinion of said officer, shall attach thereto in a prominent place, a notice tag which shall contain the following information:

(a) That the vehicle or parts are considered abandoned,

(b) That the vehicle or parts will be removed seventy-two (72) hours thereafter, and immediately disposed of to a scrap processor or auto wrecker;

(c) That the owner will be held responsible for all costs incidental to the removal and disposal, and if not paid, the owner's registration privileges will be suspended;

(d) That the owner may avoid costs, or suspension of registration privileges by removal of the vehicle or parts within seventy-two (72) hours; and

(e) The date, time officer's name and the address and telephone number of the public agency to contact for information.

If the tagged vehicle is not removed within said seventy-two hour period, it. shall be photographed in the place where abandoned by an officer who shall also detail the damage or missing equipment or condition of the vehicle to substantiate the value of less than on hundred dollars ($100.00). The officer shall thereupon immediately dispose of the vehicle to a scrap processing yard or auto wrecker. A copy of the records and photographs relating to the abandoned vehicle shall be forwarded to the bureau, and the law enforcement agency ordering the disposition of such vehicle shall retain the original records photographs for a period of at least two (2) years.

In order to facilitate the removal of such abandoned vehicles or parts, the county, city, or town may employ such personnel, and acquire such equipment, property and facilities as are necessary for the purpose of removal and disposition of such abandoned vehicles and establish by ordinance of the county council, common council, or town board, such procedures, not in conflict with this ordinance, as may be necessary to accomplish the purposes stated herein. The county, city, or town through its board of public works, board of public works and safety, or such other agency as is legally capable of entering into such contracts may contract with private towing firms, or individuals in such business, or scrap processors or auto wreckers, on a semi-annual basis, to provide the equipment and facilities for removal and disposal.

SECTION 6: Removal of Vehicles Valued at $100 or more. Any officer who shall find a vehicle or parts which he has reason to believe have been abandoned, by the terms of this Ordinance, and therefore in violation hereof and having a current market value of one hundred dollars ($100.00) or more in the opinion of said officer, shall attach thereto in a prominent place, a notice tag which shall contain the following information:

(a) That the vehicle or parts are considered abandoned;

(b) That the vehicle or parts will be removed seventy-two (72) hours thereafter, impounded and subsequently disposed of;

(c) That the owner will be held responsible for all costs incidental to the removal and storage.

(d) That the owner may avoid such costs by removal of the vehicle or parts within seventy-two (72) hours; and

(e) The date, time, officer's name and the address and telephone number of the public agency to contact for information.

Prior to placing such notice tag on a vehicle or parts, the Officer shall make a reasonable effort to ascertain the owner or person who may be in control of the vehicle or parts by inquiring of other persons in the neighborhood. In order to facilitate the removal of such abandoned vehicles or parts, the county, city or town may employ such personnel, and acquire such equipment, property and facilities as are necessary for the purpose of removal, storage, and disposition of such abandoned vehicles and establish by ordinance of the county council, common council, or town board, such procedures not in conflict with this Ordinance as may be necessary to accomplish the purposes stated herein. The county, city or town through its board of public works, board of public works and safety or such other agency as is legally capable of entering into such contracts may contract with private towing firms, or individuals in such business, or an annual basis, to provide the equipment, storage area and facilities for removal and storage.

SECTION 7: Impounded Vehicles/Notice to Owner and Lienholder/Sale. Within forty-eight (48) hours after removal of an abandoned vehicle to a storage area, pursuant to Section 6 of this Ordinance, the public agency shall:

(a) Prepare and forward to the bureau a notice containing a description of the vehicle including the make, model, engine number, if any, identification number, and the number of any license plates affixed thereto, and request that the bureau advise the public agency of the name and most recent mailing address of the owner and any lienholder or furnish an abstract of title to such vehicle. The bureau shall give priority to the furnishing of this information and shall in all cases provide data in conformity with this section within thirty- (30) days of a request from a public agency.

(b) Upon receipt of the information requested from the bureau, the public agency shall cause to be placed in the United States mail, by certified mail, a written notice to the owner with a copy to any lienholder that the vehicle has been impounded and must be removed within (30) days of the date of mailing said notice, advising that the vehicle will be disposed of after that time and further advising the owner that all costs incurred in removing and storing such vehicle are his legal responsibility, listing all costs and anticipated costs thereon.

(c) If the owner or lienholder appears prior to disposal of said vehicle and pays all costs incurred against it at that time, then he shall be entitled to the return of said vehicle. If the owner cannot be located and he and any lienholder do not appear, the public agency shall sell such vehicle to the highest bidder at public sale. Notice of such sale shall be given as provided in this Ordinance. The purchaser at public sale shall be furnished a certificate of sale by the public agency. On presentation of such certificate together with a proper application from the purchaser, the bureau shall issue a title thereon to such purchaser. All funds derived from the sale of abandoned vehicles shall be received, accounted for and expended pursuant to

the terms of this Ordinance.

(d) If the vehicle or parts are in such condition that vehicle identification numbers or other means of identification are not available to determine the owner of record with the bureau, the vehicle may be disposed of without notice in accordance with the provisions of Section 5 of this Ordinance.

SECTION 8: Vehicles Left on Private Property. Upon complaint of any owner or person in control of the premises that a vehicle has been left on said premises for forty-eight (48) hours or more without the consent of said owner or person in control thereof, an officer shall follow the procedures set forth in Section 5 or Section 6 of this Ordinance, depending upon his appraisal of the value of the vehicle shall be disposed of following the procedures outlined in said section.

SECTION 9: No Liability For Loss or Damage to Vehicle. Neither the owner, lessee, or occupant of the premises from which any abandoned vehicle shall be removed or the city or any scrap processor or auto wrecker shall be liable for any loss or damage to said vehicle which occurs during its removal or while in the possession of said city or its contractual agent as a result of any subsequent disposition.

SECTION l0: Proceeds of Sale/Credited Against Cost of Sale. The proceeds of sale of an abandoned vehicle in accordance with Section 5, 7 or 8 of this Ordinance shall be credited against all costs incident to the removal, storage and disposal of such vehicle.

SECTION 11: Maximum Towing and Storage Cost. In no event shall the owner of the motor vehicle be charged for towing or removing the vehicle a sum in excess of fifteen dollars ($15.00), nor shall the cost of storage exceed the sum to two dollars ($2.00) per day. The storage charge shall be limited to the number of days of actual storage.

SECTION 12: Proceeds of Sale/Disposition. All proceeds from the sale of abandoned vehicles or parts shall go to the county treasurer, city controller or clerk-treasurer and be placed by him in a revolving fund to be known as the "junk vehicle fund." The county council, common council or town board shall annually appropriate sufficient tax moneys to said fund in order to provide an adequate junk vehicle fund to be used only for the purposes enumerated in this Section. All moneys paid to the county, city or town by owners for the costs of removal, storage, and disposal of abandoned vehicles shall be placed in the junk vehicle fund.

SECTION 13: Exceptions. The provisions of this Ordinance shall not apply to:

(a) Any vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;

(b) Any vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;

(c) Any vehicle located on a vehicle sale lot, at a commercial vehicle servicing facility or a vehicle located upon premises duly licensed or zoned as a junkyard, auto graveyard or scrap processing facility; and

(d) Any motor vehicle eligible for registration and licensing as an antique motor vehicle.

SECTION 14: Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding twenty- five dollars ($25.00) or be imprisoned not more than fifteen (15) days or be subject to fine and imprisonment.

SECTION 15: Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 16: Repealer. Ordinance No. 144 and any other ordinances in conflict herewith are hereby repealed.

SECTION 17: Effective Date. The Ordinance shall be in full force and effect from and after notice, passage by the Board of Trustees, all in the manner provided by law.

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana, on this 8th day of September, 1980.

Hugh Ralstin

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE 93-312

AN ORDINANCE TO PROHIBIT OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES IN THE INCORPORATED TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Board of Trustees of the Town of Battle Ground, Indiana, acknowledge the safety hazards associated with the consumption of alcohol while operating a motor vehicle; and

WHEREAS, in an effort to help protect the citizens of Battle Ground from those hazards associated with alcohol consumption and operation of a motor vehicle, the Board of Trustees of the Town of Battle Ground believes that an Ordinance prohibiting open containers of alcoholic beverages in motor vehicles within the limits of the incorporated Town of Battle Ground is necessary.

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, State of Indiana:

Section 1. Definitions.

For the purpose of this Ordinance, the following definitions shall apply:

(a) Alcoholic Beverage shall have the meaning set forth in Indiana Code 7.1-1-3-5.

(b) Container shall have the meaning set forth in Indiana Code 7.1-1-3-13.

(c) Immediate Area shall mean the entire passenger compartment of a motor vehicle, with the exception that:

(i) for station wagons, vehicles with a rear hatch opening and vans, it is the entire passenger compartment except the area behind the area farthest to the back of the vehicle where a seat can be affixed, regardless if such seat is, in fact, affixed;

(ii) For Recreational Vehicles, it is only the area between the vehicle sides adjacent to the driver and front passenger seats, the glove compartment, dashboard, interior windshield area and any cavities in the driver and front passenger seating area.

(d) Motor Vehicle shall have the meaning set forth in Indiana Code 9-13-2-105.

(e) Recreational Vehicle shall have the meaning set forth in Indiana Code 9-13-2-150, but shall include only motor vehicles.

Section 2. Exemptions.

The following individuals shall be exempt from this ORDINANCE:

(a) A passenger of a chartered vehicle (including buses, taxicabs, limousines, etc.) in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid chauffeur's license pursuant to Indiana Code 9-24-1-2 and Indiana Code 9-24-1-3.

(b) A passenger in a recreational vehicle, except a passenger located in the immediate area.

(c) Licensed caterers transporting open containers of alcoholic beverages so long as no human consumption occurs during transporting to and from the destination.

Section 3. Certain Consumption Prohibited.

Any person commits a violation of this Ordinance who knowingly consumes an alcoholic beverage or possesses a container that has been opened, that has a broken seal or from which some of the contents have been removed, while in a motor vehicle that is being operated on a road or right-of-way within the incorporated area of Battle Ground, Indiana, with the exception that a person may possess a container that has been opened, that has a broken seal or from which some of the contents have been removed, if such container is possessed solely for the purpose of transporting the same or storage, contents are not consumed in the motor vehicle, it is not present in the immediate area, and is otherwise allowed to be possessed under Indiana State Law.

Section 4. Certain Operation Prohibited.

The operator or owner of a motor vehicle commits a violation of this Ordinance who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in the immediate area of the motor vehicle a container that has been opened; that has a broken seal, or from which some of the contents have been removed.

Section 5. Signs to be Posted.

Signs giving notice of this prohibition of open alcoholic beverage containers shall be posted giving notice of such regulation at all such locations deemed appropriate by the Battle Ground Police Department.

Section 6. Citations.

An individual who is issued his/her first citation for violation of this Ordinance shall be fined Fifty ($50.00) Dollars. The fine for each subsequent offense shall be not less than One Hundred ($100.00) Dollars and not more than Two Thousand Five Hundred ($2,500.00) Dollars. An officer of the Battle Ground Police Department shall issue a citation to an individual who violates this Ordinance. Violators may be prosecuted through the Tippecanoe County Court or any other court with jurisdiction over traffic infractions.

Section 7. Effective Date.

This Ordinance shall be in full force and effect January 4, 1994 from and after its passage, approval and publication according to law.

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Indiana, upon first reading on this 6th day of December 1993.

BOARD OF TRUSTEES OF THE
TOWN OF BATTLE GROUND, INDIANA

David L. Ferringer
President, David Ferringer

Steven C. Egly

Stanley Cunningham
Stanley Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST:

Geraldine Berghoff
Clerk-Treasurer Geraldine Berghoff

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Indiana, upon second reading this 4th day of January 1994.

BOARD OF TRUSTEES OF THE
TOWN OF BATTLE GROUND, INDIANA

David L. Ferringer
President, David Ferringer

Stanley Cunningham
Stanley Cunningham

Marie McCoy

Steven C. Egly

Steven C. Egly

Donald D. McKee
Donald D. McKee

ATTEST:

Geraldine Berghoff
Clerk-Treasurer Geraldine Berghoff

ORDINANCE NO. 320

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS AND/OR WEAPONS WITHIN THE TOWN OF BATTLE GROUND.

SECTION I: It shall be unlawful for any person to shoot, fire, or discharge any firearms or weapon of any description including, without limitation, guns, air guns, air pistols, bows or other mechanical devices to shoot or throw shot, bullet, stones, arrows or other missile within the Town of Battle Ground boundaries; except, this section shall not prohibit any officer of the law to discharge a firearm in the performance of official duty nor to any citizen when lawfully defending person or property from physical injury.

It shall be unlawful for any person, except those persons above excluded, by any means to explode, set off or discharge any firearm shell, shot or cartridge, the shooting of which may cause damage or injury to person or property within the Town.

"Firearm" means any weapon that is capable of or designed to or that may readily be converted to expel a projectile by means of an explosion.

SECTION II: Any person violating this ordinance shall be assessed a fine of Fifty Dollars ($50.00) payable to the ordinance violations clerk as outlined in Ordinance #271; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

SECTION III: Any and all ordinance in conflict with this ordinance upon its passage are hereby null and void.

ADOPTED THIS 7th DAY OF NOVEMBER 1994.

David L. Ferringer
David L. Ferringer

Steven C. Egly
Steven C. Egly

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST:

Geraldine Berghoff

Geraldine Berghoff, Clerk-Treasurer

ORDINANCE 321

AN ORDINANCE DEFINING CERTAIN CONDITIONS AND ACTS TO CONSTITUTE NUISANCES AND PROVIDING FOR THE ABATEMENTS THEREOF AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

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

Section 1. It shall be unlawful for the owner or occupant of any building, structure, yard or place to suffer or permit said building, structure, yard or place to become dangerous, obnoxious or offensive to public health or safety. Any building, structure, yard or place so suffered or permitted to become dangerous, obnoxious or offensive is hereby declared a nuisance.

Section 2. It shall be unlawful for the owner or occupant of any lot, yard or parcel of ground to suffer or permit weeds or other like vegetation to grow thereon. Any yard, lot or parcel of ground where weeds or other rank vegetation are suffered or permitted to grow is hereby declared to be a nuisance.

Section 3: It shall be unlawful for any person other than a licensed automobile, truck or farm implement dealer to keep, park, store or maintain or cause to be kept, parked, stored or maintained on any private or public grounds or property within the corporate limits of the Town of Battle Ground, Indiana, and within public view any abandoned motor vehicle of any and all kinds as set out under Indiana Code 9-13-2-1 or any junk, dismantled, disused or abandoned tractor, implement or farm tool, maintained as above provided is hereby declared a nuisance.

Amended by Ordinance No. 11-491A, adopted 9/12/2011.

+/- { *view archive* }

Section 4. It shall be unlawful for the owner or occupant of any yard, lot or parcel of ground to accumulate or suffer or permit the accumulation thereon, of any trash, Junk or refuse. Any such accumulation of trash, junk or refuse is hereby declared a nuisance.

Section 5: Repealed by Ordinance No. 2009-467, adopted 6/8/2009.

+/- { *view archive* }

Section 6. A "person" as used in this ordinance shall include, individuals, firms, corporations, together with their officers and employees.

Section 7. Any person maintaining or suffering or permitting the maintenance of a nuisance as described in this ordinance shall remove and abate the same within ten days of receiving notice to do so by the Town Marshal of the Town of Battle Ground, Indiana. If said person shall not within said ten days period abate and remove said nuisance the Town Marshal shall cause said nuisance to be removed and abated. The Town Marshal shall keep an accurate record of the expense incurred in such abatement or removal. Said expense shall be certified to the Auditor of Tippecanoe County by the Town Clerk Treasurer and said Auditor shall cause such expense to be placed on the tax duplicate of the person so violating this ordinance and shall be collected at the times property taxes are collected from said persons.

Section 8. Any person violating the terms of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined the sum not to exceed Three Hundred ($300.00) Dollars, and a separate offense shall be deemed committed on each and every day during or on which the violation occurs or is permitted to continue.

ADOPTED THIS _____ DAY OF _____, 1994.

_____
Dave Ferringer
Council President

_____
Don McKee, Councilperson

_____
Steve Egly, Councilperson

_____
Stan Cunningham, Councilperson

_____
Marie McCoy, Councilperson

ATTEST:

_____
Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 379

BATTLE GROUND NOISE ORDINANCE

Article 1. Audible Nuisances.

Sec. 1. Unlawful Noise-Prohibited.

It is unlawful for any person to make any noise or permit any noise to be made which disturbs the peace of any other person in public or on any other property. All persons who cause such noise or permit such noise to occur or continue who are in possession of or occupy real property or who operate or occupy a vehicle, from which such noise is emitted, or possess any object, from which such noise is emitted, shall also be in violation of this section.

Sec. 2. Unlawful Noise-Detailed.

(a) The following noises are declared an unlawful nuisance:

(1) Any horn or signal device on any vehicle, other than as a warning or impending danger.

(2) Any radio or other device for the reproduction or amplification of music or other sound audible as prohibited in Section 1.

(3) Any musical instruments audible as prohibited in Section 1.

(4) Any yelling, shouting or other similar loud noises audible as prohibited in Section 1.

(5) Any noise from construction or the operation of machinery between the hours of 9:00 p.m. through 7:00 a.m. audible as prohibited in Section 1.

(6) Any excessive or unusual noise from a motor vehicle resulting from the failure to use a proper muffler or to keep the motor vehicle in proper repair or from the use of exhaust brake; and

(7) Any other excessive or unusual noise as prohibited by Section 1.

(b) This section does not apply to any sporting event or other program or assembly sponsored by any unit of government.

(c) The Town Board of Trustees upon application may permit activities creating otherwise unlawful noise.

Sec. 3. Penalties

Violation of Section 1 shall be punishable by a fine of not less than $25 for the first violation, not less than $50 for the second violation, and not less than $100 for any subsequent violation. All fines assessed to be payable to Ordinance Violations Bureau. PASSED ON FIRST READING THE 1ST DAY OF MAY, 2000. PASSED ON SECOND AND FINAL READING THE 5TH DAY OF JUNE, 2000.

Geraldine Berghoff

Town Board President

Richard Berghoff

Town Board Member

J B Miller

Town Board Member

Town Board Clerk/Treasurer

Mildred Marie McCoy

Town Board Member

Town Board Member

ORDINANCE 02-410

AN ORDINANCE TO ESTABLISH CURFEW TIMES WITHIN THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Town Council of the Town of Battle Ground, Indiana finds that the citizens of the Town have suffered losses from the damage or destruction of private and public property and have been intimidated by the presence of older children unattended at night and frequenting public and private property within the Town and,

WHEREAS, the incidence and frequency of acts of vandalism and intimidation have given rise to greater numbers of complaints and to a deterioration in the safety of the community, and

WHEREAS, the Town Council finds that the curfew prescribed by State Law is later than is reasonable for public safety under the conditions found to now exist in the Town of Battle Ground.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA AS FOLLOWS:

Section 1: Curfew. Pursuant to the authority of I.C. 31-6-4-2(d), it shall be a curfew violation for a child fifteen (15), sixteen (16), or seventeen (17) years of age to be in a public place:

(a) after 11:00 p.m. on Friday and Saturday; or

(b) after 10:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(c) before 5:00 a.m. on any given day.

(d) It is a curfew violation for a child under fifteen (15) years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any given day.

Section 2. Statutory Exceptions. The foregoing section does not apply to a child who is:

(a) accompanied by his or her parent, guardian or custodian;

(b) accompanied by an adult specified by his parent, guardian, or custodian; or

(c) with the consent of his or her parent, guardian, or custodian, participating in, going to, or returning from:

(1) lawful employment;

(2) a school sanctioned activity;

(3) a religious event;

(4) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(5) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(6) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or

(d) engaged in interstate or international travel from a location outside Indiana to another location outside of Indiana.

Section 3. Effective Date. This Ordinance shall supersede any previously adopted Ordinance by the Town Council of the Town of Battle Ground and shall be effective upon passage and publication in accordance with law.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 13th day of January 2003

Carolyn M. Roth
Presiding Officer

ATTEST:
Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE NO. 2008- 459

AN ORDINANCE REQUIRING THE DISPLAY OF ADDRESS NUMBERS IN THE TOWN OF BATTLE GROUND, INDIANA WHEREAS, the town wishes to ensure visibility of address for administering emergency services; and **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THAT:**

Section 1. It shall be the responsibility of the home or business owner to provide a current visible address on the main structure and mailbox (if applicable).

Section 2. The numbers on any mailbox shall be in compliance with any applicable postal service regulations.

Section 3. The numbers on any structure should be at least 3 inches in height. The color of the numbering must be in contrast with the background.

Section 4. Numbers should be placed on the main level of any structure and faced toward the street and placed near an entryway. An address should also be placed facing an alleyway if the backside of the structure faces it.

Section 5. Owner/occupants shall have 30 days to comply with this ordinance after it becomes effective. Following an initial warning, the owner/occupant will have 10 additional days to comply. A fine of up to $25.00 will be assessed for non-compliance after the 10 day warning has expired. An additional $25.00 fine will be assessed for each additional 10 days of non-compliance.

Section 6. This ordinance shall be in full force and effective upon passage.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 22 day of

April , 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly

Steve Egly, President

Brian Brewer

Brian Brewer

Becky Holladay

Becky Holladay

Karen Pearson

Karen Pearson

Carolyn Roth

Carolyn Roth

ATTEST:

Phyllis Hall

Phyllis Hall
Clerk/Treasurer

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 12 day of

May , 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly, President

Brian Brewer

Brian Brewer

Becky Holladay

Becky Holladay

Karen Pearson

Karen Pearson

Carolyn Roth

Carolyn Roth

ATTEST:

Phyllis Hall

Phyllis Hall
Clerk/Treasurer

ORDINANCE 2009-46 7

AN ORDINANCE MODERNIZING REGULATIONS GOVERNING SNOW REMOVAL FROM SIDEWALKS.

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

Section 1. Section 5 of Ordinance 321 is repealed.

Section 2. Section 1(l) of Ordinance 387 is repealed.

Section 3. An owner or occupant of property adjacent to any sidewalk within the town shall remove snow or ice from said adjacent sidewalk:

(a) not later than twenty-four (24) hours after snow has ceased to fall or otherwise accumulate on the sidewalk.

Section 4. A violation of Section 3 shall be punished by a fine of $25. If a person violates Section 3 and that person has previously been fined for a violation of Section 3, that person shall be punished by a fine of $50. If a person violates Section 3 and that person has been fined for a violation of Section 3 two or more times, that person shall be punished by a fine of $100.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 11 day of May , 2009.

Town Council of the Town of
Battle Ground, Indiana:

Becky Holladay, President

ATTEST:
Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Brian Brewer
Brian Brewer

Steve Egly
Steve Egly

Carolyn Roth
Carolyn Roth

Karen Pearson
Karen Pearson

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 8 day of June , 2009.

Town Council of the Town of
Battle Ground, Indiana:

Becky Holladay, President

ATTEST:
Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Brian Brewer
Brian Brewer

Steve Egly
Steve Egly

Carolyn Roth
Carolyn Roth

Karen Pearson
Karen Pearson

ORDINANCE NO. 10-487A

AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS WITHIN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

WHEREAS, sidewalks provide an important and safe method of transportation that is necessary to public transportation and infrastructure; and

WHEREAS, sidewalks promote a healthier community by encouraging exercise and reducing pollution discharged from vehicles; and

WHEREAS, sidewalks create a greater aesthetic appeal for the community,

NOW THEREFORE, BE IT ORDAINED, by the Town Council of Battle Ground, Indiana as follows:

SECTION A. STATEMENT OF INTENT

Section 1: Purpose The purpose of this ordinance is to promote the health, safety and general welfare of the Town of Battle Ground for the pedestrians traveling within the community. This ordinance shall ensure all sidewalks meet the standards and requirements set forth in the Americans with Disabilities Act of 1990 ("ADA") and establish the responsibility of property owners and the Town in matters of repair and maintenance of sidewalks.

Section 2: Definition
Sidewalk: the area between the street curb and adjacent property line, designed for the intended use and convenience of pedestrian access, which is normally located immediately within the public right-of-way.

Section 3: Standards and Requirements
All sidewalks made new or replaced shall be subject to the adoption and acceptance of the Town Council and all standards and requirements set forth in the ADA.

(a) Sidewalks shall be at least five (5) feet in width, or to match existing width, with at least thirty-six (36) inches of clearance in the sidewalk path. Wider walks, to a maximum of eight (8) feet, may be required along commercial areas due to higher volume of pedestrian traffic. Asphalt and slick-surfaced sidewalks are prohibited.

(b) All sidewalks shall include:

(i) Ramps allowing access from street to sidewalk, either within the corner or curb area immediately adjacent thereto. Existing curbs and gutters may require removal to provide a smooth transition from street to sidewalk.

(ii) Landscape strips, where practicable, of at least two (2) feet width between the sidewalk and the edge of the street or curb.

(c) Exceptions to this ordinance shall be made as allowed by federal law, and approved by the Town Council.

Section 4: Obstructions
The owner or occupant of property adjacent to any sidewalks within the town shall keep all adjacent sidewalks free from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation, or other items. The owner or occupant shall also keep clear the area which is located directly over the sidewalk, up to a height of eight (8) feet, in a manner which will allow reasonable travel without interference from obstructions. The owner or occupant will be responsible for the removal of snow or ice from the sidewalk as provided in the Town Code.

Section 5: Repair and Maintenance
Whenever the Town Council determines a sidewalk within the town should be repaired, the Town Council shall forthwith give notice to the adjacent property owner by serving such notice by sending a copy thereof by registered mail to such property owner. If the address of such property owner is unknown, or such real estate is vacant or unoccupied, then the Town Council shall post a copy of the notice on the property in a conspicuous place, requiring the property owner to repair the sidewalk within thirty (30) days from the date of the notice.

Upon acceptance by the Town Council, the owner of the adjacent property and the Town will equally share the costs and expenses of the first repair to be performed on a particular piece of sidewalk on said property. The Town will only share the expense once, and any subsequent repairs needed by said property, as determined by Town Council, will be the sole responsibility of the property owner.

Prior to any action which may result in damage or removal of a sidewalk, the property owner must notify the Town Council and have the sidewalk evaluated by a town employee.

Further, in the event the property owner shall fail to repair any sidewalk after notice is given by the Town Council, the Town of Battle Ground shall proceed to repair such sidewalk and the Town will be entitled to file a lien on the property owner for the costs and expenses of any such repairs.

Section 6: Enforcement
The Town Council or Designee shall enforce this ordinance. The construction, repair, and maintenance of all sidewalks and the materials and components thereof shall not be deemed completed until approved and accepted by the Town Council or Town Council Designee.

Section 7: Penalty
Violation of any provision of this ordinance shall be enforced with a daily fine of twenty-five dollars ($25.00) until the violation is corrected. Each day a violation of this ordinance occurs or continues is a separate and distinct violation of this ordinance.

Section 8: Appeal Process
All appeals regarding this ordinance shall be referred to the Town Council.

SECTION B. CONFLICTS
All ordinances or Resolutions of the Town of Battle Ground that conflict with the provisions of this Ordinance shall be hereby repealed.

SECTION C. EFFECTIVE DATE
This ordinance shall become effective and be in force from after its passage in the manner provided by law. The Clerk-Treasurer is directed to publish the Ordinance.

PASSED ON THIS **13th** DAY OF **December, 2010.**

BATTLE GROUND COUNCILPERSONS

Becky Holladay
Becky Holladay, Council President

Brian Brewer
Brian Brewer

Karen Pearson
Karen Pearson

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Carolyn Roth

Steve Egly
Steve Egly

ORDINANCE 2012-497

AN ORDINANCE REGULATING THE ABATEMENT OF GRASS, WEEDS OR VEGETATION NUISANCES WITHIN THE TOWN OF BATTLE GROUND

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

Section 1. General Regulation and Violation. It is a public nuisance for an owner, and/or occupant of a property within the Town of Battle Ground to cause, suffer, or permit the growth of: grass above ten inches high; weeds; noxious, poisonous, or offensive vegetation; or the deposit or accumulation of weeds, or noxious, poisonous or offensive vegetation, matter, or substance; in or upon any portion of the lots, parcels of ground, or tracts of land.

Section 2. Relationship with Other Ordinances. This ordinance shall have no effect on Ordinance 387. A penalty under this ordinance shall be separate, independent and in addition to, any penalty assessed under any other ordinance in effect.

Section 3. Abatement. (a) Whenever any nuisance shall be found to exist which is referred to in Section 1, the Clerk-Treasurer is authorized to serve notice in writing upon the owner, occupant, agent, or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found, or upon the person owning or causing any such nuisance requiring abatement of such nuisance. Said notice may be made by certified mail or by posting on the property.

(b) Said notice shall provide the person owning or causing any such nuisance ten (10) days from receipt or the posting of said notice to abate said nuisance.

(c) In the event of refusal or neglect on the part of the notified offender to obey such Order within the time limit named in the Order, the Clerk-Treasurer shall have the power and authority to cause to be removed and abate the unlawful conditions thereof which shall be paid from the Treasury upon sworn vouchers of such person and the cost and expenses, as detailed in Section 4 below, shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may after the charges have gone unpaid for a period of six (6) months certify the amount due of such charge from each person to the Auditor and the amount of such charge shall be placed upon the duplicate by the Auditor and collected as taxes are collected.

(d) Each time that the Clerk-Treasurer exercises the power to abate a nuisance described in this Section, it shall constitute an enforcement against a violation of this ordinance that is separate, independent and in addition to the enforcement against the violation of any other ordinance in effect.

Section 3. Penalty Structure. A violation of this ordinance shall subject the violator to the following civil penalties:

(a) Initial violation in a calendar year	= civil penalty of $50.00
(b) Second violation in a calendar year	= civil penalty of $100.00
(c) Third violation in a calendar year	= civil penalty of $250.00
(d) Subsequent violations in a calendar year	= civil penalty of $500.00

Section 4. Abatement Costs and Expenses. If the Clerk-Treasurer exercises the power to abate the above nuisance, the violator shall be charged the entirety of the costs and expenses associated with such process. These costs shall include reasonable expense for the total labor costs of all parties involved with abating the nuisance, in addition to materials, mileage, fuel, and all other expenses necessary to abate the nuisance. This section shall be separate, independent and in addition to, any costs or expenses assessed under any other ordinance in effect.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 14 day of May , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this 21 day of June , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

ORDINANCE 2013- 515

AN ORDINANCE TO REGULATE THE USE OF FIREWORKS IN THE TOWN OF BATTLE GROUND PURSUANT TO INDIANA CODE.

Be it ordained by the Council of the Town of Battle Ground, Indiana, that ORDINANCE 2013-515 shall restrict the use of fireworks within the Town as follows:

Section 1. Definitions

(a) Firework. The term “firework” shall be defined as provided in IC 22-11-14-1, as amended.

(b) Consumer firework. The term “consumer firework” shall be defined as provided in IC 22-11-14-1, as amended.

Section 2. Use or discharge of consumer fireworks prohibited except on certain dates and times.

(a) This ordinance applies only to those areas within the municipal limits of the Town of Battle Ground.

(b) Consumer fireworks may only be used or discharged within the Town of Battle Ground, Indiana on the following dates and times, as provided in IC 22-11-14-10.5:

1. Between the hours of 5:00 p.m. and two (2) hours after sunset on June 29, June 30, July 1, July 2, July 3, July 5, July 6, July 7, July 8, and July 9;
2. Between the hours of 10:00 a.m. and 12:00 midnight on July 4; and
3. Between the hours of 10:00 a.m. on December 31 and 1:00 a.m. on January 1.

Section 3. Enforcement. The Town of Battle Ground Police Department is responsible for the interpretation and civil enforcement of this chapter.

Section 4. Seizure and forfeiture of consumer fireworks.

Enforcement personnel the Town of Battle Ground Police Department may seize and dispose of consumer fireworks that are used in violation of this chapter.

Section 5. Penalty.

In addition to the seizure and disposition of consumer fireworks that are used in violation of this ordinance, whoever violates any provision of this ordinance shall be fined not more than Fifty Dollars ($ 50.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

INTRODUCED ON FIRST READING ON THE 9 DAY OF December , 2013.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 9 DAY OF December , 2013, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

INTRODUCED FOR SECOND READING ON THE 13 DAY OF January , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 13 DAY OF January , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay				

Becky Holladay	X			
Karen Pearson				
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE NO. 119

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATING OF THE BUSINESS OF OPERATING A MOBILE PARK IN THE TOWN OF BATTLE GROUND, INDIANA

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

SECTION 1. Definitions.) As used in this ordinance, the fo11owing terms shall have the meaning below:

"Mobile home" shall mean and include any vehicle, including the equipment sold as a part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or not self- propelled means, which is designed, constructed or reconstructed, or added to by means of an enclosed addition or room in such manner as will permit the occupancy thereof as a dwelling for one (1) or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks skirting, or other temporary supports.

"Mobile home park" means as area of land upon which two(2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for the revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

SECTION 2. License Required.) It shall be unlawful to establish, maintain or operate any mobile home park in the Town of Battle Ground without first having obtained a license there for. Application for such license shall be made in writing to the clerk-treasurer and shall contain the name of the applicant, the location of the proposed park and the number of trailers to be accommodated.

SECTION3. Plan.) Each such applicant shall be accompanied by a plat or sketch showing the size and location of all buildings and structures.

Section 4. Fee.) The annual fee for such licenses shall be One Hundred Dollars ($100.00) plus Five Dollars ($5.00) for each mobile home over twenty (20) for which accommodations exist. If the number is increased, this shall be reported to the clerk treasurer, and the additional fee, if any, necessitated by such increase shall be paid before the additional places are put to use. When a license is applied for, or accommodations are increased during the license year, the fee shall be prorated on the basis of the number of months remaining in the license year.

Section 5. Character.) No such license shall be issued to any but a person of good character, nor to any corporation of any officer thereof is not a person of good character. It shall be unlawful to hire or keep as manager, superintendent or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony.

Section 6. Supervision.) Each mobile home park, while operated, shall be in charge of a responsible attendant or caretaker at all times, who shall be responsible, with the license, for compliance with the provisions of this ordinance relating to the conduct of such parks.

Section 7. Spaces.) Each mobile home shall be allotted a site of not less than one thousand (1,000) square feet. No mobile home shall be parked closer than five(5) feet to the side lot lines of a mobile home

park, if the abutting property is improved property, or closer than ten (10) feet to a public street, alley or building. Each individual mobile home site shall abut or face on a driveway or clear unoccupied space of not less than twenty (20) feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten (10) feet between the sides of every mobile home and at least five(5) feet between the ends of every mobile home.

Section 8. Water Supply.) An adequate supply of pure water for drinking and domestic purpose from the town water supply system shall be supplied to meet the requirements of said mobile home park. Said water shall be obtained from faucets only, conveniently located in said park. No common drinking cups shall be permitted. A water meter shall be installed in each such park.

Section 9. Sanitary Facilities.) Each mobile home park shall provide toilets, bath, or showers which shall comply with the provisions of the ordinance relating thereto, with separate accommodations for men and women.

Section 10. Garbage) It shall be the duty of the owner, his agent or caretaker, to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.

Section 11. Lights) The parks shall be kept properly and adequately lighted at all times so the grounds shall be safe for occupants and visitors.

Section 12. Permanent Use.) It shall be unlawful for any person to maintain any mobile home, used for human habitation, upon any plot of ground in the Town of Battle Ground except in a licensed mobile home park.

It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix said mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of the building and zoning ordinances.

It shall be unlawful to occupy for sleeping or other residence purposes any mobile home which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinance relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single family dwellings.

Section 13. Exceptions.) Nothing in this ordinance shall be construed to prohibit the storage of any camper type trailer for any length of time when said camper type trailer is not used for living or sleeping purposes.

Passed and adopted on this 2nd of August 1965

Betty L. Grass Clerk Treasurer Town of Battle Ground, Indiana

ORDINANCE NO. 138

AN ORDINANCE TO AMEND PROPOSED ORDINANCE NO. 138 ENTITLED "AN ORDINANCE CONSENTING THAT LIQUOR RETAILER'S PERMIT MAY BE ISSUED TO PREMISES WITHIN THE TOWN OF BATTLE GROUND, INDIANA."

BE IT ORDAINED, BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT THE CONSENT OF SAID TOWN BE AND THE SAME IS HEREBY GIVEN, AUTHORIZED AND GRANTED UNTO THE PROPER LEGAL AUTHORITIES OF THE STATE OF INDIANA, TO ISSUE LIQUOR RETAILER'S PERMITS FOR THE SALE OF ALCOHOLIC, SPIRITUOUS BEVERAGES TO APPLICANTS OTHERWISE DULY QUALIFIED TO PREMISES WITHIN SAID TOWN, ALL AGREEABLE TO THE PROVISIONS OF SECTION EIGHTEEN (18) OF AN "ACT" CONCERNING ALCOHOLIC BEVERAGES, LIQUIDS AND SUBSTANCES, AND TO PROMOTE TEMPERANCE, REPEALING LAWS AND PARTS OF LAWS AND DECLARING AN EMERGENCY," APPROVED MARCH 11, 1935.

BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

READ, APPROVED AND FINALLY ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS 7th DAY OF August , 1972.

Gary W. Younker
PRESIDENT, BOARD OF TRUSTEES

Otis C. Anderson
TRUSTEE

James M. Wilson
TRUSTEE

William A. Bushman
TRUSTEE

Francis L. Meyers
TRUSTEE

STATE OF INDIANA)
) SS
COUNTY OF TIPPECANOE)

I, LAURLENE LEWIS, CLERK OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A FULL, TRUE AND

EXACT COPY OF AN ORDINANCE DULY PASSED AND FINALLY ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THE _____DAY OF _____, 1972, AND DULY SIGNED AND APPROVED BY THE MEMBERS OF SAID BOARD OF TRUSTEES AND NOW REMAINS ON FILE AND ON RECORD IN MY OFFICE AS SUCH CLERK. WITNESS MY HAND THE OFFICIAL SEAL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS _____ DAY OF _____, 1972.

Laurlene Lewis
CLERK-TREASURER, TOWN OF BATTLE GROUND,
TIPPECANOE COUNTY,INDIANA

ORDINANCE NO. 219

Amending No. 100

AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF HAWKERS, PEDDLERS, ITINERANT DEALERS, STREET AUCTIONEERS, TRANSIENT SALESMEN AND OTHER DEALERS IN GOODS, WARES AND MERCHANDISE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, REPEALING ALL CONFLICTING ORDINANCES HERETO FORE ADOPTED. .

SECTION ONE. Be it ordained by the Board of Town Trustees of the Town of Battle Ground, Indiana, that it shall be unlawful for any hawker or peddler or other itinerant dealer by wholesale or retail, in goods, wares or merchandise to offer the same for sale in said Town, or to go from house to house, office to office, or place to place in said Town and offer for sale any such goods, wares or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first obtained a license or certificate for that purpose as in this ordinance provided.

SECTION TWO. A written application for such license is desired, which application shall state the name and the residence of the applicant, the kind of goods to be offered for sale, the length of time during which such goods will be offered for sale, the application shall be sworn to by the applicant.

SECTION THREE. No license or certificate issued under this ordinance shall be transferable; nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalties prescribed by this ordinance except the licensee named in the license.

SECTION FOUR. No person to whom a license or certificate has been issued under the provisions of this ordinance shall refuse, upon request made, to show such license or certificate to any peace officer of the Town of Battle Ground, to any person to whom he shall offer to sell any goods, wares or merchandise, or to any member of the Board of Trustees of the Town.

SECTION FIVE. The provisions of this ordinance shall not apply to transactions of interstate commerce, to vendors of vegetables, fruits, or other articles of food, who raised, prepared, cultivated or produced the same, or to the vendors of newspapers, or of legal, medical, or religious works.

SECTION SIX. Any person who shall violate any of the provision of this ordinance shall forfeit and pay to the Town of Battle Ground any sum not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) and each day this ordinance is violated shall constitute a separate offense.

SECTION SEVEN. Any ordinance entitled "An ordinance providing for the regulation and licensing of hawkers, peddlers, and itinerant dealers, street auctioneers, transient salesmen or other dealers in goods, wares, and merchandise and providing penalties for the violation thereof, adopted on the 7th day of March, 1960" is hereby repealed.

This ordinance shall be in full force and effect after its adoption by the Board of Town Trustees of the Town of Battle Ground and advertised and published according to law.

ADOPTED AND PASSED By the Town Board of the Town of Battle Ground, Indiana this 5th day of

November , 1984.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 276

Replacing Ordinance No. 100

ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF HAWKERS, PEDDLERS, ITINERANT DEALERS, STREET AUCTIONEERS, TRANSIENT SALESMEN AND OTHER DEALERS IN GOODS, WARES AND MERCHANDISE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, REPEALING ALL CONFLICTING ORDINANCES HERETOFORE ADOPTED.

SECTION 1. BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana, that it shall be unlawful for any hawker or peddler or other itinerant dealer by wholesale or retail, in goods, wares or merchandise to offer the same for sale in said Town, or to go from house to house, office to office, or place to place in said Town and offer for sale any such goods, wares or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first filling out an application at the Town Hall.

SECTION 2. A written application is required, which application shall state the name and the residence of the applicant, the kind of goods to be offered for sale, the length of time during which such goods will be offered for sale, the application shall be sworn to by the applicant.

SECTION 3. No application shall transferable; nor shall any person other than the person named on the application be permitted to use the same, nor shall any application protect any person from incurring the penalties prescribed by this Ordinance except the licensee named in the license.

SECTION 4. No person to whom an application has been approved under the provisions of this Ordinance shall refuse, upon request made, to show such application or certificate to any peace officer of the Town of Battle Ground, Indiana, to any person to whom he shall offer to sell any goods, wares or merchandise, or to any member of the Board of Trustees of the Town.

SECTION 5. The provisions of this Ordinance shall not apply to transactions of interstate commerce, to vendors of vegetables, fruits, or other articles of food, who raised, prepared, cultivated or produced the same, or to the vendors of newspapers, or of legal, medical, regligious works or church, school sales and festivals.

Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

ADOPTED THIS 7th day of AUGUST, 1989.

_____

_____

_____

_____

_____

ATTEST:

_____

Clerk-Treasurer Clerk-Treasurer

ORDINANCE #241-B

AN ORDINANCE TO CHANGE THE NAME OF HWY 225 EAST FROM MAIN STREET TO THE TOWN LIMITS BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1: PURPOSE

An Ordinance to change the name of Highway 225 east from Main Street to the city limits, Battle Ground, Tippecanoe County, Indiana to Tecumseh Street.

SECTION 2: EFFECTIVE DATE

This ordinance shall in full force and effect immediately upon its final adoption. Any ordinances in conflict with this ordinance are hereby rescended.

Passed on this the 1st day of December, 1986 by the Board of Trustees of the Town of Battle Ground, Indiana.

Hugh Ralstin
Trustee

Daniel T. Kelly
Trustee

Dennis W Pettit
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

ATTEST:
Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 164

AN ORDINANCE ESTABLISHING THE TOWN BOUNDARIES FOR THE TOWN BATTLE GROUND.

WHEREAS, the State Legislature has passed legislation which authorizes the common council or town board of a town by ordinance to declare and define the entire corporate boundaries of the city or said town, and said ordinance properly certified shall be conclusive evidence of the boundary of said city or town; said Statute more commonly identified as IC 18-5-10-19.

WHEREAS, the Town of Battle Ground passed a resolution on December 28, 1978, which set forth intentions of the Town of Battle Ground to adopt an ordinance declaring the defining the entire corporate boundaries of the Town of Battle Ground.

WHEREAS, pursuant to IC 18-5-10-19 the Town Board of Battle Ground hereby adopts an ordinance for the purpose of declaring and defining and establishing the entire corporate boundaries of the Town of Battle Ground.

WHEREAS, the Town of Battle Ground hereby intends that said boundaries of the Town of Battle Ground has never established prior hereto any corporate boundaries of said town and,

WHEREAS, the Town of Battle Ground hereby intends that said boundaries of the Town of Battle Ground shall become final and binding pursuant to final publication as required in IC 18-5-10-20.

WHEREAS, the Town of Battle Ground hereby proposes said legal description of the Town of Battle Ground, Indiana, as follows, to-wit:

Beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter of Section Twenty-Three (23), Township Twenty-Four (24) North, Range Four (4) West, said point also being the Northeast corner of Tomahawk Heights Subdivision; thence in a southerly direction along the Eastern line of said Section (and the Eastern line of Tomahawk Heights Subdivision) a distance of 579.15 feet; thence North 81°25'00" East, crossing into section 24-24- 4, a distance of 207.00 feet; thence South 25°59'00" East a distance 402.50 feet to the approximate centerline of Main Street; thence in a southwesterly direction along said centerline to a point on the Eastern line of said Section 23-24-4; thence in a Southeasterly direction to a point on the Northern Boundary of Burnett's Reserve, said point being 169 feet Northeast of the intersection of said Northern Boundary with the East Line of Section 23-24-4; thence in a Southwesterly direction along the North line of Burnett's Reserve to the centerline of State Road 225; thence Northwesterly along said centerline to the centerline of Railroad Street; thence following the centerline of Railroad Street in a Southwesterly direction, crossing into Section 26-24-4, to a point on the Southwestern Boundary line of a parcel of land designated as the Tippecanoe Battle Ground Memorial; thence in a Northwesterly direction along said boundary to the approximate centerline of Burnett's Creek; thence following the centerline of said Creek, crossing into Section 23-24-4, to a point where said centerline intersects the extended Northeastern right-of-way of Battle Ground Avenue, thence in a Northwesterly direction to the Southwest Corner of Lot Numbered Three (3) in the Trustee's Addition to the Original plat to the City of Battle Ground, Indiana; thence Northerly (along the Western Boundary of Lots Numbered Three (3) through Seven (7) in said Trustee's Addition) to the centerline of Burnett's Creek; thence following the centerline of Burnett's Creek to the North Line of the South half of the

Northeast Quarter of said Section 23-24-4, thence Easterly along said Line to the Point of Beginning.

WHEREAS, the Town of Battle Ground hereby authorizes the attorney for the Town of Battle Ground to properly certify said legal description pursuant to IC 18-5-10-19.

NOW THEREFORE, be it ordained by the Town of Battle Ground that the foregoing legal description of the Town of Battle Ground, Indiana be hereby adopted.

Passed and adopted by the Town Board of Battle Ground on this 8th day of January , 1979.

DF J Dave Fisher
Presiding Officer

DM Donald D. McKee
Trustee

CP
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the Ordinance No. 164 was posted in each ward on December 29, 1978 as follows:

WARD #1 S W corner TIPTON AND COLLEGE STREETS
WARD #2 S E CORNER WINANS & NORTH STREETS
WARD #3 MAIN STREET AT LIONS BUILDING
WARD #4 S W DEFFERSON & "E" STREETS
WARD #5 S W CORNER LIBERTY & MAIN STREETS

Laurlene Lewis
LAURLENE LEWIS, CLERK-TREASURER

GENERAL ORDINANCE NO. 101

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE TOWN OF BATTLE GROUND, INDIANA AND DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE BOARD OF TOWN TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA:

Section 1. The following described territory in Tippecanoe County, Indiana adjacent to the corporate boundary of the Town of Battle Ground, described as follows:

TRACT 1.
A part of the South half of the Northeast quarter of Section 23, Township 24 North, Range 4 West, described as follows, to-wit: Beginning at a point on the East line of Section 23; said point of beginning being 579 feet South of the Northeast corner of the South half of the Northeast quarter of Section 23; thence South 70 degrees and 15 minutes West a distance of 304 feet to the Easterly line of Union Street as now laid out, thence North 25 degrees and 28 minutes West along the Easterly line of Union Street 116 feet to a point that is South 88 degrees and 55 minutes West 337 feet from the place of beginning; thence North 88 degrees and 55 minutes East 337 feet to the place of beginning, containing 4/10 acre, more or less, located in Tippecanoe Township, Tippecanoe County, Indiana.

TRACT 2.
A fractional part of the South one-half of the Northeast quarter of Section twenty-three (23) Township twenty-four (24) North, Range four (4) West, described as follows, to- wit: Commencing at the Northeast corner of the South one- half of the Northeast quarter of the aforesaid section, thence South along the East line of said section 757.3 feet to a wood corner post, thence South 64 degrees 43 minutes West 227.5 feet to an iron pipe, set by the Tippecanoe County Surveyor, on the Northeast property line of Union Street, thence North 25 degrees 28 minutes West parallel with the center line of Union Street 66.5 feet to the place of beginning; thence North 25 degrees 28 minutes West parallel to center line of Union St. 66.5 feet; thence North 70 degrees 15 minutes East parallel to the center line of High School St. 119.26 feet; thence South 21 degrees 52 minutes East 60.15 feet; thence South 67 degrees 5 minutes West 114.63 feet to the place of beginning, containing 0.17 acres, more or less. Located in Tippecanoe Township, Tippecanoe County, Indiana,

is hereby annexed to and made a part of the Town of Battle Ground, Indiana.

Section 2. This ordinance shall be in full force and effect from and after its passage and pursuant to publishing thereof as by law provided.

Adopted and passed by the Board of Town Trustees of the Town of Battle Ground, Indiana, this 5th day of December, 1960.

John D. Gerhart
Presiding Officer

Attest:

Jean Smith
Clerk-Treasurer

Presented by me to the Board of Town Trustees of the Town of Battle Ground, Indiana, this 5th day of December, 1960 for their approval and signature.

Jean Smith
Clerk-Treasurer

Approved and signed by the Board of Town Trustees of the Town of Battle Ground, Indiana this 5th day of December, 1960.

John D. Gerhart
President

Virgil W. Scowden
Vice-President

D. Bruce Cunningham
Member

Roy E. Russell
Member

Jesse C. Horn
Member

ORDINANCE NO. 273

AN ORDINANCE ANNEXING A CERTAIN INDUSTRIAL AREA INTO THE TOWN OF BATTLE GROUND, INDIANA.

WHEREAS, there is a certain tract of land located immediately East and South of land within the Town of Battle Ground, Indiana, which is zoned in a manner consistent withlogical city growth;

WHEREAS, the land owner of said proposed annexation tract has filed a Petition and requested and the Town of Battle Ground, Indiana to annex said tract pursuant to I.C. 36-4-3-5;

WHEREAS, said tract is needed and can be used by the Town of Battle Ground for its continued growth and deveopment in the immediate future;

WHEREAS, SAID tract is located along Indiana State Road 225 North and Monon Railroad and more than 1/8 of the extermal aggregate boundary of said tract is contiguous with land within the Town of Battle Ground and siad tract is more than one hundred fifty (150) feet in width as by law required; the Town at little or no additonal cost can provide said tract with regular common noncapital services and said tract is an appropriate location for adjacent urban growth and will be serviced by Capital Improvement Services which are currently planned and programmed for this area.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, IN:

Section No. 1. That the following real estate be

Exhibit B

and the same is hereby annexed into and made part of the Town of Battle Ground, In., to-wit:

Part of the West half of the Southeast Quarter of Section 23, Township 24 North, Range 4 West, situated in Tippecanoe Township, Tippecanoe County, Indiana and being more particularly described as follows:

Beginning at an iron pipe at the intersection of the centerline of Indiana State Road 225 and the South right-of-way line of the Monon Railroad and running thence S 40°00'00" E along the centerline of said State Road a distance of 158.94 feet to a P-K Nail; thence S 50°00'00" W, 57.35 feet to an iron pipe; thence S 72°27'40: W, 122.05 feet to an iron pipe; thence S 48°41'40: W, 135.33 feet to an iron pipe,; thence N 52°14'20: W, 50.45 feet to an iron pipe; thence N 41°41'40: E, 5.64 feet to an iron pipe thence S 57°17'01: E, 44.90 feet to an iron pipe; thence N 33°22;15" E, 142.30 feet to a point on a curve to the left having a radius of 5759.58 feet and a central angle of 01°43'57"; thence northeasterly along the arc of said curve a distance of 174.16 feet to the point of beginning, containing 0.66 acre.

DATED THIS 7th DAY OF AUGUST, 1989.

_____

_____

ATTEST:

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 323 - 94

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the Town Board of Trustees of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION I: The following described lands be, and the same are, hereby annex to and declared a part of Battle Ground, Tippecanoe county, Indiana:

See attached exhibits A (Battle Ground Sewage Treatment Plant) and B (Tippecanoe County Park and Recreation Board of Tippecanoe County Property)

SECTION II: Be it further ordained that the boundaries of the Town of Battle Ground, Tippecanoe County, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Tippecanoe County, Indiana.

SECTION III: Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION IV: This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA ON NOVEMBER 7, 1994.

David L. Ferringer
David L. Ferringer, President

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy

Marie McCoy

Steven C. Egly
Steven C. Egly

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

EXHIBIT A

Auditor Key #: 124-03600-049 NT

Beginning at a point in the apparent center of Prophet's Rock Road approximately 300 feet South of the North line of the South West quarter of the South West Quarter of Section 23, Township 24 North, Range 4 West, thence South 89 degrees 50 minutes East 901.5 feet to the center line of Burnett's Creek, then along the meandering of said creek in a southerly direction to a point 200 feet South of the preceding course, thence North 89 degrees 50 minutes West 950.5 feet to the apparent center of Prophet's Rock Road, thence in a northeasterly direction along the center line of Prophet's Rock Road to the place of beginning, containing 4.25 acres, more or less, in Tippecanoe Township, Tippecanoe County, State of Indiana.

ALSO a tract of land which is a part of the South West quarter of Section 23, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, more fully described as follows, to wit:

Beginning at a point in the approximate center of Prophet's Rock Road on the North line of the South West quarter of the South West quarter of Section 23, said point being 420.5 feet East of the West line and 1340.0 feet South of the North West corner of the South West quarter of said section, Said point being marked with an existing nail in said road; thence South 89 degrees 50 minutes East for 962.5 feet along the existing fence line, to the approximate center of Burnett's Creek; thence in a southerly direction, along the meandering of Burnett's Creek, South 41 degrees 48 minutes West for 401.4 feet; thence North 89 degrees 50 minutes West for 901.5 feet to a steel railroad spike in Prophet's Rock Road; thence North 34 degrees 34 minutes East for 363.7 feet along the apparent center line of Prophet's Rock Road to the place of beginning, said tract containing 6.4 acres, more or less.

EXHIBIT B

Auditor Key #'s: 124-03600-026 NT
124-03600-050 NT
124-03500-011 NT
124-03900-022 NT

The South East quarter of the South East quarter of Section twenty-two (22), in Township Twenty-four (24) North, Range four (4) West, containing thirty nine and ninety five hundredths (39.95) acres. ALSO twelve and forty-five hundredths (12.45) acres off the entire south end of that portion of the South West quarter of the South West quarter of Section twenty three (23), Township and Range aforesaid, as platted in the County Surveyor's Records of Tippecanoe County, in Book "B", Page 29, containing twenty-nine and twenty hundredths (29.20) acres more or less, the north boundary of said 12.45 acres being parallel to the south boundary of the South West quarter of said Section twenty-three (23).

ALSO a part of the North East quarter of the North East quarter of Section twenty-seven, Township twenty-four (24) North, Range four (4) West, described as follows: Beginning at the North West corner of said North East quarter of said North East quarter of said Section twenty-seven (27), and running thence South sixty seven (67) degrees and 28 minutes East five hundred eighty-eight (588) feet to the center of the Riverside and Battle Ground Gravel Road; thence North Easterly along said road to the North line of said section twenty-seven (27); thence West on said Section twenty-seven (27) to the place of beginning containing one and sixty five hundredths (1.65) acres more or less.

ALSO all that portion of the South West quarter of the South West quarter of Section twenty-three (23), Township twenty-four (24) North, Range four (4) West, as platted in the County Surveyor's Records of Tippecanoe County, in Book "B", Page 29, containing twenty-nine and twenty hundredths (29.20) acres more or less.

EXCEPT real estate taken for County Highway described in Deed Record 71, Page 3075.

ALSO EXCEPT a tract of land which is a part of the South West quarter of Section 23, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, more fully described as follows, to wit:

Beginning at a point in the approximate center of Prophet's Rock Road on the North line of the South West quarter of the South West quarter of Section 23, said point being 420.5 feet East of the West line and 1340.0 feet South of the North West corner of the South West quarter of said section, said point being marked with an existing nail in said road; thence South 89 degrees 50 minutes East for 962.5 feet along the existing fence line, to the approximate center of Burnett's Creek; thence in a southerly direction, along the meandering of Burnett's Creed, South 41 degrees 48 minutes West for 401.4 feet; thence North 89 degrees 50 minutes West for 901.5 feet to a steel railroad spike in Prophet's Rock Road; thence North 34 degrees 34 minutes East for 363.7 feet along the apparent center line of Prophet's Rock Road to the place of beginning, said tract containing 6.4 acres, more or less.

ALSO EXCEPT Beginning at a point in the apparent center of Prophet's Rock Road approximately 300 feet South of the North line of the South West quarter of the South West Quarter of Section 23, Township 24 North, Range 4 West, thence South 89 degrees 50 minutes East 901.5 feet to the center line of Burnett's Creek, then along the meandering of said creek in a southerly direction to a point 200 feet South of the preceding course, thence North 89 degrees 50 minutes West 950.5 feet to the apparent center of Prophet's Rock Road, thence in a northeasterly direction along the center line of Prophet's Rock Road to the place

of beginning, containing 4.25 acres, more or less, in Tippecanoe Township, Tippecanoe County, State of Indiana.

ORDINANCE NO. 324 -95

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Tippecanoe County, Indiana:

The following Lots in Prophet's Rock Heights Subdivision, Part Three:

Lot 6 (5906 Prophet's Rock Road) Auditor's Key Number 124039030027

Lot 7 (2919 E 600 N) Auditor's Key Numbers 124039030027 & 124039030049

Lot 8 (2815 E 600 N) Auditor's Key Number 124039030049

Lot 9 (2811 E 600 N) Auditor's Key Number 124039030050

Lot 10 (2807 E 600 N) Auditor's Key Number 124039030060

AND

That part of County Road 600 North Right-of-Way in the Northeast quarter of the Northeast quarter of Section 27, Township 24 North, Range 4 West

AND

That part of County Road 600 North Right-of-Way in the Southeast quarter of the Southeast quarter of Section 22, Township 24 North, Range 4 West,

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Tippecanoe County, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Tippecanoe County, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and

notice, as provided by law.

PASSED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA ON March 6 , 1995.

David L. Ferringer
President, David Ferringer

Stanley Cunningham
Stanley Cunningham

Steven C. Egly
Steve Egly

Marie McCoy
Marie McCoy

Donald D. McKee
Donald McKee

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 327 -95

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, BATTLE GROUND, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, BATTLE GROUND, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

A part of the Northeast Quarter and a part of the Northwest Quarter of Section 27, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at a point on the northern line of the Northeast Quarter of said Section 27, said point being 87.00 feet East from the Northwest corner of the Northeast Quarter of said Section 27; thence South 89°49' East, continuing along the northern line of the Northeast quarter of said Section 27, 460.00 feet; thence outh 0°11' West, 160.00 feet; thence South 44°05' East, 362.05 feet; thence South 31°24' West 215.00 feet; thence South 49°32' West 215.00 feet; thence North 40°28' West 55.00 feet; thence South 49°32' West, 381.85 feet; thence North 40°28' West, 160.00 feet; thence North 24°58' West, 77.50 feet; thence North 24°32' West, 248.72 feet; thence North 32°23' East, 247.27 feet; thence North 0°11'; East 325.00 feet to the point of beginning.

EXCEPTING THEREFROM all Tippecanoe County Road 600 North Right-of-Way contained herein.

The above description includes, without limitation, Lots number 11 through 25 inclusive in Prophet's Rock Heights Subdivision, Part Two, Tippecanoe Township, Tippecanoe County, Indiana.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON JUNE 5, 1995.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE TOWN BOARD OF

TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON JULY 3, 1995.

David L. Ferringer
David L. Ferringer

Marie McCoy
Marie McCoy

Donald D. McKee
Donald D. McKee

Stanley J. Cunningham
Stanley J. Cunningham

Steven C. Egly
Steven C. Egly

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. 331 -95

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

Parts of the Northeast Quarter and Northwest Quarter of Section 27, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at the northwestern corner of the Northeast Quarter of said Section 27; thence South 89°49' East along the northern line of the Northeast Quarter of said Section Twenty-Seven, 87.00 feet to the northwestern corner of Prophets Rock Heights Subdivision, Part Two; thence South 0°11' West along the western line of Prophets Rock Heights Subdivision, Part Two, 325.00 feet to the southwestern corner of Lot 24 in Prophets Rock Heights Subdivision, Part Two; thence South 32°23' West, continuing along the western line of Prophets Rock Heights Subdivision, Part Two and crossing into the Northwest Quarter of said Section Twenty-Seven, 247.27 feet to the most western corner of Lot 21 in Prophets Rock Heights Subdivision, Part Two; thence South 60°38'30" West, 291.53 feet; thence South 0°00'East, 324.99 feet; thence North 89°13' West, 410.00 feet; thence North 0°00' East, 997.65 feet to the northern line of the Northwest Quarter of said Section 27; thence South 89°54' East along the northern line of the Northwest Quarter of said Section Twenty-Seven, 710.53 feet to the point of beginning, containing 23 lots numbered 26 through 48 inclusive.

EXCEPT
County Road 600 North Right-of-Way.

The above description being Prophets Rock Heights Subdivision, Part 4.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and

notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON OCTOBER 2, 1995.

PASSED AND ADOPTED ON SECOND AND FINAL READING BYT THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON NOVEMBER 6, 1995.

_____
President

_____
Trustee

_____
Trustee

_____
Trustee

_____
Trustee

_____
Clerk-Treasurer

ORDINANCE NO. 333 -96

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the Town Board of Trustees of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

Part of the Northwest Quarter of Section 27, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Commencing at the northeastern corner of said Northwest Quarter; thence North 89°13'00" West, along the northern line of said Northwest Quarter, 710.53 feet to the northwestern corner of Prophet's Rock Heights Subdivision, Part 4, as recorded in Plat Book 14, page 33, Office of Recorder, Tippecanoe County, Indiana, and the Point of Beginning of this description; thence South 0°00'00" East, along the western line of said Prophet's Rock Heights Subdivision, Part 4, 997.65 feet to the southwestern corner of said Prophet's Rock Heights Subdivision, Part 4; thence North 89°13'00" West, 600.01 feet; thence North 0°00'00" East, 790.49 feet; thence South 89°13'00" East, 150 feet; thence North 0°00'00" East, 200.00 feet to the northern line of said Northwest Quarter; thence South 89°13'00" East, along the northern line of said Northwest Quarter, 449.94 feet to the Point of Beginning of this description, containing 41 lots numbered 1 through 41 inclusive in Quail Ridge Subdivision.

EXCEPT

County Road 600 North Right-of-Way.

AND ALSO,

A tract of land located in the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 27, Township 24 North, Range 4 West of the Second Principal Meridian, Tippecanoe Township, Tippecanoe County, Indiana, more particularly described as follows:

Beginning at the northwest corner of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section 27, Township 24 North, Range 4 West, same being also in the center line of an east - west county road; thence in an easterly direction along the center line of said road one hundred fifty (150) feet to a point; thence in a southerly direction two hundred (200) feet to a point; thence in a west direction one hundred fifty (150) feet to a point; thence in a north direction two hundred (200) feet to the point of

beginning.

EXCEPT,

County Road 600 North Right-of-Way.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON MARCH 4, 1996.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON APRIL 1, 1996.

_____
President

_____
Trustee

_____
Trustee

_____
Trustee

_____
Trustee

_____
Clerk-Treasurer

ORDINANCE NO. 337 -96

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana;

Part of the West Half (1/2) of the Northwest Quarter (1/4) of section twenty seven (27) Township twenty four (24) North Range four (4) West described as follows:

Beginning at a point in the East line of said West half that is forty (40) rods North of the Southeast corner thereof and running thence West forty (40) rods; thence North one hundred twenty (120) rods; thence East forty (40) rods; thence South one hundred twenty (120) rods to the place of beginning, containing thirty (30) acres more or less.

Located in Tippecanoe Township, Tippecanoe County, Indiana.

INCLUDING: All of Tippecanoe County Road 600 North right-of-way adjoining and contiguous to the above described tract pursuant to I.C. 36-4-3-2.5.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON AUGUST 5, 1996.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON AUGUST 12, 1996.

Trustee Steven C. Egly

Trustee Marie McCoy

Trustee Joni Davis

Geraldine Berghoff

ORDINANCE NO. 339- 96

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF THE TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

SEE ATTACHED EXHIBIT A
Editor's Note: "Exhibit A" is not included here. For more information, see the Battle Ground Ordinance Book.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON NOVEMBER 4, 1996.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON DECEMBER 2, 1996.

_____
President

_____
Trustee

_____

Trustee

_____

Trustee

_____

Trustee

_____

Clerk-Treasurer

ORDINANCE NO. 341 -97

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:
(SEE EXHIBIT A INCLUDING TRACTS 1-8)

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON APRIL 7, 1997.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON MAY 5, 1997.

_____
Donald McKee

_____
Stanley J. Cunningham

_____
Marie McCoy

Joni A. Davis

Linda K. Miller

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

EXHIBIT A

TRACT 1 HAWKS NEST SUBDIVISION, PHASE ONE, including lots 1 through 8 and lots 101 through 108 (Tax Key Nos. 124035050018 through 125035050183) 6000 Naschette Parkway through 6107 Naschette Parkway; 2400 Marana Court through 2408 Marana Court; and, 2402 Solano Court through 2410 Solano Court

"A part of the SW 1/4, Sec. 22, T24N, 2nd P.M., Tippecanoe Township, Tippecanoe County, Indiana, more particularly described as follows:
34' 10" E a distance of 51.12 feet to an iron bar; thence (5) N 80° 08' 56" E a distance of 145.00 feet to an iron bar; thence (6) S 6° 20' 22" E a distance of 109.64 feet to an iron bar; thence (7) S 0° 06' 27" E a distance of 104.48 feet to an iron bar; thence (8) S 0° 58' 15" W a distance of 853.50 feet to the point of beginning.

TRACT 2 HAWKS NEST SUBDIVISION, PHASE TWO, PART, including Lots 9.10,11; Lots 72 through 100; and Lots 111 and 112 (Tax Key Nos. 124035060017 through 124035060325, Tax Key No. 124035070016, and Tax Key No. 124035070017) 6111 Naschette Parkway through 6240 Naschette Parkway and 2401 Puerto Lane through 2410 Puerto Lane

A part of the SW 1/4, Sec. 22, T24N, 2nd P.M., Tippecanoe Township, Tippecanoe County, Indiana, more particularly described as follows:

From the SE corner of said SW 1/4, proceed thence N 89° 54'00" W (assumed bearings) a distance of 884.08 feet along the south line of said quarter, also being along the approximate centerline of County Road 600 N, thence N 0° 48'15" E a distance of 828.00 feet to the point of beginning, marked by an iron bar; thence (1) continue on said line a distance of 1850.25 feet to an iron bar, thence (2) N 42° 01'57" E a distance of 166.35 feet to an iron bar; thence (3) N 62° 52'42" E a distance of 166.35 feet to an iron bar; thence (4) S 16° 42'16" E a distance of 210.00 feet to an iron bar; thence (5) S 16° 42'16" E a distance of 50 feet to a non-tangent curve; thence (6) easterly along said curve to the right a distance of 61.70 feet,

having a radius of 200.00 feet and whose chord bears N 82° 08'00" E a distance of 61.45 feet to its terminus, marked by an iron bar; thence (7) S 89° 01'45" E a distance of 62.37 feet to an iron bar; thence (8) S 0° 58'15" W a distance of 181.52 feet to an iron bar; thence (9) S 9° 33'38" W a distance of 225.00 feet to an iron bar; thence (10) S 3° 39'16"E a distance of 420.02 feet to an iron bar; thence (11) S 0° 22'25" E a distance of 658.76 feet to an iron bar; thence (12) N 89° 01'44" W a distance of 25.54 feet to an iron bar; thence (13) S 0° 29'46" W a distance of 79.32 feet to an iron bar; thence (14) S 20° 20'45" E a distance of 109.65 feet to an iron bar; thence (15) S 13° 21'46" E a distance of 109.64 feet to an iron bar; thence (16) S 80° 08'56" W a distance of 145.00 feet to an iron bar; thence (17) S 68° 34'10" W a distance of 51.12 feet to an iron bar; thence (18) N 89° 01'45" W a distance of 320.84 feet to the point of beginning.

TRACT 3 HARRISON MEADOWS SUBDIVISION, including Lots 1 through 38 (Tax Key Nos. 124035030010 through 124035030383) 6000 Battleview Drive through 6199 Battleview Drive and 6100 Warrior Drive through 6299 Warrior Drive

Part of the Southeast Quarter of Section Twenty-two, Township Twenty-four North, Range Four West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at a point on the Southern line of the Southeast Quarter of said Section Twenty-two, said point being located North 90° 00'00" East, 140.00 feet from the Southwestern corner of the Southeast Quarter of said Section Twenty-two; thence North 0° 52'00" East, 690.00 feet; thence North 90° 00'00" West, 140.00 feet to the western line of the Southeast Quarter of said Section Twenty-two; thence North 0° 52'00" East along the western line of the Southeast Quarter of said Section Twenty-two, 385.00 feet; thence North 90° 00'00" East, 665.30 feet; thence South 0° 52'00" West, 803.00 feet; thence North 90° 00'00" West, 160.00 feet; thence South 0° 52'00" West, 272.00 feet to the Southern line of the Southeast Quarter of said Section Twenty-two; thence North 90° 00'00" West along the Southern line of the Southeast Quarter of said Section Twenty-two, 365.30 feet to the point of beginning.

TRACT 4 EDWARD D. AND SUE ANN GEISLER (Tax Key No. 124035000342) 2528 E 600 N

A part of the Southwest Quarter of the Southeast Quarter in Section 22, Township Twenty-four North, Range Four West in the Tippecanoe Township, Tippecanoe County, Indiana, more completely described as follows to-wit:

Beginning at a boat spike on the centerline of County road 600 North and the South line of Section 22-24-4, said point being 100.00 feet east of the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section; thence North 90° 00' east along said centerline and said South line a distance of 40.00 feet to an iron pipe; thence North 0° 52' east a distance of 690.00 feet to an iron pipe; thence South 90° 00' west and parallel to the South line of said Section a distance of 140.00 feet to an iron pipe; thence South 0° 52' west along the west line of said Quarter Section a distance of 472.2 feet to an iron pipe, thence North 90° 00' east a distance of 100.0 feet to an iron pipe; thence South 0° 52' west a distance of 217.8 feet to an iron pipe and the place of beginning.

and

A part of the Southwest Quarter of the Southeast Quarter of Section 22, Township 24 North; Range 4 West, in Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at the Southwest corner of the tract; said corner being the Southwest corner of the said Southeast Quarter; thence North on the West line of the said Southeast Quarter, 217.8 feet; thence East and parallel to the South line of the Southeast quarter, 100 feet; thence South and parallel, to the West line of the tract, 217.8 feet; thence West on the South line of the Southeast Quarter, 100 feet to the place of beginning.

TRACT 5 BATTLE GROUND BIBLE CHURCH, INC. (Tax Key No. 124035000518) 2430 E 600 N

A part of the Southwest Quarter of Section 22, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at the Southeastern corner of the Southwest Quarter of said Section 22; thence North 89° 54'00" West, along the Southern line of the Southwest Quarter of said Section Twenty-two, 200.00 feet; thence North 0° 58'15" East 653.50 feet; thence South 89° 54'00" East 200.00 feet to the eastern line of the Southwest Quarter of said Section 22; thence South 0° 58'15" West, along the eastern line of the Southwest Quarter of said Section Twenty-two, 653.50 feet to the point of beginning.

TRACT 6 ROBERT G. AND BARBARA A. STEPHAN (Tax Key No. 124035000353) North side of E 600 N between Battle Ground Bible Church and Hawks Nest Subdivision, Phase One

A part of the SW ¼, Sec.22, T24N, R4W, 2nd P.M., Tippecanoe Township, Tippecanoe County, Indiana, more particularly described as follows:

From the SE corner of said SW ¼, proceed thence N 89° 54'00" W (assumed bearings) a distance of 200.00 feet along the south line of said SW ¼, also being along the approximate centerline of County Road 600N to the point of beginning; thence (1) continue on said line a distance of 160.00 feet; thence (2) N 0° 58'15" E a distance of 653.50 feet, thence (3) S 89° 54'00" E a distance of 160.00 feet; thence (4) S 0° 58'15" W a distance of 653.50 feet to the point of beginning.

TRACT 7 TOWN OF BATTLE GROUND (Tax Key No. 124035000485) North of Harrison Meadows Subdivision

A tract of ground of even four hundred foot width off of the North end of a 20.05 acre tract described as follows:

Beginning at a point that is 217.8 feet North of the Southwest corner of the Southwest Quarter of the Southeast Quarter of said Section, Township and Range; running thence North a distance of 1257.2 feet, to an iron pin; thence east a distance of 665.3 feet to an iron pipe; thence South a distance of 1203.0 feet; thence West a distance of 320.0 feet; thence South a distance of 272.0 feet; thence West a distance of 245.3 feet; thence North 217.8 feet; thence west a distance of 100.0 feet to the point of beginning.

TRACT 8 COUNTY ROAD 600 N RIGHT-OF-WAY CONTIGUOUS TO THE ABOVE DESCRIBED TRACTS.

ORDINANCE NO. 346 - 97

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

Parts of the Southwest, Northwest and Northeast Quarters of Section 22, Township 24 North, Range 4 West, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at a capped rebar on the Eastern line of the Southwest Quarter of said Section 22, said point being located North 00° 58'15" East, 653.50 feet from a pk nail found marking the Southeast corner of the Southwest Quarter of said Section 22; thence North 89° 54'00" West, 360.00 feet to a capped rebar at the Southeast corner of Lot 7 in Hawks Nest Subdivision, Phase One as recorded in Plat Cabinet B, Slide 200 in the Tippecanoe County Recorders Office; thence, traversing the Eastern line of said Hawks Nest Subdivision, Phase One, the following two courses: 1) North 00° 06'27" West, 104.48 feet to a capped rebar; 2) thence North 06° 20'22" West, 109.64 feet to a capped rebar at the Southeast corner of Lot 9 in Hawks Nest Subdivision, Phase Two as recorded in Plat Cabinet E, Slide 59 in the Tippecanoe County Recorders Office; thence traversing the Eastern line of said Hawks Nest Subdivision, Phase Two, the following 11 courses: 1) North 13° 21'46" West, 109.64 feet; 2) thence North 20° 20'45" West, 109.65 feet; 3) thence North 00° 29'46" East 79.32 feet to a capped rebar on the Southern right-of-way line of Puerto Lane; 4) thence South 89° 01'44" East, along said right-of-way line, 25.54 feet to a capped rebar; 5) thence North 00° 22'25" West, 658.76 feet to a capped rebar; 6) thence North 03° 39'16" West, 420.02 feet to a capped rebar; 7) thence North 09° 33'38" East, 225.00 feet to a capped rebar; 8) thence North 00° 58'15" East 181.52 feet to a capped rebar; 9) thence North 89° 01'45" West 62.37 feet to a capped rebar; 10) thence Southwesterly, on curve to the left, having a central angle of 17° 40'27" a radius of 200.00 feet an arc length of 61.69 feet to a capped rebar; 11) thence North 16° 42'16" West, 50.00 feet to an iron bar at the Southeast corner of lot 112 in Hawks nest Subdivision, Phase Two; thence North 16° 42'16" West, 210.00 feet to an iron bar; thence South 62° 52'42" West 166.35 feet to an iron bar; thence South 42° 01'57" West 166.35 feet to an iron bar; thence (1) North 00° 48'15" East 395.46 feet to the centerline of Burnett Creek, thence (2) North 66° 02'00" East a distance of 45.04 feet along said Creek centerline; thence (3) North 52° 00'00" East a distance of 203.94 feet along said Creek centerline; thence (4) North 53° 16'00" East a distance of 137.85 feet along said Creek centerline; thence (5) North 14° 38'00" East a distance of 150.47 feet along said Creek centerline; thence (6) North 22° 26'00" East a distance of 154.76 feet along said Creek centerline; thence (7) North 05° 18'00" West a distance of

202.40 feet along said Creek centerline; thence (8) North 29° 17'00" West a distance of 112.51 feet along said Creek centerline; thence (9) North 67° 46'00" West a distance of 129.00 feet along said Creek centerline; thence (10) North 83° 19'00" West a distance of 191.19 feet along said Creek centerline; thence (11) South 77° 32'00" West a distance of 120.09 feet along said Creek centerline; thence (12) North 55° 02'00" West a distance of 37.46 feet along said Creek centerline thence (13) North 30° 12'00" East a distance of 74.39 feet along said Creek centerline; thence (14) North 52° 52'00" East a distance of 91.96 feet along said Creek centerline; thence (15) North 56° 00'00" East a distance of 185.42 feet along said Creek centerline; thence (16) North 89° 51'00" East a distance of 249.86 feet along said Creek centerline; thence (17) North 55° 31'00" East a distance of 79.57 feet along said Creek centerline; thence (18) North 45° 57'00" East a distance of 124.34 feet along said Creek centerline; thence (19) North 68° 03'00" East a distance of 70.13 feet along said Creek centerline; thence (20) North 71° 26'00" East a distance of 140.13 feet along said Creek centerline; thence (21) North 54° 58'00" East a distance of 204.25 feet along said Creek centerline; thence (22) North 64° 02'00" East a distance 144.06 feet along said Creek centerline; thence (23) South 53° 17'00" East a distance of 91.05 feet along said Creek centerline; thence South 00° 58'15" West, 1,871.11 feet to a capped rebar; thence South 89° 45'45" West, 198.00 feet to a Northeast corner of the Southwest Quarter of said Section; thence South 00° 58'15" West, along the Eastern line of the Southwest Quarter of said Section, 1,983.65 feet to the point of beginning.

The annexed territory includes the following public streets: The east section of Puerto Lane; Gallegos Drive; Valmori Drive; the east portion of Naschette Parkway; and Cibuta Court.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be, and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER ONE for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON OCTOBER 6, 1997.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON NOVEMBER 3, 1997.

_____

Donald McKee, President

_____

J. Dave Fisher

_____

Marie McCoy

_____

Linda K. Miller

_____

Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. 347 - 97

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA

WHEREAS, the land described herein is contiguous to the current boundary of the Town of Battle Ground; and

WHEREAS, the TOWN BOARD OF TRUSTEES of the Town of Battle Ground pursuant to I.C. 36-4-3-3 desires to annex the land described herein; and

WHEREAS, all of the requirements of statute for the annexation of such land have been met.

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA, THAT:

SECTION 1. The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Battle Ground, Indiana:

TRACT 1 MARTI'S SUBDIVISION, Lots 1 and 2 (Tax Key No. 124037010010 and 124037010020) 4001 and 4005 Pretty Prairie Road.

TRACT 2 STEVEN C. AND TERI S. EGLY (Tax Key No. 124037000076) 502 Main Street.

Part of the West half of the West half of Section Twenty-four (24); and part of the East half of the East half of Section Twenty-three (23), all in Township Twenty-four (24) North, Range Four (4) West, described as follows:

Beginning at a point where the West line of said Section Twenty-four (24) intersects the Northwest Burnett Reserve Line, thence Northeasterly along said Reserve line One Hundred Sixty-nine (169) feet; thence in a Northwesterly direction to a stone at the intersection of the center of Main Street in Harrisonville and the West line of said Section Twenty-four (24); thence South Sixty-six (66) degrees West along the center of said Main Street Two Hundred and Forty-six (246) feet; thence South Twenty-three (23) degrees East Two Hundred Eleven (211) feet; thence South Seventy-three and one-fourth (73 1/4) degrees West One and 54/100 (1.54) feet; thence South Twelve (12) degrees East to a point in said Burnett's Reserve line Sixty-eight and 9/10 (68.9) feet South Fifty (50) degrees West of the place of beginning, thence to the place of beginning.

EXCEPT the following described real estate:

Beginning at a point in the center of Main Street in Battle Ground, Indiana, said point of beginning being 1004.3 feet South and 123.8 feet West of the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 23 Township 24 North, Range 4 West, thence South 66 degrees West along the center line of Main Street for a distance of 110.5 feet, more or less; thence South 23 degrees East 215.3 feet, thence in a Northeasterly direction for a distance of 102.6 feet; thence in a Northwesterly direction for a distance of 224.6 feet to the place of beginning.

Located in Tippecanoe Township, Tippecanoe County, Indiana.

TRACT 3 TIPPECANOE SCHOOL CORPORATION (Tax Key Nos. 12437000032 and 124037000043) 511 Main Street.

A part of the Northwest fraction quarter of Section 24, Township 24, North Range 4 West, in Tippecanoe Township, Tippecanoe County, Indiana, more complete described by notes and bounds as follows:

Beginning at the Northwest corner of Southwest Quarter of the Northwest fractional quarter of the said Section 24; thence North 63 degrees East a distance of 758.51 feet; thence South 3 degrees East a distance of 636 feet; thence South 69 degrees West distance of 517.52 feet; thence Southeasterly and 90 degrees and 50 minutes to the right from the preceding line a distance of 386.4 feet to the center line, of the Public Road, originally called State road, thence Southwesterly on the center line of the said Road a distance of 63 feet more or less; thence Northwesterly and parallel to the Eastern line of Lot 27 of the First Addition to the Town of Battle Ground, Indiana, for a distance of 372.5 feet; thence South 81 degrees and 5 minutes West for a distance of 207 feet to the West line of Section 24 aforesaid; thence North on the said West line a distance of 579 feet to the place of beginning, subject to the public highway commonly called the State Road.

Said Tract of land contains 10.82 acres more or less.

TRACT 4 PRETTY PRAIRIE ROAD/MAIN STREET RIGHT-OF-WAY CONTIGUOUS TO THE ABOVE DESCRIBED TRACTS

A tract of land laying in part of the fractional northwest quarter of Section 24 in Township 24 North and Range 4 West in Tippecanoe Township, Tippecanoe County, Indiana, being more particularly described as follows:

Beginning at a point which bears south 579.00 feet and thence North 81° 25' East 207.00 feet and then North 68° 56' East 46.40 feet from the Northwest corner of the Southwest quarter of the fractional Northwest quarter of Section 24, Township and Range aforesaid, and running thence North 62° 23' East 517.52 feet; thence South 3° 50' East 476.26 feet to a spike driven in the center of a public road, originally called State Road; thence South 62° 10' West 156.91 feet; thence South 79° 03' West 171.85 feet; thence North 28° 04' West 386.40 feet to the place of beginning, containing 4.13 acres, more or less.

SECTION 2. Be it further ordained that the boundaries of the Town of Battle Ground, Battle Ground, Indiana, shall be and the same hereby are, declared to extend so as to include all of the land described above as part of the Town of Battle Ground, Battle Ground, Indiana.

SECTION 3. Be it further ordained that the above described land shall become a part of and be assigned to WARD NUMBER 5 for voting purposes during election years.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON OCTOBER 6, 1997.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, Battle Ground, INDIANA ON NOVEMBER 3, 1997.

_____
Donald McKee, President

_____
J. Dave Fisher

_____
Marie McCoy

_____
Linda K. Miller

_____
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. *07-453A*

AN ORDINANCE TO ANNEX CERTAIN LANDS TO THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Town Council of the Town of Battle Ground, 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; and,

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

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

NOW, THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

SECTION 1(a). The following described lands be, and the same are, hereby annexed to and declared a part of the Town of Battle Ground, Indiana:

(See Attachment A for Legal Description of Property)
(The property is commonly known as 3429 State Road 225E.)

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

1. State Highway 225 as adjoining the property

(c) Acreage. The territory is comprised of 1.5 acres, more or less.

(d) Special Terms and Conditions. The following special terms and conditions are in effect for this territory:

1. As the property is intended for a Town Park, and is in the flood-way, municipal utilities (water and waste water) will not be extended to the territory.

SECTION 2: The property listed in Appendix A and annexed pursuant to this Ordinance shall be included in Battle Ground Ward #3 for voting and representation purposes.

SECTION 3: The Clerk-Treasurer is hereby directed to publish this Ordinance one (I) time in the Lafayette Journal and Courier newspaper.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and signing and

notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA ON THE 19th DAY OF June , 2007.

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA ON THE 19th DAY OF June , 2007.

Attest:	**Councilpersons:**
	Steve Egly Steve Egly - Council President
	Carolyn Roth Carolyn Roth
Phyllis Hall **Phyllis Hall Clerk-Treasurer**	Brian Brewer Brian Brewer
	John P. Wilson John Wilson
	Becky Holladay Becky Holladay

EXHIBIT A

Legal Description for Property at 3429 State Road 225 E

(Tax Key No.: 124-03600-02098)

A part of the East half of the Southwest Quarter of Section Twenty-three (23) in Township Twenty-four (24) North, Range Four (4) West, bounded as follows, to-wit: Commencing at the northeast corner of said tract, and running thence west two hundred fifty-eight (258) feet; thence south to the line of Burnetts Creek; thence in an easterly course along said line of Burnett's Creek to the easterly line of said lot; thence north on said east line to the place of beginning and containing one and one-half (1 1/2) acres, more or less. EXCEPT A part of the east half of the southwest quarter of Section 23, Township 24 North, Range 4 West, Tippecanoe County, Indiana, described as follows: Beginning at the north line of said half quarter section South 89 degrees 26 minutes 30 seconds West 30.00 feet from the northeast corner of said half quarter section, which point of beginning is on the west boundary of S.R. 225; thence South 0 degrees 33 minutes 30 seconds East 230.00 feet along said west boundary to the center of Burnett's Creek; thence North 4 degrees 56 minutes 23 seconds West 130.85 feet; thence North 0 degrees 33 minutes 33 seconds West 99.54 feet to the north line of said half quarter section; thence North 89 degrees 26 minutes 30 seconds east 10.00 feet along said north line to the point of beginning, and containing 0.038 acres, more

or less. Located in Tippecanoe Township, Tippecanoe County, Indiana.

BATTLE GROUND
TOWN COUNCIL
RESOLUTION 07-15

WHEREAS: the Town of Battle Ground, Indiana has purchased property located at 3429 State Road 225E and

WHEREAS: the Town now wishes to annex said property and expand the municipal boundaries to include said property and

WHEREAS: a Fiscal Plan for the property must be adopted before such annexation can commence,

BE IT NOW THEREFORE RESOLVED that the attached "Fiscal Plan for 3429 State Road 225 E" is adopted as the fiscal plan for the property in compliance with applicable Indiana State statutes (I.C. 36-4-3-5.1 (d)(2)).

Passed on this 19th day of June , 2007.

Attest:

Phyllis Hall
Phyllis Hall - Clerk-Treasurer

Councilpersons:

Steve Egly
Steve Egly - Council President

Carolyn Roth
Carolyn Roth

Brian Brewer
Brian Brewer

John P. Wilson
John Wilson

Becky Holladay
Becky Holladay

FISCAL PLAN FOR 3429 STATE ROAD 225 E

The property in question has no current residents and, as it is intended to be a municipal park, will not have residents in the future. Current zoning would prevent the construction of any permanent structures on the property.

Annexation expenditures are generally based on population to ensure that the newly annexed territories will receive the same level of service as current properties within the corporate boundaries. As this property has no residents, it is difficult to project the expenses in areas such as Police Services. It is also

difficult to distinguish between expenses relative to the annexation and expenses that result from the property being a municipal park.

Projected Expenses:

Lighting A street light will be placed at the entrance to the property if the Indiana Department of Transportation will allow it. Based on current rates, this light will cost approximately $12 per month or $150 per year.

Police Service The Battle Ground Police Department will patrol the property at a cost of approximately $40 per month or $500 per year.

There are no other expenses related to the property becoming a part of the Town of Battle Ground. There are no street maintenance expenses because the property is on a road controlled by the Indiana Department of Transportation.

Other expenses, including but not limited to mowing, trash maintenance, signage, and extra police services, are caused by the property being a municipal park not by the mere fact that the property is included within the municipal boundaries.

Projected Revenues:

As the property is owned by a municipal entity that does not pay property taxes, it will not generate any additional revenue for the Town of Battle Ground.

Long Range Prospectus:

Year Year 1 Year 2 Year 3 Totals Expense $650 $670 $690 $2,100 Revenue $0 $0 $0 $0 Gain (Loss) ($650) ($670) ($690) ($2,100)

RESOLUTION 2013- 58

A RESOLUTION REQUESTING THE CONSENT OF THE WEST LAFAYETTE CITY COUNCIL, PURSUANT TO INDIANA CODE § 36-4-3-9, FOR THE TOWN OF BATTLE GROUND TO ANNEX CERTAIN LANDS WITHIN THREE MILES OF WEST LAFAYETTE

WHEREAS, the Town Council of the Town of Battle Ground, Indiana ("Town Council") believes that annexation of the Annexation Territory (as hereinafter defined) into the Town of Battle Ground, Indiana ("Town") is in the best interest of residents within the Annexation Territory and the Town; and WHEREAS, Indiana Code § 36-4-3-9 requires that a town must obtain the consent of the legislative body of a second or third class city before annexing territory within three (3) miles of the corporate boundaries of the city; and WHEREAS, the Town Council believes that the Annexation Territory is within three (3) miles of the corporate boundaries of the City of West Lafayette, and that the consent of the City Council of West Lafayette is needed before the Town may proceed with annexation.

NOW THEREFORE be it ordained by the Town Council of the Town of Battle Ground, Indiana that:

The Town Council requests the consent of the City of West Lafayette, so that the Town may annex certain real estate depicted and described on the attached Exhibit "A" (annexation area) comprising approximately 98 acres.

The Clerk-Treasurer is hereby authorized to send a copy of this resolution along with a letter to the City of West Lafayette, formally requesting the consent of the West Lafayette City Council, pursuant to Indiana Code § 36-4-3-9, for the Town to proceed with annexation of the real estate described in Exhibit "A."

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 10th day of June , 2013.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly
Steve Egly, President

ATTEST:
Brian Brewer
Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Becky Holladay
Becky Holladay

David Sturgeon
David Sturgeon

Karen Pearson
Karen Pearson

RESOLUTION 2013- 57

A RESOLUTION OF THE TOWN OF BATTLE GROUND ADOPTING A FISCAL PLAN AND DEFINITE POLICY FOR ANNEXATION OF THE SHAWNEE RIDGE AREA

WHEREAS, The Town Council of Battle Ground, Indiana is considering an annexation of the Shawnee Ridge area pursuant to I.C. § 36-4-3; and WHEREAS, State law and proper planning require the Town to develop a written fiscal plan and establish a definite policy, by resolution of the Town Council; and WHEREAS, a copy of the written fiscal plan and definite policy for the Shawnee Ridge Annexation is attached hereto and made a part hereof; and WHEREAS, the written fiscal plan and definite policy shows as follows:

(1) the cost estimates of planned services to be furnished to the annexation area, itemized for each municipal department or agency; (2) the method or methods of financing the planned services, together with an explanation of how specific and detailed expenses will be funded, indicating the taxes, grants and other funding to be used; (3) the plan for the organization and extension of services, detailing the specific services that will be provided and the dates the services will begin; (4) that planned services of a noncapital nature will be provided to the annexation area within one year after the effective date of the annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries, regardless of similar topography patterns of land use, and population density; and (5) that planned services of a capital improvement nature will be provided to the annexation area within three years after the effective date of the annexation in the same manner those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Battle Ground, Indiana, that:

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section 2. Attached as Exhibit A is the written fiscal plan and definite policy which is incorporated by reference. Two copies of the attached are kept on file in the office of the Clerk-Treasurer for public inspection.

Section 3. The Town Council of Battle Ground, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the annexation area which is the subject of Ordinance No. 2013-510

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after the date of its passage.

INTRODUCED ON FIRST READING ON THE 10th DAY OF June , 2013.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 10th DAY OF June , 2013, HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

Steve Egly
Steve Egly, President
X
For Opposed

Brian Brewer
Brian Brewer
X
For Opposed

Becky Holladay
Becky Holladay
X
For Opposed

David Sturgeon
David Sturgeon
X
For Opposed

Karen Pearson
Karen Pearson
X
For Opposed

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

PRESENTED BY ME TO THE PRESIDENT OF THE TOWN COUNCIL OF BATTLE GROUND, INDIANA ON THE 10 DAY OF JUNE , 2013, AT THE HOUR OF 9:00 PM .

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 10 DAY OF JUNE , 2013, AT THE HOUR OF 9:00 PM .

Steve Egly
Steve Egly, President

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Fiscal Plan
(in pdf form, opens in a separate window)

ORDINANCE 2014- 523

AN ORDINANCE ANNEXING CERTAIN LANDS INTO THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Town Council of the Town of Battle Ground, Indiana ("Town Council") believes that annexation of the Annexation Territory (as hereinafter defined) into the Town of Battle Ground, Indiana ("Town") is in the best interest of residents within the Annexation Territory and the Town; and

WHEREAS, at least one eighth of the aggregate external boundaries of the Annexation Territory are contiguous to the corporate boundaries of the Town; and

WHEREAS, responsible planning and state statutes require adoption of a fiscal plan and definite statement which has been introduced as a Resolution before the Town Council and which will be duly adopted prior to final passage of this Ordinance; and

WHEREAS, the fiscal plan provides a plan and cost estimate for the provision of services of a non-capital nature to the annexation area within one (1) year and the provision of services of a capital nature to the annexation area within three (3) years, which services will be equivalent in standard and scope or provided in the same manner as in the current city regardless of similar topography patterns of land use and population density; and

WHEREAS, the terms and conditions of this annexation are fairly calculated to make the annexation fair and equitable to property owners and residents of the annexation area and the Town; and

WHEREAS, the Town Council has determined that the annexation of the Annexation Territory will not cause a detrimental impact on the ability of the Town to provide non-capital services, and capital services normally provided to residents within the corporate boundaries of the Town; and

WHEREAS, all of the statutory prerequisites as set forth in I.C. § 36-4-3 et seq. have been met or will be met, in a timely fashion.

NOW THEREFORE be it ordained by the Town Council of the Town of Battle Ground, Indiana that:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth below.

Section 2. The real estate depicted and described on the attached Exhibit "A" (annexation area) comprising approximately 98 acres is hereby annexed into and made a part of the Town of Battle Ground, Indiana, on the effective date of this Ordinance as provided by I.C. § 36-4-3 et seq.

Section 3. The fiscal plan attached as Exhibit "B" is hereby ratified and approved on final passage of this Ordinance.

Section 4. The annexation area shall be assigned to the following Town Council Districts to wit: Ward 5 in the manner as described on the attached Exhibit "C".

Section 5. All parts of this Ordinance are separable and if any portion hereof is declared invalid or

unenforceable by a Court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

Section 6. The Town's Clerk-Treasurer and Town Council President are authorized, empowered and directed to take any and all actions reasonably necessary to effectuate the purposes of this Ordinance and the annexation of the annexation area.

INTRODUCED ON FIRST READING ON THE 12 DAY OF May , 2014.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 12 DAY OF May , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

INTRODUCED FOR SECOND READING ON THE 14 DAY OF October , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 14 DAY OF October , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay				

Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Mike Bird			X	

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

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
Kris Uhler

Prepared By: Eric H. Burns, Withered Burns, LLP

+/- #14-523: Exhibit “A”, Legal Description - Page 1

+/- #14-523: Exhibit “A”, Legal Description - Page 2

+/- #14-523: Exhibit “A”, Legal Description - Page 3

+/- #14-523: Exhibit “B”, Map of Proposed Annexation - Page 1

+/- #14-523: Exhibit “B”, Map of Proposed Annexation - Page 2

+/- #14-523: Exhibit “C”, Revised Ward Boundaries

ANNEXATION FISCAL PLAN

FOR THE

TOWN OF BATTLE GROUND, INDIANA

SHAWNEE RIDGE ANNEXATION

October 14, 2014

Prepared by Umbaugh and Associates

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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of area consisting of parcels to the north, east and west of the existing town limits (the "Annexation Area"). The Annexation Area is adjacent to the Town of Battle Ground (the "Town"). The requirements of the Indiana Code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code states that this fiscal plan must include and provide:

1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency;
2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin;
4) That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries will be provided within one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density; and
5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

This Fiscal Plan may include additional materials in connection with the foregoing. This Fiscal Plan was developed through the cooperative efforts of the Town's various administrative offices and the Town's financial advisors, Umbaugh. This fiscal plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the Town for purposes of Indiana Code 36-4-3-1.5. The Annexation Area is at least 60% subdivided and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

Location, Area Size and Contiguity

The proposed Annexation Area is centrally located to the north, east and west of the existing corporate boundaries of the Town. A map including the Annexation Area and new municipal boundary

A. and a legal description of the real property proposed to be annexed have been included in attached Appendix I.

The Annexation Area totals approximately 98 acres, and the area is more than 25% contiguous to the existing corporate boundaries of the Town.

Current Land Use

B.

The majority of the Annexation Area consists of residential land in the Shawnee Ridge subdivision.

Current Population

The current population of the Annexation Area is estimated at 499. This figure was arrived at by multiplying the estimated number of households in the Annexation Area by the persons per household

C. figure in the 2010 Census for Tippecanoe Township in Tippecanoe County.

Households	181
Population per Household x	2.76
Estimated Population	499

Real Property Assessed Valuation

D. The net assessed valuation for land and improvements in the Annexation Area is $15,814,046. This represents the assessed value as of March 1, 2013 for taxes payable 2014.

SECTION II

EXISTING GOVERNMENTAL SERVICES WITHIN THE ANNEXATION AREA

Police

A. The Tippecanoe County Sheriff's Department currently provides law enforcement service to the Annexation Area. Within one (1) year after the effective date of the annexation, the Town will perform primary law enforcement duties in the Annexation Area.

Fire

B. The Annexation Area is currently served by the Tippecanoe Township Volunteer Fire Department (TTVFD), which is a part of the Northeast Tippecanoe Fire Territory. This will not change as a result of annexation.

Emergency Medical Services

C. Tippecanoe County EMS provides emergency medical services to the Annexation Area, with assistance from TTVFD. They will continue to do so upon annexation.

Parks

D. There is a private park within Shawnee Ridge that is owned by the homeowner's association. Upon annexation, the homeowner's association will retain control of the private park. The Town does not

plan to add additional parks as a result of annexation.

Streets and Street Lights

E. All dedicated streets in the Annexation Area are currently maintained by Tippecanoe County. The Battle Ground Street Department will be responsible for maintaining the dedicated roads in the area within one (1) year after the effective date of the annexation. The Annexation Area currently has approximately 39 street lights, for which the Town will assume the costs of operation within one (1) year after the effective date of the annexation.

Solid Waste

F. Tippecanoe County does not provide solid waste disposal to the Annexation Area. This service is provided to residents in the Annexation Area by private firms. Within one (1) year after the effective date of the annexation, the Town will provide trash service to residents of the Annexation Area through a contractual arrangement with Waste Management, for which the Town currently pays a monthly fee of $10.10 per unit served.

Water Service

G. The Battle Ground Conservancy District currently provides service to the Annexation Area. They will continue to do so upon annexation.

Wastewater Service

H. The Battle Ground Municipal Sewage Works currently provides service to the Annexation Area. They will continue to do so upon annexation.

Storm Water and Drainage

I. Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the area will have to have their storm water plan approved by the Town engineer, and any associated storm water and drainage costs will be borne by the developers.

See Also: Resolution 14-63, adopted 10/14/2014.

SECTION III

CAPITAL IMPROVEMENTS

Cost of Services

A. The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as of January 1, 2015.

Water Service

B. The Battle Ground Conservancy District is currently responsible for serving the Annexation Area, and this will continue following annexation. No additional costs will be incurred by the Town regarding the provision of water service.

Wastewater Service

C. The Battle Ground Municipal Sewage Works currently provides service to the Annexation Area. As additional housing units are constructed in the Annexation Area, additional hook-ups will be added to the sewer system. The cost for the hook-ups will be covered by the collection of the applicable tap-on fee, which is currently $1,500 for each single family residential unit.

Storm Water and Drainage

D. Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water system throughout the Town. It is not anticipated that there will be any additional cost to the Town.

See Also: Resolution 14-63, adopted 10/14/2014.

Street Maintenance and Construction

E. Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable Town Code. The Town will provide evaluation and construction services for the accepted streets in the Annexation Area in the same manner as those provided to streets within the Town within three (3) years after the effective date of the annexation. In order to meet the necessary standards, the Town anticipates the need to spend approximately $4,430 for the purchase and installation of 6 speed limit signs, 10 stop signs, 22 street signs, and 38 posts.

Parks

F. The Town does not plan to add any additional parks as a result of annexation. Therefore, it is assumed that there will be no additional capital costs as a result of annexation.

Street Lighting and Sidewalks

G. Currently, a large portion of the Annexation Area has streetlights and sidewalks. There are no plans or requirements of the Town to provide additional streetlights or sidewalks in the Annexation Area. Per the Town's policies and typical practices, the developer will be responsible for streetlights and sidewalks in any new developments.

SECTION IV

NON-CAPITAL SERVICES

Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to the services that are currently provided within the existing Town's municipal boundary.

A. The proposed Annexation Area will require expansion of the existing police and Town maintenance areas. The requirements for providing these services and the cost of each of the services were determined based upon the factors and needs of the Annexation Area.

The Town will provide all non-capital services to the Annexation Area within one (1) year after the effective date of annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

Police Protection

B. The Battle Ground Police Department's primary purpose is the prevention of crime. The police department patrols within the boundaries of the Town on a daily basis and responds to all alarm calls. In addition, the police department provides other services such as detection and apprehension of offenders, traffic control, and preservation of civil order. The police department does not distinguish between different areas of the Town. The same services are provided throughout the Town. The Town does not anticipate needing to hire additional officers, but does anticipate some additional personnel costs and additional costs for materials and supplies as a result of the annexation. The Town anticipates additional annual costs of $19,300 as a result of annexation. These additional costs will be paid out of the Police Department's budget within the Town's General Fund.

Fire Protection

C. Currently, the TTVFD serves both the corporate limits of the Town and the Annexation Area, and this will not change as a result of annexation. Therefore, there will be no additional costs to the Town related to fire protection as a result of the annexation.

Street Maintenance

D. The Battle Ground Street Department will be responsible for the maintenance, leaf pick up and snow and ice removal of the streets in the Annexation Area. The Annexation Area has approximately 2.20 miles of streets that the Town will be responsible for maintaining. Currently, the Town has approximately 8.17 miles of streets. The Town anticipates additional costs for materials and general maintenance of approximately $14,500 per year as a result of the annexation. The Local Road and Street Fund and the Motor Vehicle Highway Fund will fund these additional costs

Street Lighting

E. The Annexation Area is currently equipped with approximately 39 streetlights. The Town plans to pay for the cost of powering and maintenance of these lights. The Town anticipates additional annual costs

of $5,600 for the powering and maintenance of the lights as a result of the annexation. These additional costs will be financed from the General Fund.

Trash Collection and Recycling

F. The Town will provide trash service to residents of the Annexation Area through a contractual arrangement with Waste Management. The Town is currently charged a monthly fee of $10.10 per unit served. Based on the current estimated number of households in the Annexation Area, it is anticipated that the provision of this service will cost the Town approximately $21,900 annually. These additional costs will be financed from the General Fund.

Storm Drainage

G. Storm drainage maintenance throughout the Annexation Area will be consistent with the Town's current storm drainage maintenance throughout the Town. Based on estimates from the engineering firm Butler, Fairman and Seufert, the Town anticipates additional annual costs of $4,500 to maintain storm water structures. These additional costs will be financed from the General Fund.

See Also: Resolution 14-63, adopted 10/14/2014.

Parks

H. No additional costs are anticipated as a result of annexation.

Governmental Administrative Services

I. The Town does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments.

SECTION V

FISCAL IMPACT

As a result of this annexation, the assessed value for the Town will increase by $15,814,046 to $53,916,562. This represents an increase of approximately 42%. Property tax controls instituted by the 2002 Indiana General Assembly limit the Town to a property tax increase equal to the six-year average non-farm income (2.7% for the 2015 budget year) annually for most funds. The net impact of increasing the Town's assessed value will result in additional property tax revenues to the Town, and may assist in stabilizing property tax rates for Town residents.

It is assumed that the effective date of this annexation will be January 14, 2015. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the Town until 2015 payable 2016. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be additional costs to the Town as a result of the annexation. A majority of

the costs are related to the Police Department and Street Department. The causes of the anticipated increased costs are discussed above, and a summary of the costs is demonstrated in the table below.

It is anticipated that the Town will realize an increase in its levy as a result of the annexation. However, the extent of the increase in the levy could vary depending on the Town's desire to pursue an annexation levy appeal. Additional state revenues based on population will not be adjusted until the next census.

Estimated new revenues:	
Automatic levy increase	$36,529
Annexation levy appeal	33,701
Estimated new expenses:	
Street Dept. signage (one-time expense)	(4,430)
Street Dept. maintenance	(14,500)
Police Dept. personnel and materials & supplies	(19,300)
General trash collection & recycling	(21,900)
General street lighting	(5,600)
General storm drainage [See: Res. 14-63]	(4,500)
Net Revenues	$0

As shown in the table above, the estimated additional expenses lend support for the filing of an annexation levy appeal. If the Town were to have a successful appeal and an overall levy increase of $70,230, it is anticipated that the Town's tax rate would be reduced as a result of annexation. This would be due to increasing the assessed value of the Town by a greater percentage than the increase in property tax levy of the Town (approximately 42% versus approximately 29%).

SECTION VI

ASSUMED INDEBTEDNESS

To the extent required by Indiana Code 36-4-3-10, upon request of the Tippecanoe Township Trustee, the Town will assume and pay any unpaid bonds or other obligations of Tippecanoe Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Tippecanoe Township, as shown on the most recent assessment for taxation prior to the effective date of the annexation.

Tippecanoe Township has no debt currently outstanding.

RESOLUTION 2014- 58

A RESOLUTION OF THE TOWN OF BATTLE GROUND ADOPTING A FISCAL PLAN AND DEFINITE POLICY FOR ANNEXATION OF THE SHAWNEE RIDGE AREA

WHEREAS, The Town Council of Battle Ground, Indiana is considering an annexation of the Shawnee Ridge area pursuant to I.C. § 36-4-3; and WHEREAS, State law and proper planning require the Town to develop a written fiscal plan and establish a definite policy, by resolution of the Town Council; and WHEREAS, a copy of the written fiscal plan and definite policy for the Shawnee Ridge Annexation is attached hereto and made a part hereof; and WHEREAS, the written fiscal plan and definite policy shows as follows:

(1) the cost estimates of planned services to be furnished to the annexation area, itemized for each municipal department or agency; (2) the method or methods of financing the planned services, together with an explanation of how specific and detailed expenses will be funded, indicating the taxes, grants and other funding to be used; (3) the plan for the organization and extension of services, detailing the specific services that will be provided and the dates the services will begin; (4) that planned services of a noncapital nature will be provided to the annexation area within one year after the effective date of the annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries, regardless of similar topography patterns of land use, and population density; and (5) that planned services of a capital improvement nature will be provided to the annexation area within three years after the effective date of the annexation in the same manner those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Battle Ground, Indiana, that:

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section 2. Attached as Exhibit A is the written fiscal plan and definite policy which is incorporated by reference. Two copies of the attached are kept on file in the office of the Clerk-Treasurer for public inspection.

Section 3. The Town Council of Battle Ground, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the annexation area which is the subject of Ordinance No. 2014 - 523 .

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after the date of its passage.

INTRODUCED ON FIRST READING ON THE 12 DAY OF May , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 12 DAY OF May , 2014, HAVING BEEN PASSED BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED, THE ROLL CALL VOTE BEING:

Steve Egly
Steve Egly, President

X For _____ Opposed

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

X For _____ Opposed

X For _____ Opposed

Karen Pearson
Karen Pearson

Joe Bird
Mike Bird

X For _____ Opposed

X For _____ Opposed

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

PRESENTED BY ME TO THE PRESIDENT OF THE TOWN COUNCIL OF BATTLE GROUND, INDIANA ON THE 12 DAY OF May , AT THE HOUR OF 8:00 PM .

_____

Phyllis Hall, Clerk-Treasurer

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 12 DAY OF May , AT THE HOUR OF 8:00 PM .

Steve Egly
Steve Egly, President

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Resolution No. 14-60

RESOLUTION AMENDING FISCAL PLAN FOR THE SHAWNEE RIDGE ANNEXATION

WHEREAS, The Battle Ground Town Council approved a fiscal plan for the Shawnee Ridge Annexation dated April 23, 2014 at its regular council meeting on May 12, 2014; and

WHEREAS, it is to the benefit of the citizens of Battle Ground and the citizens located in the annexation area to amend the fiscal plan to insure the orderly and consistent provision of stormwater facilities in the Town; and

WHEREAS, the following sections of the fiscal plan are hereby amended consistent with this Resolution to wit:

Section II I; Section III D; Section V G; Section V

NOW THEREFORE, be it resolved that the following amendments are made to the fiscal plan:

1. Outlot A, in the Shawnee Ridge Subdivision,consisting of approximately 2 acres, shall be dedicated to and owned by the Town which shall thereafter be maintained by the Town as required as part of the overall stormwater system of the Town.
2. Any private drive currently existing in the annexation area shall receive all municipal services in a manner equivalent in standard and scope to other areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density EXCEPT for road maintenance and repair, and snow removal which cannot be provided due to the design and condition of such private drives.
3. Outlot B in the Shawnee Ridge Subdivision, consisting of approximately 11.3 acres, currently being used as a private park area, shall continue to be owned and maintained by the Shawnee Ridge Home Owners Association. However, the Home Owners Association shall grant any easements reasonably necessary to allow the Town access to and control of any stormwater facilities located thereon including the retention pond, overflow pipe, and any other stormwater structure or facility thereon. The size, location, scope, and extent of such easements shall be as reasonably determined by the Towns engineers in order to allow the Town to manage the stormwater system thereon.
4. The Town shall assume full ownership, control and responsibility for all currently existing pipes, catch basins or manmade stormwater structures located in the annexed area which are currently the responsibility of the Home Owners Association. The Town will be granted any easements reasonably necessary to allow the Town access to and control of such stormwater facilities as determined by the Town's engineers. Any areas or structures relating to stormwater on private property which are not currently the responsibility of the Homeowners Association shall be and remain as is without any transfer of control, ownership or responsibility to the Town.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT the above listed Amendments to the Fiscal Plan are to be incorporated as set out above.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF

BATTLE GROUND, INDIANA, ON THE 11 DAY OF August , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Becky Holladay, Member

DATE: 8/11/2014

Karen Pearson
Karen Pearson, Member

Brian Brewer
Brian Brewer, Member

Joe Bird
Mike Bird, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

Resolution No. 14-63

RESOLUTION AMENDING FISCAL PLAN FOR THE SHAWNEE RIDGE ANNEXATION

WHEREAS, The Battle Ground Town Council approved a fiscal plan for the Shawnee Ridge Annexation dated October 14, 2014 at its regular council meeting on October 14, 2014; and WHEREAS, it is to the benefit of the citizens of Battle Ground and the citizens located in the annexation area to amend the fiscal plan to insure the orderly and consistent provision of stormwater facilities in the Town; and WHEREAS, the following sections of the fiscal plan are hereby amended consistent with this Resolution to wit: Section II I; Section III D; Section V G; Section V

NOW THEREFORE, be it resolved that the following amendments are made to the fiscal plan:

1. Outlot A, in the Shawnee Ridge Subdivision, consisting of approximately 2.2 acres, shall be dedicated to and owned by the Town which shall thereafter be maintained by the Town as required as part of the overall stormwater system of the Town.
2. Any private drive currently existing in the annexation area shall receive all municipal services in a manner equivalent in standard and scope to other areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density EXCEPT for road maintenance and repair, and snow removal which cannot be provided due to the design and condition of such private drives.
3. Outlot B in the Shawnee Ridge Subdivision, consisting of approximately 11.2 acres, currently being used as a private park area, shall continue to be owned and maintained by the Shawnee Ridge Home Owners Association. However, the Home Owners Association shall grant any easements reasonably necessary to allow the Town access to and control of any stormwater facilities located thereon including the retention pond, overflow pipe, and any other stormwater structure or facility thereon. The size, location, scope, and extent of such easements shall be as reasonably determined by the Towns engineers in order to allow the Town to manage the stormwater system thereon.
4. The Town shall assume full ownership, control and responsibility for all currently existing pipes, catch basins or manmade stormwater structures located in the annexed area which are currently the responsibility of the Home Owners Association. The Town will be granted any easements reasonably necessary to allow the Town access to and control of such stormwater facilities as determined by the Town's engineers. Any areas or structures relating to stormwater on private property which are not currently the responsibility of the Homeowners Association shall be and remain as is without any transfer of control, ownership or responsibility to the Town.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT the above listed Amendments to the Fiscal Plan are to be incorporated as set out above.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 4 DAY OF October , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Becky Holladay
Becky Holladay, Member

DATE: 10/14/14

Karen Pearson
Karen Pearson, Member

Brian Brewer
Brian Brewer, Member

Not in Attendance
Mike Bird, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

+/- #14-63R: Legal Description, Page 1

+/- #14-63R: Legal Description, Page 2

+/- #14-63R: Legal Description, Page 3

+/- #14-63R: Map, Survey Points

+/- #14-63R: Map, Platted Lots

+/- #14-63R: Exhibit "C" - Map, Voting Wards

Resolution No. 14-61A

RESOLUTION SETTING START DATES FOR CERTAIN NON-CAPITAL SERVICES FOLLOWING THE ANNEXATION OF SHAWNEE RIDGE

WHEREAS, The Battle Ground Town Council is in the process of finalizing the annexation of Shawnee Ridge and other adjacent properties; and

WHEREAS, establishing start dates for certain non-capital services would be beneficial to the Town, the citizens of the annexed areas, and the Tippecanoe County Highway Department;

NOW, THEREFORE, BE IT RESOLVED:

1. Snow Removal Services, as provided by the Battle Ground Street Department, will begin in the newly annexed area as of October 1, 2015. The intent of this start date is to provide snow removal services for all of the 2015-2016 season.
2. Trash Collection and Recycling Services, as provided by the Town of Battle Ground through a private contractor, will begin in the newly annexed area on January 1, 2016.

If the annexation does not proceed and the effective date of annexation is later than March 1, 2015, this resolution may be modified or nullified.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 14 DAY OF October , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Not in Attendance
Mike Bird, Member

DATE: 10/14/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

RESOLUTION 2014- 62

A RESOLUTION OF THE TOWN OF BATTLE GROUND ADOPTING A FISCAL PLAN AND DEFINITE POLICY FOR ANNEXATION OF THE SHAWNEE RIDGE AREA

WHEREAS, The Town Council of Battle Ground, Indiana is considering an annexation of the Shawnee Ridge area pursuant to I.C. § 36-4-3; and WHEREAS, State law and proper planning require the Town to develop a written fiscal plan and establish a definite policy, by resolution of the Town Council; and WHEREAS, a copy of the written fiscal plan and definite policy for the Shawnee Ridge Annexation is attached hereto and made a part hereof; and WHEREAS, the written fiscal plan and definite policy shows as follows:

(1) the cost estimates of planned services to be furnished to the annexation area, itemized for each municipal department or agency;

(2) the method or methods of financing the planned services, together with an explanation of how specific and detailed expenses will be funded, indicating the taxes, grants and other funding to be used; (3) the plan for the organization and extension of services, detailing the specific services that will be provided and the dates the services will begin; (4) that planned services of a noncapital nature will be provided to the annexation area within one year after the effective date of the annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries, regardless of similar topography patterns of land use, and population density; and (5) that planned services of a capital improvement nature will be provided to the annexation area within three years after the effective date of the annexation in the same manner those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Battle Ground, Indiana, that:

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section 2. Attached as Exhibit A is the written fiscal plan and definite policy which is incorporated by reference. Two copies of the attached are kept on file in the office of the Clerk-Treasurer for public inspection.

Section 3. The Town Council of Battle Ground, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the annexation area which is the subject of Ordinance No. _____.

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after the date of its passage.

INTRODUCED ON FIRST READING ON THE 14 DAY OF October , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 14 DAY OF October , 2014, HAVING BEEN PASSED BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

Steve Egly
Steve Egly, President

X For _____ Opposed

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

X For _____ Opposed

X For _____ Opposed

Mike Bird

Karen Pearson
Karen Pearson

_____ For _____ Opposed

X For _____ Opposed

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

PRESENTED BY ME TO THE PRESIDENT OF THE TOWN COUNCIL OF BATTLE GROUND, INDIANA ON THE 14 DAY OF October , 2014, AT THE HOUR OF 8:00 PM .

_____
Phyllis Hall, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 14 DAY OF October , 2014, AT THE HOUR OF 8:00 PM .

Steve Egly
Steve Egly, President

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE NO. 225

AN ORDINANCE TO AMEND THE ORDINANCES of the Town of Battle Ground, Indiana.

BE IT ORDAINED by the Town Board of Battle Ground, Indiana.

SECTION 1. The unimproved, 16.5 feet of alley located between lots three (3) and four (4) in the original Town of Harrisonville, now part of the Town of Battle Ground, is hereby vacated. The alley real estate being more specifically described as to-wit:

A tract of real estate 16.5 feet by 75 feet located between lots three (3) and four (4) in the original Town of Harrisonville, now part of the town of Battle Ground, Tippecanoe County, Indiana.

SECTION II. The above described unimproved alley should and the same is hereby vacated.

SECTION III. This Ordinance shall be in full force and effect from and after its adoption.

FINALLY PASSED AND ADOPTED BY THE TOWN BOARD OF TRUSTEES OF BATTLE GROUND, INDIANA THIS 4th DAY OF FEBRUARY, 1985.

TOWN BOARD OF TRUSTEES OF
BATTLE GROUND, INDIANA

BY: Hugh Ralstin

BY: Scott Frankenberger

BY: Jean L. McGroarty

BY: Dennis W Pettit

BY: Daniel T. Kelly

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 283

AN ORDINANCE VACATING A PLATTED ALLEY BETWEEN LOTS 19 and 20 IN TRUSTEES ADDITION TO BATTLE GROUND CITY, INDIANA.

WHEREAS, there exists a certain twelve (12) foot wide by one hundred eighty (180) foot long platted alley between lots numbered nineteen (19) and twenty (20) in Trustees Addition to Battle Ground City, Indiana; and

WHEREAS, the Town of Battle Ground no longer requires the need for said platted alley; and

WHEREAS, Terry L. Whitworth, the petitioner and adjacent landowner, has complied with all the provisions of the Indiana Code.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

Section 1. The twelve (12) foot wide by one hundred eighty (180) foot long platted alley between lots numbered nineteen (19) and twenty (20) in Trustees addition in Battle Ground City, Indiana, as platted upon part of the northeast quarter of the southwest quarter of Section Twenty Three (23), Township Twenty-four (24) North, Range Four (4) West, located in Tippecanoe Township, Tippecanoe County, Indiana, is hereby vacated.

Section 2. This Ordinance shall be come effective this 10th Day of July, 1990.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS 10th day of JULY, 1990.

_____
Jean McGroarty yea

_____
Shirley Shelton yea

_____
Carl Horner yea

_____

_____

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 284

Editor's Note: Referenced by Ordinance #296.

AN ORDINANCE VACATING A PORTION OF A STREET PLATTED AS A RIGHT OF WAY BETWEEN LOTS 5 & 6 IN BURNETT'S HARRISONVILLE ADDITION TO BATTLE GROUND CITY, INDIANA

WHEREAS, there exists a certain street platted as a right of way between Lots 5 and 6 in Burnett's Harrisonville Addition to Battle Ground City, Indiana, said street being sixty (60) feet in width and running from its intersection with Main Street 126.7 feet to an alley; and

WHEREAS, there exists a structure and fence which encroach a distance of twenty two (22) feet on and over the east side of said street from the property of Larry Morgan; and

WHEREAS, there exists an encroachment a distance of twenty two (22) feet on and over the southern one half of the west side of said street from the property of Jeffery A. Crosby; and

WHEREAS, there exists an encroachment a distance of twenty two (22) feet on and over the northern one half of the west side of said street from the property of Thomas Oliver; and

WHEREAS, Jeffery A. Crosby, the petitioner and adjacent landowner, has complied with all the provisions of the Indiana Code.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

SECTION 1: The eastern twenty two (22) feet and western twenty two (22) feet of a certain street platted as a right of way between Lots 5 & 6 in Burnett's Harrisonville Addition to Battle Ground City, Indiana, said street being sixty (60 feet in width and running from its intersection with Main Street 126.7 feet to an alley, is hereby vacated accordingly, thereby leaving a platted alley sixteen (16) feet in width and 126.7 feet in length.

SECTION 2. This Ordinance shall become effective this 10th day of July, 1990.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, this 10th day of July, 1990.

Presiding Oficer, Jean McGroarty

_____

Shirley Shelton

_____

Carl Horner

ATTEST:

_____

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 291

AN ORDINANCE VACATING A PLATTED ALLEY BETWEEN LOTS FOUR (4) AND FIVE (5) IN TAYLOR'S ADDITION TO BATTLEGROUND CITY, INDIANA

WHEREAS, there exists a certain three hundred thirty (330) foot long platted alley between lots numbered four (4) and five (5) in Taylor's Addition to Battle Ground City, Indiana; and

WHEREAS, Town of Battle Ground no longer requires the need for said platted alley; and

WHEREAS, Fred Glossic, the petitioner and adjacent landowner, has complied with all the provisions of the Indiana Code.

THEREFORE, BE IT ORDAINED by the TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, that:

Section 1. The three hundred thirty (330) foot long platted alley between lots numbered four (4) and five (5) in Taylor's Addition in Battle Ground City, Indiana, is hereby vacated.

Section 2. This ordinance shall become effective this 1 day of April , 1991.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 1 day of April , 1991.

_____

_____

_____

_____

_____

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 292

AN ORDINANCE VACATING A PLATTED ALLEY BETWEEN LOTS SIX (6) and SEVEN (7) IN TAYLOR'S ADDITION TO BATTLE GROUND CITY, INDIANA

WHEREAS, there exists a certain three hundred eighty (380) foot long platted alley between lots numbered six (6) and seven (7) in Taylor's Addition to Battle Ground City. Indiana; and

WHEREAS, Town of Battle Ground no longer requires the need for said platted alley; and

WHEREAS, Charles Floyd, the petitioner and adjacent landowner, has complied with all the provisions of the Indiana Code.

THEREFORE, BE IT ORDAINED by the TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

Section 1. The three hundred eighty (380) foot long platted alley between lots numbered six (6) and seven (7) in Taylor's Addition in Battle Ground City, Indiana, is hereby vacated.

Section 2. This ordinance shall become effective this 1 day of April , 1991.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 1 day of April , 1991.

_____

_____

_____

_____

_____

ATTEST:

_____

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 293

AN ORDINANCE VACATING A PLATTED ALLEY BETWEEN LOTS EIGHT (8) and Nine (9) IN TAYLOR'S ADDITION TO BATTLE GROUND CITY, INDIANA

WHEREAS, there exists a certain three hundred ninety-six (396) foot long platted alley between lots numbered eight (8) and nine (9) in Taylor's Addition to Battle Ground City, Indiana; and

WHEREAS, Town of Battle Ground no longer requires the need for said platted alley; and

WHEREAS, Scott Frankenberger, the petitioner and adjacent landowner, has complied with all the provisions of the Indiana Code.

THEREFORE, BE IT ORDAINED by the TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, that:

Section 1. The three hundred ninety-six (396) long platted alley between lots numbered eight (8) and nine (9) in Taylor's Addition in Battle Ground City, Indiana, is hereby vacated.

Section 2. This ordinance shall become effective this 1 day of April , 1991.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 1 day of April , 1991.

_____

_____

_____

_____

_____

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE # 309

An Ordinance to vacate an alley in the Town of Battle Ground, Indiana, be it ordained by the Town Council of the Town of Battle Ground, In., Tippecanoe County, Indiana:

SECTION I:

That the following alley is hereby vacated: (Jane Bryant property on N. Main St.208)

Beginning at the Northwest corner and running in a Southerly direction along the West Line of Large Lot 2 as platted in the original Town of Harrisonville (now Battle Ground) to a point, thence West 16.5 feet to the Southeast corner of Large Lot 3 as platted in the original Town of Harrisonville (now Battle Ground,) thence North along the east line of Large Lot 3 to the Northeast corner of said lot, thence East 16.5 feet to the point of beginning.

SECTION II:

That this Ordinance shall be in full force and effect from and after its passage. Adopted and passed by the Town Council of the Town of Battle Ground, Tippecanoe County, Indiana this 6th day of July, 1993.

TOWN Council of the Town of Battle Ground by:

David L. Ferringer
Dave Ferringer, President

ATTEST:

Geraldine Berghoff
Clerk-Treasurer Geraldine Berghoff

ORDINANCE NO. 318

ORDINANCE VACATING UNUSED PUBLIC ALLEYS

WHEREAS, the Town Council of the Town of Battle Ground, Indiana, has received a Petition for Vacation of Unused Public Alleys in the Town of Battle Ground, Tippecanoe County, Indiana, filed Richard E. Dunn, Rebecca B. Dunn, and Paul A. Norwood; and

WHEREAS, the Notice of a Hearing on said Petition, held at the Town Hall of the Town of Battle Ground, Indiana, on June 6, 1994, was duly published and served; and

WHEREAS, no objections or remonstrances were made to said Petition; and

WHEREAS, the Town Council has found that the alleys which the Petitioner propose to vacate have never been used for a purpose other than residential, that no alley or roadway has ever been constructed thereon, that the vacation of said public alleys would allow the Petitioners to better utilize the property owned by them, that the Petitioners and their predecessors in title have utilized and maintained the proposed vacated alleys, that said alleys will leave no other real estate without a right of ingress and egress by means of a public way or street; that said proposed vacation will not cut off the publics access to any church, school or other public building or ground.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana, that:

1. The Town Council of the Town of Battle Ground, Indiana, specifically vacates as a public alley the alley which is more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot No. 17 in the Original Plat of Harrisonville, (now Battle Ground), thence West 16.5 feet to the Northeast corner of Lot No. 50 in Burgett's Addition to Harrisonville, now the Town of Battle Ground; thence South along the East line of said Lot No. 50 to the Southeast corner thereof; thence East 16.5 feet to the Southwest corner of the aforesaid Lot No. 17; thence North along the West line of said Lot No. 17 to the point of beginning.

2. The Town Council of the Town of Battle Ground, Indiana, specifically vacates as a public alley the alley which is more particularly described as follows, to-wit:

Commencing at a point 13.5 feet East of the Southwest corner of Lot No. 50 in Burgett's Addition to Harrisonville, now the Town of Battle Ground, thence East 112 feet to a point on the South line of lot no. 17 in the original plat of Harrisonville, (now Battle Ground); thence South 16.5 feet to a point on the South line of said alley; thence West 112 feet; thence North 16.5 feet to the place of beginning.

3. Said vacated alleys shall be henceforth owned by the adjoining property owners, pursuant to statute.

DATED this 6th day of June, 1994.

David L. Ferringer
David L. Ferringer

Steven C. Egly
Steven C. Egly

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

Stanley Cunningham

ATTEST:

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. 391 A

A ORDINANCE TO VACATE A PORTION OF A PUBLIC WAY IN BATTLEGROUND, INDIANA

Be it Ordained by the Board of Commissioners of County of Tippecanoe, Indiana:

Section 1. That the easement along and across the following described real estate is hereby vacated:

Vacate an area sometimes described as E Street in the Town of Battleground which "Street" runs through and across certain lands of Garrott Grain Co. Inc. described at deed record 209-299 and deed record 84-1858. The said purported street is used by the public and is more specifically shown on exhibit A attached hereto and incorporated herein by reference.

Section 2. That a plat of such easement is attached hereto as Exhibit A.

Section 3. That this ordinance shall be in full force and effect from and after its passage.

Adopted and passed by the Town Board of Battleground, Indiana this 13 day of August , 2001.

Vote		
Yes	No	
X		Steve Wilt Steve Wilt, President
X		Dick Berghoff Dick Berghoff, Member
X		Marie McCoy Marie McCoy, Member
X		J B Miller Jim Miller, Member
X		Jeff Brown Jeff Brown, Member

ATTEST:
Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

09-31

RESOLUTION ALLOWING RIGHT TO ENCROACH ON TOWN RIGHT OF WAY

WHEREAS, Steven Titolo and Joanne Titolo own certain property in the Town of Battle Ground commonly known as 202 Sherman Street and

WHEREAS, the Titolo property has a backyard which is most easily accessed for a proposed storage shed by way of an easement crossing the Town's right of way on the north side of High School Ave and

WHEREAS, the Titolos require a right of encroachment eight (8) feet in width to obtain Area Plan Commission approval for such an easement.

NOW THEREFORE, be is resolved by the Battle Ground Town Council that Steven Titolo and Joanne Titolo are hereby allowed to encroach over and across the Town right of way where shown on the attached drawing, in order to access a proposed storage shed. The width of this encroachment shall not exceed eight (8) feet and shall be terminable upon thirty (30) days notice if the Town determines that the continued use of encroachment is substantially detrimental to the best interests of the Town.

So resolved this 9 day of February , 2009.

Town of Battle Ground

By Becky Holladay
President

ATTEST:

By: Phyllis Hall
Clerk/Treasurer

BATTLE GROUND
TOWN COUNCIL
RESOLUTION 07-14

WHEREAS, the Town of Battle Ground, Indiana is located near a number of sites that draw visitors to the area; and **WHEREAS,** the Town wishes to support those visitors in finding the various attractions;

BE IT NOW THEREFORE RESOLVED that directional signage shall be placed at:

1. The intersection of Prophet Street and Railroad Street, with the sign facing Prophet Street (readable from Prophet Street upon approach to Railroad Street) and

2. The intersection of Battle Ground Avenue (the entrance drive to the Tippecanoe Battle Field Memorial and Museum) and Railroad Street, with the sign facing Battle Ground Avenue (readable from Battle Ground Avenue upon approach to Railroad Street).

Passed on this 14th day of May , 2007.

Attest:

Phyllis Hall
Phyllis Hall - Clerk-Treasurer

Councilpersons:

Steve Egly
Steve Egly - Council President

Carolyn Roth
Carolyn Roth

Brian Brewer

John P. Wilson
John Wilson

Becky Holladay
Becky Holladay

BATTLE GROUND
TOWN COUNCIL
RESOLUTION 07-16

WHEREAS, the Town wishes to support visitors in their efforts to find the various attractions around the Town, and;

WHEREAS, the Indiana Department of Transportation (INDOT) requires entrance signage to said attractions to justify signage on state controlled roadways, **BE IT NOW THEREFORE RESOLVED** that directional signage shall be placed as follows:

1. Two signs for the entrance to the "Tippecanoe Battle Field Memorial and Museum" will be placed along North and Southbound Railroad Street approximately 150 feet from the entrance. These signs will bear the name of the attraction and arrows indicating the turn direction.
2. Two "Wolf Park" signs will be placed along Main Street approximately 150 feet from the turn onto Jefferson Street. These signs will bear the name of the attraction and arrows indicating the turn direction.

Passed on this 19th day of June , 2007.

Attest:

Phyllis Hall
Phyllis Hall - Clerk-Treasurer

Councilpersons:

Steve Egly
Steve Egly - Council President

Carolyn Roth
Carolyn Roth

Brian Brewer
Brian Brewer

John P. Wilson
John Wilson

Becky Holladay
Becky Holladay

BATTLE GROUND

TOWN COUNCIL

RESOLUTION 08-26

WHEREAS, the Town wishes to support efforts to mark the Potawatomi Trail of Death Regional Historic Trail; and **BE IT NOW THEREFORE RESOLVED** that signage shall be placed as follows:

1. One sign on Pretty Prairie Road/Main Street near the upper elementary school for travelers west-bound on Main Street.
2. One sign, with directional arrow, near the intersection of Railroad Street and Main Street - to direct travelers to turn from west-bound Main Street onto south-bound Railroad Street.
3. One sign, with directional arrow, near the entrance to the Tippecanoe Battle Field - to direct travelers to turn from south-bound Railroad Street onto westbound Battle Ground Avenue.
4. One sign (if available), near the directional sign at the exit from the Battle Field - to direct travelers to turn from east-bound Battle Ground Avenue (exiting the Battle Field) onto south-bound Railroad Street.

Passed on this 8th day of September , 2008.

Councilpersons:

Steve Egly
Steve Egly - Council President

Attest:

Carolyn Roth

Phyllis Hall
Phyllis Hall Clerk-Treasurer

Brian Brewer

Karen Pearson
Karen Pearson

Becky Holladay
Becky Holladay

A RESOLUTION TO INDICATE COMPLIANCE WITH THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, IN REGARD TO BUILDING PERMITS ISSUED PURSUANT TO SAID ORDINANCE

WHEREAS, the town of Battle Ground, Indiana, has passed an ordinance adopting the Unified Zoning Ordinance of Tippecanoe County, Indiana; and

WHEREAS, said ordinance prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Area Planning Commission of Tippecanoe County, Indiana; and

WHEREAS, the Area Planning Commission of Tippecanoe County, Indiana, must examine all plans and specifications for the proposed construction when application is made for a building permit. NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the town of Battle Ground, Tippecanoe County, Indiana, as follows:

1. That the Area Planning Commission of Tippecanoe County, Indiana, shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must (i) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards; and

2. That the Area Planning Commission of Tippecanoe County, Indiana, does require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Passed and adopted by the town of Battle Ground of Tippecanoe County, Indiana, this 2nd day of June , 1975.

James E. Kerr James E. Kerr, President

Ottis C. Anderson, Trustee

Gary W. Younker
Gary W. Younker, Trustee

James M. Wilson
James N. Wilson, Trustee

William A. Bushman
William A. Bushman, Trustee

Laurlene Lewis
Attest:

Laurlene Lewis, Clerk Treasurer

ORDINANCE NO. #230

UNSAFE BUILDING ORDINANCE FOR THE TOWN OF

BATTLE GROUND, INDIANA

WHEREAS the Board of Trustees of the Town of Battle Ground, Indiana desires to protect people from personal injury or property loss or damage frum buildings or

structures within the Town which are in such condition to be unsafe for human habitation or unsafe to passers-by or other persons upon the premises or containing conditions which are likely to cause physical damage or contribute to physical damage to surroundings real estate, and on the property of other persons, and

WHEREAS the Board of Trustees furher desires to protect the citizens of the Town of Battle Ground from

conditions which exist in buildings which attract vermin, insects, and other unwanted pests which are likely to

contribute to disease and other health hazards in the

community, and

WHEREAS the Board of Trustees of the Town of Battle Ground, Indiana have determined that the interests of the citizens of the Town of Battle Ground, Indiana, can best be protected by an ordinance regulating the conditions of

buildings, providing for the owners thereof an opportunity to correct the conditions and providing for the removal of the building and/or conditions,

IT IS NOW THEREFORE ORDAINED BY THE BOARD OF TRUSTEES

OF THE TOWN OF BATTLE GROUND, INDIANA

as follows:

Section 1. That any condition or conditions of any building, structure or part thereof in the Town of Battle Ground, Indiana, which for any reason in an unreasonable, clear and present danger to the health or physical being of persons, or is an unreasonable danger to property other than the structure itself, are hereby declared to be

unlawful conditions or an unlawful condition.

Section 2. That in determining whether a condition or conditions of a structure are unlawful condition or

conditions within the meaning of this Ordinance, all

relevant factors are to be considered including but not limited to the following:

1. a building or structure, or any part of a building or

   structure, that is:

   1. In an impaired structural condition that

      makes it unsafe to a person or property;

   2. A fire hazard;
   3. A hazard to the public health;
   4. A public nuisance; or
   5. Dangerous to a person or property because

      of a voilation of a statute or ordinance concerning building condition or maintenance; is considered an unsafe building.

2. For purposes of this chapter:

   1. An unsafe building; and
   2. The tract of real property on which the

      unsafe building is located; are considered unsafe premises.

Section 3. That an unlawful condition under this Ordinance remains unlawful regardless whether the condition is a result of design, deterioration, alteration, or other factor.

Section 4. That for the purposes of this Ordinance in determining whether a condition or conditions of a building or structure is an unlawful condition the present use of the building or structure shall be considered, and the

reasonably foreseeable class of persons who may be directly affected thereby shall be considered and the property,

whether real or personal, which may be affected by any

unlawful condition and which is reasonably foreseeable

shall be considered in determining whether any condition or conditions is or are unlawful.

Section 5. That when the hearing authority for the Town of Battle Ground, Indiana, or such other person who is charged by the Board of Trustees of the Town of Battle

Ground, Indiana with enforcement of the provisions of this Ordinance believes that an unlawful condition under this Ordinance may exist, then they shall make inspection of the structure or premises for the purpose of determining

whether any unlawful conditions exist under this Ordinance.

In the event that the hearing authority cannot agree as to wheter or not an unsafe building condition exists,

then they shall consult with a certified, licensed and

practicing architect or engineer for a final determination.

In making a determination with respect to an unsafe

building condition or conditions, the hearing authority may consult with any other person reasonably necessary to

making such determination, including but not limited to, the State Fire Marshal, the Town of Battle Ground Volunteer Fire Department, Fire Chief, and the Tippecanoe County

Health Officer.

Section 6.

1. Upon the determination than an unsafe

   building or conditions exist, the hearing authority may issue an order requiring action relative to any unsafe premises, including:

   1. Vacating of an unsafe building;
   2. Sealing an unsafe building against

      intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;

   3. Extermination of vermin in and about the

      unsafe premises;

   4. Repair of an unsafe building to bring it

      into compliance with standards for building condition or maintenance prescribed by law;

   5. Removal of part of an unsafe building;

      and

   6. Removal of an unsafe building.
2. The order must contain:

   1. The name of the person to whom the order

      is issued;

   2. The legal description or address of the

      unsafe premises that are the subject of

the order;

3. The action that the order requires;
4. The period of time in which the action

   is required to be accomplished, measured from the time when the notice of the order is given;

5. If a hearing is required, a statement

   incicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;

6. If a hearing is not required, a statement

   that an order under subsection (a) (2) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest or life estate interest in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten-day period;

7. A statement briefly indicating what

   action can be taken by the enforcement authority if the order is not complied with;

8. A statement indicating the obligation

   created by I.C. 36-7-9-27 relating to notification of subsequent interest holders and the enforcement authority; and

9. The name, address, and telephone number

   of the enforcement authority.

3. The order must allow a sufficient time, of at

   least ten (10) days from the time when notice of the order is given to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

4. The order expires two (2) years from the day

   the notice of the order is given, unless one or more of the following events occurs within that two-year period:

   1. A complaint requesting judicial review is

      filed under I.C. 36-7-9-9.

   2. A contract for action required by the

order is let at public bid under I.C. 36-7-9-11.

3. A civil action is filed under I.C.

   36-7-9-17.

5. Notice must be given by:

   1. Sending a copy of the order or statement

      by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

   2. Delivering a copy of the order or

      statement personally to the person to be notified; or

   3. Leaving a copy of the order or statement

      at the dwelling or usual place of abode of the person to be notified.

6. If, after a reasonable effort, service is not

   obtained by a means described in subsection (e), service may be made by publishing a notice of the order or statement in accordance with I.C. 5-3-1 (5-3-1-1 - 5-3-1-9) in the county where the unsafe premises are located.

   However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5 (b) in I.C.

   36-7-9-Sb (1), (2), (4), (5), (6), (7), and (9)) of said chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority.

7. When service is made by any of the means

   described in this section, except by mailing or

   publication, the person making service must make an affidavit stating that he has made the service, the manner in which the order or statement, and the date of service.

   The affidavit must be placed on file with the enforcement authority,

8. The date when notice of the order or

   statement is considered given is as follows:

   1. If the order or statement is delivered

personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at his dwelling or usual place of abode.

2. If the order or statement is mailed,

   notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

3. Notice by publication is considered given

   on the date of the second day that publication was made.

9. Notice of orders, notice of statement of

rescission notice of continued hearings, and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

1. No instrument reflecting the property

   interest held by the person is recorded in the recorders office of the county where the unsafe premises is located;

2. The order or statement was recorded in

   accordance with I.C. 36-7-9-26 of this chapter; and

3. The enforcement authority has received

   neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.

A person who fails to record an instrument reflecting an interest in his unsafe premises is considered to consent to action taken under this chapter relative to which notice would otherwise be given.

Section 7. That the failure of the person, persons, entity or entities to whom the notice of unlawful condition or conditions was sent to correct the conditions within the time provided in the notice shall constitute a violation of this Ordinance, and each day that any unlawful condition shall after that date shall be considered a separate

violation of this Ordinance unless a request for hearing has been filed.

Section 8. In the event of a hearing before the hearing authority of an unlawful condition or conditions, the hearing authority shall hear evidence of the

individuals named in the notice and may conduct any

additional fact finding process which it may determine

necessary, and within a reasonable time thereafter shall issue a final determination of whether any unlawful

condition or conditions exist and in the event the

enforcement authority finds any unlawful condition or

conditions to exist after hearing, the enforcement

authority shall specifically set forth in writing the

unlawful conditions found to exist the findings of fact upon which their decision is based and a specific but

reasonable date in which the unlawful conditions are to be corrected, copies of which shall be delivered to the

individuals named in the notice.

Section 9. Any failure by any person, persons, entity or entities named in the final determination of the hearing authority to correct the unlawful condition or conditions which were found to exist within the time period provided by the Town Board, shall constitute a violation of this Ordinance and for each such condition which exists after said date and each day that any such unlawful condition shall exist after the date in which the person, persons, entity or entities were allowed to correct the same, shall constitute a separate violation of this Ordinance for each unlawful condition which exists.

Section 10. That in the event that any person, persons, entity or entities of whatsoever nature violates the provisions of this Ordinance the Town may take action in any court of proper jurisdiction in this county to

obtain a mandatory injunction or other relief to require such person, persons, entity or entities to correct the unlawful conditions and to request any other temporary and preliminary injuncitive relief to protect persons and

property and further, may request final orders requiring the structure or building to be removed, sold, or other relief which is proper under the circumstances.

Section 11. That in addition to applying for any injunctive relief the Town may file Ordinance Violation charges against any person, persons, entity or entities violating this Ordinance, and for each unsafe building

condition violation such person, persons entity or entities Section 12. That in the event that the Town of Battle Ground, Indiana, files Ordinance Violation charges or seeks injunctive or other relief before any Court, then upon any determination in favor of the Town, the Town shall be

further entitled to recover and have judgment against any such person, persons, entity, or entities violating this Ordinance for the Town s reasonable attorneys fees

incurred in prosecuting any of the actions therein.

Section 13. That for the purposes of this Ordinance any building or structure shall include the real estate upon which such building or structure is situated.

Section 14. That when any unlawful condition or conditions exist under this Ordinance, which are within the control of the owner or owners of the real estate upon

which the building or structure is situated, then notice shall be given to those owners who appear of record.

Section 15. That in the event it is determined that the unlawful condition or conditions under this Ordinance which exist are solely within the control of the lessee of a building or structure other than the owner, then notice shall be given to such lessee or other person in addition to the owner or owners of the building or structure.

Section 16. That in the event that any part or parts of this Ordinance are declared to be unconstitutional or invalid in any part or parts, such part or parts shall be deemed severable and shall not affect the remainder of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Section 17. The Board of Trustees of the Town of Battle Ground herein establishes a hearing authority which refers to persons ofthe provisions adopted in this

Ordinance.

Section 18. That this Ordinance shall be in full force and effect upon its adoption by the Board of Trustees of the Town of Battle Ground, Indiana, and after publication as required by law.

Adopted by the Board of Trustees of the Town of Battle Ground this 7th day of October, 1985, by a vote of ayes and nayes.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

Attest:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 325-95

AN ORDINANCE regulating the construction, alteration, structural repair, location and use of buildings and structures in the Town of Battle Ground, Indiana; providing for the issuance of permits therefore providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith, exclusive of the UNIFIED ZONING ORDINANCE and UNIFIED SUBDIVISION ORDINANCE ADOPTED UNDER I.C. 36-7-4 et. seq.

BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana, as follows:

SECTION 1. TITLE. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of Battle Ground, Indiana", may be cited as such, and will be referred to herein as "this code".

SECTION 2. PURPOSE. The purpose of this Code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3. (A) AUTHORITY. The Tippecanoe County Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Board of Trustees of the Town of Battle Ground, 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 provision shall be construed as giving any officer discretionary powers as to what such regulation, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 3. (B). The Building Commissioner, after having been designated as the officer of a single agency to administer and enforce building regulation, shall be authorized to issue building permits, collect permit fees, perform inspections, order correction of violations of building regulations, and authorize occupancy of buildings and structures situated within the incorporated areas of the Town of Battle Ground.

The provisions of this section are subject to the issuance of an improvement location permit by the ADMINISTRATIVE OFFICER of the Town of Battle Ground pursuant to the UNIFIED ZONING ORDINANCE.

SECTION 4. SCOPE. The provisions of this code apply to the construction, demolition, alterations, structural repair use, occupancy, maintenance and additions to all buildings and structures other than fences, mobile structures and/or industrialized buildings certified under I.C. 22-15-4 in the Town of Battle Ground, except storage buildings of 120 square feet or less and not constructed on a masonry or concrete foundation.

SECTION 5. ADOPTION OF REGULATIONS BY REFERENCE.

a. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference

in this ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register of the Indiana Administrative code with effective dates as fixed therein:

(1) Articles 13-Building Codes

(a) Fire and Building Safety Standards
(b) Indiana Building Code
(c) Indiana Building Code Standards
(d) Indiana Handicapped Accessibility Code

(2) Article 14-One and Two Family Dwelling Codes (675 lAG 14-4)

(a) Council of American Building Officials One and Two Family Dwelling Code
(b) CABO One and Two Family Dwelling Code; Amendments
(c) Standard for Permanent Installation of Manufactured Homes
(d) Section R-309.6-GROUND COVERING: The entire ground surface of the under-floor space shall be covered with a vapor barrier having a maximum permeability rating of one (1) perm

(3) Article 16-Plumbing Codes

(a) Indiana Plumbing Code

(4) Article 17-Electrical Code

(a) Indiana Electrical Code, including Article 547 (Agricultural Building)
(b) Safety Code for Health Care Facilities

(5) Article 18-Mechanical Codes

(a) Indiana Mechanical Code

(6) Article 19-Energy Conservation Codes

(a) Indiana Energy Conservation
(b) Modifications to the Model Energy Code

(7) Article 20-Swimming Pool Code

(a) Indiana Swimming Pool Code

b. Copies of adopted building rules, codes, and standards are on file in the office of Building Commissioner.

SECTION 6. APPLICATION FOR PERMITS. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the State Build Commissioner if state permit is required. No local permits shall be issued hereunder until a copy of a Design Release from the State

Building Commissioner is received by the County Building Commissioner if such Design Release is required. No permit shall be issued until an improvement location permit has been approved in writing by the Administrative Officer of the Town of Battle Ground pursuant to the Unified Zoning Ordinance and Unified Subdivision Ordinance.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction, demolition, alteration, or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to Tippecanoe County, Indiana.

a. A building permit expires and becomes void if:

(1) the work authorized by the permit is not started within one year from the date of issuance

(2) the work authorized by the permit is suspended or abandoned for six months.

(3) the work authorized by the permit is not completed within two years from the date of issuance

b. The Building Commissioner may grant extensions to these time limitations provided that the extension request is submitted prior to the expiration date of the permit.

SECTION 8. OTHER ORDINANCES. All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, including, without limitation, Unified Zoning Ordinance and Unified Subdivision Ordinance, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 9. (A) FEES - OTHER THAN ELECTRICAL (PERMITS).

a. One and two family dwelling fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fees are eleven (11) cents per square foot up to two thousand square feet, and then nine (9) cents per square foot for each additional square foot over two thousand (this includes attached garages), and six (6) cents per square foot for basements.

b. Detached garages and livestock confinement buildings fees are based on square footage with the exterior measurements used in determining the building area. The fee is six (6) cents per square foot or twenty-five (25) dollars, whichever is greater.

c. Pole structure fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fee is two and one half (2.5) cents per square foot or twenty-five (25) dollars, whichever is greater.

d. All other buildings not listed above (9 a-c) will continue to have their fees determined by the following system; twenty five (25) dollars for the first one (1) thousand dollars of estimated value, then two (2) dollars for each additional one (1) thousand dollars of estimated value up to one (1) million dollars, then ten (10) cents for each additional one (1) thousand dollars of estimated value over one (1) million.

This group of buildings includes all Class 1 structures, grain bins, yard barns, carports, room additions and other miscellaneous structures.

e. Electrical permit fees are thirty five (35) dollars for electrical services up to and including two hundred (200) amperes and sixty (60) dollars for electrical services over two hundred (200) amperes.

f. A re-inspection fee of twenty (20) dollars will be charged for the third and subsequent inspections on a project for the same violations. Re-inspection fees must be paid before subsequent inspections will be made. If the inspections are on an electrical service, the fee shall be paid before the service will be approved for connection.

g. A surcharge of fifty (50) dollars will be added to permit fees on buildings where construction is started without first obtaining a building permit.

SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

(a) Review all building permit applications to determine full compliance with provisions of this ordinance.

(b) Provide the application to Administrative Officer for zoning compliance review and issuance of an improvement location permit.

(c) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will comply with the Unified Zoning Ordinance of the town of Battle Ground.

(d) An application for a building permit becomes null and void if the applicant does not secure the permit within ninety (90) days after its approval.

SECTION 11. INSPECTIONS. After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to make, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit.

SECTION 12. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in Battle Ground to perform any duty imposed upon him by this Code.

SECTION 13. STOP ORDER. Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 14. CERTIFICATE OF OCCUPANCY. No final approval of construction for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this ordinance and the Unified Zoning Ordinance with the Town of Battle Ground.

SECTION 15. STANDARDS. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and

practices in the trade.

SECTION 16. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the Town of Battle Ground or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 17. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioner's decision first through the Town Board of Trustees of the Town of Battle Ground and then to the Tippecanoe County Board of Commissioners and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 or I.C. 4-21.5-3-7 as applicable.

SECTION 18. REMEDIES. The Building Commissioner shall in the name of the Trustees of the Town of Battle Ground bring actions in the Tippecanoe Circuit Court, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

SECTION 19. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance, for each violation, failure or refusal, such person, firm, or corporation shall be fined in the sum of Fifty Dollars ($50.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 20. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

No building permit shall be issued for the construction, extension, remodeling, alteration or repair of any proposed or existing building in Battle Ground, except single family dwelling houses in approved subdivisions, until the plans for such construction, extension, remodeling, alteration or repair have been approved in writing by the Tippecanoe County Drainage Board.

No building permit shall be issued until the plans have been found to be in compliance with the Unified Zoning Ordinance and Unified Subdivision Ordinance of the Town of Battle Ground and an improvement location permit has been issued by the Administrative Officer of the Town Battle Ground.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA THIS 3RD DAY OF APRIL, 1995.

TOWN OF BATTLE GROUND BOARD OF TRUSTEES

David L. Ferringer
David L. Ferringer

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST: Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ENDORSEMENT:

Approved this 3rd day of May, 1995, by the Fire Prevention and Building Safety Commission of the State of Indiana.

_____
Howard W. Cundiff, Chairman

ORDINANCE NO. 326 -95

AN ORDINANCE PROVIDING FOR THE INSPECTION, REPAIR, OR REMOVAL OF UNSAFE BUILDINGS WITHIN THE INCORPORATED AREAS OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

Be it ordained by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana, that:

1. Under the provisions of Indiana Code 36-7-9, there is hereby established the Battle Ground Unsafe Building Ordinance.

2. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the Battle Ground Unsafe Building Ordinance. All proceedings within the incorporated areas of Battle Ground for the inspection, repair, and removal of unsafe buildings shall be governed by said applicable state 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

3. All buildings or portions thereof within the incorporated areas of Battle Ground which are determined after inspection by the Building Commissioner of Tippecanoe County 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.

4. The Tippecanoe County Building Commissioner, as chief administrative Officer, shall be authorized to administer and to proceed under the provisions of said applicable state law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

5. Wherever in the building regulations of the State of Indiana, County of Tippecanoe or the Battle Ground Unsafe Building Ordinance, it is provided that anything must be done to the approval of or subject to the direction of the building Commissioner, or any other officer of Tippecanoe County, 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 officer 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.

6. 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 Battle Ground, Indiana, by adding the following definition:

UNSAFE BUILDING means any building or structure which has any or all of the conditions or defects hereinafter described, 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 walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) 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.

(d) 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 and location.

(e) 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.

(f) 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.

(g) Whenever any portion thereof has wracked, 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.

(h) 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.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) 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.

(k) 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.

(l) 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, or (2) freely accessible to persons of committing unlawful acts.

(m) 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 the Town of Battle Ground, or of any law or ordinance of the state or Tippecanoe County relating to the condition, location or structure of buildings.

(n) 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 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.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Office of Tippecanoe County (health official) to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the appropriate fire official and/or state Fire Marshall to be a fire hazard.

(q) 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.

(r) Notwithstanding the foregoing, a building may be inventoried for a period of twelve (12) months upon permit issued by the Building Commissioner after submission by applicant of a plan for securing said property, as well as, a plan for the rehabilitation and/or removal of said property.

7. The definition of "substantial property interest" set forth in I.C. 36-7-9-2 is hereby incorporated by reference herein as if copied in full.

8. All work for the reconstruction, 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 building laws, as defined in I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this ordinance or orders issued pursuant to this ordinance by the Building Commissioner of the County of Tippecanoe, Indiana.

9. An Unsafe Building Fund is hereby established in the operating budget of Battle Ground in accordance with the provisions of I.C. 36-7-9-14.

10. No person, firm, or corporation, whether as owner, lessee, sub-lessee, 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 Building Commissioner. Any person violating the provisions of this ordinance or I.C. 36-7-9-28 shall commit a class C infraction for each day such violation continues.

11. Any and all costs incurred to enforce or implement the provisions of this ordinance shall constitute a lien on the subject real estate in favor of the Town of Battle Ground.

12. 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.

13. This ordinance will be in full force and effective on the 3rd day of April, 1995, according to the laws of the State of Indiana, and the ordinances of the Town of Battle Ground. All former ordinances which conflict with this ordinance are hereby repealed.

14. Any person violating the provisions of this section or the provisions of the Indiana Code as adopted herein shall commit a separate violation for each day that such violation continues and shall be subject to a penalty of not more than $2,500.00 for each violation. The implementation of this penalty shall be at the discretion of the Town of Battle Ground, and shall be separate, independent and in addition to, any other provision of this ordinance.

    Editor's Note: Section 14 was added by Ordinance No. 2012-496, adopted 5/14/2012.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THIS 3rd DAY OF APRIL, 1995.

TOWN OF BATTLE GROUND BOARD OF TRUSTEES

David L. Ferringer
David Ferringer

Steven C. Egly
Steven Egly

Stanley Cunningham
Stanley Cunningham

Donald D. McKee
Donald McKee

Marie McCoy
Marie McCoy

ATTEST: Geraldine Berghoff

Clerk-Treasurer

RESOLUTION TO ESTABLISH AN INTERLOCAL AGREEMENT TO DESIGNATE THE TIPPECANOE COUNTY BUILDING COMMISSIONER
AS BUILDING COMMISSIONER FOR TOWN OF BATTLE GROUND

THIS INTERLOCAL AGREEMENT is entered into by and between the Board of Commissioners of the County of Tippecanoe (hereinafter referred to as "County"), and the Town of Battle Ground, Indiana (hereinafter referred to as "Town"). This Agreement is made pursuant to I.C. 36-1-7-1 and the general powers enjoyed by the Town and County, as subdivisions of the State of Indiana particularly I.C. 36-1-3-1 et seq.

WHEREAS, Tippecanoe County, has the office of Tippecanoe County Building Commissioner which has been empowered to administer and enforce certain building rules as established in the Indiana Administrative Code and adopted by reference in said ordinance, and to provide for,the issuance of building permits and to collect fees, therefore, and;

WHEREAS, The Town of Battle Ground, Indiana, having enacted Ordinance 325 & 326 -95 on April 3 , 1995 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 for the violation of said Ordinance and rules adopted thereunder within the corporate limits of the Town of Battle Ground, and;

WHEREAS, said County and Town, as parties hereto desire to designate the office of the Tippecanoe County Building Commissioner to administer and enforce such building rules as each has adopted by ordinance, which procedure is expressly provided for in I.C. 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 the Ordinance of the Town,

NOW THEREFORE IT IS ORDAINED AND AGREED, by said Town and agreed by said County, whose agents are signators hereto that:

1. The Tippecanoe County Building Commissioner is the authorized and designated officer to administer building rules and inspection within the boundaries of the Town of Battle Ground.

2. During the course and scope of performing his duties of inspections within the Town of Battle Ground, the Building Commissioner and his agents shall be deemed to be "volunteer employees" of the Town of Battle Ground. The name of the Building Commissioner and his agents who might perform inspection duties within the Town of Battle Ground shall be provided to the Town so that the names of these "volunteer employees" may be reflected in the minutes of periodic Town Board meetings. Furthermore, the Building Commissioner shall at least annually provide the Town with an estimate of the number of inspections and man hours anticipated to be performed annually by the Building Commissioner or his agents performing inspection duties within the Town of Battle Ground.

3. The Building Commissioner of Tippecanoe County is authorized and empowered to issue building permits, make inspection, order corrections of violation, issue Certificate of Occupancy, and to perform such other ministerial duties as are commonly performed in the execution of his office, on behalf of the Town of Battle Ground.

4. That any appeal of a decision by the Building Commissioner of Tippecanoe County shall lie first with the Trustees of the Town of Battle Ground then with the County Executive pursuant to I.C. 36-7-8-9, and to the Fire Prevention and Building Commission as provided for in I.C. 22-13-2-7.

5. That any judicial remedy sought by the Building Commissioner of Tippecanoe County to enforce his lawful orders to obtain compliance with the building rules of the Town of Battle Ground shall be brought to the Town Attorney for the Town of Battle Ground.

6. That such permit fees that are collected by the Building Commissioner shall be accounted for and deposited in the General Fund of Tippecanoe County and remain with Tippecanoe County as sole compensation for services rendered pursuant to that agreement.

7. That the designation set forth herein is to remain in effect continuously from year to year without the necessity of a formal renewal by either the Town or County, unless terminated by resolution of the Tippecanoe County Commissioners or the Town Council of the Town of Battle Ground. Any termination shall not, except in the case of mutual written agreement, be effective until 90 days after the date of non-terminating unit receives written notice of the termination from the terminating party.

8. The Town of Battle Ground hereby agrees to hold Tippecanoe County harmless with regards to any claims or assertions by a third party as to the services provided under this Agreement by the Tippecanoe County Building Permits Department, its employees or agents.

FURTHERMORE, BE IT ORDAINED, that this resolution shall become effective upon approval by the Board of Commissioners of the County of Tippecanoe and the final adoption hereof by the Town Council of the Town of Battle Ground, and upon signing of this document by their respective executive officers.

Enacted, determined and ordained, this 3 day of April , 1995.

BATTLE GROUND TOWN COUNCIL

David L. Ferringer
PRESIDENT

Stanley J. Cunningham
MEMBER

Donald D. McKee
MEMBER

Marie McCoy
MEMBER

MEMBER

ATTEST:

Geraldine Berghoff
CLERK-TREASURER

The conditions set forth therein are hereby approved by resolution of the Board of Commissioners of the County of Tippecanoe and said Board does hereby enter into an agreement with the Council of said Town to provide said services.

BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY

ATTEST: Betty J. Michael by
Betty J. Michael, Auditor
Joan R. Garrot, Chief Deputy

William D. Haan
William D. Haan, President

Nola J. Gentry
Nola J. Gentry, Vice-President

Gene Jones
Gene Jones, Member

ORDINANCE NO. 343 -97

AN ORDINANCE PROVIDING FOR THE BONDING OF CONTRACTORS PERFORMING CERTAIN TRADES IN BATTLE GROUND, INDIANA

WHEREAS, the performance of certain trades within Battle Ground are regulated for the protection of the health and safety of the Town's residents through the issuance of permits; and

WHEREAS, agreement to meet certain obligations, duties and responsibilities during the performance of such trades, including compliance with the Tippecanoe County Building Code, are made conditions precedent for the issuance of such permits; and

WHEREAS, the provisions by such Contractors of a Bond in an amount sufficient to guarantee compliance with such obligations, duties and responsibilities would protect Battle Ground and its residents from the costs of enforcement of, or non-compliance with permit requirements.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED, by the Council of Battle Ground, Indiana as follows;

A. BOND REQUIRED. No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the Town of Battle Ground, State of Indiana, shall contract to perform any of the trades listed in Subsection B of this Section in or upon any building in Battle Ground unless they shall first give bond to the Council of the Town of Battle Ground, with one or more sureties, in the penal sum of Ten Thousand (10,000) Dollars (each trade), conditioned that they will in good faith perform all things required of them under the provisions of the various ordinances and building codes then in effect, and conditioned further that they will pay all damages and save the Town of Battle Ground harmless on account of negligence, want of skill, or failure to comply with the various building codes and town ordinances in effect in said town. Such bond must be submitted to and approved by the Battle Ground Council.

No person, sole proprietor, partnership, corporation or limited liability company not already under bond to the Town of Battle Ground, State of Indiana, shall do business as a general contractor in Battle Ground, unless they shall first give sureties, in the penal sum of Fifteen Thousand (15,000) Dollars, conditioned that they will in good faith perform all things required of them under the provisions of the various ordinances and building codes then in effect, and conditioned further that they will pay all damages and save the Town of Battle Ground harmless on account of negligence, want of skill or failure to comply with the various building codes and town ordinances then in effect in said town. Such bond must be submitted to and approved by the Battle Ground Council.

B. TRADES REQUIRING BONDING OF CONTRACTORS AND SUBCONTRACTORS. The following trades shall supply a Compliance Bond as described in Subsection A above:

1. Brick and Block Mason
2. Building Demolition
3. Building Movers
4. Carpentry
5. Concrete

6. Drywall, Lathing, Plastering
7. Electrical
8. Fire Protection Equipment Installation
9. Glazing
10. Heating & Air Conditioning
11. Insulation
12. Plumbing
13. Painting
14. Roofing
15. Siding
16. Sign Installation
17. Structural Iron
18. Swimming Pool Installation
19. Any other Construction trade

C. PERMITS. No permit to perform the trades listed in Subsection B of this Section shall be issued unless a Compliance Bond is on file with the Battle Ground Council.

D. USE OF BOND.

1. Should Battle Ground be required to expend its funds in enforcing its ordinances pertaining to a permit against any contractor or sub-contractor whose Compliance Bond it holds, the Town may seek reimbursement against that bond for its cost of enforcement.

2. Should Battle Ground be required to expend its funds to repair damages caused by non-compliance with its ordinances pertaining to a permit against any Contractor or Sub-Contractor whose Compliance Bond it holds, the Town may seek reimbursement against the bond.

E. REINSTATEMENT AND TERMINATION

1. Compliance Bonds shall be maintained in the full amount required by this ordinance. If the bond, or a portion of it is used to reimburse the Town for costs of enforcement or compliance, the Contractor or Sub-Contractor must replenish the Bond in the full amount and maintain it on an annual basis.

2. No bond shall be terminated without written notice to the Town thirty (30) days before the termination date.

SECTION 2.

Any ordinance in conflict herewith is hereby repealed to the extent of such conflict.

Passed this 4th day of August, 1997, on Second and final reading.

_____

Don McKee

Stan Cunningham

Marie McCoy

Linda Miller

ATTEST:

Geraldine Berghoff

RESOLUTION NO. 03-19

A RESOLUTION TO REQUIRE THAT A BOND BE ISSUED IN FAVOR OF THE TOWN OF BATTLE GROUND WHEN AN IMPROVEMENT LOCATION PERMIT IS REQUESTED FROM THE AREA PLAN COMMISSION EXECUTIVE DIRECTOR UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the Town of Battle Ground, Indiana is a member of the Tippecanoe County Area Plan Commission("APC");and

WHEREAS, land use and development in the Town of Battle Ground, Indiana is governed by the New Unified Zoning Ordinance of Tippecanoe County("NUZO"); and

WHEREAS, the Town of Battle Ground, Indiana, as a member jurisdiction of NUZO, may continue to promulgate its own regulations regarding the incorporated area of the Town of Battle Ground, Indiana; and

NOW THEREFORE BE IT RESOLVED THAT:

In the event that an individual(s) or entity (hereinafter "applicant") requests a Improvement Location Permit for a dwelling unit from the APC Executive Director on a parcel of real estate located within the incorporated area of the Town of Battle Ground, Indiana, where a dwelling unit already exists and the applicant represents the APC Executive Director that the newly erected dwelling unit will replace the former dwelling unit, then, the applicant must satisfy the following in order to receive the Improvement Location Permit:

1. The applicant must apply for an Improvement Location Permit according to the provisions of NUZO, § 6-2 et seq.; and

2. The applicant must post a Three Thousand Dollar ($3,000.00) cash bond in favor of the Town of Battle Ground, to be held by the Town of Battle Ground; and

3. The applicant must agree to remove the former dwelling unit from the subject parcel of real estate within sixty days from the issuance of a Certificate of compliance from the APC Executive Director for the newly erected dwelling, or within one year after the issuance of an Improvement Location Permit, whichever is earlier.

In the event that the applicant, upon receiving the Certificate of Compliance, fails to remove the former dwelling unit from the subject parcel of real estate in a timely manner, the cash bond may be drawn upon by the Town of Battle Ground. The cash bond may be used to defray expenses incurred by the Town of Battle Ground for the demolition or removal of former dwelling units, and/or legal costs directly associated with the demolition, removal, and/or legal enforcement of the Resolution and its terms.

This resolution is not intended, nor should it be construed to limit the damages, legal or equitable, that the Town of Battle Ground may seek in the enforcement of the Resolution.

This resolution shall not be construed as permitting the replacement of a nonconforming mobile home with

another non-conforming mobile home at another location on the lot as prohibited by Section 5-1-3(b)(2) of NUZO.

This resolution shall be in full force and effect from and after its passage and signing.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA ON MARCH 19, 2003.

Carolyn Roth
Carolyn Roth-Town Council President

Attested:

Phyllis Hall
Phyllis Hall-Clerk Treasurer

ORDINANCE #03-416

AN ORDINANCE ESTABLISHING BUILDING SITE PROCEDURE

WHEREAS, the Town Council of the Town of Battle Ground desires to establish building site procedures for construction in the Town of Battle Ground.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AS FOLLOWS:

Section 1. Definitions.

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

"Solids" means stone, sand, dirt, gravel, mud, broken dishes, bottles, pottery, old iron junk metals, ashes, cinders, and all other substances of a permanent nature and such as are not subject to speedy decay or the generation of noisome and offensive odors, including construction debris.

"Wastes" means broken or cut down trees, tree leaves, old rags, tin cans, paper, sweeping, wood or paper boxes, crates, sacks, and all other debris and accumulation of waste from dwellings and business houses and the yards and grounds thereof as are not within the definition of garbage or solids as herein contained and are not susceptible of speedy packing into solid filings when gathered and dumped on the ground in the work of filling and leveling of ground surfaces.

Section 2. On Site.

A dumpster may be used but is not required. Trash must be contained either in an enclosure constructed of posts and type of temporary barrier fence, upon the lot or within the structure or garage that is being built. The dumpster or trash enclosure shall be visible on site within five (5) days after the ground is broken. No metal dumpsters are to be placed on streets. All trash must be disposed of regularly. No open piles of construction debris will be allowed.

Section 3. Streets and Alleys.

It is unlawful for any person to throw or deposit any ashes, dirt, chips, wood, garbage, waste or solids in any street, alley or other public place or to drive or haul the wastes or solids so as to scatter about or litter them on any street, alley, gutter, or adjoining premises of the town or into any stream or watercourse, or ditch running into, through, or adjacent to the town or any part of the town.

Section 4. Enforcement.

a. The Town will contact the builder indicated on the building permit if there is a trash problem at a building site or mud or gravel in the street next to the building site. This contact will either be over the phone or as a warning letter.

b. A site should be reasonably clean within 48 hours unless the weather interferes.

c. If the problem is not remedied in a reasonable amount of time, a "Stop Work" order will be issued to the subcontractors on site and followed up by a phone call to the Builder from the Town Clerk.

d. The Builder is responsible for making arrangements for a site re-inspection within 48 hours of the 'Stop Work" order. If the site is in compliance, a phone call will be made to the builder to proceed with construction. If the site is not in compliance, the "Stop Work" order will continue to be enforced, along with penalties.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, this 9th day of June , 2003.

Carolyn Roth Presiding Officer

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE 2012-496

AN ORDINANCE UPDATING THE UNSAFE BUILDING ORDINANCE TO ALLOW FOR THE ASSESSMENT OF CIVIL PENALTIES

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

Section 1. Ordinance 326 shall be amended to read as follows:

14. Any person violating the provisions of this section or the provisions of the Indiana Code as adopted herein shall commit a separate violation for each day that such violation continues and shall be subject to a penalty of not more than $2,500.00 for each violation. The implementation of this penalty shall be at the discretion of the Town of Battle Ground, and shall be separate, independent and in addition to, any other provision of this ordinance.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

14 day of

May , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

21 day of

June , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

RESOLUTION No. 05-2

A Resolution to Amend the Comprehensive Plan for Tippecanoe County to Included an Amendment to the Transportation Plan for 2025 regarding The Purdue University Area

WHEREAS, the AREA PLAN COMMISSION of TIPPECANOE COUNTY pursuant to IC 36-7-4-511 has adopted an amendment to the Comprehensive Plan for Tippecanoe County at a public meeting held on January 19, 2005; and,

WHEREAS, hearings and the meeting notices required by IC 36-7-4-507 were held, and complied with; and,

WHEREAS, an adopted long range transportation plan is required for continued financial assistance from the Federal Highway Administration, U.S. Dept. of Transportation for projects; and,

WHEREAS, the Greater Lafayette Transportation and Developments Study's An Amendment to the Transportation Plan for 2025 regarding the Purdue University Area was adopted by a vote of a majority of the members of the Tippecanoe County Area Plan Commission, as provided by law; and,

WHEREAS, a certified copy of the Amendment to the Transportation Plan for 2025 regarding the Purdue University Area has been filed with the CLERK of the Town of Battle Ground, and copies distributed to the members of the Council, it is hereby incorporated by reference and made part of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

The Comprehensive Plan for Tippecanoe County is hereby amended to include the AMENDMENT TO THE TRANSPORTATION PLAN FOR 2025 regarding the Purdue University Area.

This Resolution shall be in full force and effective from and after its passage

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 14th **DAY OF** March , **2005.**

Carolyn Roth

Becky Holladay

John P. Wilson

Brian Wilson

RESOLUTION No. 06-5

A Resolution to Amend the Comprehensive Plan for Tippecanoe County to Included the Transportation Plan for 2030

WHEREAS, the AREA PLAN COMMISSION of TIPPECANOE COUNTY pursuant to IC 36-7-4-511 and as the designated Metropolitan Planning Organization, has adopted the *Transportation Plan for 2030* as an amendment to the *Comprehensive Plan for Tippecanoe County* at a public meeting held on May 17, 2006; and, **WHEREAS,** hearings and the meeting notices required by IC 36-7-4-507 were held, and complied with; and, **WHEREAS,** an adopted long range transportation plan is required for continued financial assistance from the U.S. Dept. of Transportation for projects; and, **WHEREAS,** a certified copy of the *Transportation Plan for 2030* has been filed with the Clerk Treasurer of the Town of Battle Ground, and copies distributed to the members of the Council, it is hereby incorporated by reference and made part of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

THE COMPREHENSIVE PLAN FOR TIPPECANOE COUNTY IS HEREBY AMENDED TO INCLUDE THE *TRANSPORTATION PLAN FOR 2030*

This Resolution shall be in full force and effective from and after its passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 12th **DAY OF** June **, 2006.**

Steven C. Egly

Becky Holladay

Carolyn Roth

John P. Wilson

Attest: Phyllis Hall
Clerk-Treasurer

RESOLUTION No. 06-7

A Resolution to Amend the Comprehensive Plan for Tippecanoe County to Include the Multi-Hazard Mitigation Plan of Tippecanoe County 2006

Editor's Note: The "Multi-Hazard Mitigation Plan of Tippecanoe County" may be accessed at the Tippecanoe County website: http://www.tippecanoe.in.gov/egov/docs/559411168962451.pdf

WHEREAS, the AREA PLAN COMMISSION of TIPPECANOE COUNTY pursuant to IC 36-7-4-511, has adopted the *Multi-Hazard Mitigation Plan of Tippecanoe County* as an amendment to the *Comprehensive Plan for Tippecanoe County* at a public meeting held on September 20, 2006; and **WHEREAS,** hearings and the meeting notices required by IC 36-7-4-507 were held, and complied with; and **WHEREAS,** an adopted hazard mitigation plan is required to receive financial assistance for future disaster relief and pre-disaster mitigation grants from the federal government; and **WHEREAS,** a certified copy of the *Multi-Hazard Mitigation Plan of Tippecanoe County 2006* has been filed with the Clerk Treasurer of the Town of Battle Ground, and copies distributed to the members of the Council, and is hereby incorporated by reference and made part of this Resolution; **NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:**

THE COMPREHENSIVE PLAN FOR TIPPECANOE COUNTY IS HEREBY AMENDED TO INCLUDE THE *MULTI-HAZARD MITIGATION PLAN OF TIPPECANOE COUNTY 2006*.

This Resolution shall be in full force and effective from and after its passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 10 DAY OF October , 2006.

Steven C. Egly

John P. Wilson

Brian Brewer

Becky Holladay

Carolyn Roth

Attest: Phyllis Hall
Clerk-Treasurer

RESOLUTION No. 07-17

A Resolution to Amend the Comprehensive Plan for Tippecanoe County to Included the Amended Transportation Plan for 2030

WHEREAS, on May 16th, 2007, the Area Plan Commission of Tippecanoe County authorized its Executive Committee of the Area Plan Commission to hear and vote on the amended *Transportation Plan for 2030*, and, **WHEREAS,** the Area Plan Commission of Tippecanoe County through its Executive Committee, pursuant to IC 36-7-4-511 and as the designated Metropolitan Planning Organization, has adopted the amended *Transportation Plan for 2030* as an amendment to the *Comprehensive Plan for Tippecanoe County* at a public meeting held on June 6, 2007; and, **WHEREAS,** hearings and meeting notices required by IC 36-7-4-507 were complied with and hearings held, and, **WHEREAS,** an adopted long range transportation plan is required for continued financial assistance from the U.S. Dept. of Transportation for transportation projects; and, **WHEREAS,** a certified copy of the amended *Transportation Plan for 2030* has been filed with the Clerk Treasurer of the Town of Battle Ground, and copies distributed to the members of the Council, it is hereby incorporated by reference and made part of this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

THE COMPREHENSIVE PLAN FOR TIPPECANOE COUNTY IS HEREBY AMENDED TO INCLUDE THE AMENDED *TRANSPORTATION PLAN FOR 2030*

This Resolution shall be in full force and effective from and after its passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 17 **DAY OF** July **, 2007.**

Steven C. Egly
Becky Holladay

Carolyn Roth

Brian Brewer

Attest: Phyllis Hall
Clerk-Treasurer

RESOLUTION No. 11-47

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

+/- #11-47R: Amend Comprehensive Plan for County

Supporting Documents:

+/- #11-47R: Certification from Area Plan Commission

+/- #11-47R: APC Staff Report - Cover

+/- #11-47R: APC Staff Report - Page 1

+/- #11-47R: Certification Back to Area Plan Commission

RESOLUTION No. 12-49

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

+/- #12-49R: Amend Comprehensive Plan for County

Supporting Documents:

+/- #12-49R: Certification Back to Area Plan Commission

ORDINANCE NO. 169

[Editor's Note: This ordinance was amended MANY times.]

AN ORDINANCE FOR THE CONTROL OF THE SUBDIVISION OF LAND

An ordinance adopting, as a part of the Comprehensive Plan of the County of Tippecanoe, the City of Lafayette, the City of West Lafayette, the Town of Battle Ground, and the Town of Dayton provisions for the control of land subdivision, the approval of plats and re-plats within the area over which the Tippecanoe County Area Plan Commission has jurisdiction according to authority granted by enabling legislation of the General Assembly of the State of Indiana, and repealing Ordinance No. _____

WHEREAS, the General Assembly of the State of Indiana has enacted legislation which states that a County Area Plan Commission shall establish a Comprehensive Plan of the County and the participating cities and towns; and WHEREAS, such Comprehensive Plan is designed to assure the promotion of public health, safety, comfort, convenience, ane general public welfare, for the sake of efficiency and economy in the process of development; and

WHEREAS, the Tippecanoe County Area Plan Commission may include, as a part of such plan, provisions for the control of the subdivision of land and the approval of plats and re-plats; and

WHEREAS, such provisions are essential to the proper development of Tippecanoe County, the City of Lafayette, the City of West Lafayette, the Town of Battle Ground and the Town of Dayton.

NOW THEREFORE, BE IT ENACTED ON THE 3rd DAY OF MARCH, 1980 BY THE COMMISSIONERS OF TIPPECANOE COUNTY, THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, THE CITY OF WEST LAFAYETTE, THE TOWN BOARD OF TRUSTEES OF THE TOWN OR BATTLE GROUND, AND THE TOWN BOARD OF DAYTON INDIANA AS FOLLOWS:

Passed Mar 3, 1980

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee - Melvin Swisher

Trustee - Richard Youells, Jr.

Attest:

Judith E. Marks
Clerk-Treasurer Judith E. Marks

CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE ORDINANCE NO. 169 WAS PUBLISHED IN THE JOURNAL & COURIER ON MAY 13, 1980 AND MAY 20, 1980 AND ALSO IN THE LAFAYETTE LEADER ON MAY 15, 1980 and MAY 22, 1980.

ORDINANCE NO. 170

AN ORDINANCE AMENDING CHAPTERS 1 AND 3 OF ORDINANCE NO. 169.- - SUBDIVISION OF LAND

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA AS FOLLOWS:

1. That the following words, preceded by a comma, be added to the end of the definition of "fraternity, sorority, or student cooperative" in Chapter 1, Section 1.2:

recognized under state or federal tax law a a not-for-profit entity and recognized as a student living unit by a college or university;

2. That the following definition be incorporated into Chapter 1, Section 1.2:

"shared housing" means any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of occupants does not exceed four (4) regardless of the number of bedrooms;

3. That the primary use table in Chapter 3, Section 3.1 be amended by deleting the term "or student cooperative" from the listing called "dwelling, multi-family or student cooperative;" by adding the term "or student cooperative" to the listing called "fraternity or sorority;" by deleting the X which has to this point authorized fraternities or sororities in R2 districts; and by inserting a new and separate listing, "shared housing," to be permitted as-or- right in R3, LB, GB, CB and A districts. There is to be a footnote (a) indicating that shared housing in an A district "does not include the new construction of more than two (2) dwelling units per lot."

Passed this 7th Day of April, 1980.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Trustee - Marilyn Jo Adams

Trustee - Richard J. Youells, Jr.

Melvin Swisher
Trustee - Melvin Swisher

ATTESTED:

Judith E. Marks

Clerk-Treasurer Judith E. Marks

ORDINANCE NO. 221

AN ORDINANCE AMENDING SECTION 2.2 OF ORDINANCE NUMBER 169-B BEING THE SUBDIVISION ORDINANCE OF THE CITIES OF LAFAYETTE AND WEST LAFAYETTE, THE TOWNS OF BATTLE GROUND AND DAYTON, AND TIPPECANOE COUNTY, INDIANA.

BE IT ORDAINED by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Board of Trustees of the Town of Battle Ground, Indiana; the Town Board of the town of Dayton, Indiana) that Ordinance Number 169, Being the Subdivision Ordinance of the Cities of Lafayette and West Lafayette, the Towns of Battle Ground and Dayton, and Tippecanoe County, Indiana, is hereby amended as follows:

SECTION 1. That the definition of the term "flood protection grade: contained in Section 2.2 Words and Terms Defined, is hereby amended to read as follows:

FLOOD PROTECTION GRADE. The elevation of the lowest floor of a building, including the basement, which shall be two feet above the elevation of the regulatory flood.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 4th DAY OF March , 1985.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE 258:

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 169A BEING THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A being the Unified Subdivision ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That parts B., D., and E, of the definition of SUBDIVISION in subsection 2.2, Words and Terms Defined, of Section 2, DEFINITIONS, are hereby amended to read as follows:

B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal descriotion, provided that no additional principal use building sites are created by the division;

D. A division of land for federal, state or local government to acquire street right-of-way; and

E. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 5th DAY OF JULY, 1988.

_____

_____

_____

_____

_____

ATTEST:

_____
Clerk-Treasurer

ORDINANCE 259

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO 169A BEING THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana; the City Council of the City of lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A, being the Unified Subdivision Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That the first sentence of the paragraph following "(C) exempt divisions" in subsection 3.1 (1), General Procedure, Classification of Land Divisions, of Section 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, is hereby amended to read as follows:

Exempt divisions are not subjecto to the requirements of this ordinance. Lots created by exempt division shall be ten (10) or more acres in size to be eligible as principal use building sites (Exemption A in the definition of subdivision), unless such lots have been created by order of a court (Exemption C). Subsequent to the adoption of this amendment (on ____, 19__ by the Tippecanoe County Commissioners; on _____, 19__ by the Lafayette City Council on ____ 1988__ and by the West Lafayette City Council: on ____,19__ by the Battle Ground Town Board; on _____ 1988__ by the Dayton Town Board), no principal use building site created through Exemption A shall be reduced below ten (10) acres unless by subdivision, parcelization, or order of a court (Exemption C). For purposes of this paragraph, a lot is "created" on the date of its recording.

Section 2. That the remained of that paragraph cited in Section 1 shall form a separate paragraph to follow the paragraph created in Section 1.

Section 3. That the final paragraph in subsection 3.1 (2), General Procedure, Discussion of Requirements, of Section 3, SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES, is hereby amended to read as follows:

However the further division of a parent tract from which four (4) lots or parcels eligible as principal use building sites have already been created (whether by minor subdivision, parcelization or a combination of both), shall be classified as a major subdivision unless this further division is exempt because the additional lots are ten (10) or more acres in size (Exemption A in the definition of subdivision), or because the lots have been created by order of a court (Exemption C). For purposes of this paragrath, a lot is "created" on the date of its recording.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 5th DAY OF JULY, 1988.

_____

_____

_____

_____

ATTEST:

_____
Clerk-Treasurer

ORDINANCE NO. 377

Editor's Note: Amendments to the Unified Subdivision Ordinance, #169.

Photographs of the pages of Ordinance # 377 may be displayed by clicking the appropriate links:

+/- #377: Zoning Amendments - Page 1

+/- #377: Zoning Amendments - Page 2

ORDINANCE NO. 402

Editor's Note: Amendments to the Unified Subdivision Ordinance, #169.

Photographs of the pages of Ordinance # 402 may be displayed by clicking the appropriate links: +/- #402: Subdivision Amendments - Page 1

+/- #402: Subdivision Amendments - Page 2

+/- #402: Subdivision Amendments - Page 3

+/- #402: Subdivision Amendments - Page 4

+/- #402: Subdivision Amendments - Page 5

+/- #402: Subdivision Amendments - Page 6

+/- #402: Subdivision Amendments - Page 7

+/- #402: Subdivision Amendments - Page 8

+/- #402: Subdivision Amendments - Page 9

+/- #402: Subdivision Amendments - Page 10

+/- #402: Subdivision Amendments - Page 11

+/- #402: Subdivision Amendments - Page 12

+/- #402: Subdivision Amendments - Page 13

+/- #402: Subdivision Amendments - Page 14

+/- #402: Subdivision Amendments - Page 15

+/- #402: Subdivision Amendments - Page 16

+/- #402: Subdivision Amendments - Page 17

+/- #402: Subdivision Amendments - Page 18

+/- #402: Subdivision Amendments - Page 19

ORDINANCE NO. 412-03

Editor's Note: Amendments to the Unified Subdivision Ordinance, #169.

Photographs of the pages of Ordinance # 412-03 may be displayed by clicking the appropriate links:

+/- #412-03: Subdivision Amendments

ORDINANCE NO. 2009-472

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

+/- #2009-472: Subdivision Amendment - Page 1

+/- #2009-472: Subdivision Amendment - Page 2

+/- #2009-472: Subdivision Amendment - Page 3

ORDINANCE NO. 13-505

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

+/- #13-505: Amendments to Unified Subdivision Ordinance - Page 1

+/- #13-505: Amendments to Unified Subdivision Ordinance - Page 2

+/- #13-505: Amendments to Unified Subdivision Ordinance - Page 3

Supporting Documents:

+/- #13-505: Letter from Area Plan Commission Executive Director

+/- #13-505: Certification from APC (re: USO Amendment #6)

+/- #13-505: Certification from APC (re: USO Amendment #7)

+/- #13-505: Certification Back to Area Plan Commission

ORDINANCE NO. 13-504

Editor's Note: This ordinance was not found. The Clerk-Treasurer's Certification (following) serves as proof that such ordinance was adopted on Januar 14, 2013, but the ordinance itself could not be located.

+/- #13-504: Clerk-Treasurer's Certification

ORDINANCE NO. 13-509A

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

+/- #13-509A: Amendments to Unified Subdivision Ordinance - Page 1

+/- #13-509A: Amendments to Unified Subdivision Ordinance - Page 2

+/- #13-509A: Amendments to Unified Subdivision Ordinance - Page 3

+/- #13-509A: Amendments to Unified Subdivision Ordinance - Page 4

+/- #13-509A: Amendments to Unified Subdivision Ordinance - Page 5

ORDINANCE NO. 155

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R1 TO R1B.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA, IN THE COUNTY OF TIPPECANOE, STATE OF INDIANA:

SECTION 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a Unified County Code, is hereby amended to rezone the following described real estate situated in Tippecanoe Township, Tippecanoe County, Indiana, to-wit:

A Part of the Southeast Quarter of the Northeast Quarter of Section 23, Township 24 North, Range 4 West, Town of Battle Ground, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at the northeastern corner of the Southeast Quarter of the Northeast Quarter of said Section 23, thence South 0° 20' East along the eastern line of the Southeast Quarter of the Northeast Quarter of said Section Twenty- Three, 472.15 feet; thence North 89° 18' West, 336.65 feet; thence North 0° 24' West, 88.00 feet; thence South 89° 36' West, 120.87 feet; thence South 0° 19' East, 21.52 feet; thence North 88° 45' West, 150.00 feet; thence South 0° 19' East, 120.00 feet to the northern right of way line of Sherman Street; thence North 88° 45' West along the northern right of way line of Sherman Street, 60.29 feet; thence North 0° 24' West, 163.00 feet; thence North 88° 45' West, 116.00 feet to the eastern line of Collins Realty, Inc., first subdivision to Battle Ground, Indiana; thence North 0° 24' West along the western line of said Collins Realty, Inc., first subdivision to Battle Ground, Indiana, 340.88 feet to the northern line of the Southeast Quarter of the Northeast Quarter of said Section 23; thence North 89° 10' East along the northern line of the Southeast Quarter of the Northeast Quarter of said Section Twenty-Three, 784.39 feet to the point of beginning, containing 7.63 acres, more or less.

The above bearings are based on previous surveys.

Located in Tippecanoe Township, Tippecanoe County, Indiana. (Town of Battle Ground)

SECTION 2. The above described real estate should be and the same is hereby rezoned from R1 to R1B.

SECTION 3. This ordinance shall be in vull force and effect from and after its adoption.

FINALLY PASSED AND ADOPTED BY THE BOARD OF TOWN TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 2nd DAY OF February , 1976.

James E. Kerr
Presiding Officer

Neal E. Ferrs
Trustee

Donald D. McKee
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

THIS IS TO CERTIFY THAT THE ABOVE ORDINANCE WAS POSTED JANUARY 23, 1976 IN THE FIVE WARDS OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:
WARD #1 S W CORNER TIPTON & COLLEGE STREETS
WARD #2 S E CORNER WINANS & NORTH STREETS
WARD #3 MAIN STREET AT CRACKERBARREL
WARD #4 JEFFERSON & "E" STREETS S W
WARD #5 S W CORNER LIBERTY & MAIN STREETS

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NUMBER 352

Editor's Note: While this Ordinance indicates that it is an amendment to Ordinance 169, the Editor suspects that this is actually an amendment to ordinance 349-97, the *NEW* Uniform Zoning Ordinance.

Photographs of the pages of Ordinance # 352 may be displayed by clicking the appropriate links: +/- #352: Zoning Amendments - Page 1

+/- #352: Zoning Amendments - Page 2

ORDINANCE NO. 353

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 353 may be displayed by clicking the appropriate links:

+/- #353: Zoning Amendments - Page 1

+/- #353: Zoning Amendments - Page 2

ORDINANCE NO. 354

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 354 may be displayed by clicking the appropriate links:

+/- #354: Zoning Amendments - Page 1

+/- #354: Zoning Amendments - Page 2

ORDINANCE NO. 355

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 355 may be displayed by clicking the appropriate links:

+/- #355: Zoning Amendments

ORDINANCE NO. 361

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 361 may be displayed by clicking the appropriate links:

+/- #361: Zoning Amendments - Page 1

+/- #361: Zoning Amendments - Page 2

ORDINANCE NO. 364

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 364 may be displayed by clicking the appropriate links:

+/- #364: Zoning Amendments - Page 1

+/- #364: Zoning Amendments - Page 2

ORDINANCE NO. 365

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 365 may be displayed by clicking the appropriate links:

+/- #365: Zoning Amendments - Page 1

+/- #365: Zoning Amendments - Page 2

ORDINANCE NO. 366

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 366 may be displayed by clicking the appropriate links: +/- #366: Zoning Amendments - Page 1

+/- #366: Zoning Amendments - Page 2

+/- #366: Zoning Amendments - Page 3

+/- #366: Zoning Amendments - Page 4

+/- #366: Zoning Amendments - Page 5

ORDINANCE NO. 367

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 367 may be displayed by clicking the appropriate links:

+/- #367: Zoning Amendments - Page 1

+/- #367: Zoning Amendments - Page 2

ORDINANCE NO. 368

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 368 may be displayed by clicking the appropriate links:

+/- #368: Zoning Amendments - Page 1

+/- #368: Zoning Amendments - Page 2

+/- #368: Zoning Amendments - Page 3

ORDINANCE NO. 369

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 369 may be displayed by clicking the appropriate links:

+/- #369: Zoning Amendments - Page 1

+/- #369: Zoning Amendments - Page 2

ORDINANCE NO. 370

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 370 may be displayed by clicking the appropriate links: +/- #370: Zoning Amendments - Page 1

+/- #370: Zoning Amendments - Page 2

+/- #370: Zoning Amendments - Page 3

+/- #370: Zoning Amendments - Page 4

ORDINANCE NO. 371

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 371 may be displayed by clicking the appropriate links: +/- #371: Zoning Amendments - Page 1

+/- #371: Zoning Amendments - Page 2

+/- #371: Zoning Amendments - Page 3

+/- #371: Zoning Amendments - Page 4

ORDINANCE NO. 373

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 373 may be displayed by clicking the appropriate links:

+/- #373: Zoning Amendments - Page 1

+/- #373: Zoning Amendments - Page 2

ORDINANCE NO. 372

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 372 may be displayed by clicking the appropriate links:

+/- #372: Zoning Amendments - Page 1

+/- #372: Zoning Amendments - Page 2

ORDINANCE NO. 375A

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 375A may be displayed by clicking the appropriate links:

+/- #375A: Zoning Amendments - Page 1

+/- #375A: Zoning Amendments - Page 2

+/- #375A: Zoning Amendments - Page 3

ORDINANCE NO. 375B

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 375B may be displayed by clicking the appropriate links:

+/- #375B: Zoning Amendments - Page 1

+/- #375B: Zoning Amendments - Page 2

ORDINANCE NO. 376

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 376 may be displayed by clicking the appropriate links: +/- #376: Zoning Amendments - Page 1

+/- #376: Zoning Amendments - Page 2

+/- #376: Zoning Amendments - Page 3

+/- #376: Zoning Amendments - Page 4

ORDINANCE NO. 378

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 378 may be displayed by clicking the appropriate links: +/- #378: Zoning Amendments - Page 1

+/- #378: Zoning Amendments - Page 2

+/- #378: Zoning Amendments - Page 3

+/- #378: Zoning Amendments - Page 4

+/- #378: Zoning Amendments - Page 5

ORDINANCE NO. 381

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 381 may be displayed by clicking the appropriate links:

+/- #381: Zoning Amendments - Page 1

+/- #381: Zoning Amendments - Page 2

ORDINANCE NO. 382

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 382 may be displayed by clicking the appropriate links: +/- #382: Zoning Amendments - Page 1

+/- #382: Zoning Amendments - Page 2

+/- #382: Zoning Amendments - Page 3

+/- #382: Zoning Amendments - Page 4

Editor's Note: Page 4 ends with blank space; no signature block or date was found for this ordinance.

ORDINANCE NO. 384

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 384 may be displayed by clicking the appropriate links:

+/- #384: Zoning Amendments - Page 1

+/- #384: Zoning Amendments - Page 2

ORDINANCE NO. 388

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 388 may be displayed by clicking the appropriate links:

+/- #388: Zoning Amendments - Page 1

+/- #388: Zoning Amendments - Page 2

ORDINANCE NO. 391B

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 391B may be displayed by clicking the appropriate links:

+/- #391B: Zoning Amendments

ORDINANCE NO. 392

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 392 may be displayed by clicking the appropriate links:

+/- #392: Zoning Amendments - Page 1

+/- #392: Zoning Amendments - Page 2

ORDINANCE NO. 394

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 394 may be displayed by clicking the appropriate links:

+/- #394: Zoning Amendments

ORDINANCE NO. 395

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 395 may be displayed by clicking the appropriate links:

+/- #395: Zoning Amendments - Page 1

+/- #395: Zoning Amendments - Page 2

ORDINANCE NO. 397

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 397 may be displayed by clicking the appropriate links:

+/- #397: Zoning Amendments

ORDINANCE NUMBER 398

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 398 may be displayed by clicking the appropriate links:

+/- #398: Zoning Amendments - Page 1

+/- #398: Zoning Amendments - Page 2

ORDINANCE NO. 400

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 400 may be displayed by clicking the appropriate links: +/- #400: Zoning Amendments - Page 1

+/- #400: Zoning Amendments - Page 2

+/- #400: Zoning Amendments - Page 3

+/- #400: Zoning Amendments - Page 4

+/- #400: Zoning Amendments - Appendix F-1

+/- #400: Zoning Amendments - Appendix F-2

ORDINANCE NO. 401

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 401 may be displayed by clicking the appropriate links: +/- #401: Zoning Amendments - Page 1

+/- #401: Zoning Amendments - Page 2

+/- #401: Zoning Amendments - Page 3

+/- #401: Zoning Amendments - Page 4

ORDINANCE NO. 403

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 403 may be displayed by clicking the appropriate links: +/- #403: Zoning Amendments - Page 1

+/- #403: Zoning Amendments - Page 2

+/- #403: Zoning Amendments - Page 3

+/- #403: Zoning Amendments - Page 4

+/- #403: Zoning Amendments - Page 5

+/- #403: Zoning Amendments - Page 6

+/- #403: Zoning Amendments - Page 7

+/- #403: Zoning Amendments - Page 8

+/- #403: Zoning Amendments - Page 9

+/- #403: Zoning Amendments - Page 10

+/- #403: Zoning Amendments - Page 11

+/- #403: Zoning Amendments - Page 12

+/- #403: Zoning Amendments - Page 13

ORDINANCE NO. 404

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 404 may be displayed by clicking the appropriate links:

+/- #404: Zoning Amendments - Page 1

+/- #404: Zoning Amendments - Page 2

ORDINANCE NO. 405

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 405 may be displayed by clicking the appropriate links: +/- #405: Zoning Amendments - Page 1

+/- #405: Zoning Amendments - Page 2

+/- #405: Zoning Amendments - Page 3

+/- #405: Zoning Amendments - Page 4

ORDINANCE NO. 407-02

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 407-02 may be displayed by clicking the appropriate links:

+/- #407-02: Zoning Amendments - Page 1

+/- #407-02: Zoning Amendments - Page 2

+/- #407-02: Zoning Amendments - Page 3

ORDINANCE NO. 413-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 413-03 may be displayed by clicking the appropriate links:

+/- #413-03: Zoning Amendments - Page 1

+/- #413-03: Zoning Amendments - Page 2

ORDINANCE NO. 414-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 414-03 may be displayed by clicking the appropriate links:

+/- #414-03: Zoning Amendments - Page 1

+/- #414-03: Zoning Amendments - Page 2

ORDINANCE NO. 418-03A

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 418-03A may be displayed by clicking the appropriate links:

+/- #418-03A: Zoning Amendments

ORDINANCE NO. 418-03B

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 418-03B may be displayed by clicking the appropriate links:

+/- #418-03B: Zoning Amendments - Page 1

+/- #418-03B: Zoning Amendments - Page 2

ORDINANCE NO. 419-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 419-03 may be displayed by clicking the appropriate links:

+/- #419-03: Zoning Amendments - Page 1

+/- #419-03: Zoning Amendments - Page 2

ORDINANCE NO. 420-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 420-03 may be displayed by clicking the appropriate links:

+/- #420-03: Zoning Amendments - Page 1

+/- #420-03: Zoning Amendments - Page 2

ORDINANCE NO. 421-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 421-03 may be displayed by clicking the appropriate links:

+/- #421-03: Zoning Amendments - Page 1

+/- #421-03: Zoning Amendments - Page 2

ORDINANCE NO. 422-03

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 422-03 may be displayed by clicking the appropriate links:

+/- #422-03: Zoning Amendments - Page 1

+/- #422-03: Zoning Amendments - Page 2

ORDINANCE NO. 424-04

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 424-04 may be displayed by clicking the appropriate links:

+/- #424-04: Zoning Amendments - Page 1

+/- #424-04: Zoning Amendments - Page 2

ORDINANCE NO. 427-04

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 427-04 may be displayed by clicking the appropriate links:

+/- #427-04: Zoning Amendments

ORDINANCE NO. 04-431

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 04-431 may be displayed by clicking the appropriate links:

+/- #04-431: Zoning Amendments - Page 1

+/- #04-431: Zoning Amendments - Page 2

+/- #04-431: Zoning Amendments - Page 3

ORDINANCE NO. 05-434

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 05-434 may be displayed by clicking the appropriate links:

+/- #05-434: Zoning Amendments - Page 1

+/- #05-434: Zoning Amendments - Page 2

+/- #05-434: Zoning Amendments - Page 3

ORDINANCE NO. 442-06

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 442-06 may be displayed by clicking the appropriate links:

+/- #442-06: Zoning Amendments

ORDINANCE NO. 06-447

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 06-447 may be displayed by clicking the appropriate links:

+/- #06-447: Zoning Amendments

ORDINANCE NO. 06-448

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 06-448 may be displayed by clicking the appropriate links: +/- #06-448: Zoning Amendments - Page 1

+/- #06-448: Zoning Amendments - Page 2

+/- #06-448: Zoning Amendments - Page 3

+/- #06-448: Zoning Amendments - Page 4

ORDINANCE NO. 07-450

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 07-450 may be displayed by clicking the appropriate links:

+/- #07-450: Zoning Amendments - Page 1

+/- #07-450: Zoning Amendments - Page 2

ORDINANCE NO. 07-454

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 07-454 may be displayed by clicking the appropriate links:

+/- #07-454: Zoning Amendments - Page 1

+/- #07-454: Zoning Amendments - Page 2

ORDINANCE NO. 07-455

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 07-455 may be displayed by clicking the appropriate links: +/- #07-455: Zoning Amendments - Page 1

+/- #07-455: Zoning Amendments - Page 2

+/- #07-455: Zoning Amendments - Page 3

+/- #07-455: Zoning Amendments - Page 4

ORDINANCE NO. 458-08

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 458-08 may be displayed by clicking the appropriate links:

+/- #458-08: Zoning Amendments - Page 1

+/- #458-08: Zoning Amendments - Page 2

+/- #458-08: Zoning Amendments - Page 3

ORDINANCE NO. 2008-462

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 2008-462 may be displayed by clicking the appropriate links:

+/- #2008-462: Zoning Amendments - Page 1

+/- #2008-462: Zoning Amendments - Page 2

ORDINANCE NO. 2008-461

Editor's Note: Amendments to the Unified Zoning Ordinance, 349-97.

Photographs of the pages of Ordinance # 2008-461 may be displayed by clicking the appropriate links:

+/- #2008-461: Zoning Amendments - Page 1

+/- #2008-461: Zoning Amendments - Page 2

ORDINANCE NUMBER 09-468

Editor's Note: Photographs of the pages of this ordinance: +/- #09-468: Zoning Amendment (206 Railroad Street) - Page 1

+/- #09-468: Zoning Amendment (206 Railroad Street) - Page 2

+/- #09-468: Zoning Amendment (206 Railroad Street) - Page 3

+/- #09-468: Zoning Amendment (206 Railroad Street) - Page 4

+/- #09-468: Zoning Amendment (206 Railroad Street) - Page 5

ORDINANCE NO. 09-470

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

+/- #09-470: Zoning Amendment - Page 1

+/- #09-470: Zoning Amendment - Page 2

+/- #09-470: Zoning Amendment - Page 3

ORDINANCE NO. 2009-473

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

+/- #2009-473: Zoning Amendment - Page 1

+/- #2009-473: Zoning Amendment - Page 2

+/- #2009-473: Zoning Amendment - Page 3

+/- #2009-473: Zoning Amendment - Page 4

+/- #2009-473: Zoning Amendment - Page 5

+/- #2009-473: Zoning Amendment - Page 6

+/- #2009-473: Zoning Amendment - Page 7

ORDINANCE NO. 2009-474

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

+/- #2009-474: Zoning Amendment - Page 1

+/- #2009-474: Zoning Amendment - Page 2

+/- #2009-474: Zoning Amendment - Page 3

ORDINANCE NO. 09-477

Editor's Note: Photographs of the pages of this ordinance: +/- #09-477: Zoning Amendment - Page 1

+/- #09-477: Zoning Amendment - Page 2

+/- #09-477: Zoning Amendment - Page 3

+/- #09-477: Zoning Amendment - Page 4

+/- #09-477: Zoning Amendment - Page 5

+/- #09-477: Zoning Amendment - Page 6

+/- #09-477: Zoning Amendment - Page 7

+/- #09-477: Zoning Amendment - Page 8

ORDINANCE NO. 10-479

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

+/- Zoning Amendment #64 - Page 1

+/- Zoning Amendment #64 - Page 2

+/- Letter from Area Plan: #64 (3/17/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Adoption Certification: #64 (4/12/2010)

ORDINANCE NO. 10-479A

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

+/- Zoning Amendment #65 - Page 1

+/- Zoning Amendment #65 - Page 2

+/- Zoning Amendment #65 - Page 3

+/- Zoning Amendment #65 - Page 4

+/- Zoning Amendment #65 - Page 5

+/- Zoning Amendment #65 - Page 6

+/- Zoning Amendment #65 - Page 7

+/- Zoning Amendment #65 - Page 8

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Staff Report - Page 3

+/- Adoption Certification: #65 (6/9/2010)

ORDINANCE NO. 10-481

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

+/- Zoning Amendment - Page 1

+/- Zoning Amendment - Page 2

+/- Zoning Amendment - Page 3

+/- Letter from Area Plan: #66 (7/22/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Adoption Certification: #66 & #67 (8/9/2010)

ORDINANCE NO. 10-482

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

+/- Zoning Amendment - Page 1

+/- Zoning Amendment - Page 2

+/- Letter from Area Plan: #67 (7/22/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Staff Report - Page 3

+/- Adoption Certification: #66 & #67 (8/9/2010)

ORDINANCE NO. 10-483

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

+/- Zoning Amendment

+/- Letter from Area Plan: #70 (8/19/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

ORDINANCE NO. 10-484

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

+/- Zoning Amendment - Page 1

+/- Zoning Amendment - Page 2

+/- Zoning Amendment - Page 3

+/- Zoning Amendment - Page 4

+/- Zoning Amendment - Page 5

+/- Zoning Amendment - Page 6

+/- Zoning Amendment - Page 7

+/- Zoning Amendment - Page 8

+/- Zoning Amendment - Page 9

+/- Zoning Amendment - Page 10

+/- Zoning Amendment - Page 11

+/- Zoning Amendment - Page 12

+/- Zoning Amendment - Page 13

+/- Zoning Amendment - Page 14

+/- Zoning Amendment - Page 15

+/- Letter from Area Plan: #69 (8/19/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Staff Report - Page 3

ORDINANCE NO. 10-485

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

+/- Zoning Amendment - Page 1

+/- Zoning Amendment - Page 2

+/- Zoning Amendment - Page 3

+/- Zoning Amendment - Page 4

+/- Appendix I: Near Campus Area

+/- Letter from Area Plan: #68 (9/16/2010)

+/- Staff Report - Page 1

+/- Staff Report - Page 2

+/- Staff Report - Page 3

+/- Staff Report - Page 4

+/- Staff Report - Page 5

+/- Adoption Certification: #68 (10/12/2010)

ORDINANCE NO. 10-488

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

+/- #10-488: Zoning Amendment - Bufferyard Requirements - Page 1

+/- #10-488: Zoning Amendment - Bufferyard Requirements - Page 2

+/- #10-488: Zoning Amendment - Bufferyard Requirements - Page 3

Supporting Documents:

+/- #10-488: Certification from Area Plan Commission

+/- #10-488: APC Staff Report - Cover

+/- #10-488: APC Staff Report - Page 1

+/- #10-488: APC Staff Report - Page 2

+/- #10-488: APC Staff Report - Page 3

+/- #10-488: Return Certification to Area Plan Commission

ORDINANCE NO. 10-489

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

+/- #10-489: Zoning Amendment - Permitted Use Table

Supporting Documents:

+/- #10-489: Certification from Area Plan Commission

+/- #10-489: APC Staff Report - Cover

+/- #10-489: APC Staff Report - Page 1

+/- #10-489: Return Certification to Area Plan Commission

ORDINANCE NO. 11-491

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

+/- #11-491: Zoning Amendment - Wind Farms

Supporting Documents:

+/- #11-491: Certification from Area Plan Commission

+/- #11-491: APC Staff Report - Cover

+/- #11-491: APC Staff Report - Page 1

+/- #11-491: APC Memo

+/- #11-491: Return Certification to Area Plan Commission

ORDINANCE NO. 12-501

Editor's Note: This ordinance was not found. The Clerk-Treasurer's Certification (following) serves as proof that such ordinance was adopted on November 12, 2012, but the ordinance itself could not be located.

+/- #12-501: Clerk-Treasurer's Certification

ORDINANCE NO. 13-508

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

+/- #13-508: Zoning Amendments - Commitments - Page 1

+/- #13-508: Zoning Amendments - Commitments - Page 2

Supporting Documents:

+/- #13-508: Certification Back to Area Plan Commission

ORDINANCE NO. 13-508A

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

+/- #13-508A: Zoning Amendments - Farm Drainage Tile Contractor - Page 1

+/- #13-508A: Zoning Amendments - Farm Drainage Tile Contractor - Page 2

ORDINANCE NO. 13-508B

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

+/- #13-508B: Zoning Amendments - Agricultural Rental Hall - Page 1

+/- #13-508B: Zoning Amendments - Agricultural Rental Hall - Page 2

ORDINANCE NO. 13-512

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

+/- #13-512: Zoning Amendments - Elevation of Existing Residences

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Supporting Documents:

+/- #13-512: Certification from Area Plan Commission

+/- #13-512: APC Staff Report - Cover

+/- #13-512: APC Staff Report - Page 1

ORDINANCE NO. 13-513

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

+/- #13-513: Zoning Amendments - Non-Conforming Mobile Homes

Supporting Documents:

+/- #13-513: Certification from Area Plan Commission

+/- #13-513: APC Staff Report - Cover

+/- #13-513: APC Staff Report - Page 1

+/- #13-513: Return Certification to Area Plan Commission

ORDINANCE NUMBER 13-514

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

+/- #13-514: Zoning Amendments - Rezoning a Property

+/- #13-514: Legal Description

ORDINANCE NO. 13-514

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

+/- #13-514A: Zoning Amendments - Elevating Homes in FP Deadline Extension

+/- #13-514A: APC Cover Letter

+/- #13-514A: APC Staff Report - Page 1

+/- #13-514A: APC Staff Report - Page 2

+/- #13-514A: Ordinance Template

+/- #13-514A: Clerk-Treasurer Certification

ORDINANCE NO. 14-519

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

+/- #14-519: Zoning Amendments - Multi-Family Subdivisions

+/- #14-519: APC Cover Letter

+/- #14-520: Clerk-Treasurer Certification

ORDINANCE NO. 14-520

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

+/- #14-520: Zoning Amendments - Duplex Apartment Complexes in R2 Zones - Page 1

+/- #14-520: Zoning Amendments - Duplex Apartment Complexes in R2 Zones - Page 2

+/- #14-520: APC Cover Letter

+/- #14-520: Staff Report - Page 1

+/- #14-520: Staff Report - Page 2

+/- #14-520: Ordinance Template - Page 1

+/- #14-520: Ordinance Template - Page 2

+/- #14-520: Clerk-Treasurer Certification

ORDINANCE NO. 14-524

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

+/- #14-524: Zoning Amendments - Establishment of Zones and Zone Boundaries - Page 1

+/- #14-524: Zoning Amendments - Establishment of Zones and Zone Boundaries - Page 2

ORDINANCE NO. 14-526

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

+/- #14-526: Zoning Amendments - FP Improvements and Special Setbacks - Page 1

+/- #14-526: Zoning Amendments - FP Improvements and Special Setbacks - Page 2

+/- #14-526: Clerk-Treasurer Certification

ORDINANCE NO. 14-529

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

+/- #14-529: Zoning Amendments - Planned Developments - Page 1

+/- #14-529: Zoning Amendments - Planned Developments - Page 2

+/- #14-529: Zoning Amendments - Planned Developments - Page 3

+/- #14-529: Zoning Amendments - Planned Developments - Page 4

+/- #14-529: Zoning Amendments - Planned Developments - Page 5

+/- #14-529: Zoning Amendments - Planned Developments - Page 6

+/- #14-529: Zoning Amendments - Planned Developments - Page 7

+/- #14-529: Zoning Amendments - Planned Developments - Page 8

+/- #14-529: Zoning Amendments - Planned Developments - Page 9

+/- #14-529: Zoning Amendments - Planned Developments - Page 10

+/- #14-529: Zoning Amendments - Planned Developments - Page 11

+/- #14-529: Zoning Amendments - Planned Developments - Page 12

+/- #14-529: Zoning Amendments - Planned Developments - Page 13

+/- #14-529: Zoning Amendments - Planned Developments - Page 14

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+/- #14-529: Zoning Amendments - Planned Developments - Page 16

+/- #14-529: Zoning Amendments - Planned Developments - Page 17

+/- #14-529: Zoning Amendments - Planned Developments - Page 18

+/- #14-529: Zoning Amendments - Planned Developments - Page 19

+/- #14-529: APC Cover Letter

+/- #14-529: Staff Report - Page 1

+/- #14-529: Staff Report - Page 2

+/- #14-529: Staff Report - Page 3

+/- #14-529: Clerk-Treasurer Certification

ORDINANCE 2014- 530

AN ORDINANCE ADOPTING THE APC ORDINANCE COMMITTEE'S RECOMMENDED FEE SCHEDULE UNDER SECTION 6-2-6(b) OF THE UNIFIED ZONING ORDINANCE

WHEREAS, the Town Battle Ground, Indiana, following the County of Tippecanoe, the Cities of Lafayette and West Lafayette, and the Towns of Clarks Hill and Dayton, adopted the Unified Zoning Ordinance (the "UZO") on December 2, 1997; and **WHEREAS,** Subsection 6-2-6(b) of the UZO provides as follows:

Member jurisdictions may each, by separate ordinance, establish a schedule of other permit, inspection, and similar fees to be collected at the beginning of, during, or at the completion of the permitting process; **WHEREAS,** the APC Ordinance Committee, in an attempt to make Improvement Location and Building Permit fees more uniform across jurisdictions, has recommended its adoption; **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:**

UNDER SECTION 6-2-6 (b) OF THE UZO, THE TOWN OF BATTLE GROUND NOW ADOPTS THE FOLLOWING IMPORVEMENT LOCATION AND BUILDING PERMIT FEE SCHEDULE:

PERMIT FEES

$0.15/Square Foot	**Commercial**	
Single Family Residence	$0.22/square foot	
Attached Garage	No Minimum Permit Fee	
Finished Basement	Does not include Filing Fee ($20.00)	
Room Additions		
Remodel	**Electrical**	
Minimum Permit = $50.00	Mobile Home Parks	$40.00
Does not include Filing Fee ($20.00)	Upgrade to 200 AMPs	$75.00
	Upgrade over 200 to 400 AMPs	$100.00
$0.12/Square Foot	Upgrade over 400 to 1000 AMPs	$150.00
Agricultural Building	Upgrade over 1000 AMPs	$250.00
Deck		
Detached Garage	Demolition	$75.00
Grain Bin	Land Fill	$150.00
Miscellaneous	Reinspection Fee	$50.00
Pole Barn	Permit Filing Fee	$20.00
Pool		
Portable Signs	**Penalty for Building Without a Permit**	
Yard Barn	+ Actual Permit Fee	
Minimum Permit = $50.00	+ 50% of Permit Fee	
Does not include Filing Fee ($20.00)	+ $70.00 Filing Fee	

INTRODUCED ON FIRST READING ON THE 14 DAY OF October , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Mike Bird, Member

DATE: 10/14/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

INTRODUCED FOR SECOND READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

ORDINANCE NO. 2015-538

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

+/- #15-538: Zoning Amendments - Outdoor Advertising Restrictions on Select Corridors - Page 1

+/- #15-538: Zoning Amendments - Outdoor Advertising Restrictions on Select Corridors - Page 2

+/- #15-538: APC Cover Letter

+/- #15-538: Staff Report - Page 1

+/- #15-538: Staff Report - Page 2

+/- #15-538: Ordinance Template - Page 1

+/- #15-538: Ordinance Template - Page 2

+/- #15-538: Hoosier Heartland Corridor - Illustrative Map

+/- #15-538: Relocated US 231 Corridor - Illustrative Map

+/- #15-538: Wabash River Scenic Byway - Illustrative Map

+/- #15-538: Scenic Byway Billboard Amendment

+/- #15-538: Outdoor Advertising Sign Restricted Corridors - Illustrative Map

+/- #15-538: Clerk-Treasurer Certification

ORDINANCE NO. 2015-539

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

+/- #15-539: Zoning Amendments - Parking Standards - Page 1

+/- #15-539: Zoning Amendments - Parking Standards - Page 2

+/- #15-539: APC Cover Letter

+/- #15-539: Staff Report - Page 1

+/- #15-539: Staff Report - Page 2

+/- #15-539: Ordinance Template

TRAFFIC ORDINANCE
Ordinance No. 107

An ordinance regulating the traffic upon the public streets of the Town of Battle Ground, Indiana, and repealing all Ordinances or parts of Ordinances in conflict therewith.

Be it ordained by the Board of Town Trustees of the Town of Battle Ground, Indiana, as follows:

ARTICLE I

Words and Phrases defined

Section 1. Definition of words and phrases. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meaning respectively ascribed to them in this article.

Subdivision 1.
Vehicles, Traffic, Etc., Defined

Section 2. (a) Vehicle--Every device in, upon, or by which any person or property is or may be transported or drawn upon the highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle--Every vehicle which is self propelled.

(c) Authorized Emergency Vehicle--Vehicles of and used by the Fire Eapartment of the Town or used by any peace officer in Battle Ground, including all ambulances, emergency vehicles and all police and fire department vehicles coming into the Town of Battle Ground to vender police, fire or other emergency services to the citizens of the Town.

Section 3. (a) Bicycle--Any foot propelled vehicle irrespective of the number of wheels in contact with the ground.

(b) Motorcycle--Every motor vehicle having a saddle for the use of the rider and designated to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(c) Passenger Bus--A motor vehicle designed and used for mass transportation of persons for hire generally on designated routes.

Section 4. (a) Railroad--A carrier of persons or property upon cars other than street cars, operated upon stationary rails.

(b) Railroad Trains--A steam engine, diesel, electric or other motor, with or without cars coupled thereto,

Section 5. (a) Traffic--Pedestrians, ridden or herded animals, vehicles, or other conveyances either singly or together while using any street for purpose of travel.

Section 6. (a) Right-of-Way--The privilege of the immediate use of the roadway.

Section 7. (a) Stop--When required means cessation of movement.

(b) Stop, Stopping or Standing--When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign.

(c) Park--When prohibited means standing of vehicle, whether occupied or not, otherwise than

temporarily for purpose of and while actually engaged in loading or unloading.

(d) Yield--To temporarily slow down or stop for the purpose of giving up the privilege of the immediate use of the roadway.

Section 8. (a) Official Time Standard--Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the Town.

Subdivision II
Persons, etc., Defined

Section 9. (a) Persona--Every natural person, firm, co- partnership, association, or corporation.

(b) Driver--Every person who drives or is actually in physical control of a vehicle.

(c) Pedestrian--Any person afoot.

Section 10. (a) Police Officer--Police Officer means town marshal, sheriff, deputy sheriffs, state policemen and any other persona vested with police powers to enforce the law or to make arrests.

Subdivision III
Streets and etc., Defined

Section 11. (a) Street or Highway--The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

(b) Private Road or Driveway--Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by the other persons.

(c) Roadway--That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

(d) Sidewalk--That portion of the street between the curb lines or the lateral lines of the roadway and adjacent property lines intended for the use of the pedestrians.

(e) Alley--Every way or place in public ownership and customarily used for vehicular travel, wide enough ot permit only one motor vehicle to travel thereon at any one time.

Section 12. (a) Through Street-Every street or highway or portion thereof at the entrance to which vehicular traffic from intersection streets or highway is required by law to stop before entering or crossing the same and when stop signs are erected as provided by this act.

Section 13. (a) Crosswalk--That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edge of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossings by lines or other markings on the surface.

Section 14. (a) Intersection--That area embraces within the prolongation or connection of the lateral curb lines. or, if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Section 15. (a) Safety Zone--The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(b) Passenger Curb Loading Zone--A space apart adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers.

Section 16. (a) Official Traffic Control Devises--All signs, signals, markings and devises not inconsistent with this ordinance placed or erected by authority of a body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(b) Traffic Control--Any device whether manually, electrically or - mechanically operated, by which traffic is alternately directed to stop and to proceed.

ARTICLE II

Traffic Administration

Section 17. It shall be the duty of the Town Marshal to enforce the street traffic regulations of the Town and the State motor vehicle laws applicable to street traffic in this Town, to make arrests for traffic violations, to investigate accidents and to carry out the duties especially imposed upon him by this ordinance and other ordinances of the Town.

Section l8. (a) Records of Traffic Violations--The Town Marshal shall keep a record of all violations of the traffic ordinance of the Town or of the state vehicle laws of which any person has been charged of an alleged offense, together with a record of the final disposition of all alleged cases.

(b) All such records and reports shall be public record.

Section 19. (a) Traffic accident Reports--The Town Marshall shall maintain a suitable system of filing traffic accident reports, accident reports or cards referring to them shall be filed alphabetically by location. Such report shall be available for the use and information of the town traffic engineer.

Section 20. Drivers File To Be Maintained--The Town Marshal shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver which shall be filed alphabetically under the name of the driver concerned.

Section 21. Town Marshal to Submit Annual Report of Traffic Safety--The Town Marshal shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this Town as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the department for future traffic safety activities.

Section 22. Town Traffic Engineer--(a) The office of Town Traffic Engineer is hereby established. The Town Engineer shall serve as Town Traffic Engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance.

(b) It shall be the general duty of the Town Traffic Engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and devise remedial measures, to conduct engineering investigations of traffic conditions and to co- operate with other Town officials in the development of ways and means to improve traffic conditions, and to carry out additional powers and duties imposed by ordinances of this Town.

ARTICLE III

Enforcement and Obedience to Traffic Regulations

Section 23. Authority of Town Marshal and Volunteer Firemen--The Town Marshal is hereby authorized to direct all traffic by voice, hand or signal in conformity with traffic laws, provided in the event of fire or other emergency, or to expedite traffic movement and to safeguard pedestrians, he may direct traffic as conditions may require notwithstanding the provisions of traffic laws.

Volunteer firemen and other peace officers and firemen from Battle Ground or elsewhere, when at the scene of a fire in the Town, may assist the marshal in directing traffic in the immediate vicinity.

Section 24. Required Obedience to Traffic Ordinance--It is a misdemeanor for any person to do any act forbidden orfail to perform any act required by this ordinance.

Section 25. Obedience to Town Marshal. Peace Officers and Firemen--No person shall willfully fail or refuse to comply with any lawful order of the Town Marshal, any Peace Officer or Firemen in the discharge of his duty.

Section 26. Persons Propelling Push Carts or Riding Animals To Obey Traffic Regulations--Every person propelling a push cart or riding an animal upon a roadway, and every person driving an animal drawn vehicle shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their nature can have no application.

Section 27. Public Employees to Obey Traffic Ordinance Regulations--The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or Town and shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted by this ordinance or by state statute.

Section 28. Exemptions to Authorized Motor Vehicles--(a) The provisions of this ordinance regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this ordinance, except as follows:

A driver when operating such vehicle in an emergency when authorized by a police officer may:

1. Park or stand notwithstanding the provisions of this ordinance.

2. Proceed past a red light or stop light or stop signal but only after slowing down as may be necessary for safe operation.

3. Exceed the prima facile speed limits as long as he does not endanger life or property.

4. Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(b) Those exemptions hereinbefore granted in reference to the movement of an authorized emergency vehicle shall apply only when the driver sounds a siren, bell or exhaust whistle as may be reasonably necessary, and the vehicle displays a lighted red or blue lamp visible from the front as a warning to

others.

Section 29. Operation of Vehicles and Passenger Buses on Approach of Authorized Emergency Vehicles--(2) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and when the driver is giving audible signal by siren. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise authorized by a police officer.

Section 30. Immediate Report of Accidents--(a) The driver or any vehicle involved in an accident within the limits of this Town, resulting in the death or injury to any person or damage to any property shall immediately, or as soon as possible, by the quickest means of communication, give notice of such accident to the Town Marshal.

(b) The Town Marshal of this Town may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient.

ARTICLE IV

TRAFFIC CONTROL DEVICES

Section 31. Authority to install Traffic Control Devices-- The Town Traffic Engineer shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the town to make effective and provisions of said ordinances, and may place and maintain such additional traffic control devices as he may deem necessary to regulate town traffic under the traffic ordinances of the town or under state law, or to guide or warn traffic.

Section 32. Manual and Specifications for Traffic Control Devices--All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highway Commission. All signs and signals required hereunder for a particular purpose shall so far as practical be uniform as to type and location throughout the town. All traffic control devices so erected, and not inconsistent with the provisions of State law or this ordinance, shall be official traffic control devices.

Section 33. Obedience to Official Traffic Control Devices-- The driver of any vehicle and the operator of any passenger bus shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic ordinance of this town; unless otherwise directed by a Town Marshal subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

Section 34. Display of Unauthorized Signs, Signals, or Markings--(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized signs, signal, marking, or device which purports to be or is an imitation of or simulates or resembles an official traffic control or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal hearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highway of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited signs, or marking is hereby declared to be a public nuisance and the authority have jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

Section 35. Interference with Traffic-Control Devices or Railroad Signs or Signals--No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription shield, or insignia thereon, or any other part thereof.

Section 36. Authority to Establish Play in the Streets--The town traffic engineer has authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Section 37. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residence are within such closed area, and then any said driver shall exercise the

greatest care in driving upon any such street or portion thereof.

Section 38. Traffic Engineer to Designate Crosswalks, Establish Safety Zones, and Mark Traffic Lanes--The Town Traffic Engineer is hereby authorized:

(1) To designate and maintain, by appropriate device, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(2) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(3) To mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with traffic ordinances of this town.

ARTICLE V

Speed Regulations

Section 39. State Speed Laws Applicable--The state traffic laws regulating the speed of traffic shall be applicable upon all streets within this town, except as this ordinance, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be prima facie unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

Section 40. Repealed by Ordinance No. 175 , adopted 9/8/1980.

+/- { *view archive* }

Section 41. Speed When Pulling Trailers.--It is hereby determined upon the basis of an engineering and traffic investigation that the speed for motor vehicles when pulling a non-motorized vehicle on any street within the town shall be not more than twenty (20) miles per hour.

ARTICLE VI

Turning Movements

Section 42. The driver of a vehicle intending to turn at an intersection shall do as follows:

(a) Both the approach for a right turn and a right turn shall be made as practical to the right-hand curb or edge of the roadway.

(b) Approach for a left turn shall be made in the portion of the right half of the roadway nearest the center line thereof, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

Section 43. Authority to Place and Obedience to Turning Markers--(a) The Town Traffic Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons, or other indications are placed within an intersection, indicating the course to be traveled by a vehicle turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 44. Authority to Place Restricted Turn Signs--The Town Traffic Engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make right, left, or U turns and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the sign, or they may be removed when such turns are permitted.

Section 45. Obedience to No-Turn Signs--Whenever authorized signs are erected indicating that no right turn, left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

ARTICLE VII

One-way Streets and Alleys

Section 46. Whenever any ordinance of this town designates any one way streets or alleys, the Town Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 47. One-Way Streets and Alleys--Upon those streets and parts of streets and in those alleys described in Schedule 1 attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

ARTICLE VIII

Special Stop or Yield Signs Required

Section 48. Through Streets Designated--Those streets and parts of streets described in the schedule attached hereto and made part hereof are hereby declared to be through streets for the purpose of this section.

Section 49. Authority to Erect Signs--Whenever any ordinance of this town designates and describes a through street, it shall be the duty of the Town Traffic Engineer to place and maintain a stop sign or a yield sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such by any ordinance of this town.

Section 50. Intersection Where Stop or Yield Signs Required.--The Town Traffic Engineer is hereby authorized to determine and designate intersections where particular hazards exist upon other than through streets and determine whether vehicles shall stop or yield at one or more entrances to any such intersection and shall erect a stop or yield sign at every such place where in his opinion such is required.

Section 51. Signs to Bear the Word "STOP" or "YIELD".-- Every sign erected pursuant to this article shall bear the word "STOP" or "YIELD" in letters not less than six (6) inches in height. Every sign shall be located as near as practicable at the nearest line of the crosswalk on the near side of the intersection, or, if none, at the nearest line of the roadway.

Section 52. Vehicles and Passenger Buses to Stop or Yield.- -When stop or yield signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle and every operator of a passenger bus shall stop such vehicle or yield the right-of-way at such sign, except when directed to proceed by a police officer or traffic-control signal.

Section 53. Emerging from Alley or Private Driveway--The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on siad roadway.

Section 54. Obedience to Signal Indicating Approach of Railroad Train--(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall not proceed over said crossing until he can do so safely. The foregoing requirement shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train.

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach of passage of a railroad train.

3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No persons shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad

grade crossing while such gate or barrier is closed or is being opened or closed.

ARTICLE IX

Miscellaneous Driving Rules

Section 55. Following Fire Apparatus Prohibited.--The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicles within the block where fire apparatus has stopped in answer to a fire alarm.

Section 56. Crossing Fire Hose.--No passenger bus or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 57. Driving Through Funeral or Other Procession.-- No driver of a vehicle or operator of a passenger bush shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance.

Section 58. Drivers In a Procession--Each driver in a funeral or other procession shall drive as near to the right- hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 59. Funeral Processions to be Identified.--A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia.

Section 60. When Permits Required for Parades and Processions. No procession, or parade containing two hundred (200) or more persons or fifty (50) or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments, shall occupy, march, or proceed along any street except in accordance with a permit issued by the Town Marshal and such other regulations as are set forth herein which may apply.

Section 61. Vehicles Shall Not Be Driven On a Sidewalk.-- The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Section 62. Limitations On Backing.--The Driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 63. Riding On Motorcycles--A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto or carry any other person, nor shall any other person ride upon such motorcycle other than upon a firmly attached seat to the rear or side of the operator.

Section 64. Clinging to Moving Vehicles.--Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to nay moving vehicle upon any roadway.

Section 65. Restricted Access--No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

ARTICLE X

Pedestrian's Rights and Duties

Section 66. Pedestrian's Right-of-Way in Crosswalk.--(a) When traffic-control signals are not in place the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield.

(b) Whenever any vehicle is stopped at a marked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Section 67. Crossing At Right Angles--No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

Section 68. When Pedestrian Shall Yield.--(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles up on the roadway.

Section 69. Pedestrians Walking Along Roadways.--(a) Where sidewalks are provided it shall be unlawful for nay pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrial walking along and upon a highway shall when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

Section 70. Drivers to Exercise Due Care.--Notwithstanding the foregoing provisions of this Article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

ARTICLE XI

Regulations for Bicycles

Section 71. Effect of Regulations--(a) It is a misdemeanor for any person to do any act forbidden, or fail to perform an act required in this article.

(b) he parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(c) These regulations applicable to bicycles is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Section 72. Traffic Laws Apply to Persons Riding Bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

Section 73. Obedience to Traffic-Control Devises--(a) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

Section 74. Riding On Roadways and Bicycle Paths--(a) Every-person operating a bicycle upon a roadway shall ride as near to the right-hand side as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall ride only in single file except on paths or a part of roadway set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle irders shall use such path and not use the roadway.

Section 75. Speed--No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 76. Emerging From Alley or Driveway.--The operator of a bicycle emerging from an alley, driveway, or building shall upon approaching a sidewalk or sidewalk area extending across the alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 77. Clinging to Vehicles.--No person riding upon any bicycle shall attach the same or himself to any passenger bus or vehicle upon the roadway.

Section 78. Carrying Articles.--No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars

Section 79. Parking.--No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

Section 80. Riding on Sidewalks--(a) No person shall ride a bicycle upon the sidewalk within the central business district.

(b) Whenever any person is riding upon a sidewalk such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 81. Lamps and Other Equipment on Bicycles.--(A) Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible for a distance of at least 500 feet to the front and with a red reflector on the rear, of the type which shall be visible from all distances from 50' (feet) to 300 feet to the rear when directly in front of the upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheel skid on dry, level, clean pavement.

ARTICLE XII

Method of Parking

Section 82. Standing or Parking Close to the Curb.--No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within twelve inches of the curb or edge of the roadway except as otherwise provided in this article.

Section 83. Signs or Markings Indicating Angle Parking.-- (a) The Town Traffic Engineer shall determine upon what street angle parking shall be permitted and shall mark or sign such streets.

Section 84. Obedience to Angle Parking Signs or Markings.-- Upon those streets that have been signed or marked by the Town Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of roadway indicated by such signs or markings.

ARTICLE XIII

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED AREAS

Section 85. Stopping, Standing, or Parking Prohibited--No Signs Required.--(a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the law or in direction of a police officer or traffic control device, in any of the following places:

1. On a sidewalk
2. In front of a public or private driveway
3. Within an intersection
4. Within fifteen feet of a fire hydrant
5. On a cross walk
6. Within twenty feet of a cross walk at an intersection
7. Within 50 feet of the nearest rail of a railroad crossing
8. Alongside or opposite any street, excavation or obstruction when stopping, standing, or parking would obstruct traffic
9. On the roadway side of any vehicle stopped or parked at the edge or curb of the street
10. Upon any bridge
11. At any place where official signs prohibit parking or stopping.

Section 86. Parking Not to Obstruct Traffic.--No person shall park any vehicle upon the street, or in an alley in such a manner or under conditions as would leave available less than 10 feet of the width of the roadway for free movement of traffic.

Section 87. Parking for Certain Purposes Prohibited. No person shall park a vehicle upon the street or roadway for the purpose of:

1. Displaying the vehicle for sale;
2. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Section 88. Vehicles Out of Commission or Unlicensed. No person shall park a vehicle out of commission or any unlicensed motor vehicle or trailer, on any street or highway for a period longer than five (5) days.

Section 89. Parking Prohibited on Narrow Streets--(a) The Town Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of the streets when the width of the street and the volume of traffic after determination upon the basis of an engineering and traffic investigation requires such limitation.

(b) When official signs prohibiting parking are erected upon a narrow street as authorized herein, no person shall park a vehicle in violation of any such sign.

Section 90. No Stopping, Standing or Parking Near Hazardous Places--(a) Town Traffic Engineer is hereby authorized to determine and designate by proper signs, places not exceeding l00 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b) When official signs are erected at hazardous or congested places as authorized herein, no person shall

stop, stand or park a vehicle in any such designated place.

Section 91. Lights on Parked Commercial Vehicles.--Freight carrying vehicles of one ton capacity or more shall display, lighted clearance lights, tail lights and dimmed headlights whenever parked on any streets of this city between the hours of sundown and sunrise.

ARTICLE XIV

Procedure on Arrest

Section 92. Forms and Notices of Arrest or Appearances. The Town shall provide in triplicate serially numbered forms for notifying violators to appear and answer to charges of violating traffic laws and ordinances. Such forms shall be issued to and receipted for by the town marshal or other persons acting for him.

Section 93. Procedure Upon Arrest--Except when authorized or directed under the state law to immediately take a person arrested for a violation of any traffic law before the Town Judge, Town Marshal, upon making an arrest for violation of the state traffic ordinances of this town shall take the name, address and operator's license number of alleged violator and the registered number of the motor vehicle involved and shall issue to him in writing on a form provided by the town, a notice to answer to the charge against him at a place and at least five (5) days after the arrest, to be specified in the notice. The town marshal upon receiving the written promise of the alleged violator to answer as specified in the notice, shall release such persons from custody; provided however if there be no town judge, the Town Marshal shall cause the person arrested to appear in any court in Tippecanoe County having jurisdiction in criminal cases.

Section 94. Failure to Obey Notice or Summons--Any person who violates his written promise to appear given to a town marshal upon arrest for any traffic violation is guilty of a misdemeanor regardless of the disposition of the charge of which he was originally arrested.

Section 95. Notice on Illegally Parked Vehicles--Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this town or by state law, the town marshal finding such vehicle shall take its registration number and may take any other information displayed on the vehicle that may identify its user and shall conspicuously affix to such vehicle a notice in writing on a form provided by the town, for the driver to answer to the charge specified in the notice. The town marshal shall send one copy of such notice to the chief of traffic division and one copy to the traffic violations bureau.

Section 96. Failure to Comply With Notice Attached to Parked Vehicle--If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a notice affixed to such motor vehicle within a period of five (5) days, the town marshal shall send to the owner of the motor vehicle to which the notice was affixed, a letter informing him of the violations and warning him that in the event such letter is disregarded for a period of five (5) days a complaint will be filed and warrant of arrest issued.

Section 97. Presumption in Reference to Illegal Parking. (a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred. Such presumption may be rebutted by any proper admissible evidence of probative effect.

(b) The foregoing stated presumption shall apply only when the procedure as prescribed in Section 95 and 96 has been followed.

Section 98. When Complaint to be Issued. In the event any person fails to comply with a notice given to such person or attached to vehicle or fails to make appearance pursuant to a summons directing an appearance in the town court or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the town marshal shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest.

Section 99. Authority to Impound Vehicles--(2) The town marshal hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, where such vehicles constitute an obstruction to traffic.

2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(b) Whenever the Town Marshal removes a vehicle from a street as authorized in this section and the town marshal knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, town marshal shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reason therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

Section 100. Penalties--Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than $500.00 or by imprisonment for not more than 180 days or by both such fine and imprisonment. Section 101. Effect of Ordinance.--If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SCHEDULE OF DESIGNATED STREETS AND LOCATION OF SIGNALS REFERRED TO IN ORDINANCE

Section A. <u>One Way Streets.</u>

All vehicular traffic shall be south-east bound only for the Monon Railroad Crossing at Railroad Street and Jewett Street.

Section B. <u>Parking.</u>

Vertical parking only shall be permitted on the South side of North Street from Railroad Street to Winan Street.

Section C. Preferential Streets.

In accordance with Sections 48, 49 and 50, and when signs are erected giving notice thereof, drivers of vehicles shall STOP or YIELD as may be required by the posted signs at every intersection before entering any of the following streets:

Main Street
North Street
Jewett Street from Winan St. to Prophet St.
Winan Street to Prophet St.
College St. from Jewett St. to Prophet St.
West Street to Prophet St.
Railroad St. from North St. to North limit of Town.
Railroad St. from North Street to South limit of Town.
Jefferson St. from Main St. to North limit of Town.
Liberty St. from Main St. to Sherman St.
Tippecanoe St. from Main St. to Sherman St.
Sherman St. from Jefferson to Main St.

Section D. "U" Turns

No "U" turns shall be made on North Street, Main Street, Railroad Street and Liberty Street.

Section E.

No vehicle, motor or otherwise, shall be parked within twenty (20) feet from any fire hydrant.

Section F. Traffic Control Signals.

In accordance with Section 31, traffic control signals such as are determined necessary by the Town Engineer are approved at the following intersections and places:

On Main St. East of Jewett Street
On Jefferson St. at Main St.
On Tippecanoe St. at Main St.
On Liberty St. at Main St.
On Sherman St. at Main St.
on Liberty St. at Sherman St.
On Tippecanoe St. at Sherman St.
On Sherman St. at Jefferson St.
On High School Ave. at Liberty St.
On High School Ave. at Sherman St.
On Railroad St. and South Side of North St.
On Railroad St. and North Side of North St.

On Winans and North Side of North St.
On Tipton St. at Railroad St.
On Prophet St. at Railroad St.
On Winans St. at Prophet St.
On College St. at Prophet St.
On West St. at Prophet St.
On Jewett St. at Prophet St.
On West St. at Jewett St.
On Railroad St. at Jefferson St.
On High School Ave. at Jefferson St.
On High School Ave. at Tippecanoe St.
On College St., North and South on Jewett St.
On Jewett Street, East and West of Winan St.
On Tipton St. East and West of Winans St.
On Tipton St., East and West of College St.
On Tipton St., East of West Street

SECTION G: SCHEDULE OF DESIGNATED STREETS AND LOCATION OF SIGNALS

Liberty Street shall be a public thoroughfare from Main Street to Sherman Street without any limitations or restrictions on the public access to said street.

(Replaced by Ordinance # 177-B , adopted 11/3/1980.)

+/- { *view archive* }

SECTION H: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

(Added by Ordinance # 177-B , adopted 11/3/1980.)

ADOPTED THIS 18th Day of May, 1962.

John D. Gerhart
President of Town Board

ATTEST:

Jean Smith

Clerk-Treasurer

Ordinance 177-B

AN ORDINANCE TO AMEND ORDINANCE NO. 107 REGULATING THE TRAFFIC ON PUBLIC STREETS OF THE TOWN OF BATTLE GROUND

WHEREAS, the Board of Trustees of the Town of Battle Ground duly passed Ordinance No. 107 on May 18, 1962, regulating the traffic upon public streets of the Town of Battle Ground.

WHEREAS, after consultation with the town engineer and traffic safety department, it is deemed necessary and proper to amend the schedule of designated streets and location of signals referred to in Ordinance No. 107; specifically Section G which restricts through traffic and public access for Liberty Street from Main Street to Sherman Street.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, that Section G of the schedule of designated streets and location of signals referred in Ordinance No. 107 shall be amended as hereinafter set forth:

SECTION G: SCHEDULE OF DESIGNATED STREETS AND LOCATION OF SIGNALS

Liberty Street shall be a public thoroughfare from Main Street to Sherman Street without any limitations or restrictions on the public access to said street.

SECTION H: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, on the 3rd day of November l980.

Hugh Ralstin
Presiding Hugh Ralstin

Richard Youells Jr.

David Samuelson
David Samuelson

Marilyn Adams

ATTEST:

Judith E. Marks

ORDINANCE # 270

AN ORDINANCE ESTABLISHING A FOUR-WAY STOP SIGN AT THE INTERSECTION OF SHERMAN AND HIGH SCHOOL STREETS IN BATTLE GROUND, INDIANA

WHEREAS, the Board of Trustees of the Town of Battle Ground, Indiana has the authority to regulate traffic on the roads and streets in the Town of Battle Ground, Indiana;

WHEREAS, it appears to the Board of Trustees of the Town of Battle Ground, Indiana that traffic control is necessary at the intersection of Sherman and High School streets in the Town of Battle Ground, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

A four-way stop sign be placed at the intersection of Sherman and High school Streets in the Town of Battle Ground, Indiana.

ALL OF WHICH IS ADOPTED this 7th day of August, 1989.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 266

AN ORDINANCE ESTABLISHING FINES FOR PARKING VIOLATIONS IN THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the Board of Trustees of the Town of Battle Ground, Indiana having passed Ordinance No. 107, that being a traffic ordinance regulating parking in the Town of Battle Ground, Indiana;

WHEREAS, the Town of Battle ground, Indiana by the Board of Trustees wishes to establish a schedule of fines for parking violations in the Town of Battle Ground, Indiana;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

SECTION 1. Any parking violation shall require a fine of Ten Dollars ($10.00) payable to the Ordinance Violations Clerk within five days of the receipt of the ticket. From the sixth day to the tenth day the fine shall be Twenty Dollars ($20.00). Unpaid fines after ten (10) days will be turned over to the Town Attorney and will result in the vehicle owner being summoned to appear in Tippecanoe County Court. In that event, the fine will be Seventy-five Dollars ($75.00), plus the applicable court costs.

(Replaced by Ordinance #348, adopted 1/5/1998.)

+/- { *view archive* }

2. Subsequent Violations. Any time a vehicle receives a second parking ticket within a given calendar year, the fine for said parking violation will be Five Dollars ($5.00). Any time a vehicle receives a third ticket for a parking violation within a given calendar year, a fine will be assessed in the amount of Ten Dollars ($10.00). Any fourth parking violation in a given year will result in the vehicle owner be summoned to appear in Tippecanoe County Court. Said fine will be in the sum of Twenty-five Dollars ($25.00), plus the applicable court costs.

ALL OF WHICH IS ADOPTED THIS 7th day of August, 1989.

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President, Board of Trustees

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ATTEST:

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Clerk-Treasurer

ORDINANCE #308

AN ORDINANCE RESTRICTING VEHICLE PARKING WITHIN THE TOWN OF BATTLE GROUND, INDIANA.

Vehicles over 9,000 pounds gross vehicle weight (G.V.W.) will not be allowed to park in public parking areas within the town limits of Battle Ground, Indiana between the hours of 6:00 p.m. and 5:00 a.m.

Violations of this ordinance will be considered as "Parking Violations" and, as such, will be subject to the penalties and fines as outlined in Ordinance No. 278, an ordinance establishing fines for parking violations in the town of Battle Ground, Indiana.

Vehicles providing emergency service will be exempted from the application of this ordinance while the service is being provided.

Any and all ordinances in conflict with this ordinance upon its passage are hereby declared null and void.

PASSED ON THIS 7th DAY OF JUNE, 1993

Council Members:

Donald D. McKee

Stanley Cunningham

David L. Ferringer

Marie McCoy

Steven C. Egly

ATTEST:

Clerk-Treasurer

Geraldine Berghoff

RESOLUTION 94

A RESOLUTION REQUESTING DETERMINATION BY INDIANA STATE HIGHWAY DEPARTMENT OF NO PARKING DESIGNATION ON TECUMSEH STREET

WHEREAS, a portion of Indiana State Highway 225 travels through the Town of Battle Ground and is known as TECUMSEH STREET; and

WHEREAS, the Town Board of the Town of Battle Ground with the advice of the Town Police Department has determined that parking of vehicles along either of side of said TECUMSEH STREET poses a danger to the health and safety of residence within the Town; and

WHEREAS, matters regarding parking along said TECUMSEH STREET are within the sole jurisdiction of the Indiana State Department of Highways as said TECUMSEH STREET constitutes a portion of Indiana State Road 225; and

WHEREAS, the Town Board of the Town of Battle Ground has been advised to request that the Indiana State Department of Highways determine that both sides of that portion of Indiana State Road 225 known as TECUMSEH STREET within the Town of Battle Ground be determined a no parking area and be posted by the Indiana State Department of Highways as such;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, that the Indiana State Department of Highways is requested to determine that portion of Indiana State Road 225 known as TECUMSEH STREET within the Town of Battle Ground, be a no parking area and post signs accordingly.

PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND THIS 5TH DAY OF DECEMBER, 1994.

David L. Ferringer President
Donald D. McKee

Stanley Cunningham

Steven C. Egly

ATTEST:

Geraldine Berghoff
TOWN CLERK-TREASURER

Editor's Note: There are a number of documents attached to Resolution 94:

+/- #94R: Agreement Between Town and INDOT

+/- #94R: Sketch

+/- #94R: Letter from INDOT

+/- #94R: Letter from Dept. of Fire and Building Services

ORDINANCE 2013- 516

AN ORDINANCE TO REGULATE THE PARKING OF TRAILERS IN NON- DESIGNATED AREAS.

Storage of Trailers. No person shall park a camper, or trailer of any kind or type on any street that is not coupled to a licensed, operable vehicle capable of legally towing that camper or trailer.

However, no camper, or trailer of any kind may be parked on any street for any period of time exceeding twenty-four (24) hours, whether alone or coupled to a vehicle.

Vehicles providing emergency service will be exempted from the application of this ordinance while the service is being provided.

Any and all ordinances in conflict with this ordinance upon its passage are hereby declared null and void.

Violations of this ordinance will be considered as "Parking Violations" and, as such, will be subject to the penalties and fines as outlined in Ordinance No. 278, an ordinance establishing fines for parking violations in the town of Battle Ground, Indiana.

INTRODUCED ON FIRST READING ON THE

9 DAY OF

December , 2013.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE

9 DAY OF

December , 2013, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay Becky Holladay	X			
Karen Pearson Karen Pearson	X			
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

INTRODUCED FOR SECOND READING ON THE

13 DAY OF

January , 2014.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN

OF BATTLE GROUND, INDIANA, ON THE

13 DAY OF

January , 2014, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
Steve Egly Steve Egly, President	X			
Brian Brewer Brian Brewer	X			
Becky Holladay Becky Holladay	X			
Karen Pearson				
Joe Bird Mike Bird	X			

Steve Egly
Presiding Officer

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE 2014-531

ESTABLISHES A NO PARKING AREA ON RAILROAD STREET SOUTH OF THE INTERSECTION WITH NORTH STREET

WHEREAS, vehicles parked on South Railroad Street in the first parking space south of the intersection of Railroad Street with North Street create bottlenecks for school busses negotiating the turn; and

WHEREAS, this specific parking place is frequently occupied,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

Section 1. The first parking space on South Railroad Street south of the intersection of Railroad Street and North Street shall be declared “No Parking” during specific times.

Section 2. The effective times for the “No Parking” designation shall be between 7:00 and 9:00 AM and between 2:00 and 4:00 PM on days when school is in session as declared by the Tippecanoe County School Corporation.

Section 3. Signs shall be erected to designate this “No Parking” area and to specify the times as designated in Section 2, above.

Section 4. Fines for violation of this ordinance shall be administered in accordance with Battle Ground Parking Regulations as established by Ordinance No. 348-98, adopted January 5, 1998.

Section 5. Effective Date: This ordinance shall take effect immediately. The “No Parking” designation has been adopted through properly adopted motion and signs have been installed.

All prior ordinances or portions of prior ordinances in conflict with this ordinance shall be declared null and void. The invalidity of any section of this ordinance shall have no bearing on other sections of the ordinance.

INTRODUCED ON FIRST READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

INTRODUCED FOR SECOND READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

ORDINANCE NO. 109

AN ORDINANCE CONCERNING THE SPEED OF LOCOMOTIVES AND SELF PROPELLED RAILROAD CARS AND THE PENALTY FOR VIOLATION

[Editor's Note: This ordinance was effectively replaced, though not specifically repealed, by Ordinance #249.]

Section 1. It shall be unlawful for any railroad company or its officers, agents or employees to move, propel or operate any locomotive or self-propelled railroad car in a Southbound direction on the line of any railroad track through the Town of Battle Ground, Indiana at a greater rate of speed than forty (40) miles per hour on or across the streets and alleys of the Town.

Section 2. Any officer, agent or employee of a railroad company violating the provisions of this Ordinance shall, upon conviction, be fined in any sum not exceeding Ten Dollars ($10.00) for any one offense.

Adopted this 8th day of March, 1963.

Shirley Young Clerk-Treasurer

ORDINANCE NO. 175

AN ORDINANCE ESTABLISHING SPEED REGULATIONS WITHIN THE TOWN OF BATTLE GROUND, INDIANA

WHEREAS, the state legislature has passed legislation which authorizes the Town Board to adopt an ordinance regulating speed limits within the boundaries of any town.

WHEREAS, the Town of Battle Ground has previously adopted in the past an ordinance regulating such speed limit. The Town of Battle Ground is desirous of repealing said Ordinance No. 107, Article V, Section 40, and adopting a new ordinance establishing speed limits within the Town of Battle Ground.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF BATTLE GROUND THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

SECTION 1. Speed Regulations. No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, or vehicle or other conveyance on or near, or entering a highway in compliance with legal requirements and with the duty of all persons to use due card.

SECTION 2. Residential Speed Limits. The maximum speed limit upon any highway, street, or thoroughfare within the boundaries of the Town of Battle Ground is hereby established at 30 m.p.h. except as provided in Section 3 of this Ordinance.

SECTION 3. School Zone. The maximum speed limit on any highway, street or thoroughfare which is contiguous to any school zone shall be 20 m.p.h. between the hours of 8:00 to 9:00 AM and from 2:30 to 4:00 PM; otherwise the speed limit shall be 30 m.p.h.
(Amended by Ordinance 2014-532, adopted 11/3/2014.)

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SECTION 4. Signs. The Town of Battle Ground is hereby authorized to post speed limit signs in appropriate and conspicuous locations to reflect the speed limits herein designated.

SECTION 5. Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding (as prescribed by County Count) or be imprisoned not more than (as prescribed by County Count) days or be subject to fine and imprisonment.

SECTION 6. Separability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 7. Repealer. Ordinance No. 107, Article V, Section 40, and any other ordinance in conflict herewith are hereby repealed.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect from and after notice, passage by the Board of Trustees, all in the manner provided by law.

PASSED AND ADOPTED by the Board of Trustees of the Town of Battle Ground, Tippecanoe County,

Indiana, on this 8th day of September, 1980.

Melvin Swisher
Melvin Swisher - presiding

Hugh Ralstin
Hugh Ralstin

Richard Youells Jr.

Marilyn Adams

Attest:

Judith E. Marks

CERTIFICATION

THIS IS TO CERTIFY THAT ORDINANCE NO. 175 WAS POSTED IN THE FIVE WARDS IN BATTLE GROUND, TIPPECANOE COUNTY, INDIANA ON THE 20TH DAY OF AUGUST, 1980 AS FOLLOWS:

WARD # 1 S W CORNER TIPTON & COLLEGE STREETS
WARD # 2 S E CORNER WINANS & NORTH STREETS
WARD # 3 MAIN STREET AT LIONS BUILDING
WARD # 4 5 W CORNER JEFFERSON & "E" STREETS
WARD # 5 5 W CORNER LIBERTY & MAIN STREETS

Judith E. Marks
Judith E. Marks, Clerk Treasurer

ORDINANCE NO. 249

AN ORDINANCE CONCERNING THE SPEED OF LOCOMOTIVES AND SELF PROPELLED RAILROAD CARS AND THE PENALTY FOR VIOLATION

SECTION I It shall be unlawful for any railroad company or its officers, agents or employees to move, propal or operate any locomotive or selfropelled railroad car on the line of any railroad track through th Town of Battle Ground, Indiana at a greater rate of speed than forty (40) miles per hour on or across the streets and alleys of the Town.

SECTION II Any officer, agent or employee of a railroad company violating the provisions of this Ordinance shall, upon conviction, be fined in the sum of five hundred dollars ($500.00). No less than nor more than five hundred dollars ($500.00) for any one offense.

ADOPTED THIS 7 DAY OF December , 1987.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:
Judith E. Marks
Clerk-Treasurer

ORDINANCE 2014-532

ESTABLISHES TIMES FOR SCHOOL ZONE SPEED LIMITS

WHEREAS, the town of Battle Ground has areas where special school zone speed limits are in place; and **WHEREAS,** these school zone speed limits are enforced during certain hours; and

WHEREAS, the current signage declares these school zone speed limits valid "When Children Present"; and **WHEREAS,** the current signage is difficult to enforce,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

Section 1. The current signage, which establishes the school zone speed limits on Main Street in Battle Ground valid "When Children Present", shall be removed.

Section 2. The current signage shall be replaced with signs declaring the school zone speed limit to be valid from 8:00 to 9:00 AM and from 2:30 to 4:00 PM

Section 3. This ordinance shall amend Section 3 of Ordinance No. 175, adopted September 8, 1980, replacing the phrase "when children are present" with the times listed in Section 2, above.

Section 4. Fines for violation of this ordinance shall be administered in accordance with Battle Ground Speed Regulations as established by Ordinance No. 175, adopted September 8, 1980.

Section 5. Effective Date: This ordinance shall take affect when properly adopted and signed by the Battle Ground Town Council and when signs, as designated in Section 2, have been installed.

All prior ordinances or portions of prior ordinances in conflict with this ordinance shall be declared null and void. The invalidity of any section of this ordinance shall have no bearing on other sections of the ordinance.

INTRODUCED ON FIRST READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer

Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

INTRODUCED FOR SECOND READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

ORDINANCE NO. 150

AN ORDINANCE REGULATING TRUCKS ON THE STREETS OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. It shall be unlawful for the operator of any semi-tractor and or trailer to park or permit the parking of any such vehicle upon any street within the Town of Battle Ground between the hours of 5:00 P.M. and 5:00 A.M.

[Editor's Note: The following portions, dealing with load limit amounts and fines, have been replaced several times. The most current load limits ordinance is Ordinance #306.]

SECTION 2. It shall be unlawful for the operator of any thru truck exceeding 20 ton (40,000 pounds) to use the streets of Battle Ground, excepting State Route #225, and excepting a delivery to any area inaccessible by any other reasonable route.

SECTION 3. Any operator of any truck who violates the terms of this Ordinance shall be fined in the sum of Twenty-Five ($25.00) Dollars; payable to the Town Clerk-Treasurer for the benefit of the General Fund of the Town.

SECTION 4. Any Ordinance or parts of Ordinances in conflict with this Ordinance is and shall be repealed upon passage of this Ordinance.

PASSED AND ADOPTED THIS THE 7th DAY OF October , 1974.

Otis C. Anderson
President, Board of Trustees

Gary W. Younker
Trustee

James E. Kerr
Trustee

James M. Wilson
Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 306

ORDINANCE SETTING LOAD LIMITS FOR STREETS IN THE TOWN OF BATTLE GROUND, TIPPECANOE CO., INDIANA.

SECTION 1: Load limits for streets within the town of Battle Ground shall fall within on of the following classes:

1. Vehicles weighing more than twenty thousand (20,000) pounds G.V.W. (gross vehicle weight) shall be prohibited on Prophet street, Railroad Street and Main Street.
2. Vehicles weighing more than nine thousand (9,000) pounds G.V.M. (gross vehicle weight shall be prohibited on all side streets of Battle Ground. "Side streets" shall be defined as all streets not specifically referred to in Part A. (above) or Part C. (following).
3. North Street and Tecumseh, being continuations of State Highway 225, fall under the jurisdiction of the State of Indiana and, as such, are not covered by this Ordinance.

SECTION 2: All ticketed violators of this Ordinance will be assessed a fine of One Hundred Fifty Dollars ($150.00) for the first offense, Three Hundred Dollars ($300.00) for the second offense, and Five Hundred Dollars ($500.00) for each subsequent offense. All fines shall be payable to the Ordinance Violations Clerk as outlined in Ordinance NO. 271.

SECTION 3: All moving vans, garbage trucks, delivery trucks, and service vehicles providing service within the town of Battle Ground, emergency vehicles, farm vehicles and buses will be exempted from the application of this ordinance.

(Amended by Ordinance # 307, adopted 5/3/1993.)

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SECTION 4: Any and all ordinances in conflict with this Ordinance upon its passage are hereby null and void.

PASSED ON THIS 1st DAY OF March , 1993.

BATTLE GROUND TOWN COUNCIL

Donald D. McKee
Donald McKee

Selma Patterson

Stanley Cunningham
Stanley Cunningham

David L. Ferringer
David Ferringer

Steven Egly
Steven Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 307

AMENDMENT TO ORDINANCE NUMBER 306, AN ORDINANCE ESTABLISHING LOAD LIMITS FOR STREETS IN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

Section 3 of Ordinance Number 306 will be amended to include an exemption for emergency vehicles. The phrase "emergency vehicles," will be inserted before "farm vehicles".

Section 3 of Ordinance Number 306 will now read as:

"All moving vans, garbage trucks, delivery trucks, and service vehicles providing service within the town of Battle Ground, emergency vehicles, farm vehicles and buses will be exempted from the application of this ordinance.

PASSED ON THIS THE 3 DAY OF MAY, 1993.

BATTLE GROUND TOWN COUNCIL

Donald D. McKee

Stanley Cunningham

David L. Ferringer

Marie McCoy

Steven C. Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 143

AN ORDINANCE REGULATING THE DIGGING, DRILLING, AND USE OF PRIVATE WELLS, THE USE OF PRIVATE WATER SOURCES, THE METERING OF WATER AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF BATTLE GROUND, INDIANA, AND THE PROVIDING OF PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Town of Battle Ground, Indiana, has heretofore installed within the Town a sewage system; and

WHEREAS, the provisions of the Use Ordinance regulating the conversion and use of public and private sewers in Battle Ground (Ordinance No. 134) makes mandatory, with certain exceptions, the exclusive use of the sanitary sewer facility by everyone; and

WHEREAS, the rates for the use of sanitary sewer system are scheduled and determined upon the quantity of metered water used by each customer.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1. Except as hereinafter provided, it shall be unlawful to dig, drill or otherwise construct, maintain and use any private well, spring or other source of water for human consumption or any other use.

SECTION 2. Except as otherwise provided, it shall be unlawful to repair, reconstruct, restore, enlarge or expand the usage beyond present use of any existing well, or other private water source.

SECTION 3. Where a private source of water is to be provided, the Town Board, after due notice and upon a public hearing, shall first find that the use of a private well or other private water source would be in the best interests of the TOWN and upon such finding, the Board may authorize the Superintendent of the Water Works to issue a permit to the applicant, subject to the following provisions of this Section.

a) Before commencement of any work on such private well or other private source of water, the owner of the real estate affected shall submit to the Superintendent of the Water Department any plans, specifications, and other information as deemed necessary by the Superintendent. The Superintendent may thereupon issue a written permit to proceed with the plans and specifications. A permit and inspection fee of $25.00 shall be paid to the TOWN at the time such permit is issued.

b) The permit shall not become effective until the private water system is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction. No work shall be deemed completed until meters or other measuring devices, to determine the amount of water passing through the s system, have been installed. All meters or measuring devices installed shall be provided by the user and shall be of the make and type specifically designated by the Superintendent.

c) When the applicant for the permit has completed the work, he shall notify the Superintendent that the work is ready for final inspection, before any pipe, pump, or other part of the system is covered from view. The inspection shall be made within ninety-six (96) hours from the receipt of notice by the Superintendent.

d) The type, capacity, location and layout of the private well or private water system shall comply with all recommendations of the State Board of Health of the State of Indiana, and any other governmental agency charged with supervision or control of such water supply at that time.

e) The owner shall not expand the usage of the well or system beyond the usage prescribed by the permit.

SECTION 4. Permits shall be issued for a term of ten (10) years and may be renewed for successive periods of ten (10) years each.

SECTION 5. a) Any person found to be violating any provision of this Ordinance shall be served by the TOWN with a written notice stating the nature of the violation and providing a reasonable time for the offender to make satisfactory correction thereof or to cease and desist in said violation.

b) Any person who shall continue any violation beyond the time limit provided for in Section 4a shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding Twenty Dollars ($20.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c) The TOWN shall, upon due notice to the owner of the real estate upon which the violations occurred or are occurring, have the right to cap or fill and close any well or other water system found, upon hearing by the Board of Trustees of the Town of Battle Ground to be in violation of this Ordinance.

d) 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.

SECTION 6. All ordinance or parts of ordinances in conflict herewith are hereby repealed. The validity 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.

SECTION 7. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

PASSED AND ADOPTED BY THE BOARD OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THIS THE 2ND DAY OF APRIL, 1973.

NAYS:	AYES:
President, Board of Trustees	Otis C. Anderson President, Board of Trustees
Trustee	Gary W. Younker Trustee
Trustee	James M. Wilson Trustee
Trustee	Francis L. Meyers Trustee

Trustee Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 143 was published in the Lafayette Journal & Courier & The Lafayette Leader March 22, 1973 and March 29, 1973.

Laurlene Lewis
Clerk-Treasurer

RESOLUTION -05-3

WHEREAS, the Town of Battle Ground desires to provide trash and garbage pick up within the Town of Battle Ground for its citizens; and

WHEREAS, the Town of Battle Ground desires to enter into a Contract with Waste Management, Inc. for said services; and

WHEREAS, Waste Management, Inc. is willing to enter into such an Agreement;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, that members of the Town Council be hereby authorized to execute said Agreement on behalf of said Town of Battle Ground.

ADOPTED AND PASSED by the Town Council of the Town of Battle Ground, Tippecanoe County, Indiana this 11th day of April , 2005.

Carolyn M. Roth President

ATTEST:

Phyllis Hall
Phyllis Hall, Town Clerk

ORDINANCE NO. 131

[Editor's Note: Amended by Ordinance #133 and referenced by Ordinance #305.]

[Editor's Note: While much of this ordinance may still be valid, please refer to the latest schedule for current rates.]

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICE OF THE MUNICIPAL SANITARY SEWER SYSTEM OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1. THERE SHALL BE AND THERE IS HEREBY ESTABLISHED A SEWER SERVICE CHARGE FOR THE USE OF AND FOR THE SERVICE SUPPLIED BY THE MUNICIPALITY SANITARY SEWER SYSTEM OF THE TOWN OF BATTLE GROUND, BASED UPON THE AMOUNT AND RATE OF WATER CONSUMED AS FOLLOWS:

	RATE	SEWER SERVICE CHARGE
FIRST	5,000 GALLONS PER MONTH[1]	$ 3.51 PER 1000 GALLONS PER MONTH[2]
NEXT	10,000 GALLONS PER MONTH	$ 2.11 PER 1000 GALLONS
NEXT	20,000 GALLONS PER MONTH	$ 1.76 PER 1000 GALLONS
NEXT	65,000 GALLONS PER MONTH	$ 1.29 PER 1000 GALLONS
ALL OVER	100,000 GALLONS PER MONTH	$ .89 PER 1000 GALLONS

Note 1: OR LESSOR AMOUNT
Note 2: MINIMUM MONTHLY BILL

MINIMUM SEWER RATE	
5/8 and 3/4 INCH METER PER MONTH	$ 7.02
1 INCH METER PER MONTH	$12.87
1¼ INCH METER PER MONTH	$16.97
1½ INCH METER PER MONTH	$21.06
2 INCH METER PER MONTH	$28.08
4 INCH METER PER MONTH	$56.16

IN NO CASE SHALL THE MINIMUM SERVICE CHARGE BE LESS THAN $7.02 PER MONTH, WHICH IS NECESSARY TO RETIRE THE INDEBTEDNESS, OPERATING AND MAINTENANCE, AND RESERVE NECESSARY FOR MAINTAINING THE SANITARY SEWER FACILITY.

CUSTOMERS OF THE SANITARY SEWER FACILITY WHICH ARE NOT ALSO CUSTOMERS OF THE MUNICIPAL WATER SYSTEM SHALL PAY A MINIMUM CHARGE OF $7.02 PER MONTH.

SERVICE TO INDUSTRIAL ESTABLISHMENTS MAY BE BY CONTRACT IF THE MUNICIPALITY DEEMS THIS TO BE IN ITS BEST INTEREST.

SECTION 2. BILLS FOR THE RATES AND CHARGES ARE HEREIN ESTABLISHED BY THE TOWN SHALL BE SENT MONTHLY. ALL BILLS SHALL BE PAYABLE ON THE 1ST (FIRST) DAY OF THE MONTH FOLLOWING THE PERIOD OF SERVICE AND SHALL BE PAID AT THE OFFICE OF THE TOWN CLERK. IF ANY CHARGE FOR THE SERVICES OF THE SYSTEM SHALL NOT BE PAID BY THE FIFTEENTH (15) DAY OF THE MONTH IN WHICH IT SHALL BECOME DUE AND PAYABLE, A CHARGE OF TEN PERCENT (10%) OF THE AMOUNT OF THE BILL SHALL BE ADDED THERETO AND COLLECTED THEREWITH. IF ANY BILLS FOR THE SERVICE OF THE SEWER SYSTEM SHALL REMAIN UNPAID AFTER FIFTEEN (15) DAYS FOLLOWING THE RENDITION OF THE BILL THEREFOR, THE WATER SUPPLY FOR THE LOT, PARCEL OF LAND OR PREMISE AFFECTED SHALL BE CUT OFF AND SHALL NOT BE TURNED ON AGAIN EXCEPT ON PAYMENT IN FULL OF THE DELINQUENT CHARGES THEREFOR, IN ADDITION TO THE PAYMENT OF A CHARGE OF $5.00.

SECTION 3. THE SERVICE CHARGES FOR SANITARY SEWER SERVICE TO CUSTOMERS NOT BEING SUPPLIED WATER BY A MUNICIPAL WATER SYSTEM WILL BE DUE AND PAYABLE ON THE FIRST (1ST) DAY OF EACH MONTH. PENALTIES FOR NON-PAYMENT OF BILLS WILL BE PROVIDED FOR UNDER SECTION 2 OF SAME ORDINANCE.

SECTION 4. Sewage tap-on fees for all new construction of single family residential units shall be assessed at the rate of $1,500.00 for each single family residential unit. Should the actual installation costs of any connection exceed $1,500.00, the owner shall reimburse the Town any amount in excess of $1,500.00.

(Originally replaced by Ordinance #285, 10/1/1990. Section 4 *and* the appropriate section of Ordinance #285 were later replaced by Ordinance #305, 1/4/1993, resulting in the text as above.)

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SECTION 5. THE OWNER OF THE PREMISES SERVED AND THE OCCUPANT THEREOF AND THE USER OF THE SANITARY SEWER SERVICE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR THE SEWER SERVICE PROVIDED SAID PREMISES. A DEPOSIT OF TWENTY DOLLARS ($20.00) SHALL BE REQUIRED FROM ALL TENANTS. THE DEPOSIT SHALL BE APPLIED TO ANY BILL FOR SEWER SERVICE DELINQUENT MORE THAN FIFTEEN (15) DAYS. UPON THE DISCONNECTION OF THE SEWER SERVICE, ANY BALANCE OF SUCH DEPOSIT SHALL BE RETURNED TO THE APPLICANT WITHOUT INTEREST.

SECTION 6. IT IS HEREBY MADE THE DUTY OF TOWN CLERK- TREASURER TO RENDER BILLS FOR SEWER SERVICE AND ALL OTHER CHARGES IN CONNECTION THEREWITH AND TO COLLECT ALL MONIES DUE THEREFROM.

SECTION 7. ALL REVENUES AND MONIES DERIVED FROM THE OPERATION OF THE SEWER SYSTEM SHALL BE PAID TO AND HELD BY THE CLERK-TREASURER SEPARATE AND APART FROM ALL OTHER FUNDS OF THE TOWN AND ALL OF SAID SUMS AND ALL OTHER FUNDS AND MONIES INCIDENT TO THE OPERATION OF SAID SYSTEM, AS MAY BE DELIVERED TO THE CLERK-TREASURER, SHALL BE DEPOSITED IN A SEPARATE FUND DESIGNATED THE

"SANITARY SEWER FUND ACCOUNT" AND SAID CLERK- TREASURER SHALL ADMINISTER SAID FUND IN EVERY RESPECT IN A MANNER PROVIDED BY THE STATUTES OF INDIANA PERTAINING THERETO.

SECTION 8. THE TOWN CLERK SHALL ESTABLISH A PROPER SYSTEM OF ACCOUNTS AND SHALL KEEP PROPER RECORDS, BOOKS AND ACCOUNTS IN WHICH COMPLETE AND CORRECT ENTRIES SHALL BE MADE OF ALL TRANSACTIONS RELATIVE TO THE SEWER SYSTEM AND AT REGULAR INTERVALS THE TOWN BOARD OF TRUSTEES SHALL CAUSE TO BE MADE AN AUDIT BY AN INDEPENDENT AUDITING CONCERN OF THE BOOKS TO SHOW THE RECEIPTS AND DISBURSEMENTS OF THE SEWER SYSTEM.

SECTION 9. ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED INSOFAR AS THE CONFLICTING PORTIONS THEREOF ARE CONCERNED.

SECTION 10. THIS ORDINANCE SHALL BE IN FULL FORCE FROM AND AFTER ITS PASSAGE.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THIS 13TH DAY OF SEPTEMBER, 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 133

AN ORDINANCE AMENDING ORDINANCE 131 FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH

[Editor's Note: While much of this ordinance may still be valid, please see the latest schedule for current rates.]

WHEREAS, THE TOWN OF BATTLE GROUND HAS HERETOFORE AUTHORIZED THE CONSTRUCTION, MAINTENANCE AND OPERATION OF WORKS FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE UNDER THE PROVISIONS OF CHAPTER 284 OF THE ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA FOR THE YEAR 1967; AND

WHEREAS, THE COST OF SUCH WORKS AND THE AMOUNT OF REVENUE BONDS TO APPLY ON THE COST HAVE BEEN DETERMINED, AND TENTATIVE CONTRACTS FOR THE CONSTRUCTION OF SAID WORKS HAVE BEEN AWARDED, SUBJECT TO SALE OF THE SAID REVENUE BONDS; AND

WHEREAS, SAID CHAPTER 284 OF THE ACTS OF 1967 REQUIRES THAT THE RATES AND CHARGES TO BE COLLECTED FOR THE USE OF AND THE SERVICE RENDERED BY SUCH SEWAGE WORKS BE FIXED BY ORDINANCE, FINALLY ADOPTED AFTER DUE NOTICE AND PUBLIC HEARING, AND AUTHORIZES THE COLLECTION OF RATES AND CHARGES WHEN THE CONSTRUCTION OF SUCH WORKS HAS BEEN COMMENCED; NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1. FOR THE USE OF AND THE SERVICE RENDERED BY SAID SEWAGE WORKS, RATES AND CHARGES SHALL BE COLLECTED FROM THE OWNERS OF EACH AND EVERY LOT, PARCEL OF READ ESTATE OR BUILDING THAT IS CONNECTED WITH THE TOWN'S SANITARY SEWER SYSTEM OR OTHERWISE DISCHARGES SANITARY SEWAGE, INDUSTRIAL WASTES, WATER OR OTHER LIQUIDS, EITHER DIRECTLY OR INDIRECTLY, INTO THE SANITARY SEWER SYSTEM OF THE TOWN, WHICH RATES AND CHARGES SHALL BE PAYABLE AS HEREINAFTER PROVIDED AND SHALL BE IN AN AMOUNT DETERMINABLE AS FOLLOWS:

(a) EXCEPT AS HEREIN OTHERWISE PROVIDED, SEWAGE RATES AND CHARGES SHALL BE BASED ON THE QUANTITY OF WATER USED ON OR IN THE PROPERTY OR PREMISES SUBJECT TO SUCH RATES AND CHARGES, AS THE SAME IS MEASURED BY THE WATER METER THERE IN USE.

[Editor's Note: Section 1.b (below) was amended by Ordinance #146 and later amended by Ordinance #243. Please refer to the latest sewage rates ordinance for the current fees.]

(b) THE WATER USAGE SCHEDULE ON WHICH THE AMOUNT OF SAID SEWAGE RATES AND

CHARGES SHALL BE DETERMINED SHALL BE AS FOLLOWS:

QUANTITY OF WATER USED PER MONTH		CHARGE PER 1,000 GALLONS
FIRST	5000 GALLONS	$3.51
NEXT	10000 GALLONS	2.11
NEXT	20000 GALLONS	1.76
NEXT	65000 GALLONS	1.29
ALL OVER	100000 GALLONS	.89

MINIMUM FOR 5/8" & 3/4" METERS, $7.02 PER MONTH; FOR 1" METERS $12.87 PER MONTH; FOR 1¼" METERS $16.97 PER FOR 1½" METERS $21.06 PER MONTH; FOR 2" METERS $28.08 PER MONTH AND FOR 4" METERS $56.16 PER MONTH.

SECTION 2. (a) THE QUANTITY OF WATER OBTAINED FROM SOURCES OTHER THAN THE MUNICIPAL WATERWORKS AND DISCHARGED INTO THE PUBLIC SANITARY SEWER SYSTEM MAY BE DETERMINED BY THE TOWN IN SUCH MANNER AS THE TOWN SHALL ELECT, AND THE SEWAGE TREATMENT SERVICE MAY BE BILLED AT THE ABOVE APPROPRIATE RATES.

(b) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGING SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, IS NOT A USER OF WATER SUPPLIED BY THE TOWN'S WATERWORKS AND THE WATER USED THEREON OR THEREIN IS NOT MEASURED BY A METER, OR IS MEASURED BY A METER NOT ACCEPTABLE TO THE TOWN, THEN THE AMOUNT OF WATER USED SHALL BE OTHERWISE MEASURED OR DETERMINED BY THE TOWN, IN ORDER TO ASCERTAIN THE RATES OF CHARGE, OR THE OWNER OR OTHER INTERESTED PARTY, AT HIS EXPENSE, MAY INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF THE SEWAGE DISCHARGE.

(c) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGING SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, IS A USER OF WATER SUPPLIED BY THE TOWN'S WATERWORKS, AND IN ADDITION USES WATER FROM ANOTHER SOURCE WHICH IS NOT MEASURED BY A WATER METER, OR IS MEASURED BY A WATER METER NOT ACCEPTABLE TO THE TOWN, THEN THE AMOUNT OF WATER USED SHALL BE OTHERWISE MEASURED OR DETERMINED BY THE TOWN IN ORDER TO ASCERTAIN THE RATES OF CHARGE, OR THE OWNER OR OTHER INTERESTED PARTY, AT HIS EXPENSE MAY INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETRIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF SEWAGE DISCHARGE.

(d) IN THE EVENT A LOT, PARCEL OF REAL ESTATE OR BUILDING DISCHARGES SANITARY SEWAGE, INDUSTRIAL WASTE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY

SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, AND USES WATER IN EXCESS OF 15,000 GALLONS PER MONTH, AND IT CAN BE SHOWN TO THE SATISFACTION OF THE TOWN THAT A PORTION OF WATER AS MEASURED BY THE WATER METER OR METERS DOES NOT AND CANNOT ENTER THE SANITARY SEWER SYSTEM, THEN THE OWNER OR OTHER INTERESTED PARTY SHALL INSTALL AND MAINTAIN METERS, WEIRS, VOLUMETRIC MEASURING DEVICES OR ANY ADEQUATE AND APPROVED METHOD OF MEASUREMENT ACCEPTABLE TO THE TOWN FOR THE DETERMINATION OF SEWAGE DISCHARGE.

(e) IN THE EVENT TWO (2) OR MORE RESIDENTIAL LOTS, PARCELS OF REAL ESTATE OR BUILDINGS DISCHARGING SANITARY SEWAGE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, ARE USERS OF WATER AND THE QUANTITY OF WATER IS MEASURED BY A SINGLE WATER METER, THEN IN EACH SUCH CASE, FOR BILLING PURPOSES, THE QUANTITY OF WATER USED SHALL BE AVERAGED FOR EACH USER AND THE MINIMUM CHARGE AND THE SEWAGE RATES AND CHARGES SHALL APPLY TO EACH OF THE NUMBER OF RESIDENTIAL LOTS, PARCELS OF REAL ESTATE OR BUILDINGS SERVED THROUGH THE SINGLE WATER METER.

(f) IN THE EVENT TWO (2) OR MORE DWELLING UNITS SUCH AS TRAILERS, APARTMENTS OR HOUSEKEEPING ROOMS DISCHARGING SANITARY SEWAGE, WATER OR OTHER LIQUIDS INTO THE TOWN'S SANITARY SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, ARE USERS OF WATER AND THE QUANTITY OF WATER IS MEASURED BY A SINGLE WATER METER, THEN IN SUCH CASE BILLING SHALL BE FOR A SINGLE SERVICE IN THE MANNER SET OUT ELSEWHERE HEREIN, EXCEPT THAT AN ADDITIONAL CHARGE SHALL BE ADDED THERETO IN THE AMOUNT OF ONE-HALF (1/2) OF THE MINIMUM CHARGE PER MONTH FOR EACH DWELLING UNIT OVER ONE (1) SERVED THROUGH THE SINGLE WATER METER. IN THE CASE OF TRAILER PARKS THE NUMBER OF DWELLING UNITS SHALL BE COMPUTED AND INTERPRETED AS THE TOTAL NUMBER OF TRAILERS LOCATED AND INSTALLED IN SAID PARK PLUS ANY OTHER DWELLING UNITS SERVED THROUGH THE METER. A DWELLING UNIT SHALL BE INTERPRETED AS A ROOM OR ROOMS OR ANY OTHER SPACE OR SPACES IN WHICH COOKING FACILITIES ARE PROVIDED.

Editor's Note: Section 2(g) was repealed by Ordinance 13-509, adopted 5/13/2013.

(h) WHERE A METERED WATER SUPPLY IS USED FOR FIRE PROTECTION AS WELL AS FOR OTHER USES, THE TOWN MAY, IN ITS DISCRETION, MAKE ADJUSTMENTS IN THE MINIMUM CHARGE AND IN THE USE CHARGE AS MAY BE EQUITABLE.

(i) FOR THE SERVICE RENDERED TO THE TOWN, THE TOWN SHALL BE SUBJECT TO THE SAME RATES AND CHARGES HEREINABOVE PROVIDED OR TO RATES AND CHARGES ESTABLISHED IN HARMONY THEREWITH.

SECTION 3. IN ORDER THAT THE RATES AND CHARGES MAY BE JUSTLY AND EQUITABLY ADJUSTED TO THE SERVICES RENDERED, THE TOWN SHALL HAVE THE RIGHT TO BASE ITS CHARGES NOT ONLY ON VOLUME BUT ALSO ON THE STRENGTH AND CHARACTER OF THE SEWAGE AND WASTE WHICH IT IS REQUIRED TO DISPOSE OF. THE TOWN SHALL HAVE THE RIGHT TO MEASURE AND DETERMINE THE STRENGTH AND CONTENT OF ALL SEWAGE AND WASTE DISCHARGED, EITHER DIRECTLY OR INDIRECTLY, INTO THE TOWN'S SANITARY SEWER SYSTEM IN SUCH MANNER AND BY SUCH METHOD AS MAY BE DEEMED

PRACTICAL IN THE LIGHT OF THE CONDITIONS AND ATTENDING CIRCUMSTANCES OF THE CASE IN ORDER TO DETERMINE THE PROPER CHARGE. ANY AND ALL COMMERCIAL AND INDUSTRIAL INSTALLATIONS SHALL BE SO CONTROLLED AND/OR TREATED AS TO THE SEWAGE STRENGTH THAT THEIR EFFLUENT DISCHARGE TO THE TOWN'S SEWERS SHALL HAVE A B.O.D. (BIOCHEMICAL OXYGEN DEMAND) NOT TO EXCEED 300 PARTS PER MILLION AND SUSPENDED SOLIDS NOT TO EXCEED 350 PARTS PER MILLION AT ANY TIME. THE BOARD OF TRUSTEES IS AUTHORIZED TO PROHIBIT THE DUMPING OF WASTES INTO THE TOWN'S SEWER SYSTEM WHICH, IN ITS DISCRETION, ARE DEEMED HARMFUL.

SECTION 4. THE TERMS "SANITARY SEWAGE" AND INDUSTRIAL WASTES" SHALL BE DEFINED AS FOLLOWS:

(a) "SANITARY SEWAGE" IS DEFINED AS THE WASTE FROM WATER CLOSETS, URINALS, LAVATORIES, SINKS, BATHTUBS, SHOWERS, HOUSEHOLD LAUNDRIES, BASEMENT DRAINS, GARAGE FLOOR DRAINS, BARS, SODA FOUNTAINS, CUSPIDORS, REFRIGERATOR DRIPS, DRINKING FOUNTAINS, STABLE FLOOR DRAINS, AND ALL OTHER WATER- CARRIED WASTES EXCEPT INDUSTRIAL WASTES.

(b) "INDUSTRIAL WASTES" ARE DEFINED AS BEING THE LIQUID WASTE OR LIQUID-BORNE WASTE RESULTING FROM ANY COMMERCIAL, MANUFACTURING OR INDUSTRIAL OPERATION OR PROCESS.

SECTION 5. THE RATES AND CHARGES SHALL BE PREPARED AND BILLED BY THE TOWN MONTHLY, AS THE TOWN MAY DEEM APPROPRIATE AND AS DETERMINED BY THE BYLAWS AND REGULATIONS OF THE TOWN AS HEREINAFTER PROVIDED FOR, AND SHALL BE COLLECTED IN THE MANNER PROVIDED BY LAW AND ORDINANCE. SAID RATES AND CHARGES WILL BE BILLED TO THE TENANTS OCCUPYING THE PROPERTY SERVED UNLESS OTHERWISE REQUESTED IN WRITING BY THE OWNERS, BUT SUCH BILLING SHALL IN NO WISE RELIEVE THE OWNER FROM LIABILITY IN THE EVENT PAYMENT IS NOT MADE AS HEREIN REQUIRED. THE OWNERS OF THE PROPERTIES SERVED, WHICH ARE OCCUPIED BY TENANTS, SHALL HAVE THE RIGHT TO EXAMINE THE COLLECTION RECORDS OF THE TOWN FOR THE PURPOSE OF DETERMINING WHETHER SUCH RATES AND CHARGES HAVE BEEN PAID BY SUCH TENANTS, PROVIDED THAT SUCH EXAMINATION SHALL BE MADE IN THE OFFICE IN WHICH SAID RECORDS ARE KEPT AND DURING THE HOURS THAT SUCH OFFICE IS OPEN FOR BUSINESS.

Editor's Note: Section 6 (below) is referenced in Ordinance #285 and Ordinance #289.

SECTION 6. THE TOWN SHALL MAKE AND ENFORCE SUCH BYLAWS AND REGULATIONS AS MAY BE DEEMED NECESSARY FOR THE SAFE, ECONOMIC AND EFFICIENT MANAGEMENT OF THE TOWN SEWER SYSTEM AND FOR THE CONSTRUCTION AND USE OF HOUSE SEWERS AND CONNECTIONS TO THE SEWER SYSTEM, AND FOR THE REGULATION, COLLECTION, REBATING AND REFUNDING OF RATES AND CHARGES.

SECTION 7. EXCEPT AS OTHERWISE PROVIDED, THE RATES AND CHARGES AS HEREIN SET FORTH SHALL BECOME EFFECTIVE ON THE DATE THAT SANITARY SEWERS OF THE SEWER SYSTEM ARE MADE AVAILABLE FOR CONNECTION TO ANY LOT, PARCEL OF REAL ESTATE OR BUILDING; BUT IN ANY EVENT, SAID RATES AND CHARGES SHALL BECOME EFFECTIVE

NO LATER JULY 1, 1972, IN ORDER THAT THE FIRST BILLING FOR SEWAGE SERVICE SHALL BE RENDERED NO LATTER THAN AUGUST 1, 1972.

SECTION 8. THE TOWN OF BATTLE GROUND IS HEREBY AUTHORIZED TO PROHIBIT DUMPING OF WASTES INTO THE TOWN'S SEWER SYSTEM WHICH, IN ITS DISCRETION, ARE HARMFUL TO THE OPERATION OF THE SEWAGE WORKS, OR TO REQUIRE METHODS EFFECTING PRETREATMENT OF SAID WASTES TO REDUCE THE CHARACTERISTICS OF THE WASTE SATISFACTORY TO THE TOWN.

SECTION 9. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND ON THE 26th DAY OF October , 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 2008- 463

AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN.

WHEREAS, the town retained a rate consultant to perform a study of sewage rates and charges; and

WHEREAS, said study has been presented to the Town Council and it has determined the current rates are not sufficient to fund operating expenses, working capital, debt service on outstanding bonds, and extensions and replacements;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THAT:

Section 1. Metered Rates and Charges. For the use of and the service rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Battle Ground. Such rates and charges shall be payable as hereinafter provided and shall be in the amount determinable as follows:

(a) Metered Water Users
Modified by Ordinance No. 12-498, adopted 5/21/2012.
+/- { *view archive* }

Previously modified by Ordinance No. 2009-471, adopted 10/13/2009.

(b) Unmetered Water Users:
Modified by Ordinance No. 12-498, adopted 5/21/2012.
+/- { *view archive* }

Previously modified by Ordinance No. 2009-471, adopted 10/13/2009.

Section 2. Summer Sprinkler Provision. In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the billing periods of June 15 through September 15, the billing for sewage service for residences and/or domestic users for said billing period of June 15 through September 15, shall be based on the water usage for the previous billing periods of December 15 through March 15. In the event the water usage for said previous billing periods of December 15 through March 15 is greater than the water usage for the said billing periods of June 15 through September 15, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

Should a residential user not have an average established for the billing periods of December 15 through March 15, that user's bill for the billing periods of June 15 through September 15 will be computed at

actual water consumption or 4,000 gallons, whichever is less.

The current minimum charge per month will also apply to this Section.

Final line amended by Ordinance No. 13-509, adopted 5/13/2013.

+/- { *view archive* }

Section 3. Non-Recuring Charges.

(a) Customer deposit

$60.00

(b) Reconnect charge

$20.00

Section 4. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become and void upon passage of this ordinance. Ordinance 386 is specifically repealed and replaced by this ordinance.

Section 5. This ordinance shall be in full force and effective upon passage. The new rates and charges shall then apply to all billing periods following the effective date of the new rates and charges.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 12 day of May , 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly, President

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

ATTEST:

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this _____day of _____, 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly, President

Brian Brewer

Becky Holladay

Karen Pearson

Carolyn Roth

ATTEST:

Phyllis Hall
Clerk/Treasurer

ORDINANCE NO. 12-498

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ESTABLISHING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS SYSTEM OF THE TOWN AND OTHER MATTERS ASSOCIATED THEREWITH

WHEREAS, the Town Council of the Town of Battle Ground, Indiana (the "Town") has previously acquired and constructed, and does now own and operate, a municipal sewage works system for the treatment of wastewater for the benefit of the residents of the Town (the "Sewage Works"); and

WHEREAS, the Town anticipates continued improvements and upgrading of the Sewage Works for the treatment of wastewater for the benefit of the residents of the Town; and

WHEREAS, the Town Council of the Town (the "Town Council") has previously adopted its Ordinance No. 2008-463, as amended by Ordinance No. 2009-471, adopted by the Town Council on October 13, 2009 (as so amended, the "Sewer Rate Ordinance"), establishing a schedule of rates and charges for the use of and services rendered by the Sewage Works; and

WHEREAS, the Town has caused a financial rate study of the Sewage Works and its rates and charges to be prepared by H.J. Umbaugh and Associates, Certified Public Accountants, LLP, and based upon the results of the study, the Town Council now determines that rates and charges for the use and services rendered by the Sewage Works should be revised to produce sufficient income to maintain the Sewage Works in a sound physical and financial condition to render adequate and sufficient service, and to finance certain improvements and extensions to the Sewage Works; and

WHEREAS, the Town Council now determines that proper notice has been duly given as required by Indiana Code 36-9-23-26, and that a public hearing on the proposed revised schedule of rates and charges was held on the 4th day of June, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AS FOLLOWS:

SECTION 1. Subject to Sections 2 and 3 of this Ordinance, Section 1, subsections (a) and (b), of Ordinance No. 2008-463 shall be replaced with the following:

Metered Water Users:

The sewage rates and charges shall be based on the meter size and on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter then in use. For the purpose of billing and

"(a) collecting the charges for sewage service, the water usage schedule on which the amount of said rates and charges shall be determined is as follows:

Quantity of Water Used Per Month	Monthly Rate Per 1,000 Gallons
First 5,000 gallons	$ 11.92
Next 10,000 gallons	7.16
Next 20,000 gallons	
Over 35,000 gallons	

5.97

4.51

Minimum Charge:

Meter Size	Gallons Allowed	Per Month
		$ 23.84
		43.70
		57.61
5/8 & 3/4 inch meter	2,000	71.53
1 inch meter	3,666	
1 1/4 inch meter	4,833	
1 1/2 inch meter	6,666	
2 inch meter	10,000	
4 inch meter	25,000	

95.40

190.90

"(b) Unmetered Water Users:

Residential Single Family

$ 39.34"
(Assuming 3,300 gallons per month)

SECTION 2. The foregoing revised rates and charges contained in Section 1 of this Ordinance shall become effective July 1, 2013.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and adoption. The new rates and charges shall then apply to all billing periods following the effective date of the new rates and charges. Except as hereby amended and revised, the Sewer Rate Ordinance shall remain in full force and effect.

* * * * *

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

21 day of

May , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer

ATTEST:

Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED. APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

June 4 day of

June , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

Ordinance No. 13-509

An Ordinance Clarifying the "Sprinkling Credit" of the Battle Ground Sewage Utility

WHEREAS, the Battle Ground Sewage Utility provides a Sprinkling Credit, as established by Ordinance No. 133 (10/26/1971) and modified by other ordinances, and

WHEREAS, this Sprinkling Credit has been revised and restated by several other ordinances and amendments, and

WHEREAS, repeal of these other ordinances and/or sections of ordinances can clarify the definition and terms of "Sprinkling Credit"

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana, that:

Section 1: Ordinance No. 133 (10/26/1971), Section 2(g), which originally defined the "Sprinkling Credit" is hereby amended to repeal and delete Section 2(g).

Section 2: Ordinance No. 289 (3/4/1991), which amended Ordinance No. 133, Section 2(g) to restate the "Sprinkling Credit" and reset the effective dates, is hereby repealed in its entirety.

Section 3: Ordinance No. 399 (4/8/2002), which provided "sewage discounts for special reasons" including tree watering and pool filling, is hereby repealed in its entirety.

Section 4: Ordinance No. 2008-463 (5/12/2008), Section 2, is hereby amended to change the last sentence of the section:

The current text:

"The minimum charge ($11.06) per month will also apply to this Section."

Shall be replaced with:

"The current minimum charge per month will also apply to this Section."

Section 5: This ordinance shall be in full force and effective upon passage and publication as required by Indiana Code.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

13th day of

May , 2013.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

10th day of

June , 2013.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

ORDINANCE NO. 134

AN ORDINANCE REGULATING THE CONNECTION TO AND 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 BATTLE GROUND, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA:

SECTION 1. UNLESS THE CONTEXT SPECIFICALLY INDICATES OTHERWISE, THE MEANING OF TERMS USED IN THIS ORDINANCE SHALL BE AS FOLLOWS:

(a) "SEWAGE WORKS" SHALL MEAN ALL FACILITIES FOR COLLECTING, PUMPING, TREATING, AND DISPOSING OF SEWAGE.

(b) "SUPERINTENDENT" SHALL MEAN THE SUPERINTENDENT OF THE MUNICIPAL SEWAGE WORKS OF THE TOWN OF BATTLE GROUND, 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 BUILDING SEWERS AND THEIR CONNECTION TO THE PUBLIC SEWER SYSTEM.

(d) "SEWAGE" SHALL MEAN A COMBINATION OF THE WATER- CARRIED WASTES FROM RESIDENCES, BUSINESS BUILDINGS, INSTITUTIONS, AND INDUSTRIAL ESTABLISHMENTS, TOGETHER WITH SUCH GROUND, SURFACE AND STORM WATERS AS MAY BE PRESENT.

(e) "SEWER" SHALL MEAN A PIPE OR CONDUIT FOR CARRYING SEWAGE.

(f) "PUBLIC SEWER" SHALL MEAN A SEWER IN WHICH ALL OWNERS OF ABUTTING PROPERTIES HAVE EQUAL RIGHTS, AND IS CONTROLLED BY PUBLIC AUTHORITY.

(g) "COMBINED SEWER" SHALL MEAN A SEWER RECEIVING BOTH SURFACE RUNOFF AND SEWAGE.

(h) "SANITARY SEWER" SHALL MEAN A SEWER WHICH CARRIES SEWAGE AND TO WHICH STORM, SURFACE, AND GROUNDWATERS ARE NOT INTENTIONALLY ADMITTED.

(i) "STORM DRAIN" (SOMETIMES TERMED "STORM SEWER") SHALL MEAN A SEWER WHICH CARRIES STORM AND SURFACE WATERS AND DRAINAGE, BUT EXCLUDES SEWAGE AND INDUSTRIAL WASTES, OTHER THAN UNPOLLUTED COOLING WATER.

(j) "SEWAGE TREATMENT PLANT" SHALL MEAN ANY ARRANGEMENT OF DEVICES AND STRUCTURES USED FOR TREATING SEWAGE.

(k) "INDUSTRIAL WASTES" SHALL MEAN THE LIQUID WASTES FROM INDUSTRIAL MANUFACTURING PROCESSES, TRADE, OR BUSINESS AS DISTINCT FROM SANITARY SEWAGE.

(l) " GARBAGE" SHALL MEAN SOLID WASTES FROM THE DOMESTIC AND COMMERCIAL PREPARATION, COOKING, AND DISPENSING OF FOOD, AND FROM THE HANDLING, STORAGE, AND SALE OF PRODUCE.

(m) "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.

(n) "SANITARY BUILDING DRAIN" SHALL MEAN THAT PART OF THE LOWEST HORIZONTAL PIPING OF THE SANITARY DRAINAGE SYSTEM INSIDE THE WALLS OF ANY BUILDING, WHICH RECEIVES THE DISCHARGE FROM SOIL OR WASTE STACKS AND BRANCHES AND CONVEYS THE SAME TO A POINT THREE (3) FEET OUTSIDE THE BUILDING WALLS WHERE IT CONNECTS WITH ITS RESPECTIVE BUILDING SEWER.

(o) " BUILDING SEWER" SHALL MEAN THE EXTENSION FROM THE BUILDING DRAIN TO THE PUBLIC SEWER OR OTHER PLACE OF DISPOSAL.

(p) "B.O.D. (DENOTING BIOCHEMICAL OXYGEN DEMAND) SHALL MEAN THE QUANTITY OF OXYGEN UTILIZED IN THE BIOCHEMICAL OXIDATION OF ORGANIC MATTER UNDER STANDARD LABORATORY PROCEDURE IN FIVE (5) DAYS AT 20° C, EXPRESSED IN MILLIGRAMS PER LITER.

(q) "pH" SHALL MEAN THE LOGARITHM OF THE RECIPROCAL OF THE WEIGHT OF HYDROGEN IONS IN GRAMS PER LITER OF SOLUTION.

(r) "SUSPENDED SOLIDS" SHALL MEAN SOLIDS THAT EITHER FLOAT ON THE SURFACE OF, OR ARE IN SUSPENSION IN WATER, SEWAGE, OR OTHER LIQUIDS, AND WHICH ARE REMOVABLE BY LABORATORY FILTERING.

(s) "NATURAL OUTLET" SHALL MEAN ANY OUTLET INTO A WATERCOURSE, POND, DITCH, LAKE, OR OTHER BODY OF SURFACE OR GROUNDWATER.

(t) "WATERCOURSE" SHALL MEAN A CHANNEL IN WHICH A FLOW OF WATER OCCURS, EITHER CONTINUOUSLY OR INTERMITTENTLY.

(u) "SLUG" SHALL MEAN ANY DISCHARGE OF WATER, SEWAGE, OR INDUSTRIAL WASTE 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.

(v) "PERSON" SHALL MEAN ANY INDIVIDUAL, FIRM, COMPANY, ASSOCIATION, SOCIETY,

CORPORATION, OR GROUP.

(w) "SHALL) IS MANDATORY; "MAY" IS PERMISSIVE.

SECTION 2.

(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 JURISDICITON 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 SEWAGE OR OTHER POLLUTED WATERS, EXCEPT WHERE SUITABLE TREATMENT HAS BEEN PROVIDED IN ACCORDANCE WITH SUBSEQUENT PROVISIONS OF THIS ORDINANCE.

(c) EXCEPT AS 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 SEWAGE.

(d) THE OWNER OF ALL HOUSES, BUILDINGS, OR PROPERTIES USED FOR HUMAN OCCUPANCY, EMPLOYMENT, RECREATION OR OTHER PURPOSES, SITUATED WITHIN THE TOWN AND ABUTTING ON ANY STREET, ALLEY OR RIGHT-OF-WAY IN WHICH THERE IS NOW LOCATED A PUBLIC SANITARY OR COMBINED SEWER OF THE TOWN, IS HEREBY REQUIRED AT HIS EXPENSE TO INSTALL SUITABLE TOILET FACILITIES THEREIN, AND TO CONNECT SUCH FACILITIES 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, PROVIDED THAT SAID PUBLIC SEWER IS WITHIN ONE HUNDRED (100) FEET OF THE PROPERTY LINE.

SECTION 3.

(a) WHERE A PUBLIC SANITARY OR COMBINED SEWER IS NOT AVAILABLE UNDER THE PROVISIONS OF SEC. 2 (d), THE BUILDING SEWER SHALL BE CONNECTED TO A PRIVATE SEWAGE DISPOSAL SYSTEM COMPLYING WITH THE PROVISIONS OF THIS SECTION.

(b) BEFORE COMMENCEMENT OF CONSTRUCTION OF A PRIVATE SEWAGE DISPOSAL SYSTEM THE OWNER SHALL FIRST OBTAIN A WRITTEN PERMIT SIGNED BY THE SUPERINTENDENT. THE APPLICATION FOR SUCH PERMIT SHALL BE MADE ON A FORM FURNISHED BY THE TOWN, WHICH THE APPLICANT SHALL SUPPLEMENT BY ANY PLANS, SPECIFICATIONS, AND OTHER INFORMATION AS ARE DEEMED NECESSARY BY THE SUPERINTENDENT. A PERMIT AND INSPECTION FEE OF TWENTY DOLLARS ($20.00) SHALL BE PAID TO THE TOWN AT THE TIME THE APPLICATION IS FILED.

(c) A PERMIT FOR A PRIVATE SEWAGE DISPOSAL SYSTEM SHALL NOT BECOME EFFECTIVE UNTIL THE INSTALLATION IS COMPLETED TO THE SATISFACTION OF THE SUPERINTENDENT. HE 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, AND BEFORE ANY UNDERGROUND PORTIONS ABE COVERED. THE INSPECTION SHALL BE MADE WITHIN NINETY-SIX (96) HOURS OF THE RECEIPT OF NOTICE BY THE SUPERINTENDENT.

(d) THE TYPE, CAPACITIES, LOCATION, AND LAYOUT OF A PRIVATE SEWAGE DISPOSAL SYSTEM SHALL COMPLY WITH ALL RECOMMENDATIONS OF THE STATE BOARD OF HEALTH OF THE STATE OF INDIANA. NO PERMIT SHALL BE ISSUED FOR ANY PRIVATE SEWAGE DISPOSAL SYSTEM EMPLOYING SUBSURFACE SOIL ABSORPTION FACILITIES WHERE THE AREA OF THE LOT IS LESS THAN TEN THOUSAND (10,000) SQUARE FEET. NO SEPTIC TANK OR CESSPOOL SHALL BE PERMITTED TO DISCHARGE TO ANY NATURAL OUTLET.

(e) AT SUCH TIME AS A PUBLIC SEWER BECOMES AVAILABLE TO A PROPERTY SERVED BY A PRIVATE SEWAGE DISPOSAL SYSTEM AS PROVIDED IN SEC. 3 (d), A DIRECT CONNECTION SHALL BE MADE TO THE PUBLIC SEWER IN COMPLIANCE WITH THIS ORDINANCE, AND ANY SEPTIC TANKS, CESSPOOLS AND SIMILAR PRIVATE SEWAGE DISPOSAL FACILITIES SHALL BE ABANDONED AND FILLED WITH SUITABLE MATERIAL.

(f) THE OWNER SHALL OPERATE AND MAINTAIN THE PRIVATE SEWAGE DISPOSAL FACILITIES IN A SANITARY MANNER AT ALL TIMES, AT NO EXPENSE TO THE TOWN.

(g) NO STATEMENT CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO INTERFERE WITH ANY ADDITIONAL REQUIREMENTS THAT MAY BE IMPOSED BY THE HEALTH OFFICER.

(h) WHEN A PUBLIC SEWER BECOMES AVAILABLE, THE BUILDING SEWER SHALL BE CONNECTED TO SAID SEWER WITHIN SIXTY (60) DAYS AND THE PRIVATE SEWAGE DISPOSAL SYSTEM SHALL BE CLEANED OF SLUDGE AND FILLED WITH CLEAN BANK-RUN GRAVEL OR DIRT.

SECTION 4.

(a) NO UNAUTHORIZED PERSON SHALL UNCOVER, MAKE ANY CONNECTIONS WITH OR OPENING INTO, USE, ALTER, OR DISTURB ANY PUBLIC SEWER OR APPURTENANCE THEREOF WITHOUT FIRST OBTAINING A WRITTEN PERMIT FROM THE CLERK-TREASURER.

(b) THERE SHALL BE TWO (2) CLASSES OF BUILDING SEWER PERMITS: (1) FOR RESIDENTIAL AND COMMERCIAL SERVICE, AND (2) FOR SERVICE TO ESTABLISHMENTS PRODUCING INDUSTRIAL WASTES. IN EITHER CASE, THE OWNER OR HIS AGENT SHALL MAKE APPLICATION ON A SPECIAL FORM FURNISHED BY THE SAID TOWN. THE PERMIT APPLICATION SHALL BE SUPPLEMENTED BY ANY PLANS, SPECIFICATIONS, OR OTHER INFORMATION CONSIDERED PERTINENT IN THE JUDGEMENT OF THE INSPECTOR. A PERMIT AND INSPECTION FEE OF FIVE DOLLARS ($5) FOR A RESIDENTIAL OR COMMERCIAL BUILDING SEWER PERMIT AND FIFTEEN DOLLARS ($15) FOR AN INDUSTRIAL BUILDING SEWER PERMIT SHALL BE PAID TO THE CLERK-TREASURER AT THE TIME THE APPLICATION IS FILED.

(c) ALL COSTS AND EXPENSES INCIDENT TO THE INSTALLATION AND CONNECTION OF

THE BUILDING SEWER SHALL BE BORNE BY THE OWNER. THE OWNER SHALL INDEMNIFY THE TOWN FROM ANY LOSS OR DAMAGE THAT MAY DIRECTLY OR IN DIRECTLY 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 BUILDING SEWER FROM THE FRONT BUILDING MAY BE EXTENDED TO THE REAR BUILDING AND THE WHOLE CONSIDERED AS ONE BUILDING SEWER.

(e) OLD BUILDING SEWERS MAY BE USED IN CONNECTION WITH NEW BUILDINGS ONLY WHEN THEY ARE FOUND, ON EXAMINATION AND TEST BY THE SAID INSPECTOR, TO MEET ALL REQUIREMENTS OF THIS ORDINANCE.

(f) 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 ALL CONFORM TO THE REQUIREMENTS OF THE BUILDING AND PLUMBING CODE OR OTHER APPLICABLE RULES AND REGULATIONS OF THE TOWN. IN THE ABSENCE OF CODE PROVISIONS OR IN AMPLIFICATION THEREOF, THE MATERIALS AND PROCEDURES SET FORTH IN APPROPRIATE SPECIFICATIONS OF THE A.S.T.M. AND W.P.C.F. MANUAL OF PRACTICE NO. 9 SHALL APPLY.

(g) WHENEVER POSSIBLE, THE BUILDING SEWER SHALL BE BROUGHT TO THE BUILDING AT AN ELEVATION BELOW THE BASEMENT FLOOR. IN ALL BUILDINGS IN WHICH ANY BUILDING DRAIN IS TOO LOW TO PERMIT GRAVITY FLOW TO THE PUBLIC SEWER, SANITARY SEWAGE CARRIED BY SUCH BUILDING DRAIN SHALL BE LIFTED BY AN APPROVED MEANS AND DISCHARGED TO THE BUILDING SEWER.

(h) NO PERSON SHALL MAKE CONNECTION OF ROOF DOWNSPOUTS, EXTERIOR FOUNDATION DRAINS, AREAWAY DRAINS, OR OTHER SOURCES OF SURFACE RUNOFF OR GROUNDWATER TO A BUILDING SEWER OR BUILDING DRAIN WHICH IN TURN IS CONNECTED DIRECTLY OR INDIRECTLY TO A PUBLIC SANITARY SEWER.

(i) 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 THE TOWN, OR THE PROCEDURES SET FORTH IN APPROPRIATE SPECIFICATIONS OF THE A.S.T.M. AND THE W.P.C.F. MANUAL OF PRACTICE NO. 9. ALL SUCH CONNECTIONS SHALL BE MADE GAS-TIGHT AND WATERTIGHT. ANY DEVIATION FROM THE PRESCRIBED PROCEDURES AND MATERIALS MUST BE APPROVED BY THE SUPERINTENDENT BEFORE INSTALLATION.

(j) THE APPLICANT FOR THE BUILDING SEWER PERMIT SHALL NOTIFY THE SAID INSPECTOR WHEN THE BUILDING SEWER IS READY FOR INSPECTION AND CONNECTION TO THE PUBLIC SEWER. THE CONNECTION SHALL BE MADE UNDER THE SUPERVISION OF THE SAID INSPECTOR OR HIS REPRESENTATIVE.

(k) 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 SAID TOWN.

SECTION 5.

(a) NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY STORMWATER, SURFACE WATER, GROUNDWATER, ROOF RUNOFF, SUB- SURFACE DRAINAGE, UNCONTAMINATED COOLING WATER, OR UNPOLLUTED INDUSTRIAL PROCESS WATERS TO ANY SANITARY SEWER.

(b) STORMWATER AND ALL OTHER UNPOLLUTED DRAINAGE SHALL BE DISCHARGED TO SUCH SEWERS AS ARE SPECIFICALLY DESIGNATED AS COMBINED SEWERS OR STORM SEWERS, OR TO A NATURAL OUTLET APPROVED BY THE SAID SUPERINTENDENT. INDUSTRIAL COOLING WATER OR UNPOLLUTED PROCESS WATERS MAY BE DISCHARGED, ON APPROVAL OF THE SAID SUPERINTENDENT TO A STORM SEWER, COMBINED 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 QUANTITY, EITHER SINGLY OR BY INTERACTION WITH OTHER WASTES, TO INJURE OR INTERFERE WITH ANY SEWAGE TREATMENT PROCESS, CONSTITUTE A HAZARD TO HUMANS OR ANIMALS, CREATE A PUBLIC NUISANCE, OR CREATE ANY HAZARD IN THE RECEIVING WATERS OF THE SEWAGE TREATMENT PLANT.

(3) ANY WATERS OR WASTES HAVING A pH LOWER THAN 5.5, OR HAVING ANY OTHER CORROSIVE PROPERTY CAPABLE OF CAUSING DAMAGE OR HAZARD TO STRUCTURES, EQUIPMENT, AND PERSONNEL OF THE SEWAGE WORKS.

(4) SOLID OR VISCOUS SUBSTANCES IN QUANTITIES OR OF SUCH SIZE CAPABLE OF CAUSING OBSTRUCTION TO THE FLOW IN SEWERS, OR OTHER INTERFERENCE WITH THE PROPER OPERATION OF THE SEWAGE 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 IF IT APPEARS LIKELY IN THE OPINION OF THE SUPERINTENDENT THAT SUCH WASTES CAN HARM EITHER THE SEWERS, SEWAGE TREATMENT PROCESS, OR EQUIPMENT, HAVE AN ADVERSE EFFECT ON THE

RECEIVING STREAM, OR CAN OTHERWISE ENDANGER LIFE, LIMB, PUBLIC PROPERTY, OR CONSTITUTE A NUISANCE. 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 SEWAGE TREATMENT PROCESS, CAPACITY OF THE SEWAGE TREATMENT PLANT, DEGREE OF TREATABILITY OF WASTES IN THE SEWAGE TREATMENT PLANT, AND OTHER PERTINENT FACTORS. THE SUBSTANCES PROHIBITED ARE:

(1) ANY LIQUID OR VAPOR HAVING A TEMPERATURE HIGHER THAN ONE HUNDRED FIFTY DEGREES (150°) F (65° C).

(2) ANY WATER OR WASTE CONTAINING FATS, WAX, GREASE, OR OILS, WHETHER EMULSIFIED OR NOT, IN EXCESS OF ONE HUNDRED (100) mg/l OR CONTAINING SUBSTANCES WHICH MAY SOLIDIFY OR BECOME VISCOUS AT TEMPERATURES BETWEEN THIRTY-TWO DEGREES (32°) AND ONE HUNDRED FIFTY DEGREES (150°) F (0 AND 65°C).

(3) ANY GARBAGE THAT HAS NOT BEEN PROPERLY SHREDDED. THE INSTALLATION AND OPERATION OF ANY GARBAGE GRINDER EQUIPPED WITH A MOTOR OF THREE-FOURTHS (3/4) HORSEPOWER (0.76 HP METRIC) OR GREATER SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUPERINTENDENT.

(4) ANY WATERS OR WASTES CONTAINING STRONG ACID IRON PICKLING WASTES, OR CONCENTRATED PLATING SOLUTIONS WHETHER NEUTRALIZED OR NOT.

(5) ANY WATERS OR WASTES CONTAINING IRON, CHROMIUM, COPPER, ZINC, AND SIMILAR OBJECTIONABLE OR TOXIC SUBSTANCES; OR WASTES EXERTING AN EXCESSIVE CHLORINE REQUIREMENT, TO SUCH DEGREE THAN ANY SUCH MATERIAL RECEIVED IN THE COMPOSITE SEWAGE AT THE SEWAGE 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 AS NECESSARY, AFTER TREATMENT OF THE COMPOSITE SEWAGE, TO MEET THE REQUIREMENTS OF THE STATE, FEDERAL, OR OTHER PUBLIC AGENCIES OF JURISDICTION FOR SUCH DISCHARGE TO THE RECEIVING WATERS.

(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) ANY WATERS OR WASTES HAVING A pH IN EXCESS OF 9.5.

(9) MATERIALS WHICH EXERT OR CAUSE:

(i) UNUSUAL CONCENTRATIONS OF INERT, SUSPENDED SOLIDS (SUCH AS, BUT NOT LIMITED TO, FULLERS EARTH, LIME SLURRIES, AND LIME RESIDUES) OR OF DISSOLVED SOLIDS (SUCH AS, BUT NOT LIMITED TO, SODIUM CHLORIDE AND SODIUM SULFATE).

(ii) EXCESSIVE DISCOLORATION (SUCH AS, BUT NOT LIMITED TO, DYE WASTES AND VEGETABLE TANNING SOLUTIONS).

(iii) UNUSUAL B.O.D., CHEMICAL OXYGEN DEMAND, OR CHLORINE REQUIREMENTS IN SUCH QUANTITIES AS TO CONSTITUTE A SIGNIFICANT LOAD ON THE SEWAGE TREATMENT WORKS.

(iv) UNUSUAL VOLUME OF FLOW OR CONCENTRATION OF WASTES CONSTITUTING "SLUGS" AS DEFINED HEREIN.

(10) WATERS OR WASTES CONTAINING SUBSTANCES WHICH ARE NOT AMENABLE TO TREATMENT OR REDUCTION BY THE SEWAGE TREATMENT PROCESSES EMPLOYED, OR ARE AMENABLE TO TREATMENT ONLY TO SUCH DEGREE THAT THE SEWAGE TREATMENT PLANT EFFLUENT CANNOT MEET THE REQUIREMENTS OF OTHER AGENCIES HAVING JURISDICTION OVER DISCHARGE TO THE RECEIVING WATERS.

(e) IF ANY WATERS OR WASTES ARE DISCHARGED, OR ARE PROPOSED TO BE DISCHARGED, TO THE PUBLIC SEWERS, WHICH WATERS CONTAIN THE SUBSTANCES OR POSSESS THE CHARACTERISTICS ENUMERATED IN SEC. 5 (d) OF THIS SECTION, AND WHICH IN THE JUDGMENT OF THE SUPERINTENDENT MAY HAVE A DELETERIOUS EFFECT UPON THE SEWAGE WORKS, PROCESSES, EQUIPMENT, OR RECEIVING WATERS, OR WHICH OTHERWISE CREATE A HAZARD TO LIFE OR CONSTITUTES A PUBLIC NUISANCE, THE SUPERINTENDENT MAY:

(1) REJECT THE WASTES;

(2) REQUIRE PRETREATMENT TO AN ACCEPTABLE CONDITION FOR DISCHARGE TO THE PUBLIC SEWERS;

(3) REQUIRE CONTROL OVER THE QUANTITIES AND RATES OF DISCHARGE; AND/OR

(4) REQUIRE PAYMENT TO COVER THE ADDED COST OF HANDLING AND TREATING THE WASTES NOT COVERED BY EXISTING TAXES OR SEWER CHARGES UNDER THE PROVISIONS OF SEC. 5 (j) OF THIS SECTION. 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 CODES, ORDINANCES, AND LAWS.

(f) GREASE, OIL, AND SAND INTERCEPTORS SHALL BE PROVIDED WHEN, IN THE OPINION OF THE SAID INSPECTOR, THEY ARE NECESSARY FOR THE PROPER HANDLING OF LIQUID WASTES CONTAINING GREASE IN EXCESSIVE AMOUNTS, OR ANY FLAMMABLE WASTES, SAND, OR OTHER HARMFUL INGREDIENTS; EXCEPT THAT SUCH INTERCEPTORS SHALL NOT BE REQUIRED FOR PRIVATE LIVING QUARTERS OR DWELLING UNITS. 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.

(g) WHERE PRELIMINARY TREATMENT 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 SERVICED BY A BUILDING SEWER CARRYING INDUSTRIAL WASTES SHALL INSTALL A SUITABLE CONTROL MANHOLE TOGETHER WITH SUCH NECESSARY METERS AND OTHER APPURTENANCES IN THE BUILDING SEWER TO FACILITATE OBSERVATION, SAMPLING, AND MEASUREMENT OF THE WASTES. SUCH MANHOLE, WHEN REQUIRED, SHALL BE ACCESSIBLY AND SAFELY LOCATED, AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH PLANS APPROVED BY THE SUPERINTENDENT. THE MANHOLE 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) ALL MEASUREMENTS, TESTS, AND ANALYSES OF THE CHARACTERISTICS OF WATERS AND WASTES TO WHICH REFERENCE IS MADE IN THIS ORDINANCE SHALL BE DETERMINED IN ACCORDANCE WITH THE LATEST EDITION OF "STANDARD METHODS FOR THE EXAMINATION OF WATER AND WASTEWATER", PUBLISHED BY THE AMERICAN PUBLIC HEALTH ASSOCIATION, AND SHALL BE DETERMINED AT THE CONTROL MANHOLE PROVIDED, OR UPON SUITABLE SAMPLES TAKEN AT SAID CONTROL MANHOLE. IN THE EVENT THAT NO SPECIAL MANHOLE HAS BEEN REQUIRED, THE CONTROL MANHOLE SHALL BE CONSIDERED TO BE THE NEAREST DOWNSTREAM MANHOLE IN THE PUBLIC SEWER TO THE POINT AT WHICH THE BUILDING SEWER IS CONNECTED. SAMPLING SHALL BE CARRIED OUT BY CUSTOMARILY ACCEPTED METHODS TO REFLECT THE EFFECT OF CONSTITUENTS UPON THE SEWAGE WORKS AND TO DETERMINE THE EXISTENCE OF HAZARDS TO LIFE, LIMB, AND PROPERTY. (THE PARTICULAR ANALYSES INVOLVED WILL DETERMINE WHETHER A TWENTY- FOUR (24) HOUR COMPOSITE OF ALL OUTFALLS OF A PREMISE IS APPROPRIATE OR WHETHER A GRAB SAMPLE OR SAMPLES SHOULD BE TAKEN. NORMALLY, BUT NOT ALWAYS, B.O.D. AND SUSPENDED SOLIDS ANALYSES ARE OBTAINED FROM TWENTY-FOUR (24) HOUR COMPOSITES OF ALL OUTFALLS WHEREAS pH'S ARE DETERMINED FROM PERIODIC GRAB SAMPLES.)

(j) NO STATEMENT CONTAINED IN THIS SECTION 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. SECTION 6. NO UNAUTHORIZED PERSON SHALL MALICIOUSLY, WILLFULLY OR NEGLIGENTLY BREAK, DAMAGE, DESTROY, UNCOVER, DEFACE, TAMPER WITH ANY STRUCTURE, APPURTENANCE, OR EQUIPMENT WHICH IS A PART OF THE MUNICIPAL SEWAGE WORKS. ANY PERSON VIOLATING THIS PROVISION SHALL BE SUBJECT TO IMMEDIATE ARREST UNDER CHARGE OF DISORDERLY CONDUCT.

SECTION 7.

(a) THE SUPERINTENDENT, INSPECTOR, AND OTHER DULY AUTHORIZED EMPLOYEES OF THE TOWN BEARING PROPER CREDENTIALS AND IDENTIFICATION SHALL BE PERMITTED

TO ENTER ALL PROPERTIES FOR THE PURPOSES OF INSPECTION, OBSERVATION, MEASUREMENT, SAMPLING, AND TESTING IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE. THE SUPERINTENDENT OR HIS REPRESENTATIVES SHALL HAVE NO AUTHORITY TO INQUIRE INTO ANY PROCESSES INCLUDING METALLURGICAL, CHEMICAL, OIL, REFINING, CERAMIC, PAPER, OR OTHER INDUSTRIES BEYOND THAT POINT HAVING A DIRECT BEARING ON THE KIND AND SOURCE OF DISCHARGE TO THE SEWERS OR WATERWAYS OR FACILITIES FOR WASTE TREATMENT.

(b) WHILE PERFORMING THE NECESSARY WORK ON PRIVATE PROPERTIES REFERRED TO IN SEC. 7 (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 SEC. 5 (h).

(c) THE SUPERINTENDENT AND OTHER DULY AUTHORIZED EMPLOYEES OF THE TOWN BEARING PROPER CREDENTIALS AND IDENTIFICATION SHALL BE PERMITTED TO ENTER ALL PRIVATE PROPERTIES THROUGH WHICH THE TOWN HOLDS A DULY NEGOTIATED EASEMENT FOR THE PURPOSES OF, BUT NOT LIMITED TO, INSPECTION, OBSERVATION, MEASUREMENT, SAMPLING, REPAIR, AND MAINTENANCE OF ANY PORTION OF THE SEWAGE WORKS LYING WITHIN SAID EASEMENT. ALL ENTRY AND SUBSEQUENT WORK, IF ANY, ON SAID EASEMENT, SHALL BE DONE IN FULL ACCORDANCE WITH THE TERMS OF THE DULY NEGOTIATED EASEMENT PERTAINING TO THE PRIVATE PROPERTY INVOLVED.

SECTION 8.

(a) ANY PERSON FOUND TO BE VIOLATING ANY PROVISION OF THIS ORDINANCE EXCEPT SEC. 6 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 THEREOF. THE OFFENDER SHALL, WITHIN THE PERIOD OF TIME STATED IN SUCH NOTICE, PERMANENTLY CEASE ALL VIOLATIONS.

(b) ANY PERSON WHO SHALL CONTINUE ANY VIOLATION BEYOND THE TIME LIMIT PROVIDED FOR IN SEC. 8 (a) SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION THEREOF SHALL BE FINED IN AN AMOUNT NOT EXCEEDING FIVE HUNDRED DOLLARS ($500) FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

(Amended by Ordinance 2014-533, adopted 11/3/2014.)

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(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.

SECTION 9. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED. 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.

SECTION 10. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, RECORDING, AND PUBLICATION AS PROVIDED BY LAW.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THE 26th DAY OF October , 1971.

Robert E. Smith
BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

Mrs. Anne Herr
TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 136

AN ORDINANCE TO AMEND SECTION 4 OF AN ORDINANCE

ENTITLED "ORDINANCE NO. 132, AN ORDINANCE

CONCERNING THE CONSTRUCTION AND OPERATION BY THE

TOWN OF BATTLE GROUND, INDIANA, OF SEWAGE WORKS,

THE ISSUANCE OF THE REVENUE BONDS TO APPLY ON THE

COST THEREOF, THE COLLECTION, SEGREGATION AND

DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE

SAFEGUARDING OF THE INTERESTS OF THE HOLDERS OF

SAID BONDS , AND OTHER MATTERS CONNECTED HEREWITH".

WHEREAS, THE BOARD OF TRUSTEES HAS HERETOFORE ON THE 4Th DAY OF OCTOBER, 1971, ADOPTED ORDINANCE NO. 132 AUTHORIZING THE

ISSUANCE OF REVENUE BONDS TO FINANCE THE COST OF SEWAGE WORKS

FOR THE TOWN; AND,

WHEREAS, THE UNITED STATES OF AMERICA, ACTING THROUGH THE

FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF

AGRICULTURE, UNDER THE CONSOLIDATED FARMERS HOME ADMINISTRATION

ACT OF 1961, AS AMENDED, SUBMITTED ITS BID TO PURCHASE THE

REVENUE BONDS IN THE TOTAL AMOUNT OF THREE HUNDRED NINETY FIVE

THOUSAND DOLLARS, ($395,000.00), THE LOAN TO BE EVIDENCED BY TWO

BONDS IN THE AMOUNTS OF THREE HUNDRED THOUSAND DOLLARS

($3OO,OOO.OO), AND NINETY-FIVE THOUSAND DOLLARS ($95,000.00), AND,

WHEREAS, THE BOARD NOW FINDS THAT IT WOULD BE DESIREABLE TO

AMEND SAID ORDINANCE ACCORDINGLY; NOW THEREFORE, BE IT ORDAINED

BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA: SEC. 1. THAT SEC. 4 OF ORDINANCE NO. 132, ENTITLED "AN

ORDINANCE CONCERNING THE CONSTRUCTION AND OPERATION BY THE TOWN

OF BATTLE GROUND, INDIANA, OF SEWAGE WORKS, THE ISSUANCE OF THE

REVENUE BONDS TO APPLY ON THE COSTS THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE

SAFEGUARDING OF THE INTERESTS OF THE HOLDERS OF SAID BONDS, AND

OTHER MATTERS CONNECTED THEREWITH", ADOPTED OCTOBER 4, 1971, BE

AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

SEC. 4. NOTWITHSTANDING THE PROVISIONS OF SECTION 3

HEREOF, AT THE OPTION OF THE ORIGINAL PURCHASER OF THE BONDS, FULLY REGISTERED BONDS WITHOUT COUPONS, DATED AS OF THE DATE OR

DATES OF DELIVERY SHALL BE ISSUED IN LIEU OF COUPON BONDS IN THE

DENOMINATION OF THREE HUNDRED THOUSAND DOLLARS ($300,000.00) AND

NINETY-FIVE THOUSAND DOLLARS ($95,000.00). THE PRINCIPAL OF SAID

BONDS SHALL MATURE ON JANUARY 1 IN THE YEARS AND AMOUNTS AS

FOLLOWS:

BOND R-1

$300,000.

PAYMENTS FOR YEAR	TOTAL PRINCIPAL TO BE REPAID IN EACH YEAR	TOTAL PRINCIPAL PAID
1974	$ 2,000	$ 2,000
1975 - 1979	3,000	15,000
1980 - 1983	4,000	16,000
1984 - 1988	5,000	25,000
1989 - 1992	6,000	24,000
1993 - 1996	9,000	32,000
1997 - 1999	9,000	27,000
2000 - 2001	10,000	20,000
2002 - 2005	12,000	48,000
2006 - 2007	14,000	28,000
2008 - 2009	15,000	30,000
2010	16,000	16,000

2011	17,000	17,000
		$300,000

BOND R-2
$95,000.

PAYMENTS FOR YEAR	TOTAL PRINCIPAL TO BE REPAID IN EACH YEAR	TOTAL PRINCIPAL PAID
1974 - 1981	$ 1,000	$ 8,000
1982 - 1995	2,000	28,000
1996 - 2003	3,000	24,000
2004 - 2008	4,000	20,000
2009 - 2011	5,000	15,000
		$95,000

ANY FULLY REGISTERED BONDS SHALL BE NUMBERED CONSECUTIVELY FROM R-1 UP. INTEREST ON UNPAID INSTALLMENTS OF PRINCIPAL OF FULLY REGISTERED BONDS SHALL BE PAYABLE ANNUALLY ON THE FIRST DAY OF JANUARY IN EACH YEAR UNTIL THE PRINCIPAL AMOUNT THEREOF HAS BEEN PAID. BOTH PRINCIPAL AND INTEREST SHALL BE PAYABLE TO THE HOLDER APPEARING AS REGISTERED OWNER THEREOF ON SAID BOND AND ON THE REGISTRATION RECORD OF THE TOWN, BY CHECK OR DRAFT, MAILED OR DELIVERED TO SUCH REGISTERED OWNER AT THE ADDRESS AS IT APPEARS ON THE REGISTRATION BOOKS OF ThE TOWN UNLESS OTHERWISE DIRECTED IN WRITING BY THE REGISTERED OWNER; PROVIDED, THAT AT THE TIME OF FINAL PAYMENT, SAID FULLY REGISTERED BOND OR BONDS MUST BE DELIVERED TO THE TOWN. THE PARTY IN WHOSE NAME SAID BONDS SHALL BE REGISTERED SHALL BE DEEMED THE ABSOLUTE OWNER FOR ALL PURPOSES AND PAYMENTS TO SUCH OWNER SHALL COMPLETELY DISCHARGE THE TOWN'S OBLIGATIONS.

FULLY REGISTERED BONDS MAY BE TRANSFERRED UPON PROPER

EXECUTION OF AN ASSIGNMENT BY THE REGISTERED OWNER AND PRESENTATION OF THE BOND AND THE EXECUTED ASSIGNMENT TO THE CLERK-TREASURER OF THE TOWN FOR NOTATION OF THE TRANSFER UPON THE BOND AND UPON THE REGISTRATION RECORD OF THE TOWN.

ANY PREPAYMENTS OF INSTALLMENTS OF PRINCIPAL SHALL ALSO BE NOTED ON THE PREPAYMENT RECORD ATTACHED TO SUCH BONDS WHEN PRESENTED FOR SUCH PREPAYMENTS AS HEREINAFTER PROVIDED.

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.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 6TH DAY OF DECEMBER, 1971.

BOARD PRESIDENT

Floyd G Mitchell
TRUSTEE

TRUSTEE

TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE # 262

TOWN OF BATTLE GROUND, INDIANA AN ORDINANCE REGULATING BELOW-GRADE SEWER CONNECTIONS

SECTION 1: Be it ordained by the Board of Trustees of the Town of Battle Ground, Indiana , That any sewage connection which is connected to the Battle Ground Town sewage system which as a below-grade opening, becomes the responsibility of the property owner to provide a back water protection device.

SECTION 2: In the event that a property owner with a new or existing below-grade sewer connection does not provide a back water protection device and damage occurs, the property owner is responsible for any damage resulting therefrom.

SECTION 3: Definition - A below-grade sewage connection for the purpose of this ordinance is defined as a connection which has an opening lower than street grade.

This ordinance shall be in full force and effect after its adoption by the Board of Trustees of the Town of Battle Ground and advertised and published according to law.

Passed on this the 6th day of February, 1989.

_____

_____

_____

_____

_____

ATTEST:

_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE 2014-533

AMENDS ORDINANCE NO. 134 TO ADJUST PENALTIES FOR VIOLATIONS OF THE SEWER USE ORDINANCE

WHEREAS, the Town Battle Ground, Indiana, adopted Ordinance No. 134 on October 26, 1971, to provide Regulations for the Use and Connection to the Public Sewer System as operated by the Town of Battle Ground; and **WHEREAS,** Section 8(b) of Ordinance No. 134 provides as follows: (b) ANY PERSON WHO SHALL CONTINUE ANY VIOLATION BEYOND THE TIME LIMIT PROVIDED FOR IN SEC. 8 (a) SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION THEREOF SHALL BE FINED IN AN AMOUNT NOT EXCEEDING TEN DOLLARS ($10) FOR EACH VIOLATION. EACH DAY IN WHICH ANY SUCH VIOLATION SHALL CONTINUE SHALL BE DEEMED A SEPARATE OFFENSE.

WHEREAS, the fine amount is no longer appropriate as a deterrent to violators, **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:** Section 8(b) of Ordinance No. 134 shall be amended by the removal of the words "NOT EXCEEDING TEN DOLLARS ($10)" and replacing the phrase with "NOT EXCEEDING FIVE HUNDRED DOLLARS ($500)".

This ordinance shall be effective upon passage by the Battle Ground Town Council.

INTRODUCED ON FIRST READING ON THE 3 DAY OF November , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 11/3/2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

INTRODUCED FOR SECOND READING ON THE 8 DAY OF December , 2014.

APPROVED:

TOWN OF BATTLE GROUND

Steve Egly
Steve Egly, President

Joe Bird
Mike Bird, Member

DATE: 12-8-2014

Brian Brewer
Brian Brewer, Member

Becky Holladay
Becky Holladay, Member

Karen Pearson
Karen Pearson, Member

Attest:

Phyllis Hall
Phyllis Hall, Clerk

ORDINANCE NO 285

AMENDMENT TO ORDINANCE NO 131

WHEREAS, ORDINANCE NO 133 ENTITLED AN ORDINANCE AMENDING Ordinance NO. 131 fixing the connection charges to Battle Ground Sewage System, from the owners of property served by the sewage works of said Town and other matters connected therewith was adopted by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana on the 13th day of September, 1971 and

WHEREAS, the Board of Trustees of the Town of Battle Ground, Indiana passed Ordinance No. 133 on October 26, 1971; and

WHEREAS, Section 6 of Ordinance NO. 133 provides that the Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the town sewer system and for the construction and use of house sewers and connectors to the sewer system and for the regulation, collection, rebating and refunding of rates and charges;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

ORDINANCE NO. 131 SHALL BE AMENDED AND REVISED AS FOLLOWS:

Section 1. Section 4 shall read as follows:

Sewage tap-on fees for all new construction of single family residential units shall be assessed at the rate of $1,500.00 for each single family residential unit. Should the actual installation costs of any connection exceed $1,500.00, the owner shall reimburse the Town any amount in excess of $1,500.00.

(Amended by Ordinance # 305, adopted 1/4/1993.)

+/- { *view archive* }

Section 2: Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

ALL OF WHICH IS ADOPTED THIS 1st day of October , 1990.

_____

Presiding Officer, Jean McGroarty

_____

Shirley Shelton

_____

Carl Horner

_____

Bob England

ATTEST:

_____

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 305

AMENDMENT TO ORDINANCES 285, 131, and 133

WHEREAS, on the first day of October, 1990, the Board of Trustees of the Town of Battle Ground adopted Ordinance No. 285 which was an amendment to Ordinance No. 131, regarding connection charges to the Battle Ground sewage system, and

WHEREAS, on October 26, 1971, the Board of Trustees of the Town of Battle Ground adopted Ordinance No. 133, which in Section 6 provides that the Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the Town sewer system, and for the construction and use of house sewers and connectors to the sewage system, and for the regulation, collection, rebating and refunding of rates and charges;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

ORDINANCES NOS. 285, 131 and 133 SHALL BE AMENDED AND REVISED AS FOLLOWS:

SECTION 1. Section 1 of Ordinance No. 285 and Section 4 of Ordinance 131 shall read as follows: Sewage tap-on fees for all new construction of single family residential units shall be assessed at the rate of $1,500.00 for each single family residential unit. Should the actual installation costs of any connection exceed $1,500.00, the owner shall reimburse the Town any amount in excess of $1,500.00.

Any and all ordinances or parts of ordinances in conflict with this ordinance shall become NULL AND VOID upon passage of this ordinance. In all other respects, Ordinances Nos. 131 and 133 to remain in full force and effect. ALL OF WHICH IS ADOPTED THIS 4th DAY OF January , 1993.

Donald D. McKee
Donald McKee

Selma Patterson

Stanley Cunningham
Stanley Cunningham

David L. Ferringer
David Ferringer

Steven Egly
Steven Egly

ATTEST:

Geraldine Berghoff

Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. 132

[Editor's Note: See also Ordinance #255.]

AN ORDINANCE CONCERNING THE CONSTRUCTION AND OPERATION BY THE TOWN OF BATTLE GROUND, INDIANA, OF SEWAGE WORKS, THE ISSUANCE OF THE REVENUE BONDS TO APPLY ON THE COST THEREOF, THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SAID WORKS, THE SAFEGUARDING OF THE INTERESTS OF THE HOLDERS OF SAID BONDS, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND HAS HERETOFORE APPROVED PLANS, SPECIFICATIONS AND ESTIMATES AND NOW DETERMINES TO ESTABLISH, CONSTRUCT, EQUIP, OWN, OPERATE AND MAINTAIN THE SEWAGE WORKS PROVIDED FOR THEREIN, UNDER AND PURSUANT TO CHAPTER 5, ARTICLE 2, TITLE 19, OF THE INDIANA CODE OF 1971 (HEREINAFTER CALLED THE "ACT") AND ALL LAWS SUPPLEMENTAL THERETO, AND TO FINANCE THE COST OF SUCH WORKS TO BE BORNE BY THE TOWN BY THE ISSUANCE OF REVENUE BONDS UNDER THE PROVISIONS OF SAID ACT; AND

WHEREAS, THE PLANS, SPECIFICATIONS AND ESTIMATES PREPARED BY THE ENGINEER EMPLOYED BY THE TOWN FOR THE SEWAGE WORKS HAVE BEEN SUBMITTED TO ALL GOVERNMENTAL AUTHORITIES HAVING JURISDICTION, PARTICULARLY THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA AND THE STATE BOARD OF HEALTH, AND HAVE BEEN APPROVED BY THE AFORESAID GOVERNMENTAL AUTHORITIES; AND

WHEREAS, THE TOWN FINDS THAT BIDS FOR THE CONSTRUCTION OF SAID WORKS HAVE BEEN RECEIVED; THAT SAID BIDS ARE SUBJECT TO THE TOWN'S DETERMINATION TO CONSTRUCT SAID WORKS AND SUBJECT TO THE TOWN'S OBTAINING FUNDS TO PAY FOR SAID WORKS; THAT ON THE BASIS OF SAID BIDS THE COST OF SAID WORKS, AS DEFINED IN SECTION 1 OF THE ACT, INCLUDING TEN THOUSAND ($10,000.00) DOLLARS CAPITALIZED INTEREST AND AS ESTIMATED BY THE ENGINEER, WILL BE IN THE AMOUNT OF SEVEN HUNDRED SEVENTY SIX THOUSAND NINE HUNDRED ($776,900.00) DOLLARS; AND

WHEREAS THE TOWN HAS RECEIVED A FEDERAL GRANT IN THE AMOUNT OF TWO HUNDRED FIFTY FOUR THOUSAND SIX HUNDRED ($254,600.00) DOLLARS AND A STATE GRANT IN THE AMOUNT OF ONE HUNDRED TWENTY SEVEN THOUSAND THREE HUNDRED ($127,300.00) DOLLARS FOR APPLICATION ON THE COST OF THE PROJECT, LEAVING A BALANCE OF THREE HUNDRED NINETY FIVE THOUSAND ($395,000.00) DOLLARS OF SAID COST TO BE FINANCED BY THE ISSUANCE OF SEWAGE WORKS REVENUE BONDS OF THE TOWN; AND

WHEREAS, ALL CONDITIONS PRECEDENT TO THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SAID REVENUE BONDS TO APPLY ON THE COST OF SUCH WORKS HAVE BEEN COMPLIED WITH IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNING STATUTE; NOW THEREFORE,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA:

SECTION 1. THAT THE TOWN OF BATTLE GROUND ESTABLISH, CONSTRUCT, EQUIP, OWN, OPERATE AND MAINTAIN SEWAGE WORKS, TOGETHER WITH SUCH EQUIPMENT AND APPURTENANCES AS MAY BE NECESSARY OR USEFUL AND CONVENIENT FOR THE COLLECTION, TREATMENT, PURIFICATION AND DISPOSAL IN A SANITARY MANNER OF THE SEWAGE AND INDUSTRIAL WASTES OF SAID TOWN, INCLUDING THE NECESSARY LANDS, RIGHTS-OF-WAY, OR OTHER PROPERTY THEREFOR WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE TOWN, UNDER AND PURSUANT TO THE ACT, AND ALL ACTS SUPPLEMENTAL THERETO. THE TERMS "SEWAGE TREATMENT WORKS," "WORKS," AND OTHER LIKE TERMS WHERE USED IN THIS ORDINANCE SHALL BE CONSTRUED TO MEAN AND INCLUDE ALL SUCH STRUCTURES AND PROPERTY.

SECTION 2. SAID SEWAGE WORKS, CONSISTING OF LANDS, EASEMENTS, AND RIGHTS-OF-WAY ARE AS FOLLOWS:

LANDS TO BE PURCHASED OUTRIGHT

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA, MORE FULLY DESCRIBED TO-WIT:

A 300 FOOT WIDE STRIP OF EVEN WIDTH OFF OF THE ENTIRE NORTH SIDE, EXTENDING BETWEEN BURNETT'S CREEK ON THE EAST TO PROPHETS ROCK ROAD ON THE WEST, OF A PLOT OF GROUND, AS PLATTED IN THE COUNTY SURVEYORS RECORD OF TIPPECANOE COUNTY, BOOK B, PAGE 24, THE ENTIRE TRACT CONTAINING 29.2 ACRES, MORE OR LESS; ALL AS DESCRIBED IN DEED RECORD 170, DATED AUGUST 28, 1928, ROSSER AS GRANTOR, AND BATTLE GROUND ASSEMBLY AS GRANTEE. SAID STRIP CONTAINING 6.5 ACRES, MORE OR LESS.

EASEMENTS TO BE ACQUIRED

PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION TWENTY THREE (23), TOWNSHIP TWENTY FOUR (24) NORTH, RANGE FOUR (4) WEST, TO WIT: BATTLE GROUND, RUNNING THENCE NORTH FIFTY THREE (53) DEGREES WEST FIFTY AND FIFTY HUNDREDTHS (50.50) POLES TO A STAKE IN THE LEFT BANK OF BURNETT'S CREEK, RUNNING THENCE NORTH THIRTY FOUR AND ONE HALF (34 1/2) DEGREES EAST FOURTEEN AND FORTY HUNDREDTHS (14.40) POLES; THENCE NORTH FORTY SEVEN (47) DEGREES EAST TWELVE AND FIFTY HUNDREDTHS (12.50) POLES, THENCE SOUTH SEVENTY FIVE (75) DEGREES EAST FOUR (4) POLES TO A STAKE IN THE LINE OF THE GRAVE YARD, THENCE SOUTH FIFTY SIX AND ONE FOURTH (56 1/4) DEGREES EAST TWENTY EIGHT (28) POLES TO A STONE IN THE TIPTON'S RESERVATION LINE; THENCE WITH SAID LINE SOUTH THIRTY TWO (32) DEGREES EAST TWENTY FOUR (24) POLES TO THE SOUTHWEST CORNER OF SAID RESERVATION; THENCE SOUTH FIFTY TWO (52) DEGREES WEST TWENTY ONE AND TWENTY TWO HUNDREDTHS (21.22) POLES TO PLACE OF BEGINNING CONTAINING EIGHT AND EIGHTY HUNDREDTHS (8.80) ACRES MORE OR LESS.

ALSO LOTS ONE (1), TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6) IN BATTLE GROUND CITY. ALSO LOTS NUMBER ONE (1) AND TWO (2) IN THE TRUSTEES OF BATTLE GROUND INSTITUTE ADDITION TO BATTLE GROUND CITY. ALSO LOTS NUMBER ONE (1), TWO (2) AND THREE (3) IN THE ADDITION TO BATTLE GROUND CITY LAID OUT BY WILLIAM H. LEVERING AS ADMINISTRATOR OF THE ESTATE OF WILLIAM K. ROCHESTER, DECEASED, MORE FULLY DESCRIBED AS FOLLOWS, TO WIT:

SEWAGE LIFT STATION EASEMENT: BEGINNING AT A POINT OF INTERSECTION OF THE CENTER LINES OF PROPHET AND JEWETT STREETS, THENCE SOUTH SIXTY FIVE (65) FEET; THENCE IN A WESTERLY DIRECTION PARALLEL TO THE CENTER LINE OF PROPHET STREET TWO HUNDRED THREE (203) FEET TO THE CENTER OF BURNETT'S CREEK, THENCE NORTH SIXTY FIVE (65) FEET TO THE CENTER LINE OF PROPHET STREET, THENCE IN AN EASTERLY DIRECTION ALONG THE CENTER LINE OF PROPHET STREET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY THIRTY HUNDREDTHS (.30) ACRES, MORE OR LESS.

FORCE MAIN PIPING EASEMENT: A STRIP OF LAND FIFTEEN (15) FEET ON BOTH SIDES, (THIRTY (30) FEET OF TOTAL WIDTH) OF A PIPE LINE AS CONSTRUCTED WHOSE APPROXIMATE LOCATION IS AS FOLLOWS, TO WIT: BEGINNING AT A POINT FIFTY (50) FEET WEST AND FIFTY TWO (52) FEET SOUTH OF THE INTERSECTION OF THE CENTER LINES OF PROPHET AND JEWETT STREETS, THENCE SOUTH TWENTY TWO (22) DEGREES WEST ONE HUNDRED FIFTEEN (115) FEET; THENCE IN A SOUTHERLY DIRECTION ALONG THE MEANDERING OF BURNETT'S CREEK TWO HUNDRED SIXTY FIVE (265) FEET; THENCE WEST TO THE WEST BANK OF BURNETT'S CREEK. ALSO, STARTING AT THE POINT OF BEGINNING AND RUNNING SOUTH SIXTY THREE (63) DEGREES WEST TWO HUNDRED TWELVE (212) FEET TO THE WEST BANK OF BURNETT'S CREEK. SAID EASEMENT CONTAINING TWENTY SIX HUNDREDTHS (.26) ACRES MORE OR LESS, ALL LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF BATTLE GROUND, INDIANA IN SECTION, TOWNSHIP AND RANGE AS DESCRIBED ABOVE.

OUTFALL SEWER EASEMENT: THIS EASEMENT IS A PART OF A PLOT OF GROUND AS PLATTED IN THE COUNTY SURVEYOR'S RECORD OF TIPPECANOE COUNTY, BOOK B. PAGE 29, THE ENTIRE TRACT CONTAINING 29.2 ACRES, MORE OR LESS; ALL AS DESCRIBED IN DEED RECORD 170, DATED AUGUST 28, 1928, ROSSER AS GRANTOR, AND BATTLE GROUND ASSEMBLY AS GRANTEE, ALL LOCATED IN SECTION 23, TOWNSHIP 24 NORTH, RANGE 4 WEST, TIPPECANOE TOWNSHIP, TIPPECANOE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS, TO WIT: A STRIP OF LAND 15 FEET ON BOTH SIDES OF THE CENTER LINE OF AN OUTFALL SEWER LINE AS INSTALLED WHOSE APPROXIMATE LOCATION IS AS FOLLOWS: BEGINNING AT A POINT TWO HUNDRED (200) FEET SOUTH AND FOUR HUNDRED SEVENTY (470) FEET EAST OF THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT OF LAND; THENCE SOUTH THREE HUNDRED TEN (310) FEET; THENCE SOUTH FORTY FIVE (45) DEGREES EAST APPROXIMATELY TWO HUNDRED SIXTY THREE (263) FEET TO THE WEST BANK OF BURNETT'S CREET, SAID EASEMENT CONTAINING FORTH EIGHT HUNDREDTHS (.48) ACRES, MORE OR LESS.

RIGHTS-OF-WAY TO BE ACQUIRED

A 24" DIAMETER, 8 GUAGE MINIMUM, GALVANIZED BITUMINOUS COATED ON BOTH SIDES, CORRUGATED METAL PIPE ACCEPTABLE TO THE RAILROAD COMPANY WILL BE JACKED INTO PLACE TO SERVE AS THE ENCASING PIPE FOR THE SEWER AT THE RAILROAD CROSSING. THE ENDS SHALL BE SEALED WITH AT LEAST 3 INCHES OF LOW STRENGTH MORTAR. STEEL CASING SHALL EXTEND NO LESS THAN 10 FT. ON BOTH SIDES OF THE TRACKS CENTER LINES. UNLESS SHEET PILING OR OTHER APPROVED METHODS ARE USED, CASING SHALL EXTEND (ON EACH SIDE OF THE TRACKS) FROM THIS POINT NO LESS THAN ONE AND ONE-HALF TIMES THE DISTANCE OF THE CASING BELOW THE RAILS, TO PASS UNDER SAID TRACKS FROM RAILROAD STREET TO MAIN STREET ON A LINE EXTENDED FROM JEWETT STREET.

SHALL BE ACQUIRED AND CONSTRUCTED IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND ESTIMATES HERETOFORE PREPARED BY HAWKINS & ASSOCIATES, CONSULTING ENGINEERS, WHICH ARE NOW ON FILE IN THE OFFICE OF THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, INDIANA, AND ARE HEREBY ADOPTED AND APPROVED, AND BY REFERENCE MADE A PART OF THIS ORDINANCE AS FULLY AS IF THE SAME WERE ATTACHED HERETO OR INCORPORATED HEREIN; THE ESTIMATED COST OF CONSTRUCTION OF SAID WORKS SHALL NOT EXCEED THE SUM OF SEVEN HUNDRED SEVENTY SIX THOUSAND NINE HUNDRED ($776,900.00) DOLLARS; AND SAID WORKS SHALL BE CONSTRUCTED AND THE BONDS HEREIN AUTHORIZED SHALL BE ISSUED PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE ACT, AND ALL ACTS SUPPLEMENTAL THERETO. THE BOARD OF TRUSTEES HEREBY DECLARES THAT THE PERIOD OF USEFULNESS OF SAID SEWAGE WOKS TO BE CONSTRUCTED PURSUANT TO THIS ORDINANCE WILL BE AT LEAST FORTY (40) YEARS FROM THE DATE OF COMPLETION.

SECTION 3. THE TOWN SHALL ISSUE ITS SEWAGE WORKS REVENUE BONDS IN THE AMOUNT OF THREE HUNDRED NINETY FIVE THOUSAND ($395,000.00) DOLLARS FOR THE PURPOSE OF PROCURING FUNDS TO APPLY ON THE COST OF SAID WORKS, AS DEFINED IN

SECTION 1 OF THE ACT.

EXCEPT AS IS PROVIDED IN SECTION 4 HEREOF, SAID BONDS SHALL BE ISSUED IN THE DENOMINATION OF ONE THOUSAND ($1,000.00) DOLLARS EACH, NUMBERED CONSECUTIVELY FROM C-1 UP, DATED AS OF THE DATE OF DELIVERY OF SAID BONDS, AND SHALL BEAR INTEREST AT A RATE OR RATES NOT EXCEEDING FIVE PER CENT (5%) PER ANNUM, PAYABLE ANNUALLY ON JANUARY 1 IN EACH YEAR, BEGINNING ON JANUARY 1, 1972. SUCH INTEREST SHALL BE EVIDENCED BY COUPONS ATTACHED TO SAID BONDS. BOTH BONDS AND INTEREST COUPONS SHALL BE PAYABLE IN SUCH COIN OR CURRENCY AS AT THE TIME OF PAYMENT SHALL BE LEGALLY ACCEPTABLE FOR PAYMENT OF DEBTS DUE THE UNITED STATES OF AMERICA AT THE LAFAYETTE NATIONAL BANK, IN THE CITY OF LAFAYETTE, INDIANA, OR, AT THE OPTION OF THE HOLDER, AT SUCH BANK IN THE CITY OF INDIANAPOLIS, INDIANA, AS MAY BE DESIGNATED BY THE ORIGINAL PURCHASER, OTHER THAN AN AGENCY OF THE UNITED STATES, WHO PURCHASES THE ISSUE, SUBJECT TO APPROVAL BY THE TOWN, AND SUCH BONDS SHALL MATURE SERIALLY IN THE NUMBERICAL ORDER ON THE JANUARY 1 IN THE YEARS AND AMOUNTS AS FOLLOWS:

BOND NUMBERS		TOTAL PRINCIPAL AMOUNT	YEAR OF MATURITY
C 1 - C 3	INCLUSIVE	$ 3,000	1974
C 4 - C 7	"	4,000	1975
C 8 - C 11	"	4,000	1976
C 12 - C 15	"	4,000	1977
C 16 - C 20	"	5,000	1978
C 21 - C 25	"	5,000	1979
C 26 - C 30	"	5,000	1980
C 31 - C 35	"	5,000	1981
C 36 - C 41	"	6,000	1982
C 42 - C 47	"	6,000	1983
C 48 - C 53	"	6,000	1984
C 54 - C 59	"	6,000	1985
C 60 - C 66	"	7,000	1986
C 67 - C 73	"	7,000	1987
C 74 - C 80	"	7,000	1988
C 81 - C 88	"	8,000	1989
C 89 - C 96	"	8,000	1990
C 97 - C 105	"	9,000	1991
C 106 - C 114	"	9,000	1992
C 115 - C 123	"	9,000	1993
C 124 - C 133	"	10,000	1994
C 134 - C 143	"	10,000	1995
C 144 - C 154	"	11,000	1996

C 155 - C 165	"	11,000	1997
C 166 - C 177	"	12,000	1998
C 178 - C 189	"	12,000	1999
C 190 - C 202	"	13,000	2000
C 203 - C 215	"	13,000	2001
C 216 - C 230	"	15,000	2002
C 231 - C 245	"	15,000	2003
C 246 - C 260	"	15,000	2004
C 261 - C 277	"	17,000	2005
C 278 - C 294	"	17,000	2006
C 295 - C 313	"	19,000	2007
C 314 - C 332	"	19,000	2008
C 333 - C 351	"	20,000	2009
C 352 - C 372	"	21,000	2010
C 373 - C 394	"	22,000	2011

SECTION 4. Replaced by Ordinance #136, adopted 12/6/1971.

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SECTION 5. THE FORM AND TENOR OF SAID COUPON BONDS, THE INTEREST COUPONS TO BE ATTACHED THERETO, AND THE FORM OF REGISTRY ENDORSEMENT THEREON SHALL BE SUBSTANTIALLY AS FOLLOWS, ALL BLANKS TO BE FILLED IN PROPERLY PRIOR TO DELIVERY THEREOF:

(FORM OF BOND WITH COUPONS ATTACHED)

UNITED STATES OF AMERICA

State of Indiana County of Tippecanoe

No. C-_____ $1,000

TOWN OF BATTLE GROUND
SEWAGE WORKS REVENUE BOND

The Town of Battle Ground, in Tippecanoe County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered then to the registered holder, solely out of the special revenue fund hereinafter referred to, the principal amount of

ONE THOUSAND DOLLARS

on January 1, 19___ (unless this bond be subject to and called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid at the rate of_____ per cent (_____%) per annum, payable on January 1 in each year, beginning on January 1, 19___, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America, at the Lafayette National Bank, in the City of Lafayette, or, at the option of the holder, at the principal office of _____ in the City of Indianapolis, Indiana.

This bond is one of an authorized issue of the Town, in the aggregate principal amount of three hundred ninety five thousand dollars ($395,000.00), issued for the purpose of providing funds to apply on the cost of sewage works, as authorized by an ordinance adopted by the Board of Trustees of the Town on, _____, 19____, entitled "An Ordinance concerning the construction and operation by the Town of Battle Ground, Indiana, of sewage works, the issuance of the revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said bonds, and other matters connected therewith, "and in strict compliance with the provisions of Chapter 5, Article 2, Title 19 of the Indiana Code of 1971, and all acts supplemental thereto.

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond and all other bonds of said issue, and any bonds ranking on a parity therewith, are payable solely from the Sewage Works Sinking Fund (created by said ordinance) to be provided from the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town, including the works constructed or acquired by the use of the proceeds of this bond and the issue of which it is a part, and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town of Battle Ground within the meaning of the provisions and limitations of the Constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest thereon except from said special fund provided from said net revenues.

The Town of Battle Ground irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal and interest of the bonds issued on account of the construction of said sewage works, of which this bond is one, and any bonds ranking on a parity therewith, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into said Sinking Fund under the provisions of said Act. In the event the Town, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in said Chapter 5, Article 2, Title 19 of the Indiana Code of 1971, and the acts supplemental thereto, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest thereon.

The Town further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying the bonds and interest, (c) the principal of this bond and all other bonds payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a first charge upon all the net revenues of said works.

This bond and all other bonds of said issue shall have all the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration. This bond may be registered as to principal at the office of the Clerk-Treasurer in the Town of Battle Ground, Indiana, in the name of the owner hereof, and such registration noted hereon by said Clerk-Treasurer. Thereafter no transfer hereof shall be valid unless made at said office by the registered owner in person or by his duly authorized attorney and similarly noted hereon, but this bond may be discharged from registration by being in like manner transferred to bearer and may again from time to time be registered or transferred to bearer as before. Such registration shall not restrict or affect the negotiability of the interest coupons hereto attached by delivery only, but such interest coupons shall always be payable to bearer.

The bonds of this issue maturing on January 1, 19___, and thereafter, are redeemable at the option of the Town from any funds regardless of source, in whole, or from time to time in part, in inverse numerical order, on January 1, 19___, or any interest payment date thereafter, at the principal amount thereof and accrued interest to the date fixed for redemption, without any premium. Notice of such redemption shall be published at least one time in a newspaper published in Tippecanoe County and of general circulation in the Town of Battle Ground, not less than thirty (30) days prior to the date fixed for redemption. Said notice of redemption shall also be published in the Indianapolis Commercial, or in the event of suspension of publication of such newspaper then in another newspaper or financial journal published in the City of Indianapolis, Indiana, by two (2) insertions, the first to be at least thirty (30) days prior to the date fixed for redemption and the second to be not more than thirty (30) days nor less than fifteen (15) days prior to the date fixed for redemption. A like notice shall be sent by mail to the holders of such bonds as are then registered. Interest on bonds so called for redemption shall cease on the redemption date fixed in said notice, if funds are available at the place of redemption to pay the redemption price on the date so named and when presented for payment. If any unmatured bond and coupon or coupons so called for redemption shall not be presented on the date fixed for redemption at the place of redemption, the Town may place in trust at the bank constituting the place of redemption sufficient funds to effect such redemption, and thereafter the holder of such bond and coupon or coupons shall be entitled to payment only from such trust funds and the redemption thereof shall be deemed to have been effected and the bonds no longer outstanding.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Battle Ground, in Tippecanoe County, State of Indiana, has caused this bond to be executed in its corporate name by the President of its Board of Trustees, its corporate seal to be hereunto affixed a and attested by its Clerk- Treasurer,and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of the Clerk-Treasurer, as of

TOWN OF BATTLE GROUND

By_____
President, Board of Trustees

(Seal)

Attest:

_____
Clerk-Treasurer

(FORM OF INTEREST COUPON)

Coupon No. _____

$_____

On _____(unless the bond herein mentioned shall have been called for previous redemption), the Town of Battle Ground, Indiana, will pay to bearer at the Lafayette National Bank in the City of Lafayette, Indiana, or, at the option of the holder, at _____, in the City of Indianapolis, Indiana, out of its Sewage Works Sinking Fund, the amount shown hereon in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America, being the interest then due on its Sewage Works Revenue Bond, dated _____, No. C-_____.

TOWN OF BATTLE GROUND

By (Facsimile)
Clerk-Treasurer

(FORM OF REGISTRATION)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk-Treasurer, in the Town of Battle Ground, Indiana. No writing hereon except by the Clerk-Treasurer.

Date of Registry	In Whose Name Registered	Clerk-Treasurer
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION 6. THE FORM AND TENOR OF SAID FULLY REGISTERED BONDS AND THE TRANSFER REGISTRY THEREON SHALL BE SUBSTANTIALLY AS FOLLOWS, ALL BLANKS TO BE FILLED IN PROPERLY PRIOR TO DELIVERY THEREOF:

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA

State of Indiana County of Tippecanoe

No. R-1 $_____

TOWN OF BATTLE GROUND
SEWAGE WORKS REVENUE BOND

The Town of Battle Ground, in Tippecanoe County, State of Indiana, for value received, hereby promises to pay to the registered holder solely out of the special revenue fund hereinafter referred to, the principal amount of on January 1 in the years and installments as follows:

Years	Principal Amount

(subject to any prepayments of principal as hereinafter provided) and to pay interest on the unpaid balance thereof from the dates of payments to the Town for this bond as recorded hereon, until the principal is paid, at the rate of five per cent (5%) per annum, payable annually on January 1 of each year, beginning January 1, 19___.

Both principal and interest of this bond are payable in lawful money of the United States of America, by check or draft mailed or delivered to the registered owner at the address of said owner as it appears on the registration records of the Town. Upon final payment, this bond shall be delivered to the Town.

This bond is the only one of an authorized issue of the Town of Battle Ground in the aggregate principal amount of three hundred ninety five thousand dollars ($395,000.00), issued for the purpose of providing funds to be applied on the cost of acquisition and construction of a sewage works, as authorized by an ordinance adopted by the Board of Trustees of the Town of Battle Ground on the _____ day of_____, 19___, entitled "An Ordinance concerning the construction and operation by the Town of Battle Ground, Indiana, of sewage works, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said bonds, and other matters connected therewith, and in strict compliance with the provisions of Chapter 5, Article 2, Title 19 of The Indiana Code of 1971.

Pursuant to the provisions of said Act and said ordinance, the principal and interest of this bond is payable solely from the Sewage Works Sinking Fund created by the ordinance authorizing the issuance of this bond to be provided from the net revenues (herein defined as gross revenues after deduction only from the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town of Battle Ground, including the works constructed or acquired by the use of the proceeds of this bond, and all improvements and extensions thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town of Battle Ground within the meaning of the provisions and limitations of the Constitution of the State of Indiana, and the Town shall not be obligated to pay this bone or the interest thereon except from said special fund provided from said net revenues.

The Town of Battle Ground irrevocably pledges the entire net revenues of said sewage works to the prompt payment of the principal and interest of this bond issued on account of the acquisition and construction of its sewage works, and any bonds ranking on a parity therewith, to the extent necessary for

that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of said works, and for the payment of the sums required to be paid into the Sinking Fund under the provisions of said Act. In the event the Town, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates and charges, or if there be a default in the payment of the interest on or principal of this bond, the holder of this bond shall have all of the rights and remedies provided for in said Chapter 5, Article 2, Title 19 of The Indiana Code of 1971, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest thereon.

The Town of Battle Ground further covenants that it will set aside and pay into its Sewage Works Sinking Fund a sufficient amount of the net revenues of said works to meet (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying all bonds and interest, and (c) the principal of this bond and all other bonds payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to create the reserve required by the ordinance authorizing the issuance of this bond. Such required payments shall constitute a first charge upon all the net revenues of said works.

This bond may be transferred upon presentation of the bond and an executed assignment to the Clerk-Treasurer of the Town for notation of the same upon this bond and the registration record of the town kept for that purpose.

As provided in the ordinance authorizing the issuance of this bond and subject to the terms and conditions therein, this fully registered bond is exchangeable for coupon bonds at the option and expense of the registered holder.

Installments of principal of the registered bond maturing January 1, 19___, and thereafter, may, at the option of the Town, be prepaid in whole or in part, on January 1, 19___, or any interest payment date thereafter, in any multiples of One Thousand Dollars ($1,000), upon thirty (30) days notice to the registered owner, at par and accrued interest to the date of prepayment. Interest on the installments of principal so prepaid shall cease on the date of prepayment. This bond must be presented at the office of the Clerk-Treasurer for any such prepayments.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Battle Ground, in Tippecanoe County, State of Indiana, has caused this bond to be executed in its corporate name by the President of its Board of Trustees and its corporate seal to be hereunto affixed and attested by its Clerk-Treasurer, as of_____.

TOWN OF BATTLE GROUND

BY_____
President, Board of Trustees

(Seal)

Attest:

_____
Clerk-Treasurer

(Form of Registration)

REGISTRATION ENDORSEMENT

This bond can be transferred and registered only at the office of the Clerk-Treasurer in the Town of Battle Ground, Indiana. No writing hereon except by the Clerk- Treasurer.

Date of Registration	In Whose Name Registered	Clerk-Treasurer
_____	_____	_____

RECORD OF PAYMENT FOR BOND

Date of Payment	Amount	Acknowledgement of Receipt of the Clerk-Treasurer

PREPAYMENT RECORD

Principal Installments on which Payments Have been Made Prior to Maturity

Principal Date Amount	Principal Payment	Balance	Date Paid	Name Authorized Official & Title

(Note: This should be a separate sheet.)

SECTION 7. THE COUPON BONDS, AND INSTALLMENTS OF PRINCIPAL OF FULLY REGISTERED BONDS, OF THIS ISSUE MATURING ON JANUARY 1, 1983, AND THEREAFTER, SHALL BE REDEEMABLE AT THE OPTION OF THE TOWN FROM ANY FUNDS REGARDLESS OF SOURCE, IN WHOLE, OR FROM TIME TO TIME IN PART, ON JANUARY 1, 1982, OR ANY INTEREST PAYMENT DATE THEREAFTER, AT THE PRINCIPAL AMOUNT THEREOF AND ACCRUED INTEREST TO THE DATE FIXED FOR REDEMPTION, WITHOUT ANY PREMIUM. REDEMPTIONS OF COUPON BONDS, OR PREPAYMENTS OF INSTALLMENTS OF PRINCIPAL OF FULLY REGISTERED BONDS, SHALL BE MADE IN INVERSE CHRONOLOGICAL ORDER OF MATURITIES OUTSTANDING AT THE TIME OF REDEMPTION OR PREPAYMENT, AND IN INVERSE NUMERICAL ORDER FOR COUPON BONDS IF LESS THAN AN ENTIRE MATURITY IS CALLED. NOTICE OF REDEMPTION OF COUPON BONDS SHALL BE PUBLISHED AT LEAST ONE (1) TIME IN TIPPECANOE COUNTY AND OF GENERAL CIRCULATION IN THE TOWN OF BATTLE GROUND IN A NEWSPAPER PUBLISHED IN NOT LESS THAN THIRTY (30) DAYS PRIOR TO THE DATE FIXED FOR REDEMPTION. SAID NOTICE OF REDEMPTION OF COUPON BONDS SHALL ALSO BE PUBLISHED IN THE INDIANAPOLIS COMMERCIAL, OR IN THE

EVENT OF SUSPENSION OF PUBLICATION OF SUCH NEWSPAPER THEN IN ANOTHER NEWSPAPER OR FINANCIAL JOURNAL PUBLISHED IN THE CITY OF INDIANAPOLIS, INDIANA, BY TWO (2) INSERTIONS, THE FIRST TO BE AT LEAST THIRTY (30) DAYS PRIOR TO THE DATE FIXED FOR REDEMPTION AND THE SECOND TO BE NOT MORE THAN THIRTY (30) NOR LESS THAN FIFTEEN (15) DAYS PRIOR TO THE DATE FIXED FOR REDEMPTION. NOTICE SHALL BE GIVEN BY REGISTERED MAIL, POSTMARKED AT LEAST THIRTY (30) DAYS PRIOR TO THE DATE OF REDEMPTION OR PREPAYMENT, TO THE REGISTERED HOLDER AT HIS ADDRESS AS SHOWN ON THE REGISTRATION RECORD OF THE TOWN IN THE EVENT OF REDEMPTION OF A REGISTERED COUPON BOND OR PREPAYMENT OF PRINCIPAL ON A FULLY REGISTERED BOND. THE NOTICE SHALL SPECIFY THE DATE AND PLACE OF REDEMPTION OR PREPAYMENT, THE SERIAL NUMBERS OF THE BONDS CALLED FOR REDEMPTION, OR SUBJECT TO PREPAYMENT, AND IDENTIFICATION OF INSTALLMENTS OF PRINCIPAL TO BE PREPAID. THE PLACE OF REDEMPTION OF COUPON BONDS MAY BE ANY BANK WHERE PRINCIPAL OF BONDS OF THIS ISSUE IS PAYABLE. THE PLACE OF PREPAYMENT OF INSTALLMENTS OF PRINCIPAL ON FULLY REGISTERED BONDS SHALL BE THE OFFICE OF THE CLERK- TREASURER OF THE TOWN WHO SHALL RECORD THE PREPAYMENTS ON THE BONDS. INTEREST ON THE BONDS SO CALLED FOR REDEMPTION, OR ON INSTALLMENTS OF PRINCIPAL TO BE PREPAID, SHALL CEASE ON THE DATE FIXED IN SUCH NOTICE IF SUFFICIENT FUNDS ARE AVAILABLE AT THE PLACE OF REDEMPTION OR PREPAYMENT TO PAY THE PRICE ON THE DATE SO NAMED, INCLUDING INTEREST TO SAID DATE. IF ANY UNMATURED COUPON BOND AND COUPON OR COUPONS SO CALLED FOR REDEMPTION, OR ANY FULLY REGISTERED BOND CALLED FOR PREPAYMENT, SHALL NOT BE PRESENTED ON THE DATE AND AT THE PLACE DESIGNATED, THE TOWN MAY PLACE IN TRUST AT THE BANK CONSTITUTING THE PLACE OF REDEMPTION, OR IN THE CASE OF FULLY REGISTERED BONDS CALLED FOR PREPAYMENT THE TOWN SHALL HOLD IN TRUST IN THE TOWN'S DEPOSITORY BANK, SUFFICIENT FUNDS TO EFFECT SUCH REDEMPTION, OR PREPAYMENT IN FULL, AND THEREAFTER THE HOLDER OF SUCH BOND AND COUPON OR COUPONS SHALL BE ENTITLED TO PAYMENT ONLY FROM SUCH TRUST FUNDS AND THE REDEMPTION OR PREPAYMENT THEREOF SHALL BE DEEMED TO HAVE BEEN EFFECTED AND THE BONDS NO LONGER OUTSTANDING.

SECTION 8. SAID BONDS SHALL BE SIGNED IN THE NAME OF THE TOWN OF BATTLE GROUND, INDIANA, BY THE PRESIDENT OF THE BOARD OF TRUSTEES AND ATTESTED BY THE CLERK-TREASURER, WHO SHALL AFFIX THE SEAL OF SAID TOWN TO EACH SAID BONDS. ANY INTEREST COUPONS ATTACHED TO SAID BONDS SHALL BE EXECUTED BY PLACING THEREON THE FACSIMILE SIGNATURE OF THE CLERK-TREASURER, AND SAID OFFICIAL, BY THE SIGNING OF SAID BONDS, SHALL ADOPT AS AND FOR HIS OWN PROPER SIGNATURE HIS FACSIMILE SIGNATURE APPEARING ON SAID COUPONS. SUBJECT TO THE PROVISIONS FOR REGISTRATION, SAID BONDS SHALL HAVE ALL OF THE QUALITIES AND INCIDENTS OF NEGOTIABLE INSTRUMENTS UNDER THE LAWS OF THE STATE OF INDIANA.

THE COUPON BONDS SHALL BE NEGOTIABLE BY DELIVERY UNLESS REGISTERED AS TO PRINCIPAL. UPON PRESENTATION OF ANY OF THE COUPON BONDS AT THE OFFICE OF THE CLERK-TREASURER, SAID CLERK- TREASURER SHALL REGISTER SAID BONDS AS TO PRINCIPAL. REGISTRATION SHALL OCCUR AT NO CHARGE OR EXPENSE TO THE HOLDER. SUCH REGISTRY SHALL BE NOTED ON EACH BOND SO PRESENTED, AFTER WHICH NO

TRANSFER THEREOF SHALL BE VALID UNLESS MADE BY THE REGISTERED OWNER IN PERSON OR BY HIS ATTORNEY DULY AUTHORIZED AND SIMILARLY NOTED ON SUCH BOND, BUT COUPON BONDS SO REGISTERED MAY BE DISCHARGED FROM REGISTRY BY BEING IN LIKE MANNER RETRANSFERRED TO BEARER, AFTER WHICH THEY SHALL BE TRANSFERABLE BY DELIVERY BUT MAY AGAIN BE REGISTERED AS BEFORE. THE REGISTRATION OF A COUPON BOND SHALL NOT AFFECT THE NEGOTIABILITY OF THE INTEREST COUPONS ATTACHED THERETO, BUT SUCH COUPONS SHALL CONTINUE TO PASS BY DELIVERY MERELY AND SHALL REMAIN PAYABLE TO BEARER.

ALL BONDS OF THIS ISSUE, AND ANY BONDS RANKING ON A PARITY THEREWITH AS TO BOTH PRINCIPAL AND INTEREST, SHALL BE PAYABLE FROM AND SECURED BY AN IRREVOCABLE PLEDGE OF AND SHALL CONSTITUTE A FIRST CHARGE UPON ALL THE NET REVENUES (HEREIN DEFINED AS GROSS REVENUES AFTER DEDUCTION ONLY FOR THE PAYMENT OF THE REASONABLE EXPENSES OF OPERATION, REPAIR AND MAINTENANCE) OF THE SEWAGE WORKS OF THE TOWN, INCLUDING THE WORKS HEREIN AUTHORIZED TO BE ACQUIRED AND CONSTRUCTED AND ALL ADDITIONS AND IMPROVEMENTS THERETO AND REPLACEMENTS THEREOF SUBSEQUENTLY CONSTRUCTED OR ACQUIRED. THE TOWN SHALL NOT BE OBLIGATED TO PAY SAID BONDS OR THE INTEREST THEREON EXCEPT FROM THE NET REVENUES OF SAID WORKS, AND SAID BONDS SHALL NOT CONSTITUTE AN INDEBTEDNESS OF THE TOWN WITHIN THE MEANING OF THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

SECTION 9. UPON SURRENDER OF A FULLY REGISTERED BOND AT THE OFFICE OF THE CLERK-TREASURER OF THE TOWN, OR AT SUCH OTHER PLACE AS MAY BE AGREED UPON BY AND BETWEEN THE TOWN AND THE REGISTERED OWNER, TOGETHER WITH A REQUEST FOR EXCHANGE DULY EXECUTED BY THE REGISTERED OWNER, OR HIS ATTORNEY, IN SUCH FORM AS SHALL BE SATISFACTORY TO THE TOWN, SUCH BOND MAY, AT THE OPTION AND EXPENSE OF THE REGISTERED OWNER THEREOF, BE EXCHANGED FOR COUPON BONDS IN AN AGGREGATE AMOUNT EQUAL TO THE THEN UNPAID PRINCIPAL AMOUNT AND WITH MATURITIES CORRESPONDING TO THE UNPAID PRINCIPAL AMOUNT AND WITH MATURITIES CORRESPONDING TO THE UNPAID PRINCIPAL INSTALLMENTS OF THE FULLY REGISTERED BOND, IN THE DENOMINATION OF ONE THOUSAND DOLLARS ($1,000) EACH, BEARING THE SAME RATE OF INTEREST PAYABLE ANNUALLY ON JANUARY 1, WITH COUPONS ATTACHED REPRESENTING ALL UNPAID INTEREST DUE OR TO BECOME DUE THEREON. ON THE SURRENDER OF SUCH FULLY REGISTERED BOND WITHOUT COUPONS AND THE FILLING OF A REQUEST FOR EXCHANGE, THE TOWN SHALL EXECUTE AND DELIVER SUCH COUPON BONDS IN ACCORDANCE WITH THE REQUEST FOR EXCHANGE AND IN THE FORM OF BOND SUBSTANTIALLY AS SET FORTH IN SECTION 5 THEREOF. SAID COUPON BONDS SHALL BE ISSUED WITHIN SIXTY(60) DAYS FROM THE DATE OF THE FILING OF THE REQUEST FOR SUCH EXCHANGE. ANY FULLY REGISTERED BOND SURRENDERED FOR EXCHANGE SHALL, UPON DELIVERY OF THE COUPON BONDS, BE FORTHWITH CANCELLED BY THE TOWN.

SECTION 10. THE CLERK-TREASURER IS HEREBY AUTHORIZED AND DIRECTED TO HAVE SAID BONDS AND COUPONS PREPARED, AND THE PRESIDENT OF THE BOARD OF TRUSTEES AND THE CLERK-TREASURER ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE SAID BONDS AND ANY INTEREST COUPONS TO BE ATTACHED THERETO IN THE

FORM AND MANNER HEREIN PROVIDED. THE CLERK-TREASURER IS HEREBY AUTHORIZED AND DIRECTED TO DELIVER SAID BONDS TO THE PURCHASERS THEREOF AFTER SALE MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE. AT THE TIME OF SAID DELIVERY, THE CLERK-TREASURER SHALL COLLECT THE FULL AMOUNT WHICH THE PURCHASER, OR PURCHASERS, HAVE AGREED TO PAY THEREFOR, WHICH SHALL NOT BE LESS THAN THE FACE VALUE OF SAID BONDS; PROVIDED THAT IF THE BEST BID RECEIVED IS FROM AN AGENCY OF THE UNITED STATES OF AMERICA, THE CLERK-TREASURER IS AUTHORIZED TO RECEIVE PAYMENT FOR THE BOND OR BONDS IN INSTALLMENTS OVER A PERIOD CORRESPONDING TO THE CONSTRUCTION PERIOD. THE BONDS HEREIN AUTHORIZED, WHEN FULLY PAID FOR AND DELIVERED, SHALL BE THE BINDING SPECIAL REVENUE OBLIGATIONS OF THE TOWN, PAYABLE OUT OF THE REVENUES OF THE SEWAGE WORKS TO BE SET ASIDE INTO THE SEWAGE WORKS SINKING FUND AS HEREIN PROVIDED, AND THE PROCEEDS DERIVED FROM THE SALE OF SAID BONDS SHALL BE AND ARE HEREBY SET ASIDE FOR APPLICATION ON THE COST OF ACQUISITION, CONSTRUCTION AND INSTALLATION OF SAID SEWAGE WORKS HEREINBEFORE REFERRED TO, AND THE EXPENSES NECESSARILY INCURRED IN CONNECTION THEREWITH. THE PROPER OFFICERS OF THE TOWN ARE HEREBY DIRECTED TO DRAW ALL PROPER AND NECESSARY WARRANTS, AND TO DO WHATEVER ACTS AND THINGS WHICH MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ORDINANCE.

SECTION 11. PRIOR TO THE SALE OF SAID BONDS, THE CLERK- TREASURER SHALL CAUSE TO BE PUBLISHED AN OFFICAL NOTICE OF SUCH SALE ONCE EACH WEEK FOR TWO (2) WEEKS IN THE JOURNAL AND COURIER AND THE LAFAYETTE LEADER, BEING THE TWO (2) NEWSPAPERS PUBLISHED IN TIPPECANOE COUNTY AND CIRCULATED IN THE TOWN OF BATTLE GROUND, INDIANA, THE LAST PUBLICATION TO BE AT LEAST SEVEN (7) DAYS PRIOR TO THE DATE FIXED FOR SAID SALE. THE BOND SALE NOTICE SHALL STATE THE TIME AND PLACE OF SALE, THE CHARACTER AND AMOUNT OF THE BONDS, THE MAXIMUM RATE OF INTEREST THEREON, THE TERMS AND CONDITIONS UPON WHICH BIDS WILL BE RECEIVED AND THE SALE MADE, AND SUCH OTHER INFORMATION AND CONDITIONS AS THE CLERK- TREASURER AND THE ATTORNEYS EMPLOYED BY THE TOWN SHALL DEEM ADVISABLE. SAID NOTICE SHALL PROVIDE, AMONG OTHER THINGS, THAT EACH BID, OTHER THAN A BID BY ANY DEPARTMENT OR AGENCY OF THE UNITED STATES OF AMERICA, SHALL BE ACCOMPANIED BY A CERTIFIED OR CASHIER'S CHECK IN AN AMOUNT NOT LESS THAN TWO PER CENT (2%) OF THE BONDS BID FOR TO GUARANTEE PERFORMANCE ON THE PART OF THE BIDDERS, AND THAT IN THE EVENT THE SUCCESSFUL BIDDER OR BIDDERS SHALL FAIL OR REFUSE TO ACCEPT DELIVERY OF THE BONDS AND PAY FOR THE SAME AS SOON AS THE BONDS ARE READY FOR DELIVERY, OR AT THE TIME FIXED IN THE NOTICE OF SALE, THEN SAID CHECK AND THE PROCEEDS THEREOF SHALL BE THE PROPERTY OF THE TOWN AND SHALL BE CONSIDERED AS ITS LIQUIDATED DAMAGES ON ACCOUNT OF SUCH DEFAULT; ALSO THAT BIDDERS FOR SAID BONDS WILL BE REQUIRED TO NAME THE RATE OR RATES OF INTEREST WHICH THE BONDS ARE TO BEAR, NOT EXCEEDING THE MAXIMUM RATE HEREINBEFORE FIXED, AND THAT SUCH INTEREST RATE OR RATES SHALL BE IN MULTIPLES OF ONE-EIGHTH (1/8) OR ONE-THENTH (1/10) OF ONE PER CENT (1%). NOT MORE THAN THREE (3) DIFFERENT INTEREST RATES SHALL BE NAMED, BUT ALL BONDS MATURING ON THE SAME DATE MUST BEAR THE SAME SINGLE RATE OF INTEREST. EACH BID MUST BE FORALL OF THE

ISSUE. A RATE MAY BE REPEATED WITHOUT BEING CONSIDERED A DIFFERENT RATE. THERE SHALL BE NOT MORE THAN ONE (1) INTEREST COUPON FOR ANY COUPON PERIOD ON ANY BOND. THE INSTALLMENTS OF PRINCIPAL OF ANY SINGLE FULLY REGISTERED BOND SHALL BEAR THE SAME SINGLE INTEREST RATE. THE NOTICE SHALL ALSO STATE THAT THE OPINION OF ICE MILLER DONADIO & RYAN, BOND COUNSEL OF INDIANAPOLIS, INDIANA, APPROVING THE LEGALITY OF SAID BONDS, WILL BE FURNISHED TO THE PURCHASER AND PRINTED ON THE BONDS AT THE EXPENSE OF THE TOWN, AND THAT NO CONDITIONAL BIDS WILL BE CONSIDERED. A NOTICE MAY, IN THE DISCRETION OF THE CLERK-TREASURER, BE PUBLISHED IN THE INDIANAPOLIS COMMERCIAL, PUBLISHED IN THE CITY OF INDIANAPOLIS, INDIANA, OR IN THE BOND BUYER, PUBLISHED IN THE CITY OF NEW YORK, NEW YORK.

THE BONDS SHALL BE AWARDED BY THE CLERK-TREASURER TO THE HIGHEST QUALIFIED BIDDER, OR BIDDERS, WHO HAVE SUBMITTED BIDS IN ACCORDANCE WITH THE TERMS OF THIS ORDINANCE AND THE NOTICE OF SALE. THE RIGHT TO REJECT ANY AND ALL BIDS SHALL BE RESERVED. IF AN ACCEPTABLE BID IS NOT RECEIVED ON THE DATE OF SALE, THE SALE WILL BE CONTINUED FROM DAY TO DAY THEREAFTER WITHOUT FURTHER ADVERTISEMENT FOR A PERIOD OF THIRTY (30) DAYS, DURING WHICH TIME NO BID WHICH IS LOWER THAN THE HIGHEST BID RECEIVED AT THE TIME OF THE ADVERTISED SALE WILL BE CONSIDERED.

SECTION 12. ANY PREMIUM RECEIVED AT THE TIME OF DELIVERY OF THE BONDS TOGETHER WITH THE AMOUNT OF TEN THOUSAND DOLLARS ($10,000.00) SHALL BE DEPOSITED IN THE SEWAGE WORKS SINKING FUND HEREINAFTER CREATED AND CREDITED TO THE BOND AND INTEREST ACCOUNT THEREOF. THE REMAINING PROCEEDS FROM THE SALE OF SAID BONDS SHALL BE DEPOSITED IN THE LAFAYETTE NATIONAL BANK, IN THE CITY OF LAFAYETTE, INDIANA, IN A SPECIAL ACCOUNT OR ACCOUNTS, SEPARATE AND APART FROM OTHER BANK ACCOUNTS OF THE TOWN, TO BE DESIGNATED AS "TOWN OF BATTLE GROUND, SEWAGE WORKS CONSTRUCTION ACCOUNT." ALL MONEYS DEPOSITED TO THE CREDIT OF SAID SEWAGE WORKS CONSTRUCTION ACCOUNT SHALL BE DEPOSITED, HELD, SECURED OR INVESTED IN DIRECT OBLIGATIONS OF THE UNITED STATES OF AMERICA, IN ACCORDANCE WITH THE LAWS OF THE STATE OF INDIANA, RELATING TO THE DEPOSITING, HOLDING, SECURING OR INVESTING OF PUBLIC FUNDS, INCLUDING PARTICULARLY CHAPTER 1, ARTICLE 13, TITLE 5 OF THE INDIANA CODE OF 1971, AS IT MAY BE SUPPLEMENTED. ANY INCOME FROM SUCH INVESTMENT SHALL BECOME A PART OF THE SEWAGE WORKS CONSTRUCTION ACCOUNT. THE FUNDS IN SAID SPECIAL ACCOUNT OR ACCOUNTS SHALL BE EXPENDED ONLY FOR THE PURPOSE OF PAYING THE COST OF THE WORKS, AS DEFINED IN THE ACT, OR AS OTHERWISE REQUIRED BY SAID ACT. ANY BALANCE OR BALANCES REMAINING UNEXPENDED IN SUCH SPECIAL ACCOUNT OR ACCOUNTS OF THE SEWAGE WORKS CONSTRUCTION ACCOUNT, AFTER COMPLETION OF THE WORKS, WHICH ARE NOT REQUIRED TO MEET UNPAID OBLIGATIONS INCURRED IN CONNECTION WITH SUCH CONSTRUCTION, SHALL, WITHIN SIXTY (60) DAYS AFTER COMPLETION OF THE PROJECT, BE DEPOSITED IN THE SEWAGE WORKS SINKING FUND, CREDITED TO THE DEBT SERVICE RESERVE ACCOUNT THEREOF, AND SHALL BE USED SOLELY FOR THE PURPOSES OF SAID FUND.

SECTION 13. AS SOON AS THE SEWAGE WORKS BECOMES REVENUE PRODUCING, ALL

REVENUES DERIVED FROM THE OPERATION OF THE SEWAGE WORKS AND FROM THE COLLECTION OF SEWAGE RATES AND CHARGES SHALL BE SEGREGATED AND KEPT SEPARATE AND APART FROM ALL OTHER FUNDS AND BANK ACCOUNTS OF THE TOWN. OUT OF SAID REVENUES THE PROPER AND REASONABLE EXPENSES OF OPERATION, REPAIR AND MAINTENANCE OF THE WORKS SHALL BE PAID, THE PRINCIPAL AND INTEREST OF ALL BONDS AND FISCAL AGENCY CHARGES OF BANK PAYING AGENTS SHALL BE PAID, AND THE COSTS OF REPLACEMENTS, EXTENSIONS ADDITIONS AND IMPROVEMENTS SHALL BE PAID AS HEREINAFTER PROVIDED. NO MONEYS DERIVED FROM THE REVENUES OF THE SEWAGE WORKS SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE TOWN OR BE USED FOR ANY PURPOSE NOT CONNECTED WITH THE SEWAGE WORKS SO LONG AS ANY BONDS PAYABLE FROM THE REVENUES OF THE SEWAGE WORKS ARE OUTSTANDING.

SECTION 14. THERE IS HEREBY CREATED A FUND TO BE KNOWN AS THE "OPERATION AND MAINTENANCE FUND," TO WHICH FUND THERE SHALL BE CREDITED AS OF THE LAST DAY OF EACH CALENDAR MONTH A SUFFICIENT AMOUNT OF THE REVENUES OF THE SEWAGE WORKS SO THAT THE BALANCE IN SAID FUND SHALL BE SUFFICIENT TO PAY THE EXPENSES OF OPERATION, REPAIR AND MAINTENANCE FOR THE THEN NEXT SUCCEEDING TWO (2) CALENDAR MONTHS THE MONEYS CREDITED TO THIS FUND SHALL BE USED FOR THE PAYMENT OF THE REASONABLE AND PROPER OPERATION, REPAIR AND MAINTENANCE EXPENSES OF THE SEWAGE WORKS ON A DAY-TO-DAY BASIS, BUT NONE OF THE MONEYS IN SUCH FUND SHALL BE USED FOR DEPRECIATION, REPLACEMENTS, IMPROVEMENTS, EXTENSIONS OR ADDITIONS. ANY BALANCE IN SAID FUND IN EXCESS OF THE EXPECTED EXPENSES OF OPERATION, REPAIR AND MAINTENANCE FOR THE NEXT SUCCEEDING MONTH MAY BE TRANSFERRED TO THE SEWAGE WORKS SINKING FUND IF NECESSARY TO PREVENT A DEFAULT IN THE PAYMENT OF PRINCIPAL OR INTEREST ON THE OUTSTANDING BONDS.

SECTION l5. (a) THERE IS HEREBY CREATED A SINKING FUND FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON REVENUE BONDS WHICH BY THEIR TERMS ARE PAYABLE FROM THE REVENUES OF THE SEWAGE WORKS, AND THE PAYMENT OF ANY FISCAL AGENCY CHARGES IN CONNECTION WITH THE PAYMENT OF BONDS AND INTEREST COUPONS, WHICH FUND SHALL BE DESIGNATED THE "SEWAGE WORKS SINKING FUND." THERE SHALL BE SET ASIDE AND DEPOSITED IN SAID SINKING FUND, AS AVAILABLE, AND AS HEREINAFTER PROVIDED A SUFFICIENT AMOUNT OF THE NET REVENUES OF SAID SEWAGE WORKS (DEFINED AS GROSS REVENUES OF THE REASONABLE EXPENSES OF OPERATION, REPAIR AND MAINTENANCE) TO MEET THE REQUIREMENTS OF THE BOND AND INTEREST ACCOUNT AND OF THE DEBT SERVICE RESERVE ACCOUNT HEREBY CREATED IN SAID SEWAGE WORKS SINKING FUND. SUCH PAYMENTS SHALL CONTINUE UNTIL THE BALANCE IN THE BOND AND INTEREST ACCOUNT, PLUS THE BALANCE IN THE DEBT SERVICE RESERVE ACCOUNT HEREINAFTER CREATED, EQUAL THE PRINCIPAL OF AND INTEREST ON ALL OF THE THEN OUTSTANDING BONDS TO THE FINAL MATURITY THEREOF.

(b) BOND AND INTEREST ACCOUNT. AS SOON AS THE SEWAGE WORKS BECOMES REVENUE PRODUCING, THERE SHALL BE CREDITED ON THE FIRST DAY OF EACH CALENDAR MONTH TO THE BOND AND INTEREST ACCOUNT AN AMOUNT EQUAL TO THE

SUM OF ONE-TENTH (1/10) OF THE INTEREST ON ALL THEN OUTSTANDING BONDS PAYABLE ON THE THEN NEXT SUCCEEDING INTEREST PAYMENT DATE, AND ONE-TENTH (1/10) OF THE AMOUNT OF PRINCIPAL PAYABLE ON THE THEN OUTSTANDING BONDS WHICH WILL BE PAYABLE ON THE THEN NEXT SUCCEEDING PRINCIPAL PAYMENT DATE, UNTIL THE AMOUNT OF INTEREST AND PRINCIPAL PAYABLE ON THE THEN NEXT SUCCEEDING RESPECTIVE PRINCIPAL AND INTEREST PAYMENT DATES SHALL HAVE BEEN SO CREDITED. THERE SHALL SIMILARLY BE CREDITED TO THE ACCOUNT ANY AMOUNT NECESSARY TO PAY THE BANK FISCAL AGENCY CHARGES FOR PAYING PRINCIPAL AND INTEREST ON THE BONDS AS THE SAME BECOME PAYABLE. THE TOWN SHALL, FROM THE SUMS DEPOSITED IN THE SEWAGE WORKS SINKING FUND AND CREDITED TO THE BOND AND INTEREST ACCOUNT, REMIT PROMPTLY TO THE REGISTERED OWNER OR TO THE BANK FISCAL AGENCY SUFFICIENT MONEYS TO PAY THE PRINCIPAL AND INTEREST ON THE DUE DATES THEREOF TOGETHER WITH THE AMOUNT OF BANK FISCAL AGENCY CHARGES.

(c) DEBT SERVICE RESERVE ACCOUNT. ON THE FIRST DAY OF EACH CALENDAR MONTH, AFTER MAKING THE CREDITS TO THE BOND AND INTEREST ACCOUNT, THERE SHALL BE CREDITED FROM AVAILABLE NET REVENUES TO THE DEBT SERVICE RESERVE ACCOUNT THE SUM OF TWO HUNDRED DOLLARS ($200.00), OR SUCH HIGHER AMOUNT AS MAY BE FIXED FROM TIME TO TIME BY THE BOARD OF TRUSTEES OF THE TOWN. SAID CREDITS TO THE DEBT SERVICE RESERVE ACCOUNT SHALL CONTINUE UNTIL THE BALANCE THEREIN SHALL EQUAL NOT LESS THAN THE MAXIMUM ANNUAL PRINCIPAL AND INTEREST REQUIREMENTS OF THE THEN OUTSTANDING BONDS PAYABLE FROM THE SEWAGE WORKS SINKING FUND. THE DEBT SERVICE RESERVE ACCOUNT SHALL CONSTITUTE THE MARGIN FOR SAFETY AND AS A PROTECTION AGAINST DEFAULT IN THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS AND THE MONEYS IN THE DEBT SERVICE RESERVE SHALL BE USED TO PAY CURRENT PRINCIPAL AND INTEREST ON THE BONDS TO THE EXTENT THAT MONEYS IN THE BOND AND INTEREST ACCOUNT ARE INSUFFICIENT FOR THAT PURPOSE. ANY DEFICIENCIES IN CREDITS TO THE DEBT SERVICE RESERVE ACCOUNT SHALL BE PROMPTLY MADE UP FROM THE NEXT AVAILABLE NET REVENUES REMAINING AFTER CREDITS INTO THE BOND AND INTEREST ACCOUNT. IN THE EVENT MONEYS IN THE DEBT SERVICE RESERVE ACCOUNT ARE TRANSFERRED TO THE BOND AND INTEREST ACCOUNT TO PAY PRINCIPAL AND INTEREST ON BONDS, THEN SUCH DEPLETION OF THE BALANCE IN THE DEBT SERVICE RESERVE ACCOUNT SHALL BE MADE UP FROM THE NEXT AVAILABLE NET REVENUES AFTER THE CREDITS INTO THE BOND AND INTEREST ACCOUNT HEREINBEFORE PROVIDED FOR. ANY MONEYS IN THE DEBT SERVICE RESERVE ACCOUNT IN EXCESS OF THE MAXIMUM ANNUAL PRINCIPAL AND INTEREST REQUIREMENTS OF THE THEN OUTSTANDING BONDS MAY BE USED FOR THE REDEMPTION OF COUPON BONDS OR PREPAYMENT OF INSTALLMENTS OF PRINCIPAL ON FULLY REGISTERED BONDS WHICH ARE THEN CALLABLE OR PREPAYABLE, OR FOR THE PURCHASE OF OUTSTANDING BONDS OR INSTALLMENTS OF PRINCIPAL OF FULLY REGISTERED BONDS AT A PRICE NOT EXCEEDING PAR AND ACCRUED INTEREST, OR MAY BE TRANSFERRED TO THE SEWAGE WORKS IMPROVEMENT FUND.

SECTION 16. AFTER MEETING THE REQUIREMENTS OF THE OPERATION AND MAINTENANCE FUND, AND THE SEWAGE WORKS SINKING FUND, ANY EXCESS REVENUES MAY BE TRANSFERRED OR CREDITED TO A FUND DESIGNATED THE "SEWAGE WORKS

IMPROVEMENT FUND," AND SAID FUND SHALL BE USED FOR IMPROVEMENTS, REPLACEMENTS, ADDITIONS AND EXTENSIONS OF THE SEWAGE WORKS. MONEYS IN THE SEWAGE WORKS IMPROVEMENT FUND SHALL BE TRANSFERRED TO THE SEWAGE WORKS SINKING FUND IF NECESSARY TO PREVENT A DEFAULT IN THE PAYMENT OF PRINCIPAL AND INTEREST ON THE THEN OUTSTANDING BONDS OR, IF NECESSARY, TO ELIMINATE ANY DEFICIENCIES IN CREDITS TO OR MINIMUM BALANCE IN THE DEBT SERVICE RESERVE ACCOUNT OF THE SEWAGE WORKS SINKING FUND.

SECTION 17. THE SEWAGE WORKS SINKING FUND SHALL BE DEPOSITED IN AND MAINTAINED AS A SEPARATE BANK ACCOUNT OR ACCOUNTS APART FROM ALL OTHER BANK ACCOUNTS OF THE TOWN. THE OPERATION AND MAINTENANCE FUND AND THE SEWAGE WORKS IMPROVEMENT FUND MAY BE MAINTAINED IN A SINGLE BANK ACCOUNT, OR ACCOUNTS, BUT SUCH BANK ACCOUNT, OR ACCOUNTS, SHALL LIKEWISE BE MAINTAINED SEPARATE AND APART FROM ALL OTHER BANK ACCOUNTS OF THE TOWN AND APART FROM THE SEWAGE WORKS SINKING FUND BANK ACCOUNT OR ACCOUNTS. ALL MONEYS DEPOSITED IN SAID BANK ACCOUNTS SHALL BE DEPOSITED, HELD AND SECURED AS PUBLIC FUNDS IN ACCORDANCE WITH THE PUBLIC DEPOSITORY LAWS OF THE STATE OF INDIANA; PROVIDED THAT MONEYS THEREIN MAY BE INVESTED IN OBLIGATIONS IN ACCORDANCE WITH THE APPLICABLE LAWS, INCLUDING PARTICULARLY CHAPTER 1, ARTICLE 13, TITLE 5 OF THE INDIANA CODE OF 1971, AS AMENDED OR SUPPLEMENTED, AND IN THE EVENT OF SUCH INVESTMENT THE INCOME THEREFROM SHALL BECOME A PART OF THE FUNDS INVESTED AND SHALL BE USED ONLY AS PROVIDED IN THIS ORDINANCE.

SECTION 18. THE TOWN SHALL KEEP PROPER BOOKS OF RECORDS AND ACCOUNTS, SEPARATE FROM ALL OF ITS OTHER RECORDS AND ACCOUNTS, IN WHICH COMPLETE AND CORRECT ENTRIES SHALL BE MADE SHOWING ALL REVENUES COLLECTED FROM SAID WORKS AND ALL DISBURSEMENTS MADE ON ACCOUNT OF THE WORKS, ALSO ALL TRANSACTIONS RELATING TO SAID WORKS. THERE SHALL BE PREPARED AND FURNISHED TO THE ORIGINAL PURCHASERS OF THE BONDS, AND, UPON WRITTEN REQUEST, TO ANY SUBSEQUENT HOLDER OF THE BONDS, NOT MORE THAN NINETY (90) DAYS AFTER THE CLOSE OF EACH FISCAL YEAR, COMPLETE OPERATING INCOME AND EXPENSE STATEMENTS OF THE WORKS, COVERING THE PRECEDING FISCAL YEAR AND THE BALANCE IN THE SEVERAL FUNDS AND ACCOUNTS CREATED BY THIS ORDINANCE. THE FISCAL YEAR OF THE SEWAGE WORKS SHALL BE FROM JANUARY 1 TO DECEMBER 31, BOTH INCLUSIVE. COPIES OF ALL SUCH STATEMENTS AND REPORTS, TOGETHER WITH ALL AUDITS OF THE SEWAGE WORKS MADE AVAILABLE TO THE TOWN BY THE INDIANA STATE BOARD OF ACCOUNTS OR ANY SUCCESSOR BODY AUTHORIZED BY LAW TO AUDIT MUNICIPAL ACCOUNTS, SHALL BE KEPT ON FILE IN THE OFFICE OF THE CLERK-TREASURER. ANY HOLDER OR HOLDERS OF THE BONDS THEN OUTSTANDING SHALL HAVE THE RIGHT AT ALL REASONABLE TIMES TO INSPECT THE WORKS AND ALL RECORDS, ACCOUNTS, STATEMENTS, AUDITS, REPORTS AND DATE OF THE TOWN RELATING TO THE SEWAGE WORKS. SUCH INSPECTIONS MAY BE MADE BY REPRESENTATIVES DULY AUTHORIZED BY WRITTEN INSTRUMENT.

SECTION 19. THE TOWN COVENANTS AND AGREES THAT IT WILL ESTABLISH AND MAINTAIN 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 THE ACT. 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.

SECTION 20. THE TOWN RESERVES THE RIGHT TO AUTHORIZE AND ISSUE ADDITIONAL BONDS, PAYABLE OUT OF THE REVENUES OF ITS SEWAGE WORKS, RANKING ON A PARITY WITH THE BONDS AUTHORIZED BY THIS ORDINANCE TO COMPLETE THE PLANNED PROJECT, ACCORDING TO THE PLANS AND SPECIFICATIONS UPON CERTIFICATION OF THE ENGINEER OF THE AMOUNT NECESSARY WITHOUT ANY FURTHER CONDITIONS; OR FOR THE PURPOSE OF FINANCING THE COST OF FUTURE ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE SEWAGE WORKS, SUBJECT TO THE FOLLOWING CONDITIONS:

(a) THE INTEREST ON AND PRINCIPAL OF ALL BONDS PAYABLE FROM THE REVENUES OF THE SEWAGE WORKS SHALL HAVE BEEN PAID TO DATE IN ACCORDANCE WITH THE TERMS THEREOF AND THE AMOUNTS REQUIRED TO BE PAID INTO THE SEWAGE WORKS SINKING FUND AND THE ACCOUNTS THEREOF SHALL HAVE BEEN PAID.

(b) THE NET REVENUES OF THE SEWAGE WORKS IN THE FISCAL YEAR IMMEDIATELY PRECEDING THE ISSUANCE OF ANY SUCH BONDS RANKING ON A PARITY WITH THE BONDS AUTHORIZED BY THIS ORDINANCE SHALL NOT BE LESS THAN ONE HUNDRED TWENTY PER CENT (120%) OF THE MAXIMUM ANNUAL INTEREST AND PRINCIPAL REQUIREMENTS OF THE THEN OUTSTANDING BONDS AND THE PROPOSED ADDITIONAL PARITY BONDS TO THE FINAL MATURITY OF THE THEN OUTSTANDING BONDS. FOR PURPOSES OF THIS SUBSECTION, THE RECORDS OF THE SEWAGE WORKS SHALL BE ANALYZED AND ALL SHOWINGS SHALL BE PREPARED BY A CERTIFIED PUBLIC ACCOUNTANT RETAINED BY THE TOWN FOR THAT PURPOSE.

(c) THE INTEREST ON THE ADDITIONAL PARITY BONDS SHALL BE PAYABLE ANNUALLY ON JANUARY 1, AND THE PRINCIPAL SHALL BE PAYABLE ANNUALLY ON JANUARY 1 IN THE YEARS IN WHICH PRINCIPAL AND INTEREST ARE PAYABLE. PARITY BONDS MAY ALSO BE ISSUED TO REFUND LESS THAN ALL OF THE THEN OUTSTANDING BONDS ISSUED PURSUANT TO THIS ORDINANCE OR RANKING ON A PARITY THEREWITH, BUT ANY SUCH REFUNDING BONDS SHALL BE SUBJECT TO THE CONDITIONS IN THIS SECTION UNLESS THE BONDS BEING REFUNDED MATURE WITHIN THREE (3) MONTHS OF THE DATE OF SUCH REFUNDING AND NO OTHER FUNDS ARE AVAILABLE TO PAY SUCH MATURING BONDS. IN COMPUTING THE MAXIMUM ANNUAL INTEREST AND PRINCIPAL

REQUIREMENTS PURSUANT TO SUBSECTION (b), THE INTEREST ON AND PRINCIPAL OF THE REFUNDING BONDS SHALL BE SUBSTITUTED FOR THE INTEREST ON AND PRINCIPAL OF THE BONDS BEING REFUNDED.

SECTION 21. FOR THE PURPOSE OF FURTHER SAFEGUARDING THE INTERESTS OF THE HOLDERS OF THE BONDS HEREIN AUTHORIZED, IT IS SPECIFICALLY PROVIDED AS FOLLOWS:

(a) ALL CONTRACTS LET BY THE TOWN IN CONNECTION WITH THE CONSTRUCTION OF SAID SEWAGE WORKS SHALL BE LET AFTER DUE ADVERTISEMENT AS REQUIRED BY THE LAWS OF THE STATE OF INDIANA, AND ALL CONTRACTORS SHALL BE REQUIRED TO FURNISH SURETY BONDS IN AN AMOUNT EQUAL TO ONE HUNDRED PER CENT (100%) OF THE AMOUNT OF SUCH CONTRACTS, TO INSURE THE COMPLETION OF SAID CONTRACTS, IN ACCORDANCE WITH THEIR TERMS, AND SUCH CONTRACTORS SHALL ALSO BE REQUIRED TO CARRY SUCH EMPLOYERS' LIABILITY OF THE STATE OF INDIANA IN THE CASE OF PUBLIC CONTRACTS, AND SHALL BE GOVERNED IN ALL RESPECTS BY THE LAWS OF THE STATE OF INDIANA RELATING TO PUBLIC CONTRACTS.

(b) THE WORKS SHALL BE CONSTRUCTED UNDER THE SUPERVISION AND SUBJECT TO THE APPROVAL OF HAWKINS & ASSOCIATES, OR SUCH OTHER COMPETENT ENGINEER AS SHALL BE DESIGNATED BY THE TOWN. ALL ESTIMATES FOR WORK DONE OR MATERIAL FURNISHED MUST FIRST BE CHECKED BY THE ENGINEER AND APPROVED BY THE TOWN PRIOR TO PAYMENT THEREFOR.

(c) THE TOWN SHALL AT ALL TIMES MAINTAIN ITS SEWAGE WORKS IN GOOD CONDITION AND OPERATE THE SAME IN AN EFFICIENT MANNER AND AT A REASONABLE COST.

(d) SO LONG AS ANY OF THE BONDS HEREIN AUTHORIZED ARE OUTSTANDING, THE TOWN SHALL MAINTAIN INSURANCE ON THE INSURABLE PARTS OF SAID WORKS OF A KIND AND IN AN AMOUNT SUCH AS WOULD NORMALLY BE CARRIED BY PRIVATE COMPANIES ENGAGED IN A SIMILAR TYPE OF BUSINESS. ALL INSURANCE SHALL BE PLACED WITH RESPONSIBLE INSURANCE COMPANIES QUALIFIED TO DO BUSINESS UNDER THE LAWS OF THE STATE OF INDIANA. INSURANCE PROCEEDS SHALL BE USED IN REPLACING OR REPAIRING THE PROPERTY DESTROYED OR DAMAGED; OR IF NOT USED FOR THAT PURPOSE SHALL BE DEPOSITED IN THE SEWAGE WORKS SINKING FUND AND CREDITED TO THE DEBT SERVICE RESERVE ACCOUNT.

(e) SO LONG AS ANY OF THE BONDS ARE OUTSTANDING, THE TOWN SHALL NOT MORTGAGE, PLEDGE OR OTHERWISE ENCUMBER SUCH WORKS, OR ANY PART THEREOF, NOR SHALL IT SELL, LEASE OR OTHERWISE DISPOSE OF ANY PORTION THEREOF EXCEPT EQUIPMENT OR PROPERTY WHICH MAY BECOME WORN OUT, OBSOLETE OR NO LONGER SUITABLE FOR USE IN THE SEWAGE WORKS.

(f) EXCEPT AS HEREINBEFORE PROVIDED IN SECTION 20, SO LONG AS ANY OF THE BONDS HEREIN AUTHORIZED ARE OUTSTANDING, NO ADDITIONAL BONDS OR OTHER OBLIGATIONS PLEDGING ANY PORTION OF THE REVENUES OF SAID SEWAGE WORKS SHALL BE AUTHORIZED, EXECUTED OR ISSUED BY THE TOWN EXCEPT SUCH AS SHALL BE MADE SUBORDINATE AND JUNIOR IN ALL RESPECTS TO THE BONDS HEREIN AUTHORIZED,

UNLESS ALL OF THE BONDS HEREIN AUTHORIZED HAVE BEEN DULY CALLED FOR REDEMPTION AND SUFFICIENT FUNDS TO EFFECT THE REDEMPTION AND RETIREMENT HAVE BEEN DEPOSITED AT THE PLACE OF REDEMPTION ON THE DATE FIXED FOR REDEMPTION IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SAID BONDS AND THIS ORDINANCE.

(g) THE TOWN SHALL TAKE ALL ACTION OR PROCEEDINGS NECESSARY AND PROPER TO REQUIRE CONNECTION OF ALL PROPERTY WHERE LIQUID AND SOLID WASTE, SEWAGE, NIGHT SOIL, OR INDUSTRIAL WASTE IS PRODUCED WITH AVAILABLE SANITARY SEWERS. THE TOWN SHALL, INSOFAR AS POSSIBLE, CAUSE ALL SUCH SANITARY SEWERS TO BE CONNECTED WITH SAID SEWAGE WORKS.

(h) THE PROVISIONS OF THIS ORDINANCE SHALL CONSTITUTE A CONTRACT BY AND BETWEEN THE TOWN AND THE HOLDERS OF THE SEWAGE WORKS REVENUE BONDS HEREIN AUTHORIZED, AND AFTER THE ISSUANCE OF SAID BONDS THIS ORDINANCE SHALL NOT BE REPEALED OR AMENDED IN ANY RESPECT WHICH WILL ADVERSELY AFFECT THE RIGHTS OF THE HOLDERS OF SAID BONDS, NOR SHALL THE BOARD OF TRUSTEES ADOPT ANY LAW, ORDINANCE OR RESOLUTION WHICH IN ANY WAY ADVERSELY AFFECTS THE RIGHTS OF SUCH HOLDERS SO LONG AS ANY OF SAID BONDS OR THE INTEREST THEREON REMAIN UNPAID.

(i) THE PROVISIONS OF THIS ORDINANCE SHALL BE CONSTRUED TO CREATE A TRUST IN THE PROCEEDS OF THE SALE OF THE BONDS HEREIN AUTHORIZED FOR THE USES AND PURPOSES THEREIN SET FORTH, AND THE HOLDERS OF THE BONDS SHALL RETAIN A LIEN ON SUCH PROCEEDS UNTIL THE SAME ARE APPLIED IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE AND OF SAID GOVERNING ACT. THE PROVISIONS OF THIS ORDINANCE SHALL ALSO BE CONSTRUED TO CREATE A TRUST IN THE PORTION OF THE NET REVENUES HEREIN DIRECTED TO BE SET APART AND PAID INTO THE SEWAGE WORKS SINKING FUND FOR THE USES AND PURPOSES OF SAID FUND AS IN THIS ORDINANCE SET FORTH. THE HOLDERS OF SAID BONDS SHALL HAVE ALL OF THE RIGHTS, REMEDIES AND PRIVILEGES SET FORTH IN THE PROVISIONS OF THE GOVERNING ACT HEREINBEFORE REFERRED TO, INCLUDING THE RIGHT TO HAVE A RECEIVER APPOINTED TO ADMINISTER SAID SEWAGE WORKS, IN THE EVENT OF DEFAULT IN THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON ANY OF THE BONDS HEREIN AUTHORIZED OR IN THE EVENT OF DEFAULT IN RESPECT TO ANY OF THE PROVISIONS OF THIS ORDINANCE OR THE GOVERNING ACT.

SECTION 22. SO LONG AS THE UNITED STATES OF AMERICA, ACTING THROUGH THE FARMERS HOME ADMINISTRATION, IS THE HOLDER OF ANY OF THE BONDS, THE TOWN COVENANTS THAT IN ADDITION TO THE OTHER COVENANTS, TERMS AND CONDITIONS APPLICABLE TO THE BONDS AUTHORIZED BY THIS ORDINANCE, THAT:

(a) THE CLERK-TREASURER SHALL MAINTAIN A FIDELITY BOND IN AN AMOUNT NOT LESS THAN FIFTEEN THOUSAND DOLLARS ($15,000.00) WHICH SHALL NAME THE FARMERS HOME ADMINISTRATION AS A CO-OBLIGEE;

(b) ALL DISBURSEMENTS AND PAYMENTS FROM THE CONSTRUCTION ACCOUNT ESTABLISHED BY SECTION 12 HEREOF SHALL BE COUNTERSIGNED BY SUCH OFFICIAL AS

SHALL BE DESIGNATED IN WRITING BY THE FARMERS HOME ADMINISTRATION;

(c) THE TOWN, TO THE EXTENT PERMITTED BY STATE LAW, SHALL MAKE SUCH PERIODIC REPORTS ON THE SEWAGE WORKS AND ITS FUNDS AND ACCOUNTS AS SHALL BE SPECIFIED BY THE FARMERS HOME ADMINISTRATION;

(d) TO THE EXTENT PERMITTED BY LAW, THE TOWN SHALL COMPLY WITH THE TERMS AND CONDITIONS OF THE FARMERS HOME ADMINISTRATION LOAN AGREEMENT, DATED SEPTEMBER 3, 1971.

SECTION 23. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THIS SECTION, AND NOT OTHERWISE, THE HOLDERS OF NOT LESS THAN SEVENTY-FIVE PER CENT (75%) IN AGGREGATE PRINCIPAL AMOUNT OF THE BONDS ISSUED PURSUANT TO THIS ORDINANCE AND THEN OUTSTANDING SHALL HAVE THE RIGHT, FROM TIME TO TIME, ANYTHING CONTAINED IN THIS ORDINANCE TO THE CONTRARY NOTWITHSTANDING, TO CONSENT TO AND APPROVE THE ADOPTION BY THE TOWN OF SUCH ORDINANCE OR ORDINANCES SUPPLEMENTAL HERETO AS SHALL BE DEEMED NECESSARY OR DESIRABLE BY THE TOWN FOR THE PURPOSE OF MODIFYING, ALTERING, AMENDING, ADDING TO OR RESCINDING IN ANY PARTICULAR ANY OF THE TERMS OR PROVISIONS CONTAINED IN THIS ORDINANCE, OR IN ANY SUPPLEMENTAL ORDINANCE; PROVIDED, HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL PERMIT OR BE CONSTRUED AS PERMITTING:

(a) AN EXTENSION OF THE MATURITY OF THE PRINCIPAL OF OR INTEREST ON ANY BOND ISSUED PURSUANT TO THIS ORDINANCE; OR

(b) A REDUCTION IN THE PRINCIPAL AMOUNT OF ANY BOND OR THE REDEMPTION PREMIUM OR THE RATE OF INTEREST THEREON; OR

(c) THE CREATION OF A LIEN UPON OR A PLEDGE OF THE REVENUES OF THE SEWAGE WORKS RANKING PRIOR TO THE PLEDGE THEREOF CREATED BY THIS ORDINANCE; OR

(d) A PREFERENCE OR PRIORITY OF ANY BOND OR BONDS ISSUED PURSUANT TO THIS ORDINANCE OVER ANY OTHER BOND OR BONDS ISSUED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE; OR

(e) A REDUCTION IN THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REQUIRED FOR CONSENT TO SUCH SUPPLEMENTAL ORDINANCE.

THE HOLDERS OF NOT LESS THAN SEVENTY-FIVE (75%) PER CENT IN AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OUTSTANDING AT THE TIME OF ADOPTION OF SUCH SUPPLEMENTAL ORDINANCE SHALL HAVE CONSENTED TO AND APPROVED THE ADOPTION THEREOF BY WRITTEN INSTRUMENT TO BE MAINTAINED ON FILE IN THE OFFICE OF THE CLERK-TREASURER OF THE TOWN. NO HOLDER OF ANY BOND ISSUED PURSUANT TO THIS ORDINANCE SHALL HAVE ANY RIGHT TO OBJECT TO THE ADOPTION OF SUCH SUPPLEMENTAL ORDINANCE OR TO OBJECT TO ANY OF THE TERMS AND PROVISIONS THEREOF. UPON THE ADOPTION OF ANY SUPPLEMENTAL ORDINANCE PURSUANT TO THE PROVISIONS OF THIS SECTION, THIS ORDINANCE SHALL BE, AND SHALL BE DEEMED, MODIFIED AND AMENDED IN ACCORDANCE THEREWITH, AND THE

RESPECTIVE RIGHTS, DUTIES AND OBLIGATIONS UNDER THIS ORDINANCE OF THE TOWN AND ALL HOLDERS OF BONDS ISSUED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE THEN OUTSTANDING, SHALL THEREAFTER BE DETERMINED EXERCISED AND ENFORCED IN ACCORDANCE WITH THIS ORDINANCE, SUBJECT IN ALL RESPECTS TO SUCH MODIFICATIONS AND AMENDMENTS. NOTWITHSTANDING ANYTHING CONTAINED IN THE FOREGOING PROVISIONS OF THIS ORDINANCE, THE RIGHTS AND OBLIGATIONS OF THE TOWN AND OF THE HOLDERS OF THE BONDS AUTHORIZED BY THIS ORDINANCE, AND THE TERMS AND PROVISIONS OF THE BONDS AND THIS ORDINANCE, OR ANY SUPPLEMENTAL ORDINANCE, MAY BE MODIFIED OR ALTERED IN ANY RESPECT WITH THE CONSENT OF THE TOWN AND THE CONSENT OF THE HOLDERS OF ALL THE BONDS ISSUED PURSUANT TO THIS ORDINANCE THEN OUTSTANDING.

SECTION 24. THE ESTIMATE OF THE RATES FOR THE SEVERAL CLASSES OF USERS OR PROPERTY TO BE SERVED IS AS FOLLOWS:

QUANTITY OF WATER USED PER MONTH		CHARGE PER 1,000 GALLONS
FIRST	5000 GALLONS	$3.51
NEXT	10000 GALLONS	2.11
NEXT	20000 GALLONS	1.76
NEXT	65000 GALLONS	1.29
NEXT	100000 GALLONS	.89

MINIMUM FOR 5/8" & 3/4" METERS, $7.02 PER MONTH; FOR 1" METERS, $12.87 PER MONTH; FOR 1¼" METERS, $16.97 PER MONTH; FOR 1½" METERS, $21.06 PER MONTH; FOR 2" METERS, $28.08 PER MONTH; AND FOR 4" METERS, $56.16 PER MONTH.

THE MINIMUM CHARGE FOR ANY USER SHALL BE NOT LESS THAN SEVEN DOLLARS AND TWO CENTS ($7.02) PER MONTH.

SECTION 25. ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH ARE HEREBY REPEALED.

SECTION 26. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 4TH DAY OF OCTOBER, 1971.

Robert E. Smith
PRESIDENT, BOARD OF TRUSTEES

Floyd G. Mitchell

TRUSTEE

Fred Glossic
TRUSTEE

Arthur P. Pellam
TRUSTEE

Mrs. Anne Herr
TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE No. 255

(AMENDED AND RESTATED)

[Editor's Note: See also Ordinance #313.]

An Amended and Restated Ordinance concerning the refunding by the Town of Battle Ground, Indiana, of its Sewage Works Revenue Bonds of 1971; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said sewage works and the safeguarding of the interests of the owners of the Sewage Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith

WHEREAS, the Town issued its Sewage Works Revenue Bonds of 1971 ("Refunded Bonds"), under date of November 30, 1971, in the amount of $395,000, which are now outstanding in the amount of $309,000.00; and

WHEREAS, the Farmers Home Administration, U.S. Department of Agriculture ("FmHA") is the owner of the Refunded Bonds; and

WHEREAS, FmHA has developed a loan repurchase program ("Program") which enables the Town to refund its Refunded Bonds and achieve a savings; and

WHEREAS, the Indiana Bond Bank will participate in the Program and enable the Town to effect said refunding by purchasing the hereinafter defined Refunding Bonds; and

WHEREAS, IC 5-1-5 authorizes the refunding of such Refunded Bonds in order to effect a savings and such refunding is permitted by Ordinance No. 132 (hereinafter "Ordinance No. 132") authorizing the Refunded Bonds; and

WHEREAS, the Town hereby determines to participate in the Program, to execute and issue therefor its "Sewage Works Refunding Revenue Bonds of 1988" (the "Refunding Bonds"), in the form and with terms as hereinafter provided, for the purpose of effecting a savings and providing, together with certain funds currently held in funds and accounts created in Ordinance No. 132 (the "Issuer's Funds") as set forth in Exhibit A attached hereto [Editor's Note: Exhibit A has not been reproduced here. Please refer to the original Battle Ground Ordinance Book.], for the payment of the purchase price of the Refunded Bonds, as determined under the FmHA guidelines for the Program, and costs of issuance, thereby providing for the redemption and defeasance of the Refunded Bonds; and

WHEREAS, the Refunding Bonds to be issued pursuant to this ordinance will constitute a first charge against the Net Revenues of the sewage works, and are to be issued subject to the provisions of the laws of the State of Indiana, including without limitation IC 5-1-5 and IC 36-9-23, and all acts amendatory and supplemental (collectively the "Act"), and the terms and restrictions of this ordinance; and

WHEREAS, the sewage works of the Town has no encumbrance or lien of any kind whatsoever other than the Refunded Bonds to be refunded and defeased; and

WHEREAS, all conditions precedent to the adoption of an ordinance authorizing the issuance of the Refunding Bonds to apply to the refunding of the Refunded Bonds have been complied with in accordance with the provisions of the Act; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA:

Sec. 1. Issuance of Refunding Bonds; Redemption of Refunded Bonds. (a) That the Town, being the owner of and engaged in operating an unencumbered sewage works supplying the Town, its inhabitants, and the residents adjacent thereto, with sewage disposal and treatment services, now finds it necessary to provide funds for refunding and defeasing the Refunded Bonds and thereby effecting a savings under the Act as set forth in Exhibit A attached hereto. The terms "sewage works," "sewage works system," "works," "system," and words of like import where used in this ordinance shall be construed to mean and include the existing sewage works system and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired.

(b) The Town shall issue its Sewage Works Refunding Revenue Bonds of 1988, in the principal amount set forth on Exhibit A attached hereto for the purpose of procuring funds to be applied to the refunding and defeasance of the Refunded Bonds. The Town shall apply the Issuer's Funds to the refunding as set forth in Section 7.

The Refunding Bonds shall be issued in the denomination of One Hundred Dollars ($100) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the date of delivery thereof, and interest shall be payable annually on January 1 in each year, beginning on January 1, 1989. The Refunding Bonds shall be sold at not less than 97% of par value, shall bear interest at a rate or rates per annum set forth in Exhibit A attached hereto and shall mature serially in numerical order on January 1 in the years and amounts as set forth on Exhibit A attached hereto. The Refunding Bonds shall or bear interest which is not includable in gross income for federal income tax purposes (i.e., be "tax-exempt").

Sec. 2. Registrar and Paying Agent. The Clerk-Treasurer is hereby appointed as Registrar and Paying Agent for the Refunding Bonds (hereinafter, "Registrar" or "Paying Agent") and is hereby charged with the responsibility of authenticating the Refunding Bonds.

The principal of the Refunding Bonds shall be payable at the office of the Paying Agent. All payments of interest on the Refunding Bonds shall be paid by check or draft, mailed or delivered to the registered owners thereof at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. All payments on the Refunding Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Refunding Bond shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the principal office of the Registrar by the registered owner in person, or by his attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor.

The costs of such transfer or exchange shall be borne by the Town. The Town, Registrar and Paying Agent for the Refunding Bonds may treat and consider the person in whose name such Refunding Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

Interest on the Refunding Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Refunding Bonds unless the Refunding Bonds are authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the Refunding Bonds are authenticated on or before December 15, 1988, in which case they shall bear interest from the original date until the principal shall be fully paid.

Sec. 3. Redemption of Refunding Bonds. The Refunding Bonds maturing on and after January 1, 1999 shall be redeemable at the option of the Town on January 1, 1998, or any interest payment date thereafter, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value together with the following premiums:

2% if redeemed on January 1, 1998;
1% if redeemed on January 1, 1999;
0% if redeemed on January 1, 2000, or

thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption. Notice of such redemption shall be given at least thirty (30) days but not more than sixty (60) days prior to the date fixed for redemption by mail. Such notice shall be mailed to the address of the registered owners as shown on the registration records of the Town. The notice shall specify the date and place of redemption, and the serial numbers and dates of maturity of the Refunding Bonds called for redemption. The place of redemption shall be determined by the Town. Interest on the Refunding Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the principal office of the Paying Agent to pay the redemption price on the date so named. Coincidentally with the payment of the redemption price, the Refunding Bonds so called for redemption shall be surrendered for cancellation.

Sec. 4. Execution and Negotiability. Each of the Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the President of the Board of Trustees, attested by the manual or facsimile signature of its Clerk-Treasurer and the seal of the Town shall be affixed, imprinted or impressed to or on each of the Refunding Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Refunding Bonds. In case any officer whose signature or facsimile signature appears on the Refunding Bonds shall cease to be such officer before the delivery of the Refunding Bonds, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The Refunding Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The Refunding Bonds shall also be authenticated by the manual signature of an authorized representative of the Registrar and no Refunding Bond shall be valid or become obligatory for any purpose until the

certificate of authentication thereon has been so executed.

Said Refunding Bonds, and any bonds ranking on a parity therewith, as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the Net Revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town. The Town shall not be obligated to pay said Refunding Bonds or the interest thereon except from the Net Revenues of said works, and said Refunding Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Sec. 5. Form of Bonds. The form and tenor of the Refunding Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery;

UNITED STATES OF AMERICA

STATE OF INDIANA	COUNTY OF TIPPECANOE
Original Date	Authentication Date
6/6/88	*6/6/88*

TOWN OF BATTLE GROUND
SEWAGE WORKS REFUNDING REVENUE
BOND OF 1988

REGISTERED OWNER: INDIANA BOND BANK

PRINCIPAL SUM: TWO HUNDRED THIRTY-TWO THOUSAND SIX HUNDRED DOLLARS ($232,600)

The Town of Battle Ground, in Tippecanoe County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided) on January 1, in the years and amounts as set forth in Exhibit A attached hereto, and to pay interest thereon at the Interest Rates per annum as set forth in Exhibit A attached hereto from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before December 15, 1988, in which case it shall bear interest from the Original Date, until the principal is paid, which interest is payable annually on the first days of January in each year, beginning on January 1, 1989.

The principal of this bond is payable at the office of Clerk-Treasurer (the "Registrar" or "Paying Agent"), in the Town of Battle Ground, Indiana. All payments of interest on this bond shall be paid by check or draft, mailed or delivered to the Registered Owner hereof at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THE TOWN SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE TOWN WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

This bond is one of an authorized issue of bonds of the Town of Battle Ground, of like date, tenor and effect, except as to rates of interest and dates of maturity; aggregating Two Hundred Thirty-Two Thousand Six Hundred Dollars ($232,600); numbered consecutively from 1 up; issued for the purpose of refunding and defeasing certain Refunded Bonds (as defined in the hereinafter defined Ordinance). This bond is issued pursuant to an Ordinance adopted by the Board of Trustees of said Town on the day of June, 1988, entitled "An Amended and Restated Ordinance concerning the refunding by the Town of Battle Ground, Indiana, of its Sewage Works Revenue Bonds of 1971; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said sewage works and the safeguarding of the interests of the owners of the Sewage Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith" (the "Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 5-1-5 and Indiana Code 36-9-23 (hereinafter collectively, the "Act"), the proceeds of which bonds are to be applied solely to said refunding and defeasance of the Refunded Bonds, including the incidental expenses incurred in connection therewith.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of said issue and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund created by the Ordinance (the "Sinking Fund") to be provided from the Net Revenues (herein defined as the gross revenues of the sewage works of the Town remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town.

Pursuant to the Ordinance, the Town of Battle Ground has set aside proceeds of the bonds of this issue and the Issuer's Funds, as defined in the Ordinance, to provide for the redemption and defeasance of the Refunded Bonds.

The Town of Battle Ground irrevocably pledges the entire Net Revenues of the sewage works to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the utility as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the utility and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. In the event the Town or the proper officers thereof

shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in said Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The Town of Battle Ground further covenants that it will set aside and pay into its Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the Net Revenues of said works for payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to maintain the debt service reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the sewage works.

The bonds of this issue maturing on and after January 1, 1999 are redeemable at the option of the Town on January 1, 1998, or any interest payment date thereafter, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, at face value, together with the following premiums:

2% if redeemed on January 1, 1998;
1% if redeemed on January 1, 1999;
0% if redeemed on January 1, 2000, or

thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption. Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration records of the Town not less than thirty (30) days but not more than sixty (60) days prior to the date fixed for redemption unless the notice is waived by the registered owner of this bond. The notice shall specify the date and place of redemption and the serial numbers and dates of maturity of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed theref or, the Town may deposit in trust with the Paying Agent, an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the Town shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Clerk-Treasurer, as Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or his attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. The Town, the Registrar, the Paying Agent and any other registrar or paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the

purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein, and the owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of $100 or any integral multiple thereof.

The Town has designated the bonds as qualified tax-exempt obligations to qualify the bonds for the $10,000,000 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986 relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Town of Battle Ground, in Tippecanoe County, I ndiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its President, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk-Treasurer.

TOWN OF BATTLE GROUND, INDIANA

By Jean L McGroarty
President, Board of Trustees

ATTEST:
Judith E. Marks
Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

_____,
as Registrar

By_____
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

_____ this bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated:_____

_____	_____
NOTICE: Signature(s) must be guaranteed by a broker-dealer or a commercial bank or trust company.	NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Sec. 6. Authorization for Preparing Refunding Bonds and Approval of Purchase Agreement. (a) The Clerk-Treasurer is hereby authorized and directed to have the Refunding Bonds prepared, and the President of the Board of Trustees and Clerk-Treasurer are hereby authorized and directed to execute and attest the Refunding Bonds in the form and manner provided below. The Clerk-Treasurer is hereby authorized and directed to deliver the Refunding Bonds to the Indiana Bond Bank in accordance with the Purchase Agreement (hereinafter the "Purchase Agreement") between the Town and the Indiana Bond Bank (the "Bond Bank"). The Purchase Agreement is hereby approved and ratified by the Board of Trustees in substantially final form, and the President and Clerk-Treasurer shall be authorized and directed to execute and attest the same on behalf of the Town with any changes therein not inconsistent with this ordinance. The Refunding Bonds herein authorized, when fully paid for and delivered to the Bond Bank, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues of the sewage works to be set aside into the Sewage Works Sinking Fund created in Section 13 (hereinafter the "Sinking Fund"). The proper officers of the Town are hereby directed to participate in the Program and sell the Refunding Bonds to the Bond Bank, to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Sec. 7. Refunding of the Refunded Bonds and Costs of Issuance. Concurrently with the delivery of the Refunding Bonds, the Clerk-Treasurer shall acquire with the proceeds thereof, and the Issuer's Funds as set forth in Exhibit A attached hereto, the Refunded Bonds from the FmHA in compliance with the guidelines of the Program, to refund and def ease the Refunded Bonds.

Issuance expenses of the Refunding Bonds not otherwise paid shall be paid from the remaining proceeds by the Clerk-Treasurer. When all the costs of issuance of the Refunding Bonds have been paid, the Clerk-Treasurer shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the Sinking Fund as herein provided.

Sec. 8. Accrued Interest. The accrued interest received at the time of delivery of the Refunding Bonds, if any, shall be deposited in the Sinking Fund created in Section 13, to be credited to the Bond and Interest Account of the Sinking Fund.

Sec. 9. Financial Records and Accounts. The Town shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works and all disbursements made therefrom and all transactions relating to the utility. There shall be prepared and furnished to the Bond Bank an annual report setting out complete operating, income and financial statements of the utility, in reasonable detail, covering the preceding fiscal year. Such report shall be prepared and furnished within ninety (90) days after the close of each fiscal year, and shall be certified by the Clerk-Treasurer, or be prepared by a certified public accountant employed for that purpose. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any owner of the Refunding Bonds shall have the right at all reasonable times to inspect the sewage works system and the records, accounts and data of the Town to it.

Sec. 10. Pledge of Net Revenues. The interest on and the principal of the Refunding Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a first charge on all the Net Revenues of the Town's sewage works, and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Refunding Bonds, to the extent necessary for that purpose.

Sec. 11. Revenues. There is hereby created a fund known as the Sewage Works Revenue Fund (the "Revenue Fund") into which there shall be deposited upon receipt all income and revenues of the sewage works. This fund shall be maintained separate and apart from all other bank accounts of the Town. All moneys deposited in the Revenue Fund may be invested in accordance with IC 5-13-9.

Sec. 12. Operation and Maintenance Fund. Any Operation and Maintenance Fund moneys heretofore accumulated for the Refunded Bonds and not a part of the Issuer's Funds shall be credited to and become a part of the Operation and Maintenance Fund (the "Operation and Maintenance Fund") created hereby as of the date of the refunding of the Refunded Bonds. There shall be credited on the last day of each calendar month a sufficient amount of the revenues of the sewage works so that the balance in the Operation and Maintenance Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to the Operation and Maintenance Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the moneys in such Operation and Maintenance Fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said Operation and Maintenance Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.

Sec. 13. Sewage Works Sinking Fund. (a) There is hereby created a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest, which fund shall be designated the Sewage Works Sinking Fund (the "Sinking Fund"). There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said sewage works to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby created in said Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account hereinafter described, equals the amount needed to redeem all of the then outstanding bonds.

(b) Bond and Interest Account. Any moneys accumulated to pay principal and interest on the Refunded Bonds and not a part of the Issuer's Funds shall be credited to and become a part of the Bond and Interest Account created hereby as of the date of the refunding of the Refunded Bonds. Beginning as of the date of issuance of the Refunding Bonds, there shall be transferred, on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account an amount of the Net Revenues equal to the sum of one-tenth (1/10) of the principal and one-fifth (1/5) of the interest on all then outstanding bonds payable from Net Revenues on the next succeeding principal and interest payment dates, until the amount so credited shall equal the principal payable during the next succeeding twelve (12) calendar months and the interest payable during the next succeeding six (6) calendar months. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

(c) Debt Service Reserve Account. Moneys currently held as a reserve for the Refunded Bonds and not a part of the Issuer's Funds shall be credited to and become a part of the Debt Service Reserve Account created hereby as of the date of the refunding of the Refunded Bonds. The Town shall deposit, if necessary, as a reserve for the Refunding Bonds, into the Debt Service Reserve Account either revenues of the sewage works on a monthly basis or funds of the sewage works now on hand so that the reserve equals but does not exceed the least of (i) the maximum annual debt service on the Refunding Bonds, (ii) 125% of average annual debt service on the Refunding Bonds, or (iii) 10% of the proceeds of the Refunding Bonds plus a minor portion as defined in the Internal Revenue Code of 1986 ("Reserve Requirement"). If the Town deposits revenues into the Debt Service Reserve Account on a monthly basis, the amount of the monthly deposit shall be sufficient to accumulate the Reserve Requirement within five years from the date of delivery of the Refunding Bonds. The balance in the Debt Service Reserve Account shall never exceed the Reserve Requirement.

The Debt Service Reserve Account shall constitute the margin for safety and as protection against default in the payment of principal of and interest on the Refunding Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest on the Refunding Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in balance maintained in the Debt Service Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on Refunding Bonds, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Debt Service Reserve Account in excess of the Reserve Requirement may be used for the prepayment of installments of principal on the then outstanding bonds which are then callable or prepayable, or for the purchase of outstanding bonds or installments of principal of fully registered Refunding Bonds at a price not exceeding par and accrued interest, or may be transferred to the Sewage Works Improvement Fund as provided above.

Sec. 14. Sewage Works Improvement Fund. After meeting the requirements of the Operation and Maintenance Fund, and the Sinking Fund, any excess revenues may be transferred or credited to a fund designated the "Sewage Works Improvement Fund," and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works. Moneys in the Sewage Works Improvement

Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation and maintenance of the sewage works.

Sec. 15. Investment of Funds. The Sinking Fund shall be deposited in and maintained as a separate bank account or accounts from all other bank accounts of the Town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single bank account, or accounts, but such bank account, or accounts, shall likewise be maintained separate and apart from all other bank accounts of the Town and apart from the Sewage Works Sinking Fund bank account or accounts. All moneys deposited in the bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, Chapter 9, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

Sec. 16. Defeasance of the Refunding Bonds. If, when the Refunding Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Refunding Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Refunding Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Refunding Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's sewage works.

Sec. 17. Rate Covenant. The Town covenants and agrees that it will establish and maintain 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 sewage 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 and maintenance of the works, and for the payment of the sums required to be paid into the Sinking Fund by said Act and this ordinance. 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 the requirements of the 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, and shall be paid by the Town or the various departments thereof as the charges accrue.

Sec. 18. Additional Bond Provisions. The Town reserves the right to authorize and issue additional bonds payable out of the revenues of its sewage works ranking on a parity with the Refunding Bonds for the

purpose of financing the cost of future additions, extensions and improvements to its sewage works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this ordinance, and the interest on and principal of the Refunding Bonds shall have been paid in accordance with their terms.

(b) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Refunding Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of said additional parity bonds, the sewer rates and charges shall be increased sufficiently so that the increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for the year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings prepared by a certified public accountant employed by the Town for that purpose.

(c) The interest on the additional parity bonds may be payable semiannually on the first days of January and July and the principal of the bonds shall be payable annually on the first day of January in the years in which both principal and interest are payable. As an alternative, interest and principal on the additional parity bonds may be payable annually on the first day of January.

Sec. 19. Further Covenants of the Town; Maintenance, Insurance, Pledge Not To Encumber, Subordinate Indebtedness, and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Refunding Bonds are outstanding, the Town shall at all times maintain said sewage works system in good condition, and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the Town shall maintain insurance on the insurable parts of the system, of a kind and in an amount such as is usually carried by private corporations engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the state of Indiana, and insurance proceeds shall be used either in replacing or restoring the property destroyed or damaged, or shall be deposited in the Sinking Fund.

(c) So long as any of the Refunding Bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility.

(d) Except as otherwise specifically provided in Section 18 of this ordinance, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the system shall be authorized, issued or executed by the Town, except such as shall be made junior and subordinate in all respects to the Refunding Bonds, unless all of the Refunding Bonds are redeemed or defeased coincidentally with the delivery of such additional bonds or other obligations.

(e) The Town shall take all actions or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.

(f) The provisions of this ordinance shall constitute a contract by and between the Town and the owners of the Refunding Bonds herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of said Refunding Bonds this ordinance shall not be repealed, amended or modified in any respect which will adversely affect the rights or interests of the owners of said Refunding Bonds, nor shall the Board of Trustees or any other body of the Town adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any of said Refunding Bonds, or the interest thereon, remain outstanding or unpaid. The ordinance may be amended, however, without the consent of bondowners, if the Board of Trustees determines, in its sole discretion, that such amendment would not adversely affect the owners of the Refunding Bonds.

(g) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said Fund as in this ordinance set forth. The owners of said Refunding Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer said sewage works in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for said purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the Refunding Bonds for a period of thirty (30) days after such payment shall be due.

(h) None of the provisions of this ordinance shall be construed as requiring the expenditure of any funds of the Town derived from any sources other than the proceeds of said Refunding Bonds and the operation of the sewage works system.

Sec. 20. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Board of Trustees of the Town of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Refunding Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Refunding Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the Net Revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Refunding Bond or Refunding Bonds issued pursuant to this ordinance over any other Refunding Bond or Refunding Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental ordinance.

In the event that the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the Town, no owner of any Refunding Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Board of Trustees of the Town from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all owners of Refunding Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the owners of the Refunding Bonds authorized by this ordinance, and the terms and provisions of the Refunding Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the Refunding Bonds then outstanding.

Sec. 21. Tax Covenants. In order to preserve the exclusion of interest on the Refunding Bonds from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Refunding Bonds ("Code") and as an inducement to purchasers of the Refunding Bonds, the Town represents, covenants and agrees that:

(a) No person or entity other than the Town or another state or local governmental unit will use proceeds of the Refunding Bonds or property financed by the bond proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by bond proceeds or will have any actual or beneficial use of such property pursuant to a lease, management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that differentiates that person's or entity's use of such property from use by the general public.

(b) No bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the bond proceeds.

(c) The Town will not take any action nor fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Refunding Bonds pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion.

(d) It shall be not an event of default under this ordinance if the interest on any Refunding Bonds is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Refunding Bonds.

(e) The Town represents that:

(i) The Town is a governmental unit with general taxing powers;

(ii) The Refunding Bonds are not private activity bonds as defined in Section 141 of the Code;

(iii) At least 95% of the net proceeds of the Refunding Bonds will be used for local governmental activities of the Town or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the Town; and

(iv) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town, all units to which the Town is subordinate and all units subordinate to the Town is not reasonably expected to exceed $5,000,000 in calendar year 1988.

Therefore, the Town meets the requirements of Section 148(f)(4)(C) of the Code and will not have to rebate any arbitrage profits to the United States.

(f) The Town acknowledges that it is aware that the Technical Corrections Bill (H.R. 2636, S. 1350) was introduced in the first session of the 100th Congress and the second session of the 100th Congress and, in its present form, contains a provision that may subject the Refunding Bonds to the rebate requirement of Section 148(f) of the Code and would be effective for all bonds issued after June 30, 1987, including the Refunding Bonds. The Town hereby covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code, if amended retroactively by the Technical Corrections Bill and enacted into law.

(g) The Town represents that:

(i) The Refunding Bonds are not private activity bonds as defined in Section 141 of the Code;

(ii) The Town hereby designates the Refunding Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; and

(iii) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations but excluding other private activity bonds) which will be issued by the Town, all units to which the Town is subordinate and all units subordinate to the Town during 1988 does not exceed $10,000,000.

(iv) The Town has not designated more than $10,000,000 of qualified tax-exempt obligations during 1988.

Therefore, the Refunding Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to tax-exempt obligations.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Refunding Bonds.

Sec. 22. Noncompliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Refunding Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Sec. 23. Rates and Charges. The schedule of rates and charges for the sewage works is set forth in Ordinance No. That ordinance is incorporated in this ordinance by reference.

Sec. 24. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 25. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this Ordinance.

Sec. 26. Effective Date. This Ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Battle Ground, this 1st day of June, 1988

Jean L. McGroarty
Presiding Officer

Bob England

Robert J. Patton Jr.

Carl C. Horner

Attest:
Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 313

An Ordinance concerning the refunding by the Town of Battle Ground of its Sewage Works Refunding Revenue Bonds of 1988; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1993 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 of 1993; other matters connected therewith; and repealing ordinances inconsistent herewith

WHEREAS, the Town of Battle Ground, Indiana (the "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 there are now outstanding bonds originally issued to refund certain obligations of the Town's sewage works and payable out of the revenues therefrom designated "Sewage Works Refunding Revenue Bonds of 1988" dated June 6, 1988 (the "1988 Bonds"), originally issued in the amount of $232,600, now outstanding in the amount of $204,400, and maturing annually over a period ending January 1, 2010, which 1988 Bonds constitute a first charge upon the Net Revenues (as hereinafter defined) of the sewage works; and

WHEREAS, the Town Council finds that there are now outstanding bonds originally issued to finance to cost of certain additions and improvements to the Town's sewage works and payable out of the revenues therefrom designated "Sewage Works Revenue Bonds of 1990," dated February 27, 1990 (the "1990 Bonds"), which 1990 Bonds are now outstanding in the aggregate principal amount of $101,000, and maturing annually over a period ending January 1, 2005, and which 1990 Bonds constitute a first charge upon the Net Revenues of the sewage works on a parity with the 1988 Bonds; and

WHEREAS, the 1988 Bonds were issued to refinance sewage works revenue bonds originally issued and sold to the Farmers Home Administration to fund the cost of either acquiring, constructing or improving the sewage works; and

WHEREAS, the Town sold the 1988 Bonds to the Indiana Bond Bank which financed such purchase by issuing its Special Loan Program Bonds, Series 1988A, B and C (the "Bond Bank Bonds"); and

WHEREAS, the Town has been advised that the Indiana Bond Bank intends to advance refund a portion of the Bond Bank Bonds to effect a savings, and that a portion of the savings will be passed back to the Town if the Town participates in the Indiana Bond Bank program; and

WHEREAS, the Town Council finds that the 1988 Bonds (the "Refunded Bonds") should be refunded pursuant to the provisions of IC 5-1-6 to enable the Town to participate in the Indiana Bond Bank program and effect a savings to the Town; and

WHEREAS, the Town Council finds that it is advisable to issue its refunding revenue bonds in an amount not to exceed $260,000 and to use the proceeds to refund the Refunded Bonds, together with funds on hand, and to pay for all costs related to the refunding and the issuance of the bonds hereunder; and

WHEREAS, the terms and conditions of the ordinance authorizing the issuance of the now outstanding 1990 Bonds provide that additional revenue bonds may be issued on a parity with the 1990 Bonds provided certain tests are met, and the Town finds that the finances of said sewage works are such as will not enable meeting the conditions for the issuance of additional parity bonds and that, accordingly, the additional revenue bonds to be issued hereunder shall constitute a second charge upon the Net Revenues, subject to the prior payment of the 1990 Bonds; and

WHEREAS, the Town has been advised that the Indiana Bond Bank will permit the Town to immediately refund the Refunded Bonds, notwithstanding the provisions of the ordinance authorizing the Refunded Bonds regarding early redemption; and

WHEREAS, the Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of revenue bonds have been complied with in accordance with the provisions of IC 5-1-6 and IC 36-9-23 as in effect on the date of delivery of the bonds authorized herein (collectively, the "Act");

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THAT:

1. Issuance of Refunding Bonds. (a) The Town, being the owner of and engaged in operating an unencumbered sewage works supplying the Town, its inhabitants, and the residents adjacent thereto, with sewage disposal and treatment services, now finds it necessary to provide funds for refunding the Refunded Bonds thereby effecting a savings, as reported by the Town's financial advisor, H. J. Umbaugh & Associates. The terms "sewage works," "sewage works system," "works," "system," and words of like import where used in this ordinance shall be construed to mean and include all structures and property of the Town's sewer utility, including items defined at IC 36-9-1-8.

(b) The Town shall issue its "Sewage Works Refunding Revenue Bonds of 1993, (the "Refunding Bonds") in an aggregate principal amount not to exceed $260,000 for the purpose of procuring funds to be applied to the refunding of the Refunded Bonds, the payment of costs of issuance, and all other costs related to the refunding. The Town shall apply moneys currently held for the payment of debt service on the Refunded Bonds to the refunding as provided in Section 7.

The Refunding Bonds shall be issued in the denomination of One Thousand Dollars ($1,000) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the date of delivery, and interest shall be payable annually on January 1 in each year, beginning on January 1, 1994. The Refunding Bonds shall be sold at a price of not less than the par value thereof. The Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and such Refunding Bonds shall bear interest at a rate or rates not exceeding 6.25 % per annum (the exact rates to be determined by negotiation) and mature annually on January 1 of each year over a period ending no later than January 1, 2010 and in such amounts which will achieve as level debt service as practicable with $1,000 denominations.

2. Registrar and Paying Agent. The Clerk-Treasurer is hereby designated to serve as Registrar and Paying Agent for the Refunding Bonds (the "Registrar" or "Paying Agent") and will be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent. The Registrar is hereby charged with the responsibility of authenticating the Refunding Bonds.

The principal of the Refunding Bonds shall be payable at the office of the Paying Agent. All payments of interest on the Refunding Bonds shall be paid by check, mailed one business day prior to the interest payment date to the registered owners thereof as the names appear as of the fifteenth day of the month preceding the interest payment date and at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. All payments on the Refunding Bonds shall be made in any lawful money of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Refunding Bond shall be transferable or exchangeable only upon the books of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the Town except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The Town, Registrar and Paying Agent for the Refunding Bonds may treat and consider the person in whose name such Refunding Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

The Registrar and Paying Agent may at any time resign as Registrar and Paying Agent upon giving 30 days' notice in writing to the Town and by first class mail to each registered owner of the Refunding Bonds then outstanding, and such resignation will take effect at the end of such 30 day period or upon the earlier appointment of a successor registrar and paying agent by the Town. Any such notice to the Town may be served personally or sent by registered mail. The Registrar and Paying Agent may be removed at any time as Registrar and Paying Agent by the Town, in which event the Town may appoint a successor registrar and paying agent. The Town shall notify each registered owner of the Refunding Bonds then outstanding by first class mail of the removal of the Registrar and Paying Agent. Notices to the registered owners of the Refunding Bonds shall be deemed to be given when mailed by first class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the Town, the Clerk-Treasurer is authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the bonds. The Clerk-Treasurer is further authorized to pay such fees as the successor registrar and paying agent may charge for the services it provides as registrar and paying agent and such fees may be paid from the Sewage Works Sinking Fund continued in Section 12 hereof. Any predecessor registrar and paying agent shall deliver all of the Refunding Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

Interest on the Refunding Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Refunding Bonds unless the Refunding Bonds are authenticated after the fifteenth day of the month preceding an interest payment date and on or before

such interest payment date in which case they shall bear interest from such interest payment date, or unless the Refunding Bonds are authenticated on or before December 15, 1993, in which case they shall bear interest from the original date, until the principal shall be fully paid.

3. Redemption of Refunding Bonds. The Refunding Bonds maturing on or after January 1, 2005, are redeemable at the option of the Town on January 1, 2004, or on any date thereafter, on thirty (30) days' notice, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value together with the following premiums:

2% if redeemed on January 1, 2004, or thereafter on
or before December 31, 2004;
1% if redeemed on January 1, 2005, or thereafter on
or before December 31, 2005;
0% if redeemed on January 1, 2006,
thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

Notice of such redemption shall be given at least thirty (30) days prior to the date fixed for redemption by mail unless the notice is waived by the registered owner of a Refunding Bond. Such notice shall be mailed to the address of the registered owners as shown on the registration records of the Town. The notice shall specify the date and place of redemption and dates of maturity of the Refunding Bonds called for redemption. The place of redemption shall be determined by the Town. Interest on the Refunding Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the principal office of the Paying Agent to pay the redemption price on the date so named. Coincidentally with the payment of the redemption price, the Refunding Bonds so called for redemption shall be surrendered for cancellation.

4. Execution and Negotiability. Each of the Refunding Bonds shall be executed in the name of the Town by the manual or facsimile signature of the President and attested by the manual or facsimile signature of its Clerk-Treasurer, and the seal of the Town shall be affixed, imprinted or impressed to or on each of the Refunding Bonds manually, by facsimile or any other means; and these officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on the Refunding Bonds. In case any officer whose signature or facsimile signature appears on the Refunding Bonds shall cease to be such officer before the delivery of the Refunding Bonds, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The Refunding Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The Refunding Bonds shall also be authenticated by the manual signature of the Registrar, and no Refunding Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

5. Form of Bonds. The form and tenor of the Refunding Bonds shall be substantially as follows,

all blanks to be filled in properly prior to delivery.

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF TIPPECANOE

Original Date

Authentication Date

TOWN OF BATTLE GROUND
SEWAGE WORKS REFUNDING REVENUE
BOND OF 1993

REGISTERED OWNER: INDIANA BOND BANK

PRINCIPAL SUM:

The Town of Battle Ground (the "Town"), in Tippecanoe County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum set forth above on January 1 in the years and amounts set forth on Exhibit A attached hereto (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest hereon for each maturity at the interest rates per annum stated on Exhibit A attached hereto from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before December 15, 1993, in which case it shall bear interest from the Original Date, until the principal is paid, which interest is payable annually on the first day of January in each year, beginning on January 1, 1994.

The principal of this bond is payable at the office of the Clerk-Treasurer of Battle Ground (the "Registrar" or "Paying Agent"), in the Town of Battle Ground, Indiana. All payments of interest on this bond shall be paid by check, mailed one business day prior to the interest payment date to the registered owner hereof as of the fifteenth day of the month preceding such interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. All payments on the bond shall be made in lawful money of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THE TOWN SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED SPECIAL FUND, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE TOWN WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

This bond is one of an authorized issue of bonds of the Town of Battle Ground, of like date, tenor and effect, except as to rates of interest and dates of maturity; aggregating _____

Dollars ($_____); numbered consecutively from 1 up; issued for the purpose of refunding the Refunded Bonds (as defined in the hereinafter defined Ordinance). This bond is issued pursuant to an Ordinance adopted by the Town Council of said Town on the ___ day of_____, 1993, entitled "An Ordinance concerning the refunding by the Town of Battle Ground, Indiana, of its Sewage Works Refunding Revenue Bonds of 1988; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1993 for such purpose; providing for the collection, segregation and distribution of the revenues of said sewage works and the safeguarding of the interests of the owners of the Sewage Works Refunding Revenue Bonds of 1993; other matters connected therewith; and repealing ordinances inconsistent herewith" (the "Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 5-1-6 and Indiana Code 36-9-23 as in effect on the date of delivery of the bonds of this issue (hereinafter collectively, the "Act"), the proceeds of which bonds are to be applied solely to the refunding of the Refunded Bonds, including the incidental expenses incurred in connection therewith and with the issuance of the refunding bonds.

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this bond and all other bonds of said issue and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund continued by the Ordinance (the "Sinking Fund") to be provided from the Net Revenues (herein defined as the gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town, subject, however, to the prior payment of the 1990 Bonds (as defined in the Ordinance).

The Town irrevocably pledges the entire Net Revenues of the sewage works to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, of which this is one, and any bonds ranking on a parity therewith, subject to the prior payment of the 1990 Bonds, to the extent necessary for that purpose, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the utility as are sufficient in each year for the payment of the proper and reasonable expenses of operation, repair and maintenance of the sewage works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the Town or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The Town further covenants that it will set aside and pay into its Sinking Fund monthly, as available, or more often if necessary, a sufficient amount of the Net Revenues of the works for payment of (a) the interest on all bonds which by their terms are payable from the revenues of the sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying bonds and interest, (c) the principal of all bonds which by their terms are payable from the revenues of the sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to maintain the debt service reserve required by the Ordinance. Such required payments shall constitute a charge upon the Net Revenues subject to the prior payment of the 1990 Bonds.

The bonds of this issue maturing on January 1, 2005, and thereafter, are redeemable at the option of the Town on January 1, 2004, or any date thereafter, on thirty (30) days' notice, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value together with the following premiums:

2% if redeemed on January 1, 2004, or thereafter on
or before December 31, 2004;
1% if redeemed on January 1, 2005, or thereafter on
or before December 31, 2005;
0% if redeemed on January 1, 2006,
or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration record of the Town not less than thirty (30) days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and the dates of maturity of the bonds called for redemption. The place of redemption may be determined by the Town. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the Town may deposit in trust with its depository bank, an amount sufficient to pay such bond or the redemption price and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the Town shall have no further obligation or liability in respect thereto.

This bond is transferable or exchangeable only upon the books of the Town kept for that purpose at the principal corporate trust office of the Registrar by the registered owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. This bond may be transferred without cost to the registered owner except for any tax or governmental charge required to be paid with respect to the transfer. The Town, the Registrar, the Paying Agent and any other registrar or paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The Town has designated the bonds as qualified tax-exempt obligations to qualify the bonds for the $10,000,000 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986 relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of $1,000 or any integral multiple thereof.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the Town of Battle Ground, in Tippecanoe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of its President, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Clerk-Treasurer.

TOWN OF BATTLE GROUND, INDIANA

By_____
President, Town Council

[SEAL]

Attest:

_____
Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Ordinance.

Clerk-Treasurer, Town of Battle Ground, as Registrar

By_____ Clerk-Treasurer

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

6. Authorization for Preparation and Sale of the Refunding Bonds. (a) The Clerk-Treasurer is hereby authorized and directed to have the Refunding Bonds prepared, and the President and Clerk-Treasurer are hereby authorized and directed to execute and attest the Refunding Bonds in the form and manner provided herein. The Clerk-Treasurer is hereby authorized and directed to deliver the Refunding Bonds to the Indiana Bond Bank (the "Bond Bank") in accordance with the Purchase Agreement (the "Purchase Agreement) between the Town and the Bond Bank, the substantially final form of which is attached hereto and incorporated herein by reference. The President and Clerk-Treasurer are hereby authorized to execute the Purchase Agreement with terms consistent with this ordinance. In accordance with the Purchase Agreement, the Refunding Bonds may be sold by exchanging the Refunding Bonds for the Refunded Bonds. Said Refunded Bonds shall be considered fully paid and legally defeased upon the delivery to the Bond Bank of the Refunding Bonds and payment of the cash on hand to be set forth in the Purchase Agreement.

(b) The Refunding Bonds, when fully paid for and delivered to the Bond Bank, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works now owned or hereafter acquired, to be set aside into the Sewage Works Sinking Fund continued in Section 12, subject, however, to the prior payment of the 1990 Bonds. The proper officers of the Town are hereby directed to sell the Refunding Bonds to the Bond Bank, to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

7. Refunding of the Refunded Bonds and Costs of Issuance. Upon the issuance of the Refunding Bonds, the Clerk-Treasurer shall exchange the Refunding Bonds for the Refunded Bonds by delivering the Refunding Bonds and a sufficient amount of cash on hand to the Bond Bank. In exchange for the Refunding Bonds and cash, the Bond Bank has agreed to immediately release the Refunded Bonds which, for all purposes shall be considered fully paid and legally defeased.

Costs of issuance of the Refunding Bonds not otherwise paid shall be paid from the remaining proceeds by the Clerk-Treasurer. When all the costs of issuance of the Refunding Bonds have been paid, the Clerk-Treasurer shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the Sinking Fund herein continued.

8. Financial Records and Accounts. The Town shall keep proper records and books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues received on account of the operation of the sewage works and all disbursements made therefrom and all transactions relating to the utility. There shall be prepared and furnished, upon request, to any owner of the Refunding Bonds, within thirty (30) days of their receipt by the Town, the audited financial statements of the utility prepared by the State Board of Accounts. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer. Any owner of the Refunding Bonds shall have the right at all reasonable times to inspect the sewage works system and the records, accounts and data of the Town.

9. Pledge of Net Revenues. The interest on and the principal of the Refunding Bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued on a parity therewith, shall constitute a second charge on all the Net Revenues, subject to the prior payment of the 1990 Bonds, and such Net Revenues are hereby irrevocably pledged to the payment of the interest on and principal of such Refunding Bonds, to the extent necessary for that purpose.

10. Revenue Fund. All revenues derived from the operation of the sewage works and from the collection of sewer rates and charges shall be deposited in the Revenue Fund, hereby continued, and segregated and deposited as set forth in this ordinance. Of these revenues the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of registrars or paying agents shall be paid, and the costs of replacements, extensions, additions and improvements shall be paid.

11. Operation and Maintenance Fund. There is hereby continued a fund known as the "Operation and Maintenance Fund" (the "O&M; Fund"). On the last day of each calendar month, revenues of the sewage works shall thereafter be transferred from the Revenue Fund to the Operation and Maintenance Fund. The balance maintained in this Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to this Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the monies in such Fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.

12. Sewage Works Sinking Fund. (a) There is hereby continued a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works and the payment of any fiscal agency charges in connection with the payment of bonds, which fund shall be designated the "Sewage Works Sinking Fund" (herein, "Sewage Works Sinking Fund" or "Sinking Fund"). There shall be set aside and deposited in the Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of the sewage works to meet the requirements of the Bond and Interest Account and Debt Service Reserve Account hereby continued in the

Sinking Fund. Such payments shall continue until the balances in the Bond and Interest Account and the Debt Service Reserve Account, equal the interest on and the principal of all of the then outstanding bonds of the sewage works to their final maturity.

(b) Bond and Interest Account. Any moneys heretofore accumulated to pay principal and interest on the Refunded Bonds shall be used to redeem the Refunded Bonds. Beginning as of the date of issuance of the Refunding Bonds, there shall be credited on the last day of each calendar month from the Revenue Fund to the Bond and Interest Account an amount of the Net Revenues equal to at least one-tenth (1/10) of the interest and the principal on all then outstanding bonds payable on the then next succeeding interest and principal payment date until the amount of interest and principal payable on the then next succeeding interest and principal payment date shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying interest on outstanding bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

(c) Debt Service Reserve Account. On the date of delivery of the Refunding Bonds, funds on hand of the sewage works may be deposited into the Debt Service Reserve Account. The initial balance or the balance accumulated in the Debt Service Reserve Account shall equal but not exceed the least of (i) maximum annual debt service on the 1990 Bonds and the Refunding Bonds, (ii) 125 % of average annual debt service on the 1990 Bonds and the Refunding Bonds or (iii) 10% of the proceeds of the 1990 Bonds and the Refunding Bonds, plus a minor portion thereof as defined in the Internal Revenue Code of 1986, as amended (the "Reserve Requirement"). If no initial deposit is made or if the initial deposit into the Debt Service Reserve Account does not result in a balance equal to the Reserve Requirement, an amount of Net Revenues shall be credited to the Debt Service Reserve Account on the last day of each calendar month until the balance therein equals but does not exceed the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within 5 years of the date of delivery of the Refunding Bonds. The Debt Service Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the 1990 Bonds and the Refunding Bonds, and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on the 1990 Bonds and the Refunding Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Debt Service Reserve Account shall be made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. Any interest earnings that accumulate in excess of the Reserve Requirement shall be considered revenues of the sewage works.

13. Sewage Works Improvement Fund. Any excess revenues may be transferred or credited from the Revenue Fund to a fund designated the Sewage Works Improvement Fund," and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works. As of the date of the delivery of the Refunding Bonds, any other moneys of the sewage works not otherwise deposited pursuant to the terms of this ordinance shall be transferred to the Improvement Fund and used for sewage works capital improvements or for any other lawful purpose. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sewage Works Sinking Fund or may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the

operation, repair and maintenance of the sewage works.

14. Investment of Funds. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the Town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly Indiana Code, Title 5, Article 13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance.

15. Defeasance of the Refunding Bonds. If, when the Refunding Bonds or a portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Refunding Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Refunding Bonds or a portion thereof then outstanding shall be paid; or (i) sufficient moneys, or (ii) direct, noncallable obligations of (including obligations issued or held in book entry form), or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Refunding Bonds or any designated portion thereof issued hereunder shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's sewage works.

16. Rate Covenant. The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the 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 sewage 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 and maintenance of the works, and for the payment of the sums required to be paid into the Sinking Fund by the Act and this ordinance. 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 of the sewage works and the requirements of the 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, and shall be paid by the Town or the various departments thereof as the charges accrue.

17. Additional Bond Provisions. The Town reserves the right to authorize and issue additional bonds payable out of the Net Revenues of its sewage works ranking on a parity with the Refunding Bonds for the purpose of financing the cost of future additions, extensions and improvements to its sewage works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund shall have been made in accordance with the provisions of this ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid in accordance with their terms.

(b) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the Refunding Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of the parity bonds the sewage rates and charges shall be increased sufficiently so that increased rates and charges applied to the previous fiscal year's operations would have produced net operating revenues for said year equal to not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the revenues of the sewage works, including the additional parity bonds proposed to be issued.

For purposes of this subsection, the records of the sewage works shall be analyzed and all showings prepared by a certified public accountant employed by the Town for that purpose.

(c) The principal of said additional parity bonds shall be payable on January 1 and the interest on said additional parity bonds may be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable. As an alternative, interest on the additional parity bonds may be payable annually on the first day of January.

18. Further Covenants of the Town: Maintenance. Insurance. Pledge Not To Encumber, Subordinate Indebtedness. and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Refunding Bonds are outstanding, the Town shall at all times maintain the sewage works system in good condition, and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the Town shall maintain insurance on the insurable parts of the system, of a kind and in an amount such as is usually carried by private corporations engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana.

As an alternative to maintaining such insurance, the Town may maintain a self-insurance program with catastrophic or similar coverage so long as such program meets the requirements of any applicable laws or regulations and is maintained in a manner consistent with programs maintained by similarly situated municipalities.

All insurance or self-insurance proceeds shall be used either in replacing or restoring the property destroyed or damaged, or shall be deposited in the Sinking Fund.

(c) So long as any of the Refunding Bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, excepting only such machinery, equipment or other property as may be replaced, or shall no longer be necessary for use in connection with said utility.

(d) Except as otherwise specifically provided in Section 17 of this ordinance, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the system shall be authorized, issued or executed by the Town, except such as shall be made junior and subordinate in all respects to the Refunding Bonds, unless all of the Refunding Bonds are

redeemed or defeased coincidentally with the delivery of such additional bonds or other obligations.

(e) The Town shall take all actions or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(f) The provisions of this ordinance shall constitute a contract by and between the Town and the owners of the Refunding Bonds herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of the Refunding Bonds, this ordinance shall not be repealed, amended or modified in any respect which will adversely affect the rights or interests of the owners of the Refunding Bonds, nor shall the Town Council or any other body of the Town adopt any law, ordinance or resolution in any way adversely affecting the rights of the bondholders so long as any of the Refunding Bonds, or the interest thereon, remain outstanding or unpaid. Except in the case of changes described in Section 19(a)-(f), this ordinance may be amended, however, without the consent of bondowners, if the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Refunding Bonds.

(g) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of that Fund as in this ordinance set forth. The owners of the Refunding Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer the sewage works in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the Refunding Bonds.

(h) None of the provisions of this ordinance shall be construed as requiring the expenditure of any funds of the Town derived from any sources other than the proceeds of the Refunding Bonds and the operation of the sewage works system.

19. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Town Council of the Town of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Refunding Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Refunding Bond or the redemption premium or the

rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues or Net Revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Refunding Bond or Refunding Bonds issued pursuant to this ordinance over any other Refunding Bond or Refunding Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the Reserve Requirement.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Clerk-Treasurer of the Town, no owner of any Refunding Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Town Council of the Town from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all owners of Refunding Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the Town and of the owners of the Refunding Bonds authorized by this ordinance, and the terms and provisions of the Refunding Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the Refunding Bonds then outstanding.

20. Tax Covenants. In order to preserve the exclusion of interest on the Refunding Bonds from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Refunding Bonds (the "Code") and as an inducement to purchasers of the Refunding Bonds, the Town represents, covenants and agrees that:

(a) No person or entity other than the Town or another state or local governmental unit will use proceeds of the Refunding Bonds or property financed by the Refunding Bond proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by Refunding Bond proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that differentiates that person's or entity's use of such property from use by the general public.

(b) No portion of the principal of or interest on the Refunding Bonds is (under the terms of the Refunding Bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private

business use or payments in respect of such property or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

(c) No Refunding Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No Refunding Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a non-governmental person in any manner that would in substance constitute a loan of the Refunding Bond proceeds.

(d) The Town will not take any action nor fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Refunding Bonds pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion.

(e) It shall not be an event of default under this ordinance if the interest on any Refunding Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Refunding Bonds.

(f) The Town hereby covenants that it will rebate any arbitrage profits to the United States to the extent required by the Code and the regulations promulgated thereunder.

(g) These covenants are based solely on current law in effect and in existence on the date of delivery of such Refunding Bonds.

(h) The Town represents that:

(i) The Refunding Bonds are not private activity bonds as defined in Section 141 of the Code;

(ii) The Town hereby designates the Refunding Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code; and

(iii) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the Town, and all entities subordinate to the Town during 1993 does not exceed $10,000,000.

(iv) The Town will not designate more than $10,000,000 of qualified tax exempt obligations during 1993. Therefore, the Refunding Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

21. Noncompliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance (the "Tax Sections") which are designed to preserve the exclusion of interest on the Refunding Bonds from gross income under federal law (the "Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

22. Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby

repealed; provided, however, that this ordinance shall not be construed in any way to repeal Ordinance No. 269 nor be construed as adversely affecting the rights of the owners of the 1990 Bonds or the Refunded Bonds.

23. Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

24. Effective Date. 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 Battle Ground this 30th day of November , 1993.

TOWN COUNCIL

David L. Ferringer
President

Steven C. Egly

Donald D. McKee

Marie McCoy

Stanley Cunningham

Attest:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 12-495

AN ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, INSTALLATION AND EQUIPPING BY THE TOWN OF BATTLE GROUND, INDIANA, OF CERTAIN IMPROVEMENTS AND EXTENSIONS TO THE TOWN'S SEWAGE WORKS, THE ISSUANCE AND SALE OF REVENUE BONDS TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF, THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS, AND THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF SUCH SEWAGE WORKS AND OTHER RELATED MATTERS

Editor's Note: The entire bond ordinance (56 pages) will open in a separate window as a pdf file. To view the signed version, please visit the Clerk-Treasurer's Office in the Battle Ground Town Hall.

RESOLUTION NO. 10-38

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ESTABLISHING ITS INTENT TO REIMBURSE CERTAIN PRELIMINARY COSTS FROM THE PROCEEDS OF BONDS

WHEREAS, the Town of Battle Ground, Indiana (the "Town"), expects to incur preliminary costs and expenses in connection with the acquisition, construction, installation and equipping of certain improvements and extensions to the sewage works of the Town (the "Project"); and

WHEREAS, the Town expects such preliminary costs and expenses relating to the Project to be reimbursed by sewage works revenue bonds issued by the Town, in an estimated aggregate principal amount of Three Million Dollars ($3,000,000) (the "Bonds"); and

WHEREAS, certain preliminary expenses related to the Project have been or will be incurred by the Town prior to the issuance and delivery of the Bonds; and

WHEREAS, the Town Council of the Town (the "Town Council") desires to express its intention to reimburse such expenditures as have been or may be incurred prior to the issuance of the Bonds, pursuant to Indiana Code 5-1-14-6 and in compliance with Section 1.150-2 of the U. S. Treasury Regulations promulgated by the Internal Revenue Service (the "Treasury Regulations");

NOW. THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AS FOLLOWS:

1. The Town Council hereby declares that it reasonably expects to reimburse with the proceeds of the Bonds expenditures for the Project made by the Town prior to the issuance of the Bonds during the period beginning on the date sixty (60) days prior to the date of this Resolution until the date of issuance of the Bonds, which expenditures are expected to be paid initially from other legally available funds of the Town.

2. The Town Council hereby declares that this Resolution is being adopted for purposes of evidencing compliance with Indiana Code 5-1-14-6 and Section 1.150-2 of the Treasury Regulations.

3. This Resolution shall be effective upon its passage by the Town Council and execution by the President of the Town Council, in accordance with procedures as required by law.

* * *

PASSED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana, this 15 day of February , 2010.

TOWN COUNCIL OF THE TOWN OF
BATTLE GROUND, INDIANA

Becky Holladay
Presiding Officer

ATTEST:

Phyllis Hall
Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Battle Ground on the _____ of _____, 2010, at _____ o'clock __.m.

Phyllis Hall
Clerk-Treasurer

This Resolution approved and signed by me on the 8th day of March , 2010 9:00 o'clock p.m.

Becky Holladay
President of the Town Council

Signatory Authorization Resolution

Whereas, the Town Council of Battle Ground of Tippecanoe County, Indiana, (the "Participant") 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 Participant has adopted this Resolution dated 29 day of April , of 2010.

Now, therefore, be it resolved by the Town Council, the governing body of the Participant, that:

1. Becky Holladay be authorized to make application for a State Revolving Fund Loan ("SRF Loan") and provide the SRF 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 Participant; and
2. The Participant agrees to comply with State and Federal requirements as they pertain to the SRF Loan Program; and
3. Two certified copies of the Resolution be prepared and submitted as part of the Participants' Preliminary Engineering Report.

Adopted and Passed by the Town Council of Battle Ground, Indiana, this 29 day of April of 2010.

Town Council:

Becky Holladay
Becky Holladay, President

Steve Egly
Steve Egly, Member

Brian Brewer
Brian Brewer, Member

Carolyn Roth
Carolyn Roth, Member

Karen Pearson
Karen Pearson, Member

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk Treasurer

PER Acceptance Resolution

Whereas, the Town Council of Battle Ground of Tippecanoe County, Indiana, has caused a Preliminary Engineering Report ("PER") dated April 2010, to be prepared by the consulting firm of Butler, Fairman & Seufert, Inc.; and

Whereas, said PER has been presented to the public at a public hearing held on day of 29 , 2010, at Battle Ground Town Hall 100 College St. Battle Ground, IN 47920 for public comment; and

Whereas, the Battle Ground Town Council finds that there was not sufficient evidence presented in objection to the recommended project in the PER.

Now, therefore be it resolved that:

1. The PER dated April 2010 be approved and adopted by the Battle Ground Town Council; and
2. Said PER be submitted to the State Revolving Fund Loan Program for review and approval.

Adopted and Passed by the Town Council of Battle Ground, Indiana, this day of April 29 , of 2010.

Town Council:

Becky Holladay
Becky Holladay, President

Steve Egly
Steve Egly, Member

Brian Brewer
Brian Brewer, Member

Carolyn Roth
Carolyn Roth, Member

Karen Pearson
Karen Pearson, Member

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk Treasurer

Signatory Authorization Resolution

Whereas, the Town Council of Battle Ground of Tippecanoe County, Indiana, (the "Participant") 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 Participant has adopted this Resolution dated 12 day of March, of 2012.

Now, therefore, be it resolved by the Town Council, the governing body of the Participant, that:

1. Steve Egly be authorized to make application for a State Revolving Fund Loan ("SRF Loan") and provide the SRF 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 Participant; and
2. The Participant agrees to comply with State and Federal requirements as they pertain to the SRF Loan Program; and
3. Two certified copies of the Resolution be prepared and submitted as part of the Participants' Preliminary Engineering Report.

Adopted and Passed by the Town Council of Battle Ground, Indiana, this 12 day of March of 2012.

Town Council:

Steve Egly
Steve Egly, President

Becky Holladay
Becky Holladay, Member

Brian Brewer
Brian Brewer

David Sturgeon
David Sturgeon, Member

Karen Pearson
Karen Pearson

ATTEST:

Phyllis Hall
Phyllis Hall, Clerk Treasurer

RESOLUTION NO: 12-49B

RESOLUTION APPROVING CONTINGENT NOTICE OF AWARD TO BOWEN ENGINEERING FOR GUARANTEED MAXIMUM PRICE (GMP) CONTRACT FOR THE WASTEWATER PLANT RENOVATION

WHEREAS, the State Revolving Fund program requires a contingent notice be approved prior to final closing on the SRF bond; and WHEREAS, the Town's engineer has recommended the Council accept the final GMP proposal from Bowen Engineering contingent upon certain conditions; NOW THEREFORE BE IT RESOLVED that the Town of Battle Ground now accepts the Final GMP proposal from Bowen Engineering in the amount of $2,794,500 contingent upon reaching acceptable terms and conditions with Bowen Engineering and approval from the State Revolving Loan Fund to enter into a construction agreement.

So resolved this 21 day of June , 2012.

Town of Battle Ground

By: Steven C. Egly
President

ATTEST:

By: Phyllis Hall
Clerk/Treasurer

ORDINANCE NO. 09-469

AN ORDINANCE TO ESTABLISH FEES UNDER THE BATTLE GROUND STORMWATER CODE

WHEREAS, the Town Council of the Town of Battle Ground has previously enacted the Battle Ground Stormwater Code which established a regulatory mechanism for stormwater quality management including the issuance of stormwater management permits and stormwater management review; WHEREAS, the Stormwater Code contains a provision for the reimbursement of Battle Ground's actually costs of issuing such permits and conducting such reviews; and WHEREAS, Battle Ground has investigated its costs and computed uniform costs of reimbursement which would be more appropriate to charge.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND that:

The following shall be added to the Battle Ground Comprehensive Stormwater Management Ordinance, adopted under Ordinance No. 12-493 (2-12-2012), to read as follows: Editor's Note: The preceeding paragraph was modified by Ordinance No. 12-493 to apply the following permit fees to the revised Stormwater Ordinance.

Chapter 8, Section 1, Permit Fees

A. Together with the application and Accompanying materials for stormwater management permit or for Stormwater review, the applicant shall also submit Review Fees in accordance with the following schedule:

Base Permit Fees

Acreage	Residential (per unit)	Commercial	Industrial
0 up to less than 1/2	$150	$250	$250
Equal to or greater than ½ up to less than 1	$200	$300	$300
Equal to or greater than 1 up to less than 3	$350	$500 + $40 per acre	$500 + $40 per acre
Equal to or greater than 3 up to less than 5	$500	$750 + $40 per acre	$750 + $40 per acre
Equal to or greater than 5	$500 + $20 per lot	$750 + $40 per acre	$750 + $40 per acre

B. Additional Fees. The applicant shall also agree to pay when applicable the following fees:

Additional Permit Fees

Stormwater Pollution Prevention Plan	For third and subsequent	$100 each

Review	submissions only	
Additional Inspections	Required by inadequate site conditions during or post-construction	$50 each
Grading or Drainage Revision	Each revision during construction based on differing site conditions after a permit has been issued	$25 each
Engineering Review	Only applicable if review is outsourced	At cost
Projects Disturbing < 5,000 square feet	Small projects, including accessory structures	$30 - residential $60 - commercial

Upon approval of the applicant's final stormwater management plan, the Town Engineer will furnish a written statement to the applicant specifying the total Additional Fees.

As a condition of approval of final drainage plans by the Town of Battle Ground, Applicant shall pay to the Town of Battle Ground Clerk-Treasurer the sum set forth in the statement. The Town of Battle Ground may issue such a billing statement before the project advances to the final stage, and such payment is due by applicant upon receipt of the billing statement regardless of whether the project has advanced to the final approval stage.

The Town of Battle Ground has the right to not accept the drainage improvements or to not approve the advancement of any project for which the Additional Fees have not been paid.

This ordinance shall be in full force and effect from and after its passage and signing by the Town Council.

INTRODUCED AND FILED ON June 8 , 2009.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA ON June 8 , 2009, HAVING BEEN PASSED BY A VOTE OF 4 IN FAVOR AND 0 OPPOSED.

Steven C. Egly
Presiding Officer

Attested:

Phyllis Hall
Clerk-Treasurer

PRESENTED BY ME TO THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA June 8 , 2009, AT THE HOUR OF 9:00 P.M.

Phyllis Hall

Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON July 13 , 2009, AT THE HOUR OF _____ ___.M.

Becky Holladay

Attested:

Phyllis Hall
Clerk-Treasurer

A MOTION TO CONSIDER ON FIRST READING WAS SUSTAINED BY A VOTE OF _____ IN FAVOR AND _____ OPPOSED, PURSUANT TO IC 36-5-2-9.8.

ORDINANCE NO. 12-493

AN ORDINANCE ON COMPREHENSIVE STORM WATER MANAGEMENT

WHEREAS, the Town Council of the Town of Battle Ground is the governing body of said Town; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in the Town of Battle Ground and Tippecanoe County and its water resources; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to establish a regulatory mechanism to address stormwater quality management in addition to stormwater discharge quantity erosion and sediment control; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to have said mechanism conform with the Tippecanoe County Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, STATE OF INDIANA that it adopts the Comprehensive Stormwater Management Ordinance of Battle Ground, Indiana in the form attached hereto and by reference made a part hereof and marked Exhibit "A", and repeals any Ordinance in conflict with the same.

The previous Ordinance No. 05-435, as adopted on March 14, 2005, is hereby repealed.

Amending Ordinance No. 09-469, which adds Permit Fees to the Stormwater Ordinance, shall be modified to reflect that the amendment has been applied to the new Stormwater Ordinance.

This Ordinance shall be in full force and effect as of the 13th day of February , 2012.

ADOPTED this 13th day of February , 2012.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

RESOLUTION 2013- 57

A RESOLUTION OF THE TOWN OF BATTLE GROUND ADOPTING A FISCAL PLAN AND DEFINITE POLICY FOR ANNEXATION OF THE SHAWNEE RIDGE AREA

WHEREAS, The Town Council of Battle Ground, Indiana is considering an annexation of the Shawnee Ridge area pursuant to I.C. § 36-4-3; and

WHEREAS, State law and proper planning require the Town to develop a written fiscal plan and establish a definite policy, by resolution of the Town Council; and WHEREAS, a copy of the written fiscal plan and definite policy for the Shawnee Ridge Annexation is attached hereto and made a part hereof; and WHEREAS, the written fiscal plan and definite policy shows as follows:

(1) the cost estimates of planned services to be furnished to the annexation area, itemized for each municipal department or agency;

(2) the method or methods of financing the planned services, together with an explanation of how specific and detailed expenses will be funded, indicating the taxes, grants and other funding to be used; (3) the plan for the organization and extension of services, detailing the specific services that will be provided and the dates the services will begin; (4) that planned services of a noncapital nature will be provided to the annexation area within one year after the effective date of the annexation in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries, regardless of similar topography patterns of land use, and population density; and (5) that planned services of a capital improvement nature will be provided to the annexation area within three years after the effective date of the annexation in the same manner those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

NOW THEREFORE, BE IT RESOLVED by the Town Council of Battle Ground, Indiana, that:

Section 1. The above recitals are incorporated herein by reference and shall be deemed part of the written fiscal plan and definite policy.

Section 2. Attached as Exhibit A is the written fiscal plan and definite policy which is incorporated by reference. Two copies of the attached are kept on file in the office of the Clerk-Treasurer for public inspection.

Section 3. The Town Council of Battle Ground, Indiana hereby adopts the materials set forth in the attached as the written fiscal plan and definite policy for the annexation area which is the subject of Ordinance No. 2013 - 510 .

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after the date of its passage.

INTRODUCED ON FIRST READING ON THE 10th DAY OF June , 2013.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE 10th DAY OF June , 2013. HAVING BEEN PASSED BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

Steve Egly
Steve Egly, President

X For _____ Opposed

Brian Brewer
Brian Brewer

Becky Holladay
Becky Holladay

X For _____ Opposed

X For _____ Opposed

David Sturgeon
David Sturgeon

Karen Pearson
Karen Pearson

X For _____ Opposed

X For _____ Opposed

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

PRESENTED BY ME TO THE PRESIDENT OF THE TOWN COUNCIL OF BATTLE GROUND, INDIANA ON THE 10 DAY OF June , AT THE HOUR OF 9:00 PM .

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 10 DAY OF June , AT THE HOUR OF 9:00 PM .

Steve Egly
Steve Egly, President

Attest:

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

RESOLUTION 2013- 58

A RESOLUTION REQUESTING THE CONSENT OF THE WEST LAFAYETTE CITY COUNCIL, PURSUANT TO INDIANA CODE § 36-4-3-9, FOR THE TOWN OF BATTLE GROUND TO ANNEX CERTAIN LANDS WITHIN THREE MILES OF WEST LAFAYETTE

WHEREAS, the Town Council of the Town of Battle Ground, Indiana ("Town Council") believes that annexation of the Annexation Territory (as hereinafter defined) into the Town of Battle Ground, Indiana ("Town") is in the best interest of residents within the Annexation Territory and the Town; and WHEREAS, Indiana Code § 36-4-3-9 requires that a town must obtain the consent of the legislative body of a second or third class city before annexing territory within three (3) miles of the corporate boundaries of the city; and WHEREAS, the Town Council believes that the Annexation Territory is within three (3) miles of the corporate boundaries of the City of West Lafayette, and that the consent of the City Council of West Lafayette is needed before the Town may proceed with annexation.

NOW THEREFORE be it ordained by the Town Council of the Town of Battle Ground, Indiana that:

The Town Council requests the consent of the City of West Lafayette, so that the Town may annex certain real estate depicted and described on the attached Exhibit "A" (annexation area) comprising approximately 98 acres.

The Clerk-Treasurer is hereby authorized to send a copy of this resolution along with a letter to the City of West Lafayette, formally requesting the consent of the West Lafayette City Council, pursuant to Indiana Code § 36-4-3-9, for the Town to proceed with annexation of the real estate described in Exhibit "A."

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this 10th day of June , 2012.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly
Steve Egly, President

ATTEST:
Brian Brewer
Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk/Treasurer

Becky Holladay
Becky Holladay

David Sturgeon
David Sturgeon

Karen Pearson
Karen Pearson

ORDINANCE NO. 3

[Editor's Note: Handwritten over-strike indicates this ordinances was repealed by Ordinance #160 and Ordinance #184.]

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE LICENSING AND REGULATING THE KEEPING

OF DOGS WITHIN BATTLE GROUND CITY INDIANA AND

PROVIDING THE PENALTIES FOR THE VIOLATION THEREOF.

BE IT HEREBY ordered by the Trustees of Battle Ground City, Indiana, that:

SECTION 1. It shall be unlawful for any person being the owner of or having immediate custody or control of any dog, male or female, whether taxed or untaxed, to suffer or permit such dog to be at large upon the streets or other public places in Battle Ground City Indiana unless such animal shall at the time be wearing a collar to which shall be attached such license tag of the current year as hereinafter provided.

The license tag required by this Ordinance, and a quitus for payment of the license fee, shall be issued by the Clerk-Treasurer of Battle Ground City Indiana to the applicant upon presentation by the applicant of the following:

1. The payment of the sum of one ($1.00) Dollar for the first dog, and the sum of Two ($2.00) Dollars for the second dog and the sum of Three ($3.00) Dollars for each a additional dog thereafter.

[Editor's Note: Subject 2 (below) was amended by Ordinance #123.]

2. A certificate as hereinafter specified, signed by a veterinarian duly licensed to practice and residing in Indiana, to the effect that said animal sought to be licensed, has been inoculated against disease of rabies by such veterinarian upon a date not more than thirty (30) days prior thereto. Provided, however, that upon loss of such license tag during the current year for which the same is issued, said Clerk-Treasurer may upon application issue a duplicate or substitute tag upon the payment to the Clerk-Treasurer of the sum of fifty ($.50) cents.

The license tag shall be of metal of convenient size with the number of the license and the year of issue thereof shown thereon, together with the words "Dog License, Battle Ground City".

The veterinarian's certificate required by this Ordinance shall be on a form furnished by the Clerk-Treasurer, and shall require the following information: The name and address of the applicant, the name, sex, breed and approximate age of the animal, the kind or trade name of the antitoxin administered, and the date upon which the same was administered.

The Clerk-Treasurer shall keep a record of all licenses issued under this Ordinance showing respective number of license, which shall correspond with the numbers on the respective tag issued and likewise the name and address of the applicant, and the name, sex, and breed of animal.

Every license issued under this Ordinance shall expire at midnight on the thirty-first (31st) day of December of the year in which the same was issued and no such license shall be transferable.

SECTION 2. It shall be unlawful for any person to harbor or keep within the city any animal of the dog kind that is vicious or a dog that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping shall cause serious annoyance or disturbance to the neighborhood.

SECTION 3. For the purpose of this Ordinance the following words shall have the meanings prescribed to them herein:

a. Vicious dog for the purpose of this ordinance, shall mean any dog that has been known to have bitten a human being, inflicting a personal injury, or a dog who promiscuously attacks other dogs and animals.

b. Nuisance, as used in this Ordinance, shall mean a condition which arises by a dog barking consistently so as to disturb the peace and quiet of the surrounding neighborhood, or a dog who consistently or at intervals chases bicycles or automobiles on the streets and sidewalks of the community, or any other condition created by a dog which results in the general

discomfort of citizens in the community where said dog is harbored.

SECTION 4. Any person who shall allow any animal of the dog kind habitually to remain and be lodged and fed within his house, store or enclosure shall be considered as harboring the same within the meaning of this Ordinance.

SECTION 5. It shall be the duty of the dog warden of Battle Ground City Indiana and his assistants to enforce the provisions of Section 1 of this ordinance and to impound at the humane shelter all dogs at large not conforming to Section 1 here of.

Such impounded dogs may be redeemed by the owner within seventy-two (72) hours by the payment to the Clerk-Treasurer of a redemption fee of One ($1.00) Dollar plus the sum of Two ($2.00) Dollars per day for each day or part thereof said animal shall have been impounded plus the regular license fee as required by Battle Ground City Indiana Ordinance. In addition thereto said owner shall furnish satisfactory proof that said animal has been inoculated against the disease of rabies by a duly licensed veterinarian upon a date not more than six (6) months prior thereto. In the event said dog has not been so inoculated, then said owner shall furnish verified evidence of his intention to have said dog inoculated immediately upon its release from impoundment.

Upon presentment of the receipt of the Clerk-Treasurer for the impounding and license fees, and the furnishing of proof of inoculation or verified evidence of intention to inoculate said impounded dog, such impounded dog shall be released to the owner. A11 such fees paid to the Clerk-Treasurer shall revert to the General Fund. All impounded dogs not redeemed within seventy-two (72) hours may be destroyed in a humane manner. No dogs being held for observation shall be released or destroyed until the expiration of the observation period. It shall be unlawful for any person to hinder, molest or interfere with any person authorized to perform any duty described under this section.

Any person violating or failing to comply with this Ordinance, and any person who shall furnish a verified statement of intention to have his or her dog inoculated against rabies, to secure release of said dog, and shall then fail, neglect or refuse to have said dog so inoculated against rabies shall be guilty of a

misdemeanor and upon conviction, shall be fined a sum not less than five ($5.00) dollars nor more than fifty ($50.00) Dollars.

The court in its discretion, however, upon the conviction of any person violating Section Two (2) of this Ordinance, may order any dog that is vicious or a dog that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping causes any annoyance or disturbance as described in Section Two (2) hereof, turned over to the humane society of Tippecanoe County, Indiana, to be disposed of by said society.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and due publication according to law.

Adopted and passed by the Board of Trustees of Battle Ground City Indiana, this

6th day of Feb. , 19 57 .

E. Raymond Smith
Presiding Officer

Phillip R. Clymer

Charles E. Floyd

Donald G. Downing

Raymond M. Lamb

ATTEST:

Jean Smith
Clerk-Treasurer

Presented by me to the President of the Board of Trustees of Battle Ground City Indiana, this

6

day of Feb. , 19 57 .

E. Raymond Smith
President of the Board

Of Trustees of Battle

Ground City Indiana.

ATTEST:

Jean Smith
Clerk-Treasurer

ORDINANCE NO. 10-A, 1959

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE ANNUAL SALARIES OF ALL ELECTED

OFFICERS OF BATTLE GROUND CITY, INDIANA, PAYABLE FROM THE

GENERAL FUND, EFFECTIVE AT THE COMMENCEMENT OF THE TERMS OF

SUCH OFFICERS NEXT SUCCEEDING THE GENERAL ELECTION OF 1959, AS PROVIDED FOR BY CHAPTER 107 OF THE ACTS OF 1959.

BE IT ORDAINED by the Board of Trustees of Battle Ground City, Indiana:

SECTION 1. That the annual salaries of the Board of Trustees and the Clerk-Treasurer effective at the commencement of the terms of said officers next succeeding the general election of 1959, payable from the General Fund of said City, shall be in the following amounts:

Each member of Board of Trustees shall receive $4.00 each meeting, regular or special.

The Clerk-Treasurer shall receive an annual salary of $650.00.

SECTION 2. The Clerk-Treasurer is ordered and directed to publish this ordinance twice in two newspapers of general circulation in the English language in Lafayette Journal and Courier and Lafayette Leader, the first of which pub1ications shall be at least 30 days prior to the date of the passage of this ordinance.

SECTION 3. All ordinances in conflict with the provisions of this ordinance from and after December 31, 1959, shall be and the same are hereby repealed.

(Notice is hereby given that this foregoing ordinance will come up for final action at a special meeting of the Board of Trustees of Battle Ground City, Indiana, at 7:00 P.M. on Thursday April 30, 1959.)

This ordinance shall be in full force and effect after its passage and shall be effective as to the salaries provided hereon and after January 1, 1960.

Adopted and passed by the Board of Trustees of Battle Ground City Indiana, this

30

day of April , 19 59 .

E. Raymond Smith
Presiding Officer

Phillip Clymer

Donald Downing

Charles E. Floyd

Raymond M. Lamb

ATTEST:

Jean Smith
Clerk-Treasurer

Presented by me to the President of the Board of Trustees of Battle Ground City, Indiana, this

30

day of April , 19 59 .

E. Raymond Smith
President of the Board

Of Trustees of Battle

Ground City, Indiana.

ATTEST:

Jean Smith
Clerk-Treasurer

ORDINANCE NO. 102

[Editor's Note: A simple note at the center of page 200 of the Battle Ground Ordinance Book indicates that this ordinance was repealed on 8/7/1989.]

AN ORDINANCE ESTABLISHING CERTAIN OFFENSES AND

PROVIDING A PENALTY THEREFOR

Be it ordained by the Board of Town Trustees of the Town of Battle Ground, Indiana under the power granted to it by an act of the Indiana General Assembly of 1905 and as amended by the Acts of 1907, 1909 and 1957, the following offenses shall herein-after be prohibited within the corporate limits of said Town and that upon conviction of any of the said offenses, the offender or offenders will be subject to the penalty hereinafter provided.

SECTION 1 DISORDERLY CONDUCT

It shall be unlawful for any person to act in a loud, boisterous or disorderly manner so as to disturb the peace and quiet of any neighborhood or family, by loud or unusual noise, or by tumultuous or offensive behavior or by threatening, quarreling or challenging to fight.

SECTION 2 INTOXICATION

It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the Town.

SECTION 3 PROFANITY

It shall be unlawful to use profanity in any street, alley or other public place in the Town.

SECTION 4 INDECENT CONDUCT

It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place while indecently garbed.

SECTION 5 FIGHTING

It shall be unlawful for any person to knowingly start a fight, to fight or commit any assault or battery in any public place in the Town.

SECTION 6 LOITERING

It shall be unlawful for any person to loiter or loaf in or upon the streets, alleys or other public places in the Town, including but not limited to any railroad depot.

SECTION 7 LYING OR SLEEPING IN PUBLIC PLACES

It shall be unlawful for any person to lie or sleep in, along or upon any public street, alley, on and along any railroad right of way, in any railroad depot or any other public place, or in or about any yard in the

Town without having the permission of the owner or occupant thereof to so sleep or be in such place.

SECTION 8 FALSE ALARMS

It shall be unlawful for any person or persons to knowingly start or spread a false alarm of fire in the Town.

SECTION 9 WEAPONS

It shall be unlawful to carry any concealed weapons in the town in violation of the laws of this state.

SECTION 10 POSTING BILLS

It shall be unlawful for any person, firm or corporation to post any bills or advertisements on any public property without the authority of the Town Board; and it shall be unlawful to post any bill or advertisement on any property including motor vehicles without the written consent of the owner thereof, which consent if obtained shall be filed with the Town Clerk.

SECTION 11 MENDICANTS-VAGRANTS

It shall be unlawful for any mendicants, vagrants or beggers to frequent any depot, store, street, alley, sidewalk or other public place publicly frequented in the Town. Any person found sleeping in such place and who has no established domocile or residence shall be considered a vagrant.

SECTION 12 PENALTY

Any person, firm or corporation violating any provisions of this ordinance shall be fined not less than one dollar ($1.00) nor more than one hundred dollars ($100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Adopted this 6th day of February, 1961.

BOARD OF TOWN TRUSTEES OF

BATTLE GROUND, INDIANA

John D. Gerhart
Presiding Officer

Attest:

Jean Smith
Clerk-Treasurer

Presented by me to the Board of Town Trustees of the Town of Battle Ground, Indiana, this 6th day of February, 1961 for their approval and signature.

Jean Smith
Clerk-Treasurer

Approved and signed by the Board of Town Trustees of the Town of Battle Ground, Indiana this 6th day of February, 1960.

John D. Gerhart
President

Virgil W. Scowden
Vice-President

Roy E. Russell
Member

Jesse C. Horn
Member

David B. Cunningham
Member

Attest:

Jean Smith
Clerk-Treasurer

ORDINANCE NO. 100

[Editor's Note: Explicitly repealed by Ordinance #219, Section 7

and later "replaced" by Ordinance #276.]

An ordinance providing for the regulation and licensing or hawkers, peddlers, itinerant

dealers, street auctioneers, transient salesmen and other dealers in goods, wares and merchandise and providing penalties for the violation

thereof, repealing all conflicting ordinances heretofore adopted.

SECTION ONE. Be it ordained by the Board of Town Trustees of the Town of Battle Ground, Indiana, that it shall be unlawful for any hawker or peddler or other itinerant dealer by wholesale or retail, in goods, wares or merchandise to offer the same for sale in said Town, or to go from house to house, office to office, or place to place in said Town and offer for sale any such goods, wares or merchandise to persons not dealers in such commodities, for either present or future delivery, without having first obtained a license or certificate for that purpose as in this ordinance provided.

SECTION TWO. A written application for such license shall be filed with the Town Clerk not less than two days before such license is desired, which application shall state the name and the residence of the applicant, the kind of goods to be offered for sale, the length of time during which such goods will be offered for sale, the application shall be sworn to by the applicant. Such application shall be accompanied by a bond payable to the Town of Battle Ground in the penal sum of $500.00, executed by a surety company or by two freeholders residing in Tippecanoe County, Indiana (or in lieu thereof a cash bond of equal amount) conditioned that all goods, wares or merchandise sold by such applicant will be as represented by him and that he will refund the purchase price of any goods, wares or merchandise which are not as represented. Such bond shall continue in force for six months from the date of such license.

In the event a cash bond is deposited, the same shall be retained by said town for six months from the date of such license. Any purchaser of said goods, wares or merchandise which are not as represented shall have a right of action on the bond for damages sustained by reason of such misrepresentation. Such bond and the sureties thereon shall be approved by the Town Clerk.

SECTION THREE. Upon the filing of such application and bond to the approval of the Town Clerk, and not less than two days after the date of such filing, a license shall be issued to such applicant upon the payment of the following fees: $5.00 for one day; $25.00 for one week; $100.00 for one month. No license shall be issued under this ordinance for less than one day or for a longer period than one month. All such license fees must be paid in advance and if any such licensee desires to continue in business after the expiration of such license, a new license must be secured in the same manner and upon the same terms as the original license.

SECTION FOUR. Any person exempted by the laws of this state from the payment of said license fees shall, before beginning such business, present to the Town Clerk of the Town of Battle Ground his credentials, showing that he is entitled to such exemption and shall execute and file a bond as above provided, and upon the approval of said bond by said Town Clerk, he shall then receive a certificate from said Town Clerk authorizing him to engage in business specified in Section One of this ordinance within

the Town of Battle Ground for any period not longer than one month. If at the end of a month said person desires to continue in such business, another certificate must be procured from said Town Clerk in the same manner and upon the same terms as the original certificate.

SECTION FIVE. No license or certificate issued under this ordinance shall be transferable; nor shall any person other than the person named in the license be permitted to use the same, nor shall any license protect any person from incurring the penalties prescribed by this ordinance except the licensee named in the license.

SECTION SIX. No person to whom a license or certificate has been issued under the provisions of this ordinance shall refuse, upon request made, to show such license or certificate to any peace officer of the Town of Battle Ground, to any person to whom he shall offer to sell any goods, wares or merchandise, or to any member of the Board of Trustees of the Town.

SECTION SEVEN. The provisions of this ordinance shall not apply to transactions of interstate commerce, to vendors of vegetables, fruits, or other articles of food, who raised, prepared, cultivated or produced the same, or to the vendors of newspapers, or of legal, medical, or religious works.

SECTION EIGHT. Any person who shall violate any of the provisions of this ordinance shall forfeit and pay to the Town of Battle Ground any sum not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) and each day this ordinance is violated shall constitute a separate offense.

SECTION NINE. An ordinance entitled "An ordinance providing for the regulation and licensing of peddlers, hawkers, and itinerant dealers, street auctioneers, transient salesmen or other dealers in goods, wares, and merchandise and providing penalties for the violation thereof, adopted on the 8th day of April, 1932" is hereby repealed.

This ordinance shall be in full force and effect after its adoption by the Board of Town Trustees of the Town of Battle Ground and advertised and published according to law.

ADOPTED THIS 7th DAY OF MARCH, 1960.

John D. Gerhart
President of Board of Town

Trustees of the Town of

Battle Ground, Indiana

ATTEST:

Jean Smith
Town Clerk

CLERKS' CERTIFICATE

This is to certify that the above and foregoing ordinance was published in the Lafayette Journal and Courier newspaper and the Lafayette Leader, both being newspapers of general circulation and proof of publication thereof is attached hereto showing such publication according to law.

The undersigned further certifies that a copy of the above ordinance was posted in each of the five (5) wards of the Town of Battle Ground on the 8th day of March, 1960 and she further certifies that one (1) copy was posted in the Bank of Battle Ground on the 8th day of March, 1960.

Dated this 4th day of April, 1960.

Jean Smith
Clerk-Treasurer

UNITED STATES OF AMERICA

State of Indiana County of Tippecanoe NO._____ $1,000

TOWN OF BATTLE GROUND

WATERWORKS REVENUE BOND

The Town of Battle Ground, in Tippecanoe County, State of Indiana, for value received, hereby promises to pay to bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal amount of

ONE THOUSAND DOLLARS

on the first day of July, 19___ (unless this bond be called for prior redemption and payment provided therefor), and to pay interest thereon from the date hereof until the principal is paid at the rate of _____per cent (___%) per annum, payable semi-annually on the first days of January and July in each year, beginning January l, 1962, upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the Purdue National Bank of Lafayette, in the City of Lafayette, Indiana.

This bond is one of an authorized issue of one hundred thirty-eight (138) bonds of the Town of Battle Ground, of like date, denomination, tenor and effect, except as to numbering and dates of maturity, in the total amount of One Hundred Thirty- eight Thousand Dollars ($l38,000), numbered consecutively from 1 to 138 inclusive, issued for the purpose of providing funds to pay the cost of construction of extensions, additions and improvements to the municipally owned waterworks of said Town pursuant to an ordinance passed by the Board of Trustees of said Town on _____, 1961, entitled "An Ordinance concerning the construction of extensions, additions and improvements to the municipal waterworks of the Town of Battle Ground, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith," and in strict compliance with the provisions of the governing statutes, particularly Chapter 155 of the Acts of the General Assembly of the State of Indiana for the year 1929, and all acts amendatory thereof or supplemental thereto,

The principal and interest of this bond and all other bonds of said issue, and any bonds hereafter issued ranking on a parity therewith, are equally and ratably secured by and constitute a first charge upon fifty-five per cent (55%) of the gross income and revenues of said waterworks as the same now exist or may hereafter be improved and extended, which percentage of such income and revenues is to be deposited in a special fund to be known as the "Bond and Interest Redemption Account," which has been duly created by said ordinance. The Town shall not be obligated to pay said bonds or the interest thereon except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the Town within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue maturing on July l, 1975, and thereafter, are redeemable at the option of the Town, in whole or in part, on January l, 1975, or any interest payment date thereafter, in inverse numerical order, at face value, together with the following premiums; five per cent (5%) if redeemed on January l, 1975, or thereafter on or before July l, l980; four per cent (4%) if redeemed on January l, 1981, or thereafter on or before July l, 1984; three per cent (3%) if redeemed on January l, 1985, or thereafter on or before July l, 1988; two per cent (2%) if redeemed on January l, 1989, or thereafter prior to maturity; plus, in each

case, accrued interest to the date fixed for redemption, provided notice of said redemption shall be given at least thirty (30) days prior to the redemption date by one publication in a newspaper of financial journal published in the City of Indianapolis, Indiana, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if funds are available at the place of redemption to redeem the bonds on the redemption date and thereafter when presented for payment. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with unmatured interest coupons appurtenant thereto.

The Town covenants that it will, to the fullest extent permitted by law, fix, maintain and co11ect an aggregate of rates and charges for the services rendered by said waterworks which will be sufficient to pay all costs of operation and maintenance of said waterworks, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of this issue of bonds, and any bonds hereafter issued ranking on a parity therewith, and that it will in all other respects faithfully comply with all of the provisions of the governing statutes pursuant to which this bond is issued. In the event the Town shall make any default in the payment of the principal of or interest on this bond, the holder hereof shall have all of the rights and remedies provided by the governing statutes, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest hereon.

This bond and all other bonds of said issue shall, in the hands of bona fide holders, have all of the qualities of negotiable instruments under the law merchant. This bond may be registered in the name of the owner, in the manner and with the effect provided in said ordinance, but unless registered shall pass by delivery. The interest coupons attached hereto shall at all times pass by delivery. It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Battle Ground, in Tippecanoe County, State of Indiana , has caused this bond to be signed in its corporate name by the duly elected, qualified and acting President of its Board of Trustees, its corporate seal to be hereunto affixed and attested by its duly elected, qualified and acting Clerk-Treasurer, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said Clerk-Treasurer, all as of the first day of _____, 1961.

TOWN OF BATTLE GROUND

By John D. Gerhart
President, Board of Trustees

Attest:

Jean Smith
Clerk-Treasurer

(Interest Coupon)

Coupon No._____ $_____

On _____l, 19____

(unless the bond to which this coupon refers is sooner redeemed), the Town of Battle Ground, Indiana, will pay to bearer, at the Purdue National Bank of Lafayette, in the City of Lafayette, Indiana, out of its waterworks Bond and Interest Redemption Account, _____Dollars in lawful money of the United States of America, being the interest then due on its Waterworks Revenue Bond, dated _____l, 1961, No._____.

TOWN OF BATTLE GROUND

By_____(Facsimile)
Clerk-Treasurer

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the Clerk-Treasurer of the Town of Battle Ground, Indiana. No writing hereon except by the Clerk-Treasurer.

Date of Registry	In Whose Name Registered	Clerk-Treasurer
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sec. 8. The Clerk-Treasurer is hereby authorized and directed to have said bonds and coupons prepared, and the President of the Board of Trustees and Clerk-Treasurer are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The Clerk-Treasurer is hereby authorized to sell said bonds at public sale. The Clerk-Treasurer shall cause to be published a notice of sale once each week for two weeks in the Lafayette Journal & Courier and The Lafayette Leader, there being no newspaper published in the Town of Battle Ground, and one time in a newspaper published in the City of Indianapolis. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions on which bids will be received and the sale made, and shall set out such other information as the Clerk-Treasurer, acting on the advice of the Town Attorney and bond counsel, shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the Clerk-Treasurer at his office. Bidders shall be required to name the rate of interest which the bonds are to bear, not exceeding five and one-half per cent (5-1/2%) per annum. Such interest rate shall be in multiples of one-eighth (1/8) of one per cent (1%), and not more than one (L) interest rate shall be named by each bidder. The Clerk-Treasurer shall award the bonds to the highest qualified bidder. The highest bidder shall be the one who offers the lowest interest cost to the Town, to be determined by computing the total interest on all of the bonds to

their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest to the date of delivery, shall be considered. The Clerk-Treasurer shall have the right to reject any and all bids, and in the event no satisfactory bids are received, the Clerk-Treasurer shall be authorized to continue the sale from day to day for a period of thirty (30) days without re-advertisement; provided, however, that if said sale be continued no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds to the purchaser thereof, the Clerk-Treasurer shall obtain a legal opinion as to the validity of the bonds from Ross McCord Ice & Miller, acting as bond counsel for the Town, and shall furnish such opinion to the purchaser of the bonds. The fee of such bond counsel shall be considered as part of the cost of the project on account of which said bonds are issued and shall be paid out of the proceeds of said bonds.

Sec. 9. In the event it shall be hereafter determined that it is not necessary to issue all of the bonds authorized by this ordinance, or the Public Service Commission shall not approve the issuance of said total amount of bonds, the Clerk-Treasurer shall be authorized to sell and deliver a lesser amount of bonds than therein authorized, in which case the bonds not sold or delivered shall be of the last maturity or maturities.

The bonds herein authorized, when fully paid for and delivered to the purchaser, shall be the binding and special revenue obligations of the Town, payable out of the income and revenues of the waterworks system of said Town according to their tenor and effect, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for the purpose of paying the cost of construction and installation of the aforesaid extensions, additions and improvements to said waterworks and the expenses necessarily incurred in connection therewith, including the expenses incurred in connection with the issuance and sale of the bonds, and for the payment of interest accruing on the bonds during the period of construction, if required for that purpose. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do all acts and things which may be necessary to carry out the provisions of this ordinance.

Sec. 10. Any accrued interest and any premium received at the time of the delivery of the bonds shall be deposited in the Bond and Interest Redemption Account hereinbefore created. The remaining proceeds from the sale of the bonds shall be deposited in a bank or banks which are legally designated and qualified depositories for the funds of the Town, in a special account or accounts to be designated as "Town of Battle Ground, Water works Construction Account". Each of such special accounts shall be deposited, secured, held or invested as provided by the laws relating to the depositing, securing, holding, or investing of public funds, including Chapter 9 of the Acts of 1945, and may be secured in any other lawful manner agreed upon by the Clerk- Treasurer and the purchaser of the bonds. The funds in such special account or accounts shall be expended only for the purpose of paying the cost of the extensions, additions and improvements to said water works as herein authorized, the incidental expenses incurred in connection therewith and with the issuance of bonds, and for the payment of interest accruing on the bonds during the period of construction, if required for that purpose. Any balance or balances remaining unexpended in such special account or accounts after the completion of the work, which are not required to meet unpaid obligations incurred in connection with the construction of the work, shall be deposited in the Bond and Interest Redemption Account.

Sec. 11. The Town shall keep proper books of records and accounts, separate from all of its other records

and accounts, in which complete and correct entries shall be made showing all revenues collected from said waterworks and deposited in the special accounts hereinbefore established and all disbursements made therefrom and all transactions relating to said waterworks. There shall be prepared and furnished to the original purchaser of the bonds, and, upon written request, to any holder of the bonds, not more than ninety (90) days after the close of each annual fiscal period, complete operating and income statements of the waterworks, in reasonable detail covering such annual fiscal period, which statement shall be certified by the Clerk- Treasurer or a competent auditor employed for the purpose of making an audit of the records of said waterworks. Copies of all such statements and reports shall at all times be kept on file in the office of the Clerk-Treasurer. Any holder of the bonds shall have the right at all reasonable times to inspect the waterworks and the records, accounts and data of the Town relating thereto.

Sec. 12. The Town shall, to the fullest extent permitted by law, establish, maintain and collect reasonable and just rates and charges for the services and facilities afforded by said waterworks which will provide revenues at least sufficient to pay the reasonable and proper cost of the maintenance and operation of the waterworks, to provide a proper and reasonable depreciation account, and to pay the principal of and interest on the bonds payable from the revenues of the waterworks as the same become due and provide a surplus or margin of ten per cent (10%) of the principal and interest due each year, which shall be cumulative. So long as any of the bonds herein authorized are outstanding, none of the facilities and service afforded by said waterworks shall be furnished without a reasonable and just charge being made therefor. The reasonable value of any facility or service rendered to the Town, or to any department, agency or instrumentality thereof, including the use of water for hydrants for fire protection or for any other purpose, shall be charged against the Town and shall be paid for as the charges accrue, and the revenue so received shall be deemed to be revenue derived from the operation of the waterworks and shall be used and accounted for in the same manner as other revenues derived from the operation of the waterworks. The Town covenants to the fullest extent permitted by law, and subject to approval by the Public Service Commission, to maintain a minimum of twenty-four (24) fire hydrants, and to pay an annual rental of One Hundred Fifty Dollars ($150) per hydrant, per year, which the Board of Trustees now finds is a reasonable and proper charge therefor. Said minimum number of hydrants shall be maintained and said rental will be paid by the Town to the various waterworks revenue accounts in the proportions and percentages as hereinabove set forth, so long as any of the bonds herein authorized are outstanding.

Sec. 13. The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of the waterworks, of equal priority with the bonds authorized by this ordinance for the purpose of financing the cost of future additions, extensions and improvements to the waterworks, subject to the following conditions:

(a) the interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required payments into the Bond and Interest Redemption Account have been made in accordance with the provisions of this ordinance.

(b) (i) The amount of gross revenues of the waterworks allocated by Sec. 4(c) of this ordinance to and deposited in the Bond and Interest Redemption Account in the calendar year immediately preceding the issuance of any such additional parity bonds shall be not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or

(ii) Prior to the issuance of said parity bonds, the proportion of the gross revenues allocated to said Bond and Interest Redemption Account shall be increased sufficiently so that said increased proportion, applied to the previous calendar year's gross revenues would have produced revenues in said Bond and Interest Redemption Account for said year equal to not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or

(iii) Prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently and the proportion of gross revenues allocated to said Bond and Interest Redemption Account increased sufficiently so that siad increased water rates and charges applied to the previous calendar year's operations would have produced gross revenues in an amount so that the proportion allocated to said Bond and Interest Redemption Account for said year would have equaled not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued.

For purposes of this subsection, the records of the waterworks shall be analyzed and all showings shall be prepared by a certified public accountant employed by the Town for that purpose.

(c) To the extent required by law, the issuance of the proposed additional parity bonds and any necessary increase in water rates and charges shall have been approved by the Public Service Commission of Indiana, and said Commission shall have certified that the income and revenues of the waterworks, after providing for operation and maintenance and depreciation, will be sufficient to pay the principal and interest of all bonds payable from the revenues of the waterworks, including the additional parity bonds proposed to be issued.

Sec. 14. For the purpose of further safeguarding the interests of the holders of the bonds, it is specifically provided as follows:

(a) All construction contracts shall be let to responsible contractors who shall be required to furnish construction bonds running to the Town of Battle Ground, in an amount equal to one hundred per cent (100%) of the amount of such contracts, to insure the completion of such contracts in accordance with their terms, and such contractors shall be required to carry such employer's liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts.

(b) The extensions, additions and improvements shall be contracted for and constructed to the approval of Moore and Garns Engineers, Inc., consulting engineers of Indianapolis, Indiana, now employed by the Town, or such other consulting engineers as may hereafter be employed by the Town with the approval of the purchaser of the bonds. All estimates for work done and materiel furnished shall first be checked by the consulting engineers before being approved by the Town.

(c) The Town shall, at all times, maintain said waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the bonds herein authorized are outstanding, the Town shall maintain insurance on the insurable parts of the waterworks of a kind and in an amount such as is usually carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business in the State of Indiana, and any insurance proceeds collected shall be used in replacing the property destroyed or damaged.

(e) So long as any of the bonds herein authorized are outstanding, the Town shall not mortgage, pledge or otherwise encumber its waterworks or any part thereof, and shall not sell, lease or otherwise dispose of any portion thereof except such equipment which may become worn out or obsolete, and shall be replaced; nor, except as provided in Sec. 13 hereof, shall the Town execute or issue any additional bonds or other obligations pledging any portion of the revenues of said waterworks unless the same be made subordinate and junior in all respects to the bonds herein authorized.

(f) The provisions of this ordinance shall be construed to create a trust in the proceeds derived from the sale of the bonds herein authorized, for the uses and purposes herein set forth, and so long as nay of said bonds are outstanding the provisions of this ordinance shall also be construed to create a trust in the fixed proportion of the revenues of the waterworks herein directed to be set apart and paid into the Bond and Interest Redemption Account for the uses and purposes of said account as in this ordinance set forth.

(g) The provisions of this ordinance shall constitute a contract by and between the Town of Battle Ground and the holders of the bonds herein authorized, all of the terms of which shall be enforceable in law or in equity, and after the issuance of the bonds this ordinance shall not be repealed or amended in any respect which will adversely affect the rights and interests of the holders of said bonds, nor shall the Board of Trustees of the Town adopt any law, ordinance or resolution in any way adversely affecting the rights of such holders so long as any of the bonds or the interest thereon remain unpaid. The holders of the bonds shall have all of the rights, remedies and privileges, either expressly set forth in the provisions of Chapter 155 of the Acts of the Indiana General Assembly for the year 1929, and all acts amendatory thereof and supplemental thereto, or implied therein, including the right to compel the collection of sufficient rates and charges to provide for the payment of the bonds issued hereunder and the interest thereon.

Sec. 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Sec. 16. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Board of Trustees of the Town of Battle Ground on the 9th day of June, 1961.

John D. Gerhart

Virgil W. Scowden

Bruce Cunningham

Roy E. Russell

Jesse C. Horn
Board of Trustees

ATTEST:

Jean Smith

Clerk-Treasurer

ORDINANCE NO. 104

[Editor's Note: Explicitly repealed by Ordinance #106.]

An Ordinance establishing rates and charges for the use of and services rendered by the

waterworks system of the Town of Battle Ground

WHEREAS, the Board of Trustees of the Town of Battle Ground has authorized the making of extensions, additions and improvements to the existing waterworks system of said Town for the purpose of providing a sufficient supply of water at proper pressure to the inhabitants of the Town and properly protecting the health, well-being and property of said Town and its inhabitants; and

WHEREAS, in order to procure the necessary funds to pay the cost of construction and installation of said extensions, additions, and improvements, it is necessary for the Town to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system, which revenues under the existing schedule of rates and charges are insufficient to enable the Town to finance the needed extensions, additions and improvements; and

WHEREAS, the Board of Trustees now finds that the existing rates and charges for the use of and service rendered by the waterworks of said town are too low and are insufficient to enable the Town to properly operate its waterworks plant, provide for depreciation, and finance said extensions, additions and improvements; that the proposed extensions, additions and improvements will improve the service rendered by said waterworks system and make the same of greater value to the Town and its inhabitants, and that the existing rates and charges should be increased; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA:

Section 1. That there shall be and there are hereby established for the use of and the service rendered by the waterworks system of the Town of Battle Ground, the following rates and charges, based on the use of water supplied by said waterworks system:

(a) Metered Rates per Month		Per 1,000 Gallons
First 5,000 gallons	per month	$1.20
Next 10,000 gallons	per month	.75
Next 20,000 gallons	per month	.60
Next 65,000 gallons	per month	.45
Over 100,000 gallons	per month	.30

(b) Minimum Charges

Each user shall pay a minimum charge, based upon the size of the meter installed, for which the user shall be entitled to the quantity of water set out in the

metered schedule of rates.

5/8 and 3/4	inch meter	per month	$ 2.40
1	inch meter	per month	4.50
1¼	inch meter	per month	6.00
1½	inch meter	per month	7.50
2	inch meter	per month	10.00
4	inch meter	per month	20.00

(c) Collection or Deferred Payment Charge

All bills for water services not paid within 15 days from the due date thereof, as stated in such bills,

shall be subject to the collection or deferred payment charge of 10% on the first $3.00 and 3% on the excess over $3.00.

(d) Private Fire Protection

1½ inch connection and under	per annum	$ 10.00
2 inch connection	per annum	15.00
2½ inch connection	per annum	20.00
3 inch connection	per annum	30.00
4 inch connection	per annum	50.00
6 inch connection	per annum	75.00
8 inch connection	per annum	100.00

(e) Private and Public Fire Hydrant Rental

Municipal Fire Hydrants	per annum	$150.00
Private Fire Hydrants	per annum	150.00

(f) Temporary Users

Water furnished to temporary users such as contractors, circuses, etc., shall be charged on the basis of the above gallon rates as established by the Waterworks

Superintendent.

(g) Railroads

Water supplied for railroad use may be charged for on such terms as shall be fixed by public contract

approved by the Town Board of Trustees and by the

Public Service Commission of Indiana.

Sec. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates anc charges shall direct.

Sec. 3. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana or until such time as said Commission shall direct.

Passed and adopted by the Board of Trustees of the Town of Battle Ground on the 9th day of June, 1961.

John D. Gerhart

Virgil W. Scowden

Bruce Cunningham

Roy E. Russell

Jesse C. Horn
Board of Trustees

Charles O. Bradbury

ATTEST:

Jean Smith
Clerk-Treasurer

ORDINANCE NO. 105

[Editor's Note: Explicitly repealed by Ordinance #117 and Ordinance #187.]

An ordinance creating the "Town Court of Battle Ground, Indiana" and setting forth the term and jurisdiction thereof together with other

requirements and salary of the judge.

WHEREAS the Acts of the Indiana General Assembly of 1961

authorize the establishment of Town Courts;

WHEREAS in the opinion of the Board of Town Trustees of the Town of Battle Ground, Indiana, a Town Court is needed in Battle Ground, Indiana;

NOW THEREFOR be it ordained as follows:

Section 1. That there is hereby created a judicial department of the Town of Battle Ground to be known and entitled "The Town Court of the Town of Battle Ground, Indiana"

Section 2. The officers of the Town Court of Battle Ground, Indiana shall be a judge and a bailiff. The judge of said court shall act as the clerk of the court and the Town Marshal shall act as the bailiff.

Section 3. The Town Court of Battle Ground shall be and is hereby a court of record, and all judgments, decrees, orders and proceedings shall have the same force and effect as those of the Circuit Court except that no judgment shall be a lien on real estate other than as provided by taking a transcript of such judgment and filing the same in the office of the C1erk of the Circuit Court whereupon such judgment shall then be enforced in the same manner as in case of liens by transcript from the Justice of Peace in similar cases.

Section 4. The Town Judge shall provide, at the expense of the Town, a seal for such court, which shall contain on the face, the words "Town Court of Battle Ground, Indiana"

The seal shall be a circular disc and in addition to containing the words aforesaid, shall be impressed with a stamp of appropriate size showing a printed likeness of the monument commemorating the Battle of Tippecanoe which monument exists at the Tippecanoe Battle Field at Battle Ground, Indiana. A description of said seal shall be spread on the records of said Town Court.

Section 5. The judge shall provide at the expense of the Town, all books, dockets, papers or printed blanks necessary for the discharge of the duties of such court.

Section 6. No change of venue shall be taken from said court but any defendant may take a change of venue from the judge thereof and a special judge may be appointed as provided by law in relationship to the Circuit Court.

Section 7. The docket fees and other costs in both criminal and civil cases shall be collected and distributed in the same amounts and in the same manner as required by law and as collected and

distributed by city courts.

Section 8. The Town judge shall be elected by the legal voters of such Town at the time and in the same manner as other town officers are elected, for a term of four years and until a successor is elected and qualified. His term of office shall begin at 12:00 noon on the first day of January, following the election.

Section 9. Before entering upon the discharge of his duties such Town Judge shall take and subscribe to the same oath of office as Judges of Circuit Courts and he shall execute a bond payable to such Town in the penal sum of Five Thousand Dollars ($5,000.00), conditioned upon the faithful performance of the duties of his office with good and sufficient surety to be approved by the Board of Trustees of the Town and filed in the office of the Clerk of the Town Board.

Section 10. Such Town Judge shall hold such sessions of the Town Court as the business of the court demands, at a place to be provided and designated by the Board of Trustees of the Town of Battle Ground.

Section 11. Such Town Court shall have and exercise the powers and jurisdiction now or hereafter conferred upon justices of peace in all cases of crimes and misdemeanors, except as otherwise provided. The Court shall have exclusive jurisdiction of all violators of the ordinances of the Town of Battle Ground and shall have original concurrent jurisdiction with the Circuit Court of Tippecanoe County in all cases or petit larceny and all other violations of the law of the State wherein penalty provided therefore cannot exceed a find of Five Hundred Dollars ($500.00) and imprisonment in the jail or Indiana State Farm, not to exceed six (6) month, or either, or both.

Section 12. If, in any case brought before said Town Court, the Judge thereof is of the opinion that the punishment which he is authorized to assess is not adequate for the offense, and so finds, he may hold such prisoner to bail for his appearance before the proper court, or commit him to jail in default of such bail.

Section 13. The powers of the Town Judge shall be those powers prescribed for judges of city courts, these powers are in addition to those stated aforesaid.

[Editor's Note: Section 14 (below) was amended by Ordinance #113.]

Section 14. The salary of the Town Judge of the Town of Battle Ground shall be $1,250.00 per year and the salary of the Bailiff shall be $100.00 per year.

Section 15. Upon the adoption of this ordinance the Board of Town Trustees of the Town of Battle Ground shall declare the office of the Judge of the Town Court vacant, whereupon the President of the Town Board of Battle Ground shall fill the vacancy by an appointment until the next election of Town officers.

Adopted this 22nd day of August, 1961.

John D. Gerhart
President

Virgil W. Scowden
Member

Roy E. Russell
Member

Bruce Cunningham
Member

Jesse C. Horn
Member

Attest:

Jean Smith
Clerk-Treasurer

ORDINANCE NO. 106

An Ordinance establishing rates and charges for the use of and services rendered by the waterworks

system of the Town of Battle Ground

WHEREAS, the Board of Trustees of the Town of Battle Ground has authorized the making of extensions, additions and improvements to the existing waterworks system of said Town for the purpose of providing a sufficient supply of water at proper pressure to the inhabitants of the Town and properly protecting the health, well-being and property of said Town and its inhabitants; and

WHEREAS, in order to procure the necessary funds to pay the cost of construction and installation of said extension, additions and improvements, it is necessary for the Town to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system, which revenues under the existing schedule of rates and charges are insufficient to enable the Town to finance the needed extensions, additions and improvements; and

WHEREAS, The Board of Trustees now finds that the existing rates and charges for the use of and service rendered by the waterworks of said Town are too low and are insufficient to enable the Town to properly operate its waterworks plant, provide for depreciation, and finance said extensions, additions and improvements; that the proposed extensions, additions and improvements will improve the service rendered by said waterworks system and make the same of greater value to the Town and its inhabitants, and that the existing rates and charges should be increased: now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA:

Section 1. That there shall be and there are hereby established for the use of and the service rendered by the waterworks system of the Town of Battle Ground, the following rates and charges, based on the use of water supplied by said waterworks system:

(a) Metered Rates per Month		Per 1,000 Gallons
First 5,000 gallons	per month	$1.50
Next 10,000 gallons	per month	.90
Next 20,000 gallons	per month	.75
Next 65,000 gallons	per month	.55
Over 100,000 gallons	per month	.38

(b) Minimum Charges

Each user shall pay a minimum charge, based upon the size of the meter installed, for which the user shall be entitled to the quantity of water set out in the

metered schedule of rates.

5/8 and 3/4	inch meter	per month	$ 3.00
1	inch meter	per month	5.50
1¼	inch meter	per month	7.25
1½	inch meter	per month	9.00
2	inch meter	per month	12.00
4	inch meter	per month	24.00

(c) Collection or Deferred Payment Charge

All bills for water services not paid within 15 days from the due date thereof, as stated in such bills, shall be subject to the collection or deferred payment charge of 10% on the first $3.00 and 3% on the excess over $3.00.

(d) Private Fire Protection

1½ inch connection and under	per annum	$ 10.00
2 inch connection	per annum	15.00
2½ inch connection	per annum	20.00
3 inch connection	per annum	30.00
4 inch connection	per annum	50.00
6 inch connection	per annum	75.00
8 inch connection	per annum	100.00

(e) Private and Public Fire Hydrant Rental

Municipal Fire Hydrants	per annum	$150.00
Private Fire Hydrants	per annum	150.00

(f) Temporary Users

Water furnished to temporary users such as contractors circuses, etc. shall be charged on the basis of the above gallon rates as established by the Waterworks Superintendent.

(g) Railroads

Water supplied for railroad use may be charged for on such terms as shall be fixed by public contract approved by the Town Board of Trustees and by the Public Service Commission of Indiana.

Sec. 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed, and Ordinance No. 104, adopted on June 9, 1961, is hereby expressly repealed; provided, however, that the existing schedule of water rates and charges prior to the adoption of said Ordinance No. 104 shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

Sec. 3. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana or until such time as said Commission shall direct.

Passed and adopted by the Board of Trustees of the Town of Battle Ground on the 8th day of September, 1961.

John D. Gerhart

Virgil W. Scowden

Bruce Cunningham

Roy E. Russell

Jesse C. Horn
Board of Trustees

Attest:

Jean Smith
Clerk-Treasurer

GENERAL ORDINANCE NO. l08

AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS

[Editor's Note: Replaced by Ordinance #275.]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA:

Section 1. It shall be unlawful to discharge any firearm or air gun in the Town of Battle Ground; provided that this ordinance shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.

Section 2. Any person violating this ordinance shall be fined not less than One Dollar nor more than One Hundred Dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Adopted this 6 day of August 1962.

John D. Gerhart
John D. Gerhart, President

Attest:

Shirley Young
Clerk-Treasurer

CERTIFICATE OF REGISTRATION

AS VOTER

OF

BATTLE GROUND, INDIANA

NAME: _____ ADDRESS_____

Date of Registration:_____

Date of Birth_____ Place of Birth_____

Transfer to_____

I,_____state that I am a citizen of the United States, that on or before the date of the next Town election of the Town of Battle Ground, I shall be at least twenty-one (21) years of age, shall have resided in the State of Indiana six (6) months, in Tippecanoe Township sixty (60) days, and thirty (30) days in the precinct of the above address in Battle Ground, immediately preceding such election;

I further state that I am legally qualified to vote and that I am not already registered.

_____

Signature of Voter

Certified by_____

Designate: ___Trustee ___Clerk-Treasurer

___Person selected by Trustee

___Person selected by President of Town Board

Section 15. The Town Clerk-Treasurer shall provide four (4) lists of registered and qualified voters to the election officials at each polling place on the day of each Town election.

Section 16. The Board of Town Trustees may provide for the payment of election expenses including a fee for registering voters, to persons authorized ...MISSING...

Section 17. This Ordinance shall be in full force and effect from and after its passage and adoption.

Adopted this 8th day of March, 1963.

Shirley Young
Clerk-Treasurer

CERTIFICATE OF REGISTRATION

AS VOTER

OF

BATTLE GROUND, INDIANA

NAME:_____ ADDRESS_____

Date of Registration:_____

Date of Birth_____ Place of Birth_____

Transfer to_____

I,_____state that I am a citizen of the United States, that on or before the date of the next Town election of the Town of Battle Ground, Indiana, I shall be at least twenty-one (21) years of age, shall have resided in the State of Indiana six (6) months, in Tippecanoe Township sixty (60) days and thirty (30) days in the precinct of the above address in Battle Ground, immediately preceding such election;

I further state that I am legally qualified to vote and that

I am not already registered.

_____

Signature of Voter

Certified by_____

Designate: _____Trustee _____Clerk-Treasurer

_____Person selected by Trustee

_____Person selected by President of Town Board

Section 15. The Town Clerk-Treasurer shall provide four (4) lists of registered and qualified voters to the election officials at each polling place on the day of each Town election.

Section 16. The Board of Town Trustees may provide for the payment of election expenses including a fee for registering voters to persons authorized to register voters but not in excess of ten cents (l0¢) per voter. Expenses and costs of supplies shall be paid out of the general fund.

Section 17. All persons other than the Clerk-Treasurer authorized by this Ordinance to register voters, shall for the purpose of this ordinance be classified as "deputy registration clerks" and the Town trustees serving as such shall do so without pay therefor.

Section l8. All persons authorized and empowered to register voters under
...MISSING...
voters registration officer.

Section 19. An emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage and adoption.

Section 20. Any ordinance or part of an ordinance in conflict herewith is hereby repealed. Passed and adopted this 25th day of July, 1963.

Shirley Young
Clerk-Treasurer

ORDINANCE NO. 112

[Editor's Note: Explicitly repealed by Ordinance #187.]

An ordinance re-establishing and redistricting ward boundaries of the Town of Battle Ground, Indiana.

WHEREAS the Town of Battle Ground is an incorporated town,

WHEREAS the trustees of any incorporated town may at any time, sixty (60) days or more preceding an election for town officers, redistrict the town;

WHEREAS the Town Trustees of the Town of Battle Ground, Indiana deem it advisable and to the best interest of the residents of the Town to re-establish and re-district the Town of Battle Ground, Indiana;

NOW THEREFORE, BE IT ORDAINED that the Town of Battle Ground, Indiana shall and does now consist of five (5) wards, the boundaries of which are as follows:

WARD NUMBER ONE (1).

Ward Number One shall consist of that area of the Town of Battle Ground which lies North and Northeast of the center line of Prophet Street to the center line of North Street, Northwest of the center line of Winans Street and Southwest of the center line of North Street to the center line of Prophet Street.

WARD NUMBER TWO (2).

Ward Number Two shall consist of that area of the Town of Battle Ground which lies South and Southwest of the center line of Prophet Street, Southeast of the center line of Winans Street to the right-of-way of the C. I. & L.

Railroad, Northeast of the center line of North Street and Northwest of the right-of-way of the C. I. & L. Railroad to the Northeast boundary of Ward No. 1.

WARD NUMBER THREE (3).

Ward Number 3 shall consist of that area of the Town of Battle Ground which lies Southwest of Lot No. 15 in Harrisonville Addition to the Town of Battle Ground, South of the center line of Main Street and that area South of the right-of-way line of the C. I. & L. Railroad to a point where it intersects with the center line of Main Street.

WARD NUMBER FOUR (4).

Ward Number 4 shall consist of the area of the Town which lies East of the right-of-way of the C. I. & L. Railroad from the point where it intersects with the center line of Main Street and bounded on the East by

the center line of Jefferson Street from the North limit of the Town, running southward to the center line of Sherman Street, running East by center line of Sherman Street, running thence Southward by center line of Tippecanoe Street to a point where it intersects with the center line of Main Street, thence West on the center line of

...MISSING...

WARD NUMBER FIVE (5).

Ward Number 5 shall consist of that area of the Town which lies East of the East boundary of Ward Number 4, above described and East of the East boundary of Lot No. 38 of Harrisonville Addition of the Town of Battle Ground.

Adopted this 2nd day of August, 1963.

Shirley Young
Clerk-Treasurer

ORDINANCE NO. 113

[Editor's Note: Explicitly repealed by Ordinance #187.]

An ordinance amending Ordinance Number 105

providing for the salary of Town Judge and Bailiff.

BE IT ORDAINED by the Town Trustees of the Town of Battle Ground, Indiana that

Section 14 of Town Ordinance No. 105 shall be and is hereby amended to read in words and figures as follows, to-wit:

"Section 14: The salary of the Town Judge of the Town of Battle Ground, Indiana, shall be in the amount determined and adopted at the annual budget meeting but not less than Five Hundred ($500.00) Dollars nor more than One Thousand Two Hundred Fifty ($1250.00) Dollars per year and the salary of the Bailiff shall be One Hundred ($100.00) Dollars per year.

Adopted this 2nd day of August, 1963.

Shirley Young
Clerk-Treasurer

TOWN ORDINANCE NO. 114

AN ORDINANCE RELATING TO PAYMENT OF DELINQUENT

WATER BILLS

Section 1. Be it ordained that the water supply may be shut off from any premises for which the water bill remains unpaid for a period of fifteen (15) days after the bill is rendered and mailed to the occupant of the premises. When shut off, water shall not be turned on except upon payment of the amount due plus a deferred payment charge of 10 per cent on the first $3.00

and 3 per cent on the excess over $3.00.

Section 2. The amount due including charges for deferred payments for water supplied shall constitute a lien against the premises or property supplied with water and such property may be sold for nonpayment of the amount due.

Section 3. No person, including the land owner or a new occupying tenant shall be entitled to have the water supply turned on for a premises unless all water bills including late charges are paid.

Section 4. This Ordinance shall be effective immediately upon its passage.

Adopted this 8th day of November, 1963.

Shirley Young
Clerk-Treasurer

CERTIFICATE OF REGISTRATION

AS VOTER

OF

BATTLE GROUND, INDIANA

NAME:_____ADDRESS:_____

Date of Registration:_____

Date of Birth_____ Place of Birth_____

Transfer to_____

I,_____state that I am a citizen of the United States, that on or before the date of the next Town election of the Town of Battle Ground, Indiana, I shall be at least twenty-one (21) years of age, shall have resided in the State of Indiana six (6) months, in Tippecanoe Township sixty (60) days and thirty (30) days in the precinct of the above address in Battle Ground, immediately preceding such election;

I further state that I am legally qualified to vote and that I am not already registered.

_____

Signature of Voter

Certified by_____

Designate: _____Trustee _____Clerk-Treasurer

_____Person selected by Republican Town Chairman

_____Person selected by Democratic Town Chairman

Section 5. Any ordinance or part of an ordinance in conflict herewith is hereby repealed.

Passed and adopted this 6th day of December, 1963.

Shirley Young
Clerk-Treasurer

TOWN ORDINANCE NO. 115

AN ORDINANCE RELATING TO PAYMENT OF DELINQUENT

WATER BILLS, TAMPERING WITH WATER SYSTEM AND

DEPOSIT FOR METERS

BE IT ORDAINED:

Section 1. When any water bill remains unpaid for fifteen (15) days after the bill is rendered and mailed to the occupant of a premises that is supplied with water by the Town of Battle Ground, the Clerk-Treasurer shall notify the Water Superintendent of such unpaid bill forthwith and thereupon the said Water Superintendent shall, within three days from the date of such notification, turn off the water supply for the premises in question.

Section 2. Failure on the part of the Clerk-Treasurer and/or the Water Superintendent to act within the time limit as specified in this ordinance shall render the Clerk-Treasurer and/or the Water Superintendent personally liable for payment of water supplied for every day they failed to act, provided however, they shall have the right to proceed against the occupant for reimbursement for any sums paid by reason of such delay or failure to act.

Section 3. It shall be unlawful for any person not authorized by the Town Board or the Water Superintendent to tamper with, alter or injure any part of the Town water system, including but not limited to meters, and any person violating this provision shall be fined not less that Five ($5.00) Dollars nor more than Ten ($10.00) Dollars for such offense.

Section 4. In addition to other penalties provided by law, any person who tampers with, alters or injures any part of the Town's water system shall be required to pay the cost of repairing or restoring the system to the condition that existed immediately prior to such tampering, alteration or injury and such person shall not be entitled to have water turned on for any premises occupied by him until all such costs are paid.

[Editor's Note: Section 5 (below) was amended by Ordinance #127.]

Section 5. Commencing with the effective date of this ordinance, all new occupants shall pay a meter deposit of Ten ($10.00) Dollars provided however, any deposit made prior to said date for some other premises within the Town shall constitute a credit if not refunded prior to the request for a new water service.

Section 6. This ordinance shall become and be in full force and effect on and after December 20, 1963.

CLERK'S CERTIFICATE FOR ORDINANCE NO. 115

This is to certify that the above and foregoing ordinance was posted in each of the five (5) wards of the Town of Battle Ground on the 7th day of December, 1963.

Dated this 21st day of December, 1963.

Shirley Young
Clerk-Treasurer

Ordinance No 118

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE TO PROVIDE FOR THE USE OF THE CAPITOL

CUMULATIVE CIGARETTE FUND TO BE IN EXISTENCE, JANUARY 1,1966

Whereas, the said fund will be used to obtain, build, buy, furnish and maintain a building for the purpose of a Town Hall and to use for the purpose of housing the equipment of said Town, and after, such a building is provided the monies obtained will be used for the purpose of new or more equipment as needed by the Town of Battle Ground, Indiana.

Passed and adopted on this 6th day of Ju1y, 1965

In order to qualify for these funds this ordinance had to be passed by July of ,1965, and a copy sent to the State Board of Accounts certifying the action taken by the Town Board of Battle Ground, Indiana

Betty L. Grass
Clerk-Treasurer Town of Battle Ground, Indiana

ORDINANCE NUMBER 120

[Editor's Note: Explicitly repealed by Ordinance #187.]

An ordinance fixing the annual salary of full time employee of the Town of Battleground, Indiana Payable two times per month from street fund, water fund, and general fund.

Be it ordained by the Board of Trustees for the Town of Battleground, Indiana:

That the annual salary of the full time Town employee, effective February 1, 1968, be:

	SALARY BREAKDOWN	
SALARY OF MARSHALL	$1140.00	
SALARY OF STREET COMM.	500.00	
WAGES OF LABORER	1000.00	
WATER COMMISSIONER	1260.00	
MOTOR V. HIGHWAY	100.00	
	$5200.00	
car compensation	600.00	
	$5800.00	TOTAL

Approved and adopted by the Board of Town Trustees of the Town Battleground, Indiana This 21st day of February 1968

Bruce Cunningham
PRESIDENT OF TOWN BOARD

Floyd G. Mitchell
TRUSTEE

Jesse C. Horn
TRUSTEE

Mrs. Anne Herr
TRUSTEE

R. E. Smith
TRUSTEE

Jessie R. Bradbury

CLERK TREASURER

ORDINANCE # 121

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE AMENDING ORDINANCE # 10-A DATED 1959

FOR FIXING OF THE SALARIES OF ALL ELECTED OFFICERS

OF BATTLEGROUND CITY, INDIANA

PAYABLE FROM THE GENERAL FUND, STARTING JANUARY 1, 1969

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF BATTLEGROUND CITY, INDIANA

SECTION I

THAT THE ANNUAL SALARIES OF THE BOARD OF TRUSTEES, EFFECTIVE

JANUARY 1, 1969 SHALL BE THE FOLLOWING:

EACH MEMBER OF BOARD OF TRUSTEES SHALL RECEIVE EIGHT DOLLARS

($8.00) PER MEETING WHICH SHALL INCLUDE REGULAR AND SPECIAL

MEETINGS RESPECTIVELY, OR NOT TO EXCEED ONE HUNDRED AND TWENTY

DOLLARS ($120.00) A YEAR.

CLERK TREASURER WILL REMAIN THE SAME.

SECTION II

ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

FROM AND AFTER DECEMBER 31, 1968, shall be and the same as hereby repealed.

NOTICE IS HEREBY GIVEN THAT THIS FORGOING ORDINANCE WILL COME UP

FOR FINAL ACTION AT A SPECIAL MEETING DECEMBER 30, 1968 at 7:30

P.M. BY THE BOARD OF TRUSTEES.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AFTER ITS

PASSAGE AND SHALL BE EFFECTIVE AS TO THE SALARIES PROVIDED

HEREON AND AFTER JANUARY 1, 1969.

ADOPTED AND PASSED BY THE BOARD OF TRUSTEES OF BATTLEGROUND

CITY, INDIANA THIS SECOND DAY OF DECEMBER 1968.

Floyd G. Mitchell
PRESIDENT OF BOARD OF TRUSTEES

TRUSTEE

Anne Herr
TRUSTEE

Fred Glossic
TRUSTEE

R. E. Smith
TRUSTEE

PRESENTED TO ME BY THE PRESIDENT OF THE BOARD OF TRUSTEES OF

BATTLEGROUND CITY, INDIANA, THIS

2nd DAY

OF December 1968

_____
PRESIDENT OF THE BOARD OF TRUSTEES

ATTEST Jessie R. Bradbury
CLERK TREASURER

ORDINANCE # 122

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE ANNUAL SALARY OF THE FULL

TIME EMPLOYEE OF THE TOWN OF BATTLE GROUND, INDIANA PAYABLE TWO TIMES PER MONTH FROM STREET, WATER, GENERAL, AND MOTOR VEH. HIGHWAY FUNDS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BATTLE

GROUND, INDIANA THAT THE ANNUAL SALARY OF THE FULL TIME

EMPLOYEE, EFFECTIVE JANUARY 1, 1969, BE:

SALARY

SALARY OF MARSHALL	$1045.00
SALARY OF STREET COMM.	540.00
SALARY OF EMPLOYEES	1080.00
WAGES OF LABORER	1300.00
WATER	1260.00
M. V. H. FUND	375.00
CAR ALLOWANCE	600.00
CLOTHING	150.00
	$6350.00

ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

FROM BEFORE AND AFTER DECEMBER 31, 1969 SHALL BE AND THE SAME AS

HEREBY REPEALED.

NOTICE IS HEREBY GIVEN THAT THIS FORGOING ORDINANCE WILL COME UP

FOR FINAL ACTION AS A SPECIAL MEETING APRIL 7, 1969 AT 7:25 P.M.

AT THE TOWN HALL.

_____

PRESIDENT OF BOARD

_____

_____

_____

_____

Attorney_____

PRESENTED TO ME BY THE PRESIDENT OF THE BOARD OF TRUSTEES

OF BATTLE GROUND CITY, INDIANA THIS_____DAY_____OF_____1969

ATTEST:_____

ORDINANCE # 123

[Editor's Note: Implicitly repealed by Ordinance 160.]

AN ORDINANCE AMENDING ORDINANCE # 3 DATED 6th DAY

OF FEBRUARY 1957

LICENSING AND REGULATING, KEEPING OF DOGS WITHIN BATTLEGROUND

CITY, INDIANA AND PROVIDING THE PENALTIES FOR THE VIOLATION

THEREOF:

SECTION I SUBJECT II

A CERTIFICATE AS HEREINAFTER SPECIFIED AND SIGNED BY A VETERINARIAN DULY LICENSED TO PRACTICE AND RESIDING IN INDIANA, TO THE EFFECT THAT SAID ANIMAL SOUGHT TO BE LICENSED HAS BEEN

INOCULATED AGAINST DISEASES OF RABIES BY SUCH VETERINARIAN TO

SATISFY STATE REQUIREMENTS FOR THE YEAR TO BE LICENSED.

PROVIDED HOWEVER THAT UPON LOSS OF SUCH LICENSE TAG DURING THE

CURRENT YEAR FOR WHICH THE SAME IS ISSUED, SAID CLERK MAY UPON

APPLICATION ISSUE A DUPLICATE OR SUBSTITUTE TAG UPON THE PAYMENT

TO THE CLERK TREASURER OF THE SUM OF FIFTY CENTS ($.50).

THE LICENSE TAG SHALL BE OF METAL OF CONVENIENT SIZE THE

NUMBER OF LICENSE AND THE YEAR OF ISSUE THEREOF SHOWN THEREON, TOGETHER WITH THE WORDS BATTLEGROUND OR B. G.

EVERY LICENSE ISSUED UNDER THIS ORDINANCE SHALL EXPIRE AT

MIDNIGHT ON THE 30th DAY OF APRIL OF THE YEAR THEREOF.

ADOPTED THIS

7 DAY

OF APRIL 1969 ,

Floyd G. Mitchell
PRESIDENT OF TOWN BOARD

R. E. Smith
TRUSTEE

Fred Glossic
TRUSTEE

TRUSTEE

TRUSTEE

ATTEST: Jessie R. Bradbury
CLERK TREASURER

ORDINANCE # 124

[Editor's Note: Explicitly repealed by Ordinance #227.]

AN ORDINANCE FIXING A MILEAGE RATE FOR ACTUAL

MILES TRAVELED IN THEIR OWN VEHICLE ON PROPER AND

OFFICIAL BUSINESS FOR THE TOWN OF BATTLE GROUND, INDIANA.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BATTLE

GROUND, INDIANA THAT THE MILEAGE RATE WILL BE TEN CENTS (10¢) PER MILE, EFFECTIVE AUGUST 4, 1969.

APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA THIS 4TH DAY OF AUGUST 1969.

Fred Glossic
TRUSTEE

Floyd G. Mitchell
TRUSTEE

Robert E. Smith
TRUSTEE

TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK TREASURER

ORDINANCE # 125

[Editor's Note: Amended by Ordinance #149.]

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE AMENDING ORDINANCE #10-A AND

#121

FOR FIXING OF SALARIES OF ALL ELECTED OFFICERS OF

BATTLE GROUND, INDIANA.

PAYABLE FROM GENERAL FUND STARTING JANUARY 1, 1971.

AMENDMENT TO SECTION # 1 (ONE) TO BE CHANGED AS FOLLOWS:

THE BOARD OF TRUSTEES PRESIDENT TO RECEIVE $300.00 (THREE

HUNDRED DOLLARS) FOR THE YEAR SERVING AS PRESIDENT ONLY. THE

REMAINING SALARIES OF BATTLE GROUND TRUSTEES TO REMAIN THE SAME

AS IN SECTION ONE.

ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

FROM AND AFTER DECEMBER 31, 1970 SHALL BE AND THE SAME AS HEREBY

REPEALED.

ADOPTED AND PASSED BY THE BOARD OF TRUSTEES OF BATTLE GROUND, INDIANA THIS SIXTH DAY OF APRIL 1970.

Fred Glossic
PRESIDENT OF BOARD

Floyd G. Mitchell
TRUSTEE

Robert E. Smith
TRUSTEE

TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK-TREASURER

ORDINANCE # 126

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE TO AMEND ORDINANCE # 122 TO READ AS

FOLLOWS:

THE SALARY OF TOWN EMPLOYEE WILL READ AS ORDINANCE # 122, WITH

THE EXCEPTION OF WATER AMENDMENT TO READ $1610.00 YEARLY SALARY

FROM WATER INSTEAD OF $1260.00 YEARLY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF BATTLE GROUND, INDIANA THAT THE ANNUAL SALARY FOR TOWN EMPLOYEE BE $6700.00

TOTAL EFFECTIVE APRIL 15, 1970. -PRO RATED-ANY ORDINANCE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

FROM AND AFTER APRIL 6, 1970 SHALL BE THE SAME AS HERE BY

REPEALED.

APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA THIS SIXTH DAY OF APRIL 1970.

Fred Glossic
PRESIDENT OF BOARD

Floyd G. Mitchell
TRUSTEE

Robert E. Smith
TRUSTEE

TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis

CLERK-TREASURER

ORDINANCE # 127

AN ORDINANCE AMENDING ANY PREVIOUS ORDINANCES FOR

THE FIXING OF TAP ON FEES FOR WATER FOR THE TOWN

OF BATTLE GROUND, INDIANA:

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BATTLE

GROUND, INDIANA:

SECTION I

THAT ALL NEW WATER TAP ON FEES FOR THE TOWN OF BATTLE

GROUND SHALL BE $80.00 (EIGHTY DOLLARS).

SECTION II

AMENDMENT TO ORDINANCE # 115 SECTION 5

TO READ AS FOLLOWS:

METER DEPOSIT FOR CITIZENS HAVING WATER TURNED ON $20.00

(TWENTY DOLLARS)

INSTEAD OF $10.00 (TEN DOLLARS) AND THE RECONNECTION CHARGE

FOR SHUT OFF BE, PERTAINING TO A DELINQUENT BILL, SHALL BE

$5.00 (FIVE DOLLARS) INSTEAD OF $3.00 (THREE DOLLARS).

AN ORDINANCE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE

FROM AND AFTER MAY 1, 1970 SHALL BE AND THE SAME AS HEREBY

REPEALED.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AFTER ITS

PASSAGE AND BE EFFECTIVE AS TO AND PROVIDED HEREON AND AFTER MAY

1, 1970.

ADOPTED AND PASSED BY THE BOARD OF TRUSTEES OF BATTLE GROUND, INDIANA THIS SIXTH DAY OF APRIL 1970.

BREAKDOWN ON TAP ON FEE	
MAIN VALVE	$ 5.01
METER VALVE	5.05
TUBING	14.00
METER COVER	18.95
20" TILE	4.00
LABOR	32.99
	$80.00

Fred Glossic
PRESIDENT OF BOARD

Floyd G. Mitchell
TRUSTEE

Robert E. Smith
TRUSTEE

TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK-TREASURER

ORDINANCE # 128

[Editor's Note: Explicitly repealed by Ordinance #187.]

An ordinance redistricting wards in Battle Ground, Indiana.

WHEREAS, THE TOWN OF BATTLE GROUND, INDIANA IS UNEVEN IN IT'S

VOTING DISTRICTS:

WHEREAS, THE REDISTRICTING MUST BE COMPLETED BY MARCH, 1971:

NOW, THEREFORE, TO CORRECT THIS UNEVENNESS:

SECTION I:

BE IT ORDAINED THAT THE TOWN BOARD OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA THIS 30TH DAY OF DECEMBER, 1970

REDISTRICTS THE FIVE WARDS AS FOLLOWS:

WARD # 1

THE BOUNDARY LINES ARE STARTING AT CAMP GROUND EAST DOWN THE

CENTER OF COLLEGE STREET RUNNING NORTH EAST TO BURNETTS CREEK.

BURNETTS CREEK FORMING NORTH WEST AND SOUTH WEST BOUNDARY TO THE

CAMP GROUND.

WARD # 2

THE SOUTH BOUNDARY BEING THE CAMP GROUND DOWN THE CENTER OF

RAILROAD STREET RUNNING NORTH EAST TO SOUTH WEST BOUNDARY LINE OF

TRAILER PARK TO BURNETTS CREEK. THE NORTH BOUNDARY BEING BURNETTS

CREEK TO CENTER OF COLLEGE STREET RUNNING SOUTH WEST TO CAMP

GROUND.

WARD # 3

SOUTHEAST 225 TO CENTER OF RAILROAD STREET TO SOUTH WEST

BOUNDARY LINE OF TRAILER PARK TO NORTH WEST OF BURNETTS CREEK.

NORTH TO CITY LIMITS. NORTH WEST CENTER OF RAILROAD STREET RUNNING SOUTH WEST TO SOUTH BOUNDARY LINE OF LOT # 1 WINNANS ADDITION EAST ACROSS JEFFERSON STREET UP ALLEY TO CENTER OF TIPPECANOE STREET. SOUTH SOUTH WEST ACROSS MAIN STREET TO IMAGINARY EXTENSION OF TIPPECANOE STREET TO CITY LIMITS.

WARD # 4

FROM NORTH EAST CITY LIMIT DOWN CENTER OF RAILROAD STREET TO SOUTH BOUNDARY LINE OF LOT # 1 WINNANS ADDITION EAST ACROSS JEFFERSON STREET UP ALLEY TO CENTER OF TIPPECANOE STREET NORTH & NORTH WEST TO CITY LIMIT.

WARD # 5

NORTH CITY LIMIT TO CENTER OF TIPPECANOE STREET ACROSS MAIN STREET TO IMAGINARY EXTENSION OF TIPPECANOE STREET TO SOUTH EAST CITY LIMIT AND EAST TO CITY LIMIT.

SECTION II:

ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED.

ADOPTED THIS

30th DAY

OF December , 1970.

Fred Glossic
TOWN BOARD PRESIDENT

Floyd G. Mitchell
TRUSTEE

Robert E. Smith

TRUSTEE

Arthur P. Pellam
TRUSTEE

Anne Herr
TRUSTEE

Laurlene Lewis
CLERK-TREASURER

ATTESTED TO THIS

30th DAY

OF December , 1970.

ORDINANCE NO. 135

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE ANNUAL SALARY OF THE FULL TIME EMPLOYEE OF THE TOWN OF BATTLE GROUND, INDIANA:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. THAT THE FULL TIME EMPLOYEE BE PAID TWO TIMES PER MONTH FROM WATER, SEWAGE, GENERAL AND STREET FUNDS.

[Editor's Note: Section 2 (below) was amended by Ordinance #148.]

SECTION 2. THAT THE ANNUAL SALARY OF THE FULL TIME EMPLOYEE, EFFECTIVE JANUARY 1, 1972, BE:

WATER	SALARY OF WATER COMMISSIONER	$1705.00
SEWAGE	SALARY OF SEWAGE SUPERINTENDENT	2500.00
GENERAL	SALARY OF MARSHAL	3175.00
STREET	SALARY OF STREET COMMISSIONER	540.00
STREET	SALARY OF EMPLOYEE	1080.00
TOTAL SALARY		$9000.00

SECTION 3. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE FROM BEFORE AND AFTER DECEMBER 31, 1971 SHALL BE AND THE SAME AS HEREBY REPEALED.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THE

6th DAY

OF December , 1971.

Robert E. Smith
BOARD PRESIDENT

Arthur P. Pellam
TRUSTEE

Floyd G. Mitchell
TRUSTEE

TRUSTEE

Anne Herr
TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 137

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE ANNUAL SALARY OF THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, INDIANA:

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. THAT THE CLERK-TREASURER BE PAID ONCE A WEEK

FROM WATER, GENERAL AND SEWAGE FUNDS.

SECTION 2. THAT THE AMOUNT OF THIS WEEKLY SALARY BE $75.00

SEVENTY-FIVE DOLLARS PER WEEK.

SECTION 3. THAT THE ANNUAL SALARY OF THE CLERK-TREASURER, EFFECTIVE JANUARY 1, 1972, BE:

WATER FUND	$1200.00
GENERAL FUND	700.00
SEWAGE FUND	2000.00
TOTAL SALARY	$3900.00

SECTION 4. ALL ORDINANCES OR PARTS OF ORDINANCES IN

CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE FROM BEFORE AND

AFTER DECEMBER 31, 1971, SHALL BE AND THE SAME AS HEREBY

REPEALED.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THE 6TH DAY OF

DECEMBER, 1971.

BOARD PRESIDENT

Floyd G Mitchell
TRUSTEE

TRUSTEE

TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 140

[Editor's Note: This version of Ordinance #140 was never signed and apparantly never adopted. See the later version, Ordinance #140-73.]

AN ORDINANCE AMENDING ORDINANCE NO. 3 TO READ "AN

ORDINANCE LICENSING AND REGULATING THE KEEPING OF

DOGS AND CATS WITHIN BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, AND PROVIDING THE PENALTIES FOR

THE VIOLATION THEREOF".

BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT SECTION 1, ORDINANCE NO. 3, BE

AMENDED TO READ AS FOLLOWS:

SECTION 1. It shall be unlawful for any person owning or harboring a domestic animal of the age of three (3) months or more to permit said animal to run at large upon the streets or other public places in Battle Ground. In addition, all dogs and cats must be licensed. Said license shall be issued by the Clerk-Treasurer of Battle Ground to the applicant upon presentation by the applicant of the following:

1. The payment of the sum of one ($1.00) dollar for the first dog or cat, and the sum of two ($2.00) dollars for the second dog or cat, and the sum of three ($3.00) dollars for each additional dog or cat thereafter.

2. A certificate as hereinafter specified, signed by a veterinarian duly licensed to practice and in Indiana, to the effect that said animal sought to be licensed, has been inoculated against the disease of rabies by such veterinarian upon a date not more than thirty (30) days prior thereto.

Provided, however, that upon loss of such license tag during the current year for which the same is issued, said Clerk-Treasurer may upon application issue a duplicate or substitute tag upon the payment to the Clerk-Treasurer of the sum of fifty ($.50) cents.

The license tag shall be of metal of convenient size with the number of the license and year of issue there of shown thereon, together with the words "Dog License, Battle Ground City" or "Cat License, Battle Ground City" as the case may be.

The veterinarian's certificate required by this Ordinance shall be on a form furnished by the Clerk-Treasurer and shall require the following information; the name and address of the applicant, the name, sex, breed and approximate age of the animal, the kind or trade name of the antitoxin administered and the date upon which the same was administered.

The Clerk-Treasurer shall keep a record of all licenses issued under this Ordinance showing respective number of license, which shall correspond with the numbers on the respective tag issued and likewise the name and address of the applicant and the name, sex and breed of animal.

ALL ORDINANCES AND OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE SHALL BE FROM AND AFTER APRIL 30, 1972, NULL AND VOID.

PASSED AND ADOPTED THIS THE_____DAY OF_____, 1972.

PRESIDENT

TRUSTEE

TRUSTEE

TRUSTEE

TRUSTEE

ATTEST:

CLERK-TREASURER

ORDINANCE NO. 139

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE APPROPRIATING MONEYS FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE SEVERAL DEPARTMENTS OF THE TOWN GOVERNMENT OF THE TOWN OF BATTLE GROUND, INDIANA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1973, AND ENDING DECEMBER 31, 1973 , INCLUDING ALL OUTSTANDING CLAIMS AND OBLIGATIONS, AND FIXING A TIME WHEN THE SAME SHALL TAKE EFFECT.

SECTION 1. BE IT ORDAINED BY THE BOARD OF TOWN TRUSTEES OF THE CIVIL TOWN OF BATTLE GROUND, INDIANA THAT FOR THE EXPENSES OF THE TOWN GOVERNMENT AND ITS INSTITUTIONS, FOR THE FISCAL YEAR ENDING DECEMBER 31, 1973, THE FOLLOWING SUMS OF MONEY ARE HEREBY APPROPRIATED AND ORDERED SET APART OUT OF THE FUNDS HEREIN NAMED AND FOR THE PURPOSES HEREIN SPECIFIED, SUBJECT TO THE LAWS GOVERNING THE SAME AND SUBJECT ALSO TO THE PROVISIONS OF SECTION 6 OF THIS ORDINANCE. SUCH SUMS HEREIN APPROPRIATED SHALL BE HELD TO INCLUDE ALL EXPENDITURES AUTHORIZED TO BE MADE DURING THE YEAR, UNLESS OTHERWISE EXPRESSLY STIPULATED AND PROVIDED BY LAW.

SECTION 2: THAT FOR THE SAID FISCAL YEAR THERE IS HEREBY APPROPRIATED OUT OF THE GENERAL FUND OF SAID TOWN, THE FOLLOWING:

GENERAL FUND:
1 Services Personal

11 Salary of Town Trustees	$ 780.00
12 Salary of Clerk-Treasurer	700.00
13 Salary of Marshal & Deputy Marshal	3695.00
14 Compensation of Town Attorney	350.00
19 Other Compensation	400.00
2 Services Contractual	5390.00
3 Supplies	385.00
5 Current Charges	4790.00
6 Current Obligations	260.00
7 Properties	50.00
TOTAL GENERAL FUND	$16,800.00

SECTION 3. THAT FOR THE SAID FISCAL YEAR THERE IS HEREBY

APPROPRIATED OUT OF THE STREET FUND OF SAID TOWN, THE FOLLOWING:

STREET FUND	
1 Services Personal	
11 Salary of Street Commissioner	$ 540.00
12 Salary of Employees	1080.00
13 Wages of Laborers	1320.00
2 Services Contractual	600.00
3 Supplies	1365.00
4 Materials	1600.00
6 Current Obligations	260.00
7 Properties	395.00
TOTAL STREET FUND	$ 7,160.00

SECTION 4. THAT FOR THE SAID FISCAL YEAR THERE IS HEREBY

APPROPRIATED OUT OF THE M. V. H. FUND OF SAID TOWN, THE

FOLLOWING:

2 Services Contractual	$13,000.00
3 Supplies	2,510.00
TOTAL M. V. H. FUND	$15,510.00

SECTION 5. THAT FOR THE SAID FISCAL YEAR DISBURSEMENTS FROM APPROPRIATIONS OTHER THAN FOR "SERVICES PERSONAL" AND "DEBT PAYMENT" ARE FURTHER LIMITED TO THE FOLLOWING AMOUNTS FOR THE DETAIL ACCOUNTS LISTED UNLESS SUCH AMOUNTS ARE INCREASED OR DECREASED BY ANOTHER ORDINANCE OR RESOLUTION OF THE BOARD OF TOWN TRUSTEES. (IF ONE OR MORE OF THE FOLLOWING DETAIL ACCOUNTS WITHIN AN APPROPRIATION ARE INCREASED BY NOT MORE THAN THE TOTAL AMOUNT THAT ONE OR MORE OTHER DETAIL ACCOUNTS ARE CON-CURRENTLY DECREASED WITHIN THE SAME APPROPRIATION RESOLUTION OF THE BOARD OF TOWN TRUSTEES, NEITHER ADVERTISING TO THE TAXPAYERS NOR APPROVAL BY THE STATE BOARD OF TAX COMMISSIONERS IS REQUIRED.

OTHER CHANGES AFFECTING MORE THAN ONE APPROPRIATION WITHIN A FUND REQUIRE ADVERTISING, ORDINANCE AND APPROVAL BY THE STATE BOARD OF TAX COMMISSIONERS.)

GENERAL FUND	
2 Services Contractual	
21 Communication & transportation	$ 655.00
22 Heat, Light, Power, Sewage & Water	2340.00
24 Printing & Advertising	320.00
25 Repairs	50.00
26 Other Contractual Services	2025.00
TOTAL APPROPRIATION FOR SERVICES CONTRACTUAL	$ 5390.00
3 Supplies	
33 Vehicle Maintenance	$ 200.00
36 Office Supplies	185.00
TOTAL APPROPRIATION FOR SUPPLIES	$ 385.00
5 Current Charges	
51 Insurance	$ 1000.00
52 Rents	3600.00
55 Subscriptions & Dues	150.00
56 Premiums on Official Bonds	40.00
TOTAL APPROPRIATION FOR CURRENT CHARGES	$ 4790.00
6 Current Obligations	
62 Retirement & Social Security-Town's Share	$ 260.00
TOTAL APPROPRIATION FOR CURRENT OBLIGATIONS	$ 260.00
7 Properties	
72 Equipment	$ 50.00
TOTAL APPROPRIATION FOR PROPERTIES	$ 50.00
STREET FUND	
2 Services Contractual	
25 Repairs of Equipment	$ 600.00
TOTAL APPROPRIATION FOR SERVICES CONTRACTUAL	$ 600.00
3 Supplies	
32 Garage & Motor	$ 1275.00
37 Other Supplies	90.00
TOTAL APPROPRIATION FOR SUPPLIES	$ 1365.00
4 Materials	
42 Street, Alley and Sewer Materials	$ 1600.00
TOTAL APPROPRIATION FOR MATERIALS	$ 1600.00

5 Current Charges	
TOTAL APPROPRIATION FOR CURRENT CHARGES	$ 260.00
7 Properties	
72 Equipment	$ 350.00
73 Right of Way	45.00
TOTAL APPROPRIATIONS FOR PROPERTIES	$ 395.00
MOTOR VEHICLE HIGHWAY FUND	
2 Services Contractual	
25 Repairs	$ 6000.00
26 Other Contractual Services	7000.00
TOTAL APPROPRIATIONS FOR SERVICES CONTRACTUAL	$13000.00
3 Supplies	
32 Garage & Motor	$ 500.00
36 Office Supplies	10.00
37 Other Supplies (Street Material)	2000.00
TOTAL APPROPRIATION FOR SUPPLIES	$ 2510.00

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER

ITS PASSAGE.

PASSED BY THE BOARD OF TOWN TRUSTEES

28th DAY

OF August ,

1972.

Gary W. Younker
PRESIDENT, BOARD OF TRUSTEES

Otis C. Anderson
TRUSTEE

William A. Bushman
TRUSTEE

TRUSTEE

Francis L. Meyers
TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 140

[Editor's Note: Handwritten strike-through indicates that this ordinance was repealed by ORDINANCE #160.]

AN ORDINANCE AMENDING ORDINANCE NO. 3 TO READ "AN

ORDINANCE LICENSING AND REGULATING THE KEEPING OF

DOGS AND CATS WITHIN BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, AND PROVIDING THE PENALTIES FOR

THE VIOLATION THEREOF".

BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, THAT SECTION 1 ORDINANCE NO.

3, BE AMENDED TO READ AS FOLLOWS:

SECTION 1. It shall be unlawful for any person owning or harboring a domestic animal of the age of six (6) months or more to permit said animal to run at large upon the streets or other public places in Battle Ground. In addition, all dogs and cats must be licensed. Said license shall be issued by the Clerk-Treasurer of Battle Ground to the applicant upon presentation by the applicant of the following:

1. The payment of the sum of one ($1.00) dollar for each male or spayed female dog or cat, and the sum of ($3.00) dollars for each female dog or cat which is not spayed.

2. A certificate as hereinafter specified, signed by a veterinarian duly licensed to practice and residing in Indiana, to the effect that said animal sought be licensed, has been inoculated against the disease of rabies by such veterinarian upon a date not more than thirty (30) days prior thereto.

Provided, however, that upon loss of such license tag during the current year for which the same is issued, said Clerk-Treasurer may upon application issue a duplicate or substitute tag upon the payment to the Clerk-Treasurer of the sum of fifty (.50) cents.

The license tag shall be of metal of convenient size with the number of the license and year of issue thereof shown thereon, together with the words "Dog License, Battle Ground" or "Cat license, Battle Ground" as the case may be.

The veterinarian's certificate required by this Ordinance shall be on a form furnished by the veterinarian as his standard receipt, and shall require the following information: the name and address of the applicant, the name, sex, breed and approximate age of the animal, the kind or trade name of the antitoxin administered and the date upon which the same was administered.

The Clerk-Treasurer shall keep a record of all licenses issued under this Ordinance showing respective number of license, which shall correspond with the numbers on the respective tag issued and likewise the

name and address of the applicant and the name, sex and breed of animal.

ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS

ORDINANCE SHALL BE FROM AND AFTER APRIL 30, 1973, NULL AND VOID.

PASSED AND ADOPTED THIS THE

5th DAY

OF February , 1973.

Otis C. Anderson
PRESIDENT

Gary W. Younker
TRUSTEE

James M. Wilson
TRUSTEE

Francis L. Meyers
TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 141

UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA.

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING

REGULATIONS FOR THE TOWN OF BATTLE GROUND IN

TIPPECANOE COUNTY, AND PROVIDING FOR THE

ADMINISTRATION, ENFORCEMENT, AND AMENDMENT

THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF

CHAPTER 138, INDIANA ACTS OF 1957, AS AMENDED, AND

FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

HEREWITH.

[Editor's Note: This ordinance was replaced by Ordinance #349-97], the *new* Uniform Zoning Ordinance.

All subsequent amendments to this ordinance were also nullified by passage of #349-97.

[Editor's Note: Also note, if you are viewing this ordinance for historical purposes, that it was quite often confused with Ordinance #169 (sometimes referred to as "169-A"). That ordinance is the Uniform *Subdivision* Ordinance.

WHEREAS, Chapter 138, Article V, Indiana Acts of 1957, as amended, empowers the participating cities and county to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Area Plan Commission of Tippecanoe County, the Board of County Commissioners of Tippecanoe County and the Board of Trustees of the Town of Battle Ground, deem it necessary for the purpose of promoting the health, safety, convenience, and general welfare of the community to enact such an ordinance; and

WHEREAS, pursuant to the provisions of chapter 138, Article VII, Indiana Acts of 1957, as amended, a Board of Zoning Appeals has been created to recommend and to carry out its powers and duties as described under Section 77, Article VII, chapter 138, Indiana Acts of 1957, as amended; and

WHEREAS, the Area Plan Commission of Tippecanoe County has divided all areas of Tippecanoe County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in public streets; to secure safety from fire, flood, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and

WHEREAS, the Area Plan Commission of Tippecanoe County has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and lands and encouraging the most appropriate use of land throughout the participating cities, towns, and the county; and

WHEREAS, the Area Plan Commission of Tippecanoe County has made studies and held public hearings thereon, pursuant to law, and submitted its final report to the participating cities and the county; and

WHEREAS, the Area Plan Commission of Tippecanoe County has given due public notice of hearings (pursuant to said Chapter 138) relating to zoning districts, regulations, and restrictions, and has held such public hearings; and WHEREAS, all requirements of Chapter 138, Indiana Acts of 1957, as amended, with regard to the preparation of the report of the Area Plan Commission of Tippecanoe County, and the subsequent action necessary to enact this ordinance by the participating cities and the county have been met.

NOW THEREFORE, BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE TOWN

OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AS FOLLOWS:

NAYS:	AYES:
	Otis C. Anderson
President, Board of Trustees	President, Board of Trustees
	Gary W. Younker
Trustee	Trustee
	James M. Wilson
Trustee	Trustee
	Francis L. Meyers
Trustee	Trustee
Trustee	Trustee

PASSED AND ADOPTED THIS THE 2ND DAY OF APRIL, 1973.

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 141 was posted March 20, 1973 in all five wards as stated below:
Ward 1 - S W Corner Tipton & College Streets
Ward 2 - S E Corner Winans & North Streets

Ward 3 - Main Street at Cracker Barrell Store
Ward 4 - So. side of Jeffersbn St. at High School Ave.
Ward 5 - N W corner Main St. at Liberty Street

Laurlene Lewis
Clerk-Treasurer

ABANDONED VEHICLE ORDINANCE NO. 144

[Editor's Note: Explicitly repealed by Ordinance #176.]

AN ORDINANCE PROHIBITING THE ABANDONMENT OF

VEHICLES; RESTRICTING THE DISPOSITION OR KEEPING

OF WRECKED, NON-OPERATING, OR DISCARDED VEHICLES

ON PUBLIC OR PRIVATE PROPERTY; PROVIDING FOR

IMPOUNDING AND DISPOSAL OF CERTAIN VEHICLES; IMPOSING PENALTIES; AND CREATING A FUND FOR THE

PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS

ORDINANCE.

WHEREAS, in the Town of Battle Ground, Tippecanoe County, Indiana, vehicles are or may in the future be abandoned on public property or on private property visible from public property in the town; and

WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operating or discarded vehicles in places other than in junk yards or other places appropriate for such activity; and

WHEREAS, such conditions have been demonstrated as tending to impede traffic or interfere with the enjoyment of and reduce the value of private property; create safety and health hazards to children and adults; interfere with the comfort and well being of the public; and

WHEREAS, the General Assembly of the State of Indiana has enacted Public Law 86 of 1972, codified in the Indiana Code of 1971 as amended at 9-9-1-1 through

9-9-1-20; Burns 5 47-3501 through

47-3520.

WHEREAS, said Public Law 86 grants the power to the Town of Battle Ground to take certain measures to regulate, prohibit or abate such activity as is the subject of this ordinance; and

WHEREAS, adequate protection of the public health, safety, welfare and comfort requires that such conditions be regulated, prohibited or abated;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE

TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. SHORT TITLE. This ordinance shall hereafter be known and cited as the Abandoned Vehicle Ordinance.

SECTION 2. As used in this ordinance unless the context otherwise indicates:

a) "Vehicle" means any motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer, truck tractor, bus, school bus, house car, or motor bicycle.

b) "Abandoned" means when used in conjunction with the term vehicle:

1.) Any vehicle located on public premises which does not have lawfully affixed thereto or

displayed thereon a valid un-expired license plate permitting its operation upon the highways of the State of Indiana.

2.) Any vehicle which is parked or located on public premises continuously without being moved for a period of seven (7) days, except before the legal or temporary residence of the owner.

3.) Any vehicle parked or located on public premises illegally or in such a manner as to constitute a hazard or obstruction to the

movement of pedestrian or other vehicle traffic on a public right-of-way, street or highway.

4.) Any vehicle that is over five (5) years old and mechanically inoperable, and is left

unattended on private premises in a location which is visible from public premises for more than thirty (30) days.

5.) Any vehicle that has remained on private premises without the consent of the owner or person in control of such premises, for more than forty-eight (48) hours.

6.) Any vehicle from which there has been removed the engine or transmission or differential or which is otherwise partially dismantled or

inoperable and left unattended on private

premises in a location visible from public

premises or left unattended on public premises.

c) "Public premises" means any public right-of-way, street, highway, alley, park or other state, county or municipally owned property.

d) "Private premises" means all privately owned property which is not classified within the definition of public premises.

e) "Person" means all natural persons, firms, partnerships and corporations.

f) "Officer" means any regular member of the Indiana State Police, any regular member of a city or town police department, any town marshal or town marshal deputy, or any regular member of the county sheriff's department.

g) "Bureau" shall mean the Bureau of Motor Vehicles of the State of Indiana.

h) "Owner" means the last known record title holder to a vehicle according to the records of the bureau under the provisions of IC 1971, 9-1-1 (S 47-2401 thru 5 47-2410).

i) "Public agency" means the department of local government which is denominated the local responsibility for removal, storage and disposal of abandoned vehicles by ordinance of the common council, town board or county commissioners.

j) "Disposal agent" means any firm or individual engaged in the business of converting vehicles and parts of vehicles into processed scrap or scrap metal.

k) "Commissioner" means the commissioner of the bureau.

l) "Parts" mean all component parts of a vehicle which are in a state of disassembly or are assembled with other vehicle component parts, but which, in their state of assembly do not constitute a complete vehicle.

SECTION 3. PROHIBITION. No person shall abandon his vehicle on any public premises or private premises in a location which is visible from public premises.

SECTION 4. REMOVAL AND DISPOSAL. The police department of the Town of Battle Ground is the authorized agency assigned the responsibility for removing vehicles defined as abandoned under the provisions of this ordinance and of Public Law 86 of 1972.

A. Any vehicle which under the standards established by Public Law 86 of 1972 has an appraised value of 1ess than $200.00 shall be subject to removal, impoundment and sale by the public agency.

After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:

a) That the vehicle or parts are considered abandoned;

b) That the vehicle or parts will be removed seven (7) days thereafter, impounded and subsequently disposed of;

c) That the owner will be held responsible for all costs incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended;

d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within seven (7) days;

e) The date, officer's name and the address and telephone number of the public agency to contact for information.

No impounded vehicle shall be sold by the public agency prior to the expiration of 5 days from the date

the public agency mails a written notice to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within 15 days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

B. Any vehicle which under the standards established by Public Law 86 of 1972 has an appraised value of more than $200.00 shall be subject to removal, impoundment, and sale by the public agency.

After making a reasonable effort to ascertain the owner or persons who may be in control of the abandoned vehicle by inquiring of other persons in the neighborhood where the abandoned vehicle is located, such vehicles shall be tagged by a police officer with a notice tag affixed in a prominent place on such vehicle and said tag which shall be prepared by the police department shall contain the following information:

a) That the vehicle or parts are considered abandoned;

b) That the vehicle or parts will be removed seven (7) days thereafter, impounded and subsequently disposed of;

c) That the owner will be held responsible for all costs, incidental to the removal, storage and disposal, and if not paid, the owner's registration privileges will be suspended;

d) That the owner may avoid costs or suspension of registration privileges by removal of the vehicle or parts within seven (7) days;

e) The date, officer's name and the address and telephone number of the public agency to contact for information.

No impounded vehicle shall be sold by the public agency prior to the expiration of 30 days from the date the public agency mails a written notice by certified mail to the owner advising him that his vehicle has been impounded and must be removed from the impounding facility by the owner within 30 days of the date of mailing the notice or the public agency will proceed to dispose of the vehicle by sale to a disposal agent.

SECTION 5. Within five (5) days after removal of an abandoned vehicle to a storage area, the vehicle shall be appraised by an appraisal board which shall be composed of such persons appointed by the Town Board. Such appraisal board may in its discretion authorize the board of public works to contract with private firms or individuals, on an annual basis, to perform the function of appraising all abandoned vehicles which have been removed pursuant to this ordinance. Such contract shall be approved and executed by the Town Board.

SECTION 6. The final disposal of vehicles valued at either over $200.00 or under $200.00 shall be in accordance with the provisions of Public Law 86 of 1972 - -General Assembly, IC

1971, 9-9-1-1 through

9-9-1-20 as amended, which statute shall be

appended hereto and made a part of this ordinance.

SECTION 7. Limitation on Cost and Repayment to Owner of Excess of Proceeds of Sale Over All Costs Incident to Removal.

In no event shall the owner of the motor vehicle be charged for towing or removing the vehicle a sum in excess of $15.00, nor shall the cost of storage exceed the sum of $1.00 per day. The storage charge shall be limited to the actual number of days of storage, not to exceed 15 days.

If the proceeds of sale exceed all costs incident to removal, storage and disposal of such vehicle, the chief fiscal officer of such city or town shall repay such excess to the owner upon his demand from the Junk Vehicle Fund established under section 8.

SECTION 8. JUNK VEHICLE FUND. There is hereby created the Town Junk Vehicle Fund which shall be a revolving fund, and all monies paid to the town for the cost of removal, storage, and disposal of abandoned vehicles shall be placed in said fund and in no other place. Said fund shall also have added to it such monies as may be appropriated by the Board of Trustees and such monies also shall not revert but shall remain in the Junk Vehicle Fund.

SECTION 9. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereunder shall be fined not exceeding $25.00 or be imprisoned not exceeding 15 days, or be subject to fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 10. SEPARABILITY. If any section, sub-section, sentence, clause, phrase or portion of this ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 11. REPEALER. Any and all ordinances in conflict herewith are hereby repealed.

SECTION 12. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after notice, passage by the board of Trustees, all in the manner as provided by law.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON THIS THE 7TH DAY

OF MAY, 1973.

NAYS:	AYES:
	Otis C. Anderson
President, Board of Trustees	President, Board of Trustees
	Gary W. Younker
Trustee	Trustee
	James M. Wilson
Trustee	Trustee

Francis L. Meyers

Trustee | Trustee

Trustee | Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 144 was published in the Lafayette Journal & Courier and The Lafayette Leader March 22, 1973 and March 29, 1973.

Laurlene Lewis
Laurlene Lewis, Clerk-Treasurer

Public Law 86 of 1972 General Assembly, IC 1971, 9-9-1-11

through 9-9-1-20 as amended.

Attachment as per Section No. 6 Ordinance No. 144

[Editor's Note: Due to potential copyright issues, the attachment is not included here.

Please see the original Battle Ground Ordinance Book for details.]

ORDINANCE NO. 145

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE APPROPRIATING MONEYS FOR THE

PURPOSE OF DEFRAYING THE EXPENSES OF THE

SEVERAL DEPARTMENTS OF THE TOWN GOVERNMENT OF

THE TOWN OF BATTLE GROUND, INDIANA, FOR THE

FISCAL YEAR BEGINNING JANUARY 1, 1974 AND

ENDING DECEMBER 31, 1974, INCLUDING ALL

OUTSTANDING CLAIMS AND OBLIGATIONS, AND

FIXING A TIME WHEN THE SAME SHALL TAKE

EFFECT.

SECTION 1. Be it Ordained by the Board of Trustees of the Civil Town of Battle Ground, Indiana, that for the expenses of the town government and its institutions, for the fiscal year ending December 31, 1974, the following sums of money hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same and subject also to the provisions of Section 10 of this Ordinance. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law.

SECTION 2. That for the said fiscal year there is hereby appropriated out of the General Fund of said town, the following:

1	Services Personal	
	11 Salary of Town Trustees	$ 900.00
	12 Salary of Clerk-Treasurer	830.00
	13 Salary of Marshall & Deputy Marshals	3695.00
	14 Compensation of Town Attorney	500.00
	16 Salary of Lifeguard	600.00
2	Services Contractual	4245.00
3	Supplies	1285.00
5	Current Charges	4625.00
6	Current Obligations	300.00
7	Properties	400.00
	Total General Fund	$17380.00

SECTION 3. That for the said fiscal year there is hereby appropriated out of the Street Fund of said town, the following:

1	Services Personal	
	11 Salary of Street Commissioner	$ 540.00
	12 Salary of Employees	1080.00
	13 Wages of Laborers	1000.00
2	Services Contractual	1850.00
3	Supplies	800.00
4	Materials	1300.00
6	Current Obligations	157.00
	Total Street Fund	$6727.00

SECTION 5. That for the said fiscal year there is hereby appropriated out of the Motor Vehicle Highway Fund of said town, the following:

1	Services Personal	
	11 Wages of Laborers	$ 1500.00
	Services Contractual	2000.00
	Supplies	600.00
	Current Charges	88.00
	Total M.V.H. Fund	$15188.00

SECTION 6. That for the said fiscal year there is hereby appropriated out of the Cumulative Capital Improvement Fund of said town, the following:

2	Services Contractual	$14699.39
	Total Cum. Cap. Imp. Fund	$14699.39

SECTION 7. That for the said fiscal year there is hereby appropriated out of the Local R & S Fund of said town, the following:

2	Services Contractual	$11129.52
	Total Local R & S Fund	$11129.52

SECTION 8. That for the said fiscal year there is hereby appropriated out of the Revenue Sharing Fund of said town, the following:

2	Services Contractual	$ 600.00
3	Supplies	6300.00
	Total Revenue Sharing Fund	$6900.00

SECTION 10. That for the said fiscal year disbursements from appropriations other than for "Services Personal" and "Debt Payment" are further limited to the following amounts for the detail accounts listed

unless such amounts are increased or decreased by another ordinance or resolution of the board of town trustees. (If one or more of the following detail accounts within an appropriation are increased by not more than the total amount that one or more other detail accounts are concurrently decreased within the same appropriation by resolution of the board of town trustees, neither advertising to the taxpayers nor approval by the State Board of Tax Commissioners is required. Other changes affecting more than one appropriation within a fund require advertising, ordinance and approval by the State Board of Tax Commissioners.)

GENERAL FUND	
2 Services Contractual	
21 Communication and Transportation	$ 655.00
22 Heat, light, power, sewage & water	2940.00
24 Printing & advertising	350.00
25 Repairs	300.00
Total appropriation for Services Contractual	$ 4245.00
3 Supplies	
32 Garage & motor	$ 485.00
33 Swimming Pool supplies	450.00
34 Dog & cat tags	100.00
36 Office supplies	250.00
Total appropriation for supplies	$ 1285.00
5 Current Charges	
51 Insurance	$ 800.00
52 Rents	3600.00
55 Subscriptions & dues	150.00
56 Premiums on official bonds	75.00
Total appropriation for current charges	$ 4625.00
6 Current Obligations	
62 Retirement & social security, town share	$ 300.00
Total appropriation for current obligations	$ 300.00
7 Properties	
72 Equipment	$ 400.00
Total Appropriation for properties	$ 400.00
STREET FUND:	
2 Services Contractual	
25 Repairs of equipment	$ 350.00

26 Other contractual services	1500.00
Total appropriation for services contractual	$ 1500.00
3 Supplies	
32 Garage & motor	800.00
Total appropriation for supplies	$ 800.00
4 Materials	
42 Street, alley & sewer materials	1300.00
Total appropriation for materials	$ 1300.00
M.V.H. FUND:	
2 Services Contractual	
24 Matching R & S Funds	6000.00
26 Other contractual services	6000.00
Total appropriation for services contractual	$12000.00
3 Supplies	
32 Garage & Motor	$ 300.00
37 Street Materials	1300.00
Total appropriation for supplies	$ 1600.00
5 Current Charges	
58 Social Security, Town Share	$ 88.00
Total appropriation for current charges	$ 88.00
CUMULATIVE CAPITAL IMPROVEMENT FUND	
2 Services Contractual	
26 Other contractual services	$14699.39
Total appropriation for contractual services	$14699.39
LOCAL R & S FUND	
2 Services Contractual	$11129.52
Total appropriations for services contractual	$11129.52
REVENUE SHARING	
2 Services Contractual	
1 Street lighting	$ 400.00
2 Advertisements legal notices	200.00
Total appropriations for services contractual	$ 600.00
3 Supplies	
3 Equipment	$ 2000.00
4 Recreation	2500.00
5 Public Transportation	1800.00
Total appropriation for supplies	$ 6300.00

This Ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES AUGUST 27, 1973.

Otis C. Anderson
PRESIDENT

Gary W. Younker
TRUSTEE

James M. Wilson
TRUSTEE

TRUSTEE

TRUSTEE

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 146

AN ORDINANCE AMENDING SECTION 1 (b) OF TOWN

ORDINANCE NO. 133 ENTITLED "AN ORDINANCE AMENDING

ORDINANCE NO. 131 FIXING THE SCHEDULE OF RATES AND

CHARGES TO BE COLLECTED BY THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS

OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH".

[Editor's Note: Please see Ordinance #386 for the latest schedule of rates.]

WHEREAS, the Town of Battle Ground has a sewer rate of 2.34 times the water bill; and

WHEREAS, the Farmers Home Administration has control of the rates and charges; and

WHEREAS, the Farmers Home Administration has given approval for a rate reduction to 1.80 times the water bill;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN

OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. Section 1 (b) shall read as follows:

(b) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

QUANTITY OF WATER USED PER MONTH		CHARGE PER 1,000 GALLONS
FIRST	5000 GALLONS	$2.70
NEXT	10000 GALLONS	1.62
NEXT	10000 GALLONS	1.35
NEXT	20000 GALLONS	1.02
ALL OVER	100000 GALLONS	.68

Minimum for 5/8 & 3/4" meters, $5.40 per month; for 1" meters $9.90 per month; for 1¼" meters $13.05 per month; for 1½"

meters $16.20 per month; for 2" meters $21.60 per month; for 4"

meters $43.20 per month.

SECTION 2. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

PASSED AND ADOPTED THIS THE

10th DAY

OF September , 1973.

Otis C. Anderson
President, Board of Trustees

William A. Bushman
Trustee

Gary W. Younker
Trustee

Francis L. Meyers
Trustee

James M. Wilson
Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 147

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING ORDINANCE NO. 141

ENTITLED "UNIFIED ZONING ORDINANCE OF

TIPPECANOE COUNTY, INDIANA. "AN ORDINANCE

ESTABLISHING COMPREHENSIVE ZONING REGULATIONS

FOR THE TOWN OF BATTLE GROUND IN TIPPECANOE

COUNTY, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN

ACCORDANCE WITH THE PROVISIONS OF CHAPTER

138, INDIANA ACTS of 1957, AS AMENDED, AND

FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

HEREWITH".

WHEREAS, Chapter 138, Article V, Indiana Acts of 1957, as amended, empowers the participating cities and county to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Area Plan Commission of Tippecanoe County, the Board of County Commissioners of Tippecanoe County and the Board of Trustees of the Town of Battle Ground, deem it necessary for the purpose of promoting the health, safety, convenience and general welfare of the community to enact such an ordinance; and

WHEREAS, pursuant to the provisions of Chapter 138, Article VII, Indiana Acts of 1957, as amended, a Board of Zoning Appeals has been created to recommend and to carry out its powers and duties as described under Section 77, Article VII, Chapter 138, Indiana Acts of 1957, as amended and

WHEREAS, the Area Plan Commission of Tippecanoe County has divided all areas of Tippecanoe County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in public streets; to secure safety from fire, flood, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; and

WHEREAS, the Area Plan Commission of Tippecanoe County has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and lands and encouraging the most appropriate use of land throughout the participating cities, towns, and the county; and most appropriate

WHEREAS, the Area Plan Commission of Tippecanoe County has given due public notice of hearings (pursuant to said Chapter 138) relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, the Area Plan Commission of Tippecanoe County has made studies and held public hearings thereon, pursuant to law, and submitted its final report to the participating cities, towns, and the county; and

WHEREAS, all requirements of Chapter 138, Indiana Acts of 1957, as amended, with regard to the preparation of the report of the Area Plan Commission of Tippecanoe County, and the subsequent action necessary to enact this ordinance by the participating cities and the county have been met.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AS

FOLLOWS:

SECTION 1. Upon the adoption of this Ordinance, all of the land within the corporate geographical limits of the Town of Battle Ground shall be and is zoned as R-l, except the following real estate which will and shall be and is zoned as General Business:

Start at Intersection of Corporate limits of the Town of Battle Ground and centerline of Tipton Street, thence Northwesterly along centerline of Tipton Street and centerline of Winans Street, thence Northeasterly along Winans Street and Winans Street extended to a point in intersection centerline of Winans Street extended. North line of Lot 3

extended in Winans Addition Easterly along North line of Lot 3 extended to East line of Railroad Street, thence along East line of Railroad Street intersection with North line of Lot 45 Burgett's Addition extended.

Thence Northeasterly along North line of Lot 44 and 45 Burgett's Addition to Northwest corner Lot 43 Burgett's Addition. Thence Southeasterly along West line of Lot 43 to centerline of Main Street. Thence

Southwesterly along centerline of Main

Street to West Line of Lot 48 Burgett's

Addition extended and thence along West line of Lot 48 Burgett's Addition. Thence

Southwesterly along South line of Lot 48

Burgett's Addition extended to East Line Lot 10 Taylor's Addition. Thence along East line Taylor's Addition to Northeast corner Lot 14

Taylor's Addition. Thence Southwesterly

along North line of Lots 11, 12, 13, 14

Taylors Addition to Town of Battle Ground Corporate Limits. Thence Northwesterly along said Corporate line along centerline of

Railroad Street to said place of beginning, with the exception of the following

described lots which will remain R-l only.

Taylors Addition Lot #1
Taylors Addition Lot #2
Taylors Addition Lot #3
Taylors Addition Lot #4
Taylors Addition Lot #5
Taylors Addition Lot #6
Harrisonville Lot #45
PT W FR SE FR SEC. 23 TWP.

24 R 4 .14A

SECTION 2. The Unified Zoning Ordinance of Tippecanoe County, in force throughout the County, shall be the Ordinance of control, administration, enforcement and appeal as to zoning within the geographical corporate limits of the Town of Battle Ground.

SECTION 3. The Board of Trustees of the Town of Battle Ground expressly reserve the right of final sanction or veto on any and all matters within the scope of this amendment, concerning the corporate limits of the Town of Battle Ground, Tippecanoe County, Indiana.

PASSED AND ADOPTED THIS THE 15th DAY OF OCTOBER, 1973.

Otis C. Anderson
President, Board of Trustees

Gary W. Younker
Trustee

James M. Wilson
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 148

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE

NO. 135 ENTITLED "AN ORDINANCE FIXING THE

ANNUAL SALARY OF THE FULL TIME EMPLOYEE OF

THE TOWN OF BATTLE GROUND, INDIANA".

WHEREAS, the Board of Trustees have raised the salary of the full time employee; and

WHEREAS, the Ordinance No. 135 for full time employee salary is now incorrect;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. Section 2 of Ordinance No. 135 be amended to read as follows:

The annual salary of the full time employee effective January 1, 1974 shall be Ten Thousand ($10,000.00) dollars.

To be paid from each fund as follows:

WATER	Salary of Water Commissioner	$ 1,705.00
SEWAGE	Salary of sewage Superintendent	3,500.00
GENERAL	Salary of Marshal	3,175.00
STREET	Salary of street Commissioner	540.00
STREET	Salary of Employee	1,080.00
TOTAL SALARY		$10,000.00

SECTION 2. All ordinances or parts of Ordinances in conflict with this Ordinance are from and after passage null and void.

PASSED AND ADOPTED THIS THE

7th DAY

OF January , 1974.

Otis C. Anderson
President, Board of Trustees

Gary W. Younker
Trustee

James M. Wilson
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the Ordinance No. 148 was posted in the five wards December 27, 1973, as follows:
WARD # 1 N E Corner West Street at Prophet Street.
WARD # 2 S E Corner North Street at Winans Street.
WARD # 3 Main Street at Crackerbarrell Country Store.
WARD # 4 N E Corner Jefferson Street at Sherman Street.
WARD # 5 N W Corner Main Street at Liberty Street.

Laurlene Lewis
Laurlene Lewis, Clerk-Treasurer

ORDINANCE NO. 149

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE SALARY OF THE UTILITIES BOARD

OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA.

WHEREAS, the elected officials of the Town of Battle Ground, Indiana, are also the Utilities Board of Trustees; and

WHEREAS, the elected officials are not paid from the Utilities for their services; and

WHEREAS, the Utilities include Water Works and Sewage Works.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN

OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The elected officials receive from the Water Works Operating Funds Twenty Dollars ($20.00) each annually for services rendered, beginning January 1, 1974.

SECTION 2. The elected officials receive from the Sewage Works Operating Funds Forty Dollars ($40.00) each annually for services rendered, beginning January 1, 1974.

SECTION 3. This salary is to be received in addition to the yearly salary as stated in Ordinance No. 125.

SECTION 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby null and void upon passage of this ordinance.

PASSED AND ADOPTED THIS THE

7th DAY

OF January , 1974.

Otis C. Anderson
President, Board of Trustees

Gary W. Younker
Trustee

James M. Wilson
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the Ordinance No. 149 was posted in the five wards December 27, 1973, as follows:
WARD # 1 N E Corner West Street at Prophet Street.
WARD # 2 S E Corner North Street at Winans Street.
WARD # 3 Main Street at Crackerbarrell Country Store.
WARD # 4 N E Corner Jefferson Street at Sherman Street.
WARD # 5 N W Corner Main Street at Liberty Street.

Laurlene Lewis
Laurlene Lewis, Clerk-Treasurer

ORDINANCE NO. 151

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE

TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, PROVIDING FOR THE OPERATION OF A SYSTEM FOR ENFORCING TRAFFIC VIOLATIONS

OCCURRING WITHIN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, PURSUANT TO

ORDINANCE #107.

WHEREAS; it has come to the attention of the Town Board of Battle Ground, Tippecanoe County, Indiana, that the Indiana Acts of 1969, Chapter 252, Section 418, page 987, provide that the Board of Trustees of any town may, by Ordinance, regulate motor vehicles within the town and may also provide that persons who violate such ordinances may be required to pay the penalties prescribed in such ordinance to the Town Clerk-Treasurer for the benefit of the General Fund of the town, in lieu of charging such persons in Justice of the Peace Courts or other Courts of competent jurisdiction.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT

THE FOLLOWING IS HEREBY ENACTED AND ADOPTED:

ARTICLE I

VIOLATIONS - PENALTIES - ENFORCEMENT

SECTION 1. VIOLATION'S CLERK.

The Town Clerk-Treasurer in the Town of Battle Ground, is hereby appointed as the Violation's Clerk for the traffic ordinance herein established.

The Violation's Clerk shall accept written appearance, waiver of trial, plea of guilty, and payment of fine and cost in such traffic offense cases as are hereinafter designated and according to the Schedule of Fines hereinafter set forth.

The Violation's Clerk shall, prior to plea, waiver and payment, inform the accused of his right to plead not guilty and request a trial, that his signature to a plea of guilty will have the same force and effect as a judgment of Court, and that the record of conviction will be sent to the Commissioner of the Bureau of Motor Vehicles for the State of Indiana or the appropriate officers of the State where he received his license to drive.

SECTION 2. ENFORCEMENT.

Section A. Notice of Violation. Whenever the Town Marshal or Deputy Marshals, shall find the owner or other person has committed any act on which is declared unlawful by the provisions of Indiana Traffic Statutes or Battle Ground Ordinances, such Marshal or Deputy Marshall shall give written notice to such person of such violation. All such notices shall be serially numbered and shall contain the following information:

(A) The specific violation with which the violator is charged.

(B) The license plate number and type of vehicle.

(C) The name and address of the owner of the vehicle and the operator of the vehicle, if possible to obtain the same.

(D) The location of the violation.

E) The signature of the Marshal or Deputy Marshal.

(F) The date of the violation.

(G) The amount of penalty prescribed by the Battle Ground Town Code for the violation.

The notice shall also contain the following statement "Within Seventy-two (72) hours from the time of violation as shown on the notice of violation, bring this notice to the Battle Ground Clerk-Treasurer's office, 100 College Street, Battle Ground, Indiana, 47920, or mail fine to such address within seventy-two (72) hours from time of violation, or warrant will be issued for arrest which may result in extra costs.

All such written notices shall be executed by the Town Marshal or Deputy Marshal in triplicate. One copy shall be served upon the violator as herein provided, one copy shall be filed by the officer with the Clerk-Treasurer, and one copy shall be filed in the office of the Town Marsha1. The latter two copies shall be filed in the respective offices by the Town Marshal or Deputy Marshal at his earliest convenience before or when he goes off duty of the particular day on which such notice was served on the violator.

Section B. Payment of Fines. Any person receiving written notice of a traffic violation pursuant to the provisions of this chapter shall, within seventy-two (72) hours from the date of the violation, appear at the Battle Ground Clerk-Treasurer's office, Battle Ground, Indiana, and pay the prescribed penalty by depositing such amount along with the notice of violation with the officer on duty, or such person within such time may mail such fine with the written notice to the Clerk-Treasurer's office. The penalties which shall be payable in compromise of the violations of this chapter shall be in accordance with Section 7 of this Ordinance.

If any person receiving notice of violation shall fail to compromise such violation, the Town Marshal shall prepare or cause to be prepared proper affidavit for the arrest of such violator. Any such person who fails to compromise such violation, upon conviction of the offense charged, shall be liable for a fine in the amount prescribed by the Presiding Judge.

In addition to the penalties provided for herein, the Town Marshal or Deputy Marshal may cause any vehicle parked in violation of any provision of Indiana Traffic Statutes or Battle Ground Ordinances to be

removed to a private garage or place where the same shall be impounded and detained. Such vehicle shall be released only upon order of the Town Marshal or a Deputy Marshal after payment of the fine required by this chapter to be paid in compromise of such violation and all costs of towing and storage.

SECTION 3. HOURS OF CLERK.

The Violation's Clerk will be open Tuesday through Saturday according to the following Schedule: Tuesday through Friday 9:00 A.M.

to 5:00 P.M.; Saturday 9:00 A.M. to 1:00

P.M.

SECTION 4. NON-EXCLUSIVE JURISDICTION.

The Town Marshal or any Deputy Marshal may file any motor vehicle violation committed within the Town of Battle Ground in any Justice of the Peace Court having jurisdiction or any other Court of competent jurisdiction in lieu of using the provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect after its passage and publication.

SECTION 6. VIOLATIONS NOT ACCEPTED:

(a) Indictable offenses.

(b) Offenses resulting in an accident.

(c) Operation of a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit producing drug, or permitting another person, who is under the influence of intoxicating liquor ~o a narcotic or habit producing drug, to operate a motor vehicle owned by the defendant or in his custody or control.

(d) Reckless driving.

(e) Leaving the scene of an accident.

(f) Driving while under suspension or revocation of driver's license.

(g) Driving without being licensed to drive.

(h) Exceeding the speed limit by more than 25 miles per hour.

(i) A second moving traffic violation within a twelve (12) month period. In this regard the Violation's Clerk, in

addition to checking such records as the local police department may furnish, shall specifically ask such violator whether or not he has had any such violations within the preceding twelve (12) month period.

SECTION 7. PENALTY SCHEDULE.

Penalties assessed for violations shall be based upon the following schedule:

(A) For Non-moving violations - Five ($5.00) Dollars.

(B) For moving traffic violations according to the following schedule:

(i) Stop sign violation - Fifteen ($15.00) Dollars.

(ii) Improper passing - Ten ($10.00) Dollars.

(iii) Speeding not in excess of fifteen (15) miles over the speed limit -

Fifteen ($15.00) Dollars.

(iv) Speeding in excess of fifteen (15) miles per hour over the limit but not more than twenty-five (25) miles over the limit - Twenty

($20.00) Dollars.

(v) Speeding in excess of twenty-five (25) miles over the speed limit -

Twenty-five ($25.00) Dollars.

(vi) Yield sign violation:- Fifteen ($15.00) Dollars.

(vii) All other moving violations - Ten ($10.00) Dollars.

PASSED AND ADOPTED THIS THE

7th DAY

OF October , 1974, BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

Otis C. Anderson
President, Board of Trustees

Gary W. Younker
Trustee

James E. Kerr
Trustee

James M. Wilson

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 152

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE REGULATING THE SALARIES OF THE

STREET COMMISSIONER, UTILITIES

SUPERINTENDENT, TOWN MARSHAL AND ALL ELECTED

OFFICIALS OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA.

WHEREAS, the Board of Trustees deemed it necessary to raise the salaries of the Street Commissioner, Utilities Superintendent, Town Marshal and all elected officials; and

WHEREAS, this increase is effective and retroactive as of January 1, 1975.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The Board of Trustees of the Town of Battle Ground shall receive the following compensation as listed; payable on the regular meeting day of December of each year.

Water Fund	$ 20.00
Sewage Fund	40.00
General Fund	204.00
TOTAL	$204.00

Except the president of the Board, who will receive the following:

Water Fund	$ 20.00
Sewage Fund	40.00
General Fund	324.00
TOTAL	$384.00

SECTION 2. The Clerk-Treasurer shall receive the following salary as listed with the pay period being every two weeks.

Water Fund	$1200.00
Sewage Fund	2000.00
General Fund	1250.00
TOTAL	$4450.00

SECTION 3. The annual salary of the Street Commissioner, the water & Sewage (Utility) Superintendent and the Town Marshal will be as listed below with the pay period being twice a month on the 15th and 30th.

Water Superintendent	$ 1705.00
Sewage Superintendent	3500.00
Street Commissioner	1620.00
Town Marshal	3875.00
TOTAL	$10700.00

SECTION 4. All ordinances or parts of ordinances in conflict with this ordinance shall be and is hereby repealed.

PASSED AND ADOPTED THIS THE

3rd DAY

OF February , 1975, BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

James E. Kerr
Presiding Officer

James M. Wilson
Trustee

Gary W. Younker
Trustee

Otis C. Anderson
Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the Ordinance No. 152 was posted in the five wards Monday, January 20, 1975, as follows:

WARD #1 S W Corner College & Tipton Streets.
WARD #2 S E Corner Winans & S.R. 225.
WARD #3 "E" Street and Main Street.
WARD #4 South side of "E" Street & Jefferson Street.
WARD #5 South side of Liberty at Main Street.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 154

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE ANNUAL SALARIES FOR

ALL EMPLOYEES OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND THE CLERK-

TREASURER AND COMPENSATION FOR ALL EMPLOYEES

FOR 1976.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA: THAT

SECTION 1. The C1erk-Treasurer shall receive a total salary of Five Thousand Eight Hundred Twenty-Four Dollars and no cents ($5.824.00) from the following funds: General Fund-One Thousand Two Hundred Fifty Dollars ($l,250.00).

Sewage-Three Thousand Forty-Nine Dollars and Thirty-Four cents ($3,049.34). Water- One Thousand Five Hundred Twenty-Four Dollars and Sixty-Six cents ($1,524.66).

SECTION 2. The Town Marshal and Utilities Superintendent shall receive a total salary of Fourteen Thousand Five Hundred Sixty Dollars and no cents ($14,560.00) from the following funds: General Fund-Four Thousand Three Hundred Sixty-Eight Dollars ($4,368.00). Sewage-Six Thousand Seven Hundred Ninety-Four Dollars and Sixty-Seven cents ($6,794.67). Water-Three Thousand Three Hundred Ninety-Seven Dollars and Thirty-Three cents ($3,397.33).

SECTION 3. The Deputy Town Marshal shall receive a total salary of Two Thousand Dollars ($2,000.00) from General Fund.

SECTION 4. The full time employee will receive a hourly rate of pay of $3.65 an hour and shall receive no more than Four Thousand Dollars ($4,000.00). from the following funds: Street Fund-Two Thousand Dollars and no cents ($2,000.00). Motor Vehicle Highway Fund-Two Thousand Dollars and No cents ($2,000.00). All other wages paid shall come from water and sewage as hours worked.

SECTION 5. The Clerk-Treasurer shall be paid every two weeks and shall receive a three week vacation to be taken at the clerks discretion and approval of the town board with a 30 day notification.

SECTION 6. The Town Marshal and Utilities Superintendent shall be paid twice a month on the 15th and 30th or the closest working day to the 15th and 30th and shall receive a three week paid vacation. Such vacation shall be. taken at the discretion of the Marshal and Utilities Superintendent depending on the work load at any time and approval of the town board with a 30 day notification.

SECTION 7. The full time town employee shall be paid weekly and shall receive a two week paid

vacation. Such vacation shall be taken at the discretion of the employee and the Utilities Superintendent.

SECTION 8. All full time employees shall receive 8 paid holidays as follows: New Years, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

SECTION 9. The Deputy Town Marshal shall attend police academy and shall receive his salary of Two Hundred Dollars ($200.00) weekly during his training period of ten weeks, August 9 thru October 8.

SECTION 10. Any and all Ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 29th DAY

OF December , 1975.

Presiding Officer

Otis C. Anderson
Trustee

Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 156

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA,

AND THE CLERK- TREASURER AND COMPENSATION FOR

ALL EMPLOYEES FOR 1977.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA; THAT

SECTION 1. The Clerk-Treasurer shall receive a total salary of Six Thousand One Hundred Fifteen Dollars and Twenty Cents ($6,115.20) to be paid from the following funds: General Fund--One Thousand Four Hundred Twenty-Six Dollars and No Cents ($1,426.00); Sewage Fund--Three Thousand Forty-Nine Dollars and Thirty-Four Cents ($3,049.34); Water Fund--One Thousand Six Hundred Thirty-Nine Dollars and Eighty-Six Cents ($l,639.86).

SECTION 2. The Town Marshal and Utilities Superintendent shall receive a total salary of Fifteen Thousand Two Hundred Eighty-Eight Dollars and No Cents ($15,288.00) to be paid from the following funds: General Fund--Four Thousand Five Hundred Eighty-Six Dollars and Forty Cents ($4,586.40); Sewage Fund--Seven Thousand One Hundred Thirty-Four Dollars and Forty Cents ($7,134.40); Water Fund--Three Thousand Five Hundred Sixty-Seven Dollars and Twenty Cents ($3,567.20).

SECTION 3. The Deputy Town Marshal shall receive a total salary of Two Thousand Three Hundred Forty Dollars and No Cents ($2,340.00) from General Fund.

[Editor's Note: Section 4 (below) was amended by Ordinance #159.]

SECTION 4. The full time Senior Employee shall receive an hourly rate of pay of Four Dollars ($4.00) an hour and shall receive no more than Four Thousand Four Hundred Dollars ($4,400.00) from Motor Vehicle Highway Fund. All other wages paid shall come from Water Funds and Sewage Funds as hours worked.

SECTION 6. The Clerk-Treasurer shall be paid every two weeks and shall receive a three week paid vacation to be taken at the Clerks discretion and approval of the Town Board with a 30 day notification.

SECTION 7. The Town Marshal and Utilities Superintendent shall be paid twice a month on the 15th and 30th or the closest working day to the 15th and 30th and shall receive a three week paid vacation. Such vacation shall be taken at the discretion of the Marshal and Utilities Superintendent depending on the work load at any time and approval of the town board with a 30 day notification.

SECTION 8. The full time town Senior Employee shall be paid weekly and shall receive a two week paid vacation. Such vacation shall be taken at the discretion of the employee and the Utilities Superintendent.

SECTION 9. The Deputy Town Marshal shall be paid once a month on the 30th or the closest working day to the 30th.

[Editor's Note: Section 10 (below) was amended by Ordinance #159.]

SECTION 10. The full time Junior Employee shall be paid weekly and shall receive one week paid vacation after one year. Such vacation shall be taken at the discretion of the employee and the Utilities Superintendent.

SECTION 5. The full time Junior Employee shall receive an hourly rate of pay of Three Dollars ($3.00) an hour after April 1, 1977, to be paid from Motor Vehicle Highway Fund, Water Fund and Sewage Fund as hours worked.

SECTION 11. All full time employees shall receive 8 paid holidays as follows: New Years, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving and Christmas.

SECTION 12. Any and all Ordinances in conflict with this Ordinance shall upon its passage be hereby null and void.

PASSED THIS THE 27th DAY

OF December , 1976.

Donald D. McKee
Presiding Officer

J Dave Fisher
Trustee

Neal E. Ferrs
Trustee

Del Bolleher
Trustee

William D. Rogers
Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 156 was posted December 16, 1976, in the Five Wards of the Town of Battle Ground, Tippecanoe County, Indiana, as follows:

WARD #1 S W Corner Tipton & College Streets
WARD #2 S E Corner Winans & North Streets
WARD #3 Main Street at Crackerbarrel
WARD #4 Jefferson & "E" Streets
WARD #5 S W Corner Liberty & Main Streets.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 158

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE REGULATING THE ANNUAL

COMPENSATION FOR THE BOARD OF TRUSTEES OF THE

TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The Board of Trustees are also the Utilities Board. Such Utilities include Water and Sewage.

SECTION 2. The Board of Trustees shall attend at least Seventy-Five Percent (75%) of all regualr and special meetings of each year to receive full compensation. If the 75% is not attended, the board member shall receive a percentage of total compensation as meetings attended.

SECTION 3. All compensation shall be paid on the regular meeting day of December of each year. If a board member resigns during a given year his compensation shall be figured and paid at the regular meeting following his resignation.

SECTION 4. The President of the Board of Trustees shall receive the following compensation as listed:

Water Fund	$ 20.00
Sewage Fund	40.00
General Fund	244.00
TOTAL	$304.00

SECTION 5. The Area Plan Representative who will be other than the President of the Board of Trustees, shall receive the following compensation as listed:

Water Fund	$ 20.00
Sewage Fund	40.00
General Fund	224.00
TOTAL	$284.00

SECTION 6. All other Board of Trustees members shall each receive the following compensation as listed:

Water Fund	$ 20.00
Sewage Fund	40.00
General Fund	144.00

TOTAL $204.00

SECTION 7. All Ordinance or parts of Ordinances in conflict with this Ordinance are upon passage of this Ordinance null and void.

PASSED THIS THE 18th DAY APRIL, 1977.

Donald D. McKee
Presiding Officer

J Dave Fisher
Trustee

Del Bolleher
Trustee

Neal E. Ferrs
Trustee

William D. Rogers
Trustee

ATTEST:

Laurlene Lewis
Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 158 was posted April 7, 1977, in the Five Wards of the Town of Battle Ground, Tippecanoe County, Indiana, as follows:

WARD #1 S W Corner College & Jewett Sts.
WARD #2 S E Corner North & Winans Sts.
WARD #3 Main Street by Crackerbarrel
WARD #4 S E Corner Sherman & Jefferson Sts.
WARD #5 N W Corner Liberty & Main Sts.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 160

[Editor's Note: Replaced by Ordinance #205.]

AN ORDINANCE LICENSING AND REGULATING THE

KEEPING OF DOGS AND CATS WITHIN BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, AND

PROVIDING THE PENALTIES FOR THE VIOLATION

THEREOF.

BE IT HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF BATTLE

GROUND THAT:

[Editor's Note: Section 1 (below) was repealed by Ordinance #184.]

SECTION 1. It shall be unlawful for any person owning or harboring a domestic animal of the age of six (6) months or more to permit said animal to run at large upon the streets or other public places in Battle Ground. In addition, all dogs and cats must be licensed. Said license shall be issued by the Clerk-Treasurer of Battle Ground to the applicant upon presentation by the applicant of the following:

1. The payment of the sum of One Dollar ($1.00) for each male or spayed female dog or cat, and the sum of Three Dollars ($3.00) for each female dog or cat which is not spayed.

2. A certificate as hereinafter specified, signed by a veterinarian duly licensed to practice and residing in Indiana, to the effect that said animal sought to be licensed, has been inoculated against the disease of rabies by such veterinarian upon a date not more than thirty (30) days prior thereto. Provided, however, that upon loss of such license tag during the current year for which the same is issued, said Clerk-Treasurer may upon application issue a duplicate or substitute tag upon the payment to the Clerk-Treasurer of the sum of fifty cents ($.50).

The license tag shall be of metal of convenient size with the number of the license and year of issue thereof shown thereon, together with the words "Dog License, Battle Ground", or "Cat License, Battle Ground" as the case may be.

The veterinarian's certificate required by this Ordinance shall be on a form furnished by the veterinarian as his standard receipt, and shall require the following information: the name and address of the applicant, the name, sex, breed and approximate age of the animal, the kind or trade name of the antitoxin administered and the date upon which the same was administered.

The clerk-treasurer shall keep a record of all licenses issued under this Ordinance showing respective number of license, which shall correspond with the numbers on the respective tag issued and likewise the name and address of the applicant and the name, sex and breed of animal.

Every license issued under this Ordinance shall expire on the 30th day of April of the year thereof.

SECTION 2. It shall be unlawful for any person to harbor or keep within the city any animal of the dog kind that is vicious or a dog that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping shall cause serious annoyance or disturbance to the neighborhood.

SECTION 3. For the purpose of this Ordinance the following words shall have the meanings prescribed to them herein:

1. Vicious dog for the purpose of this ordinance, shall mean any dog that has been known to have bitten a human being, inflicting a personal injury, or a dog who promiscuously attacks other dogs and animals.

2. Nuisance, as used in this Ordinance, shall mean a condition which arises by a dog barking consistently so as to disturb the peace and quiet of the surrounding neighborhood, or a dog who consistently or at intervals chases bicycles or automobiles on the streets and sidewalks of the community, or any other condition created by a dog which results in the general discomfort of citizens in the community where said dog is harbored.

SECTION 4. Any person who shall allow any animal of the dog kind habitually to remain and be lodged and fed within his house, store or enclosure shall be considered as harboring the same within the meaning of this Ordinance.

[Editor's Note: Section 5 (below) was amended by Ordinance #199.]

SECTION 5. It shall be the

duty of the dog warden of Battle Ground City Indiana and his assistants to enforce the provisions of Section 1 of this ordinance and to impound at the humane shelter all dogs at large not conforming to Section 1 hereof. Such impounded dogs may be redeemed by the owner within seventy-two (72) hours by the payment to the Clerk-Treasurer of a redemption fee of Five Dollars ($5.00) for the first occurrence per animal in one year, Twenty-Five Dollars ($25.00) for any second or subsequent occurrence within one (1) year, plus the regular license fee as required by Battle Ground City Ordinance, if not already obtained. In addition thereto said dog shall be inoculated against the

disease of rabies by a duly licensed veterinarian upon a date not more than six (6) months prior thereto. In the event said dog has not been so inoculated, then said owner shall furnish verified evidence of his intention to have said dog inoculated immediately upon its release from impoundment.

Upon presentment of the receipt of the Clerk-Treasurer for the impounding and license fees, and the furnishing of proof of inoculation or verified evidence of intention to inoculate said impounded dog, such impounded dog shall be released to the owner. All such fees paid to the Clerk-Treasurer shall revert to the General Fund. All impounded dogs not redeemed within seventy-two (72) hours may be destroyed in a humane manner. No dogs being held for observation shall be released or destroyed until the expiration of the observation period. It shall be unlawful for any person to hinder, molest or interfere with any person authorized to perform any duty described under this section.

Any person violating or failing to comply with this Ordinance, and any person who shall furnish a verified shall then fail, neglect or refuse to have said dog so inoculated against rabies shall be guilty of a

misdemeanor and upon conviction, shall be fined a sum not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00).

The Court in its discretion, however, upon the conviction of any person violating Section 2 of this Ordinance, may order any dog that is vicious or a dog that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping causes any annoyance or disturbance as described in Section 2 hereof, turned over to the humane society of Tippecanoe County, Indiana, to be disposed of by said society.

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and due publication according to law, and all prior ordinances upon this subject are hereby repealed.

PASSED THIS THE 12th DAY

OF September , 1977.

Donald D. McKee
Presiding Officer

William D. Rogers
Trustee

Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

ORDINANCE NO. 161

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1978.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The C1erk-Treasurer shall receive a total salary of Six Thousand Seven Hundred Twenty-Six Dollars and Seventy-Two Cents ($6,726.72) to be paid from the following funds: General Fund--One Thousand Five Hundred Dollars and No cents ($1,500.00); Sewage Fund--Three Thousand Three Hundred Fifty-Four Dollars and Twenty-Seven cents ($3,354.27); Water Fund--One Thousand Eight Hundred Seventy-Two Dollars and Forty-Five Cents ($1,872.45).

SECTION 2. The Town Marshal and Utilities Superintendent shall receive a total salary of Ten Thousand Nine Hundred Seventy-Six Dollars and No Cents ($10,976.00) to be paid from the following funds: General Fund--Five Thousand Six Hundred Eighty-Four Dollars ($5,684.00); Sewage Fund--Five Thousand Two Hundred Ninety-Two Dollars ($5,292.00).

SECTION 3. The Full Time Senior Employee shall receive an hourly rate of pay of Four Dollars and Ninety-Six Cents an hour and shall receive no more than Four Thousand Nine Hundred Sixty Dollars and No Cents ($4,960.00) from Motor Vehicle Highway Fund. All other wages paid shall come from Water Funds and Sewage Funds as hours worked.

SECTION 4. The Part Time Maintenance Help shall receive the minimum wage of Two Dollars and Sixty-Five Cents ($2.65) an hour from Motor Vehicle Highway Fund, Water Fund and Sewage Fund as hours worked. The Part time office help shall receive Two Dollars and Seventy-five Cents ($2.75) an hour from Sewage Fund or Water Fund as hours worked.

SECTION 5. The Board of Trustees are also the Utility Board which includes Water and Sewage and shall be paid as follows on the regular meeting day in December:

A. President of Board of Trustees

Water	$ 22.00
Sewage	44.00

General	244.00
TOTAL	$310.00

B. Area Plan Representative

Water	$ 22.00
Sewage	44.00
General	224.00
TOTAL	$290.00

C. All Other Trustees

Water	$ 22.00
Sewage	44.00
General	144.00
TOTAL	$210.00

SECTION 6. The Clerk-Treasurer shall be paid every two weeks and shall receive a three week paid vacation to be taken at the Clerk's discretion and approval of the Town Board with a 30 day notification.

SECTION 7. The Town Marshal and Utilities Superintendent shall be paid every two weeks and shall receive a one week paid vacation. Such vacation shall be taken at his discretion depending on the work load at any time and approval of the Town Board with a 30 day notification.

SECTION 8. The Full Time Senior Employee shall be paid weekly and shall receive a two week paid vacation. Such vacation shall be taken at the discretion of the employee and the Town Board with a 30 day notification.

SECTION 9. All Full Time Employees shall receive 8 paid holidays as follows: New Years', Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving and Christmas.

SECTION 10. Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

PASSED THIS THE 9th DAY

OF January , 1978.

Presiding Officer

DM Donald D. McKee
Trustee

DF J Dave Fisher
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

CERTIFICATION

THIS IS TO CERTIFY THAT ORDINANCE NO. 161 WAS POSTED

DECEMBER 30, 1977 IN THE FIVE WARDS OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:

WARD #1 S W CORNER TIPTON & COLLEGE STREETS
WARD #2 S E CORNER WINANS & NORTH STREETS
WARD #3 MAIN STREET AT CRACKERBARREL
WARD #4 JEFFERSON & "E" STREETS S W
WARD #5 W CORNER LIBERTY & MAIN STREETS.

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 162

[Editor's Note: Explicitly repealed by Ordinance #260.]

AN ORDINANCE ADOPTING A POLICE RESERVE

DEPARTMENT OR THE TOWN OF BATTLE GROUND.

WHEREAS, the State Legislature passed legislation which authorized a Town Board to adopt an Ordinance regulating the appointment, rights, privileges, and authority of Reserve Policemen in said Town, more commonly identified as IC 1971 19-1-17.5-1, et seq, as added by Acts 1975, P.L.

205, Section 1, page 1125.

WHEREAS, the Town of Battle Ground passed a resolution on October 2, 1978 which set forth intentions of the Town of Battle Ground to adopt an ordinance regulating the Police Reserve unit for the Town of Battle Ground.

WHEREAS, pursuant to IC 1971 19-1-17.5-1 the Town Board of Battle Ground hereby adopts an Ordinance for the purpose of establishing said Police Reserve unit to aid the Town Marshal during natural and man-made disasters, to assist the Town Marshal in controlling vehicular and pedestrian traffic during local events, and to act pursuant to directives hereinafter set forth by the Town Board of Battle Ground as deemed necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF BATTLE

GROUND THAT THE FOLLOWING RULES AND REGULATIONS ARE HEREBY

ADOPTED:

SECTION 1. DEFINITIONS. For the purpose of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

a. Police Reserve Member. Any resident of Tippecanoe Township who is not a member of the regular police force who is hereinafter recommended by the Town Marshal and subsequently appointed by the Town Board may become a member of the Police Reserve Unit.

Qualifications for any Reserve Policeman shall hereafter be set forth in rules and regulations adopted by the Town Board of Battle Ground.

b. Regular Police Force. Any person including the Town Marshal who is duly appointed and selected by the appropriate authority designating said individuals as regular police members.

c. Town of Battle Ground Limits. The limits of the Town of Battle Ground of which the Reserve Force will have any jurisdiction over will be established by the Town Board of Battle Ground. Said boundaries will hereinafter be clearly marked by appropriate traffic signs.

d. Natural Disasters. Any disaster which is designated as such by the Civil Defense Coordinator of

Tippecanoe County or by appropriate resolution by the Town Board of Battle Ground.

e. Man-made Disasters. Any disaster which in the opinion of the Town Marshal or in his absence the appropriate police officer, constitutes a serious health or safety hazard may be designated as a man-made disaster. Said resolution will not be mandatory to invoke the operation of the Police Reserve Unit.

[Editor's Note: Section 2 (below) was amended by Ordinance #165.]

SECTION 2. APPOINTMENT. Police Reserve members shall be appointed by the same authority that appoints the regular members of the police department in accordance with IC 19-1-17.5-1.

SECTION 3. ACTIVATION. The Police Reserve Unit will be on call at all times and their participation in any activities shall be initiated by approval of the Town Board of Battle Ground by the adoption of appropriate resolution or in the event of any emergency or disasters, hereinbefore defined said Police Reserve activity shall be initiated by the Town Marshal in conjunction with the approval of two (2) or more Town Board members.

SECTION 4. DUTIES. The Police Reserve members shall have all of the same police powers of the members of the regular police force except as limited by the rules and regulations hereinbefore mentioned to be adopted by appropriate resolution by the Town Board of Battle Ground. This is not to be construed to allow members of the regular police force to be also chosen for the Police Reserve Unit.

SECTION 5. NON-APPLICATION OF POLICE PENSION PROGRAM.

Police Reserves may not participate in any pension program provided for regular members of the police department as set forth by State Statute.

SECTION 6. ALLOWANCES-COMPENSATION. In the event the Town Board passes an ordinance which provides for any type of compensation to be appropriated to the Police Reserve members, such compensation shall be limited as hereinafter set forth;

a. An allowance for the purchase of uniforms may be provided to each member, or in the alternative the Town Board may purchase said uniforms and provide the same to each member of the Reserve Force.

b. The Town Board may by appropriate legislation and appropriation compensate each member of the Police Reserve force for time lost from other employment because of court appearances.

c. The Town Board may by appropriate legislation and appropriation insure each member of the Police Reserve force for life, accident and sickness coverage.

The above shall in no way be construed to imply a mandatory obligation upon the Town of Battle Ground to supply the aforesaid allowances or compensation. Any fringe benefits shall be considered to be optional.

SECTION 7. TRAINING AND PROBATION PERIOD. No Police Reserve member shall be appointed until he has completed the training and the probation period specified by the rules and regulations to be set forth by the Town Board of Battle Ground.

SECTION 8. REVIEW BOARD. The Town Board of Battle Ground may, at their option, pass appropriate

legislation to appoint a review board consisting of five (5) members, which board shall have absolute authority over the Police Reserve force. Said review board shall be responsible for adopting the policies and regulations which shall govern the Police Reserve unit. Said review board shall be directly responsible to the Town Board of Battle Ground.

PASSED AND ADOPTED THIS THE 16th DAY OF OCTOBER, 1978, by THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA.

William D. Rogers
Presiding Officer

J. Dave Fisher
Trustee

Hugh G. Ralstin
Trustee

Donald D. McKee
Trustee

Carl B. Pennington
Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

ORDINANCE NO. 163

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE ROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION OR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1979.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The clerk-Treasurer shall receive a total salary of Seven Thousand One Hundred Ninety-Seven Dollars and Fifty-Nine Cents ($7,197.59) to be paid from the following funds: General Fund--One Thousand Six Hundred Five Dollars and No Cents ($1,605.00); Sewage Fund--Three Thousand Five Hundred Eighty-Nine Dollars and Seven Cents ($3,589.07); Water Fund--Two Thousand Three Dollars and Fifty-two Cents ($2,003.52).

Section 2. The Town Marshal and Utilities Superintendent shall receive a total salary of Eleven Thousand Seven Hundred Fourty-four Dollars and Thirty-two Cents, ($11,744.32) to be paid from the following funds: General Fund-- Six Thousand Six Hundred Sixty-two Dollars and Forty-Four Cents ($5,662.44).

Section 3. The Full Time Senior Employee shall receive an hourly rate of pay of Five Dollars and Thirty-One Cents ($5.31) an hour and shall receive no more than Five Thousand Three Hundred Seven Dollars and Twenty Cents ($5,307.20) from Motor Vehicle Highway Fund. All other wages paid shall come from Water Funds and Sewage Funds as hours worked.

Section 4. The Part Time Maintenance Help shall receive an hourly rate of pay of Three Dollars and Ten Cents ($3.10) an hour. All wages shall be paid from Motor Vehicle Highway Fund, Water Funds and Sewage Funds as hours worked.

Section 5. The Part Time Office Help shall receive an hourly rate of pay of Two Dollars and Ninety-four Cents ($2.94) an hour. All Wages shall be paid from Water Funds and Sewage Funds as hours worked.

Section 6. The Board of Trustees are also the Utility Board which includes Water and Sewage and shall be paid as follows on the regular meeting day in December:

A. President of Board of Trustees

Water	$ 22.00

Sewage	44.00
General	284.00
Total	$350.00

B. Area Plan Representative

Water	$ 22.00
Sewage	44.00
General	264.00
TOTAL	$330.00

C. All Other Trustees

Water	$ 22.00
Sewage	44.00
General	184.00
TOTAL	$250.00

SECTION 7. The Clerk shall be paid every two weeks and shall receive a three week paid vacation to be taken at the Clerks discretion and approval of the Town Board with a 30

day notification.

SECTION 8. The Town Marshall and Utilities Superintendent shall be paid every two weeks and shall receive a two week paid vacation. Such vacation shall be taken at his discretion depending on the work load at any time and approval of the Town Board with a 30 day notification.

SECTION 9. The Full Time Senior Employee shall be paid weekly and shall receive a three week paid vacation. Such vacation will be taken at the discretion of employee and the Town Board with a 30 notification.

SECTION 10. All Part Time Maintenance Help and Office Help shall be paid weekly and after three years service shall receive one weeks paid vacation which shall be an average of the number of hours worked each week.

CERTIFICATION

THIS IS TO CERTIFY THAT ORDINANCE NO. 163 WAS POSTED

DECEMBER 21, 1978 In THE FIVE WARDS OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AS FOLLOWS:

WARD #1 S W CORNER TIPTON & COLLEGE STREETS

WARD #2 S E CORNER WINANS & NORTH STREETS
WARD #3 MAIN STREET AT LIONS BUILDING
WARD #4 S W JEFFERSON & "E" STREETS
WARD #5 S W CORNER LIBERTY & MAIN STREETS.

Laurlene Lewis
LAURLENE LEWIS, CLERK-TREASURER

PASSED THIS

28th DAY

OF December , 1978.

Presiding Officer

HR Hugh G. Ralstin
Trustee

DM Donald D. McKee
Trustee

DF J Dave Fisher
Trustee

Trustee

ATTEST:

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 165

[Editor's Note: Explicitly repealed by Ordinance #260.]

AN ORDINANCE TO AMEND AND SUPPLEMENT THE

POLICE RESERVE DEPARTMENT ORDINANCE FOR THE

TOWN OF BATTLE GROUND NO. 162.

WHEREAS, a Police Reserve Department Ordinance

was duly passed by the Town of Battle Ground on October 16, 1978; and

WHEREAS, Section 2 of said Ordinance did not specify the number of Police Reserves to be appointed under said Ordinance; and

WHEREAS, it is deemed necessary and proper to amend and supplement the Police Reserve Department Ordinance of the Town of Battle Ground by specifying a maximum number of Police Reservists who may be appointed thereunder.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, INDIANA, that Section 2 of the Police Reserve Department Ordinance #162 shall be amended as hereinafter set forth;

SECTION 2. APPOINTMENTS.

Police Reserve members shall be appointed by the same authority that appoints the regular members of the Police Department in accordance with Indiana Code 19-1-17.5-1 and at no time hereafter shall the number of Police Reservists exceed fifteen (15) members.

SECTION 9. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this Ordinance.

PASSED THIS THE

1st DAY

OF October , 1979.

DF J Dave Fisher
Presiding Officer

HR Hugh G. Ralstin
Trustee

DM
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

CERTIFICATION

This is to certify that the above Ordinance No. 165 was posted September 21, 1979 in all wards as stated:
WARD #1 S W CORNER TIPTON & COLLEGE STREETS.
WARD #2 S E CORNER WINANS & NORTH STREETS.
WARD #3 MAIN STREET AT LIONS BUILDING.
WARD #4 SOUTH SIDE OF JEFFERSON STREET AT HIGHSCHOOL

AVENUE.
WARD #5 N W CORNER MAIN AT LIBERTY STREET.

Laurlene Lewis
CLERK-TREASURER

ORDINANCE NO. 168

[Editor's Note: Explicitly repealed by Ordinance #187.]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1980.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1. The Clerk-Treasurer shall receive a total salary of Seven Thousand One Hundred Ninety-Seven Dollars and Fifty-Nine Cents ($7,197.59) to be paid from the following funds: General Fund--One Thousand Six Hundred Fifty Dollars and No Cents ($1,650.00); Sewage Fund--Three Thousand Five Hundred Sixty-Four Dollars and Seven Cents ($3,564.07); Water Fund--One Thousand Nine Hundred Seventy-Eight Dollars and Fifty-Two Cents ($1,978.52).

SECTION 2. The Town Marshal; being a part time position, shall receive an hourly rate of Six Dollars ($6.00) per hour from General Fund. The Marshal shall work Twenty Hours (20) per week with any overtime; which shall be reasonable, paying only Six Dollars ($6.00) per hour from General Fund.

SECTION 3. The Deputy Town Marshal; being a part time position, shall receive an hourly rate of Six Dollars ($6.00) per hour from General Fund. The Deputy Marshal shall work eight (8) hours per week which will be two- four hour days or as mutually agreed between marshal and deputy marshal.

SECTION 4. The full time employees shall receive an hourly rate of Five Dollars and Forty-Five Cents ($5.45) per hour from Motor Vehicle Highway Fund, Water Fund, and Sewage Fund, as hours worked. The hourly rate increase for full time employees includes compensation for uniform rental.

SECTION 5. The part time utility clerk shall receive an hourly rate of Three Dollars and Thirty-Five Cents ($3.35) from Water Fund, and Sewage Fund as hours worked. Hours worked by the utility clerk will be at the discretion of the clerk-treasurer with the approval of the town hoard.

SECTION 6. The Board of Trustees are also the Utility follows on the regular meeting day in December.

A. President of the Board of Trustees

Water	$ 42.00
Sewage	64.00

General	304.00
TOTAL	$410.00

B. Area Plan Representative

Water	$ 42.00
Sewage	64.00
General	284.00
TOTAL	$390.00

C. All Other Trustees

Water	$ 42.00
Sewage	64.00
General	204.00
TOTAL	$310.00

The Board of Trustees must attend Eight (8) meetings to receive a full years compensation.

SECTION 7. The Clerk-Treasurer shall be paid by-weekly and shall receive a two week paid vacation to be taken at the clerks discretion and approval of the town board with a 30

day notification.

SECTION 8. The full time employees shall be paid weekly and shall receive a one week paid vacation after one (1) year service. Such vacations shall be staggered with seniority preference depending on the work load at any time and approval of the town board with a 30 day notification.

SECTION 9. All part time employees shall be paid weekly and after three years service shall receive one week paid vacation which shall be an average of the number of hours worked each week.

SECTION 10. All full time employees shall receive 8 paid holidays as follows: New Years', Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

SECTION 11. Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 27th DAY

OF December , 1979.

J Dave Fisher
Presiding Officer

Donald D. McKee
Trustee

Hugh G. Ralstin
Trustee

Trustee

Trustee

ATTEST:

Laurlene Lewis

Clerk-Treasurer

CERTIFICATION

THIS IS TO CERTIFY THAT ORDINANCE NO 168 WAS POSTED IN THE

FIVE WARDS IN BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, ON

THE 17TH DAY OF DECEMBER, 1979 AS FOLLOWS:

WARD #1 S W CORNER TIPTON & COLLEGE STREETS
WARD #2 S E CORNER WINANS & NORTH STREETS
WARD #3 MAIN STREET AT LIONS BUILDING
WARD #4 S W CORNER JEFFERSON & "E" STREETS
WARD #5 S W CORNER LIBERTY & MAIN STREETS.

Laurlene Lewis
Clerk-Treasurer

ORDINANCE NO. 177-A

WHEREAS THE GREATER LAFAYETTE TV CABLE CO., INC. and the CITY OF BATTLE GROUND thru the good offices of a committee of the Town Board have negotiated a "FRANCHISE, CONTRACT AND

GRANT RELATING TO TELEVISION TRANSMISSION AND

DISTRIBUTION SYSTEM IN THE CITY OF BATTLE

GROUND, INDIANA, for the furnishing of

certain services.

[Editor's Note: This Ordinance is outdated - the franchise contract has expired.]

WHEREAS, the President and the Town Board have entered into said Agreement heretofore described.

WHEREAS, the Town Board of the City of Battle Ground believes said Agreement to be fair and equitable as between the parties, and in the best interest of the citizens of the Town of Battle Ground, Indiana.

NOW THEREFORE, BE IT ORDAINED by the Town Board of the Town of Battle Ground, Indiana as follows:

That the Agreement, between the Town of Battle Ground, Indiana, and Greater

Lafayette TV Cable Co., Inc. dated May 30

for the furnishing of cable television

services, be and the same is hereby ratified and approved.

ADOPTED this 30th day of May, 1980.

Hugh Ralstin

ATTEST:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 172

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 5 OF ORDINANCE

NO. 169, BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY, INDIANA, BE IT ORDAINED

BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND AS FOLLOWS:

Section 1: That Section 5.6(a) of Chapter 5 of the aforementioned ordinance be amended to read as follows:

(a) Before any development takes place, the petitioner shall present to the Area Plan Commission a detailed plan specifying the location,

composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment and other site development features including general locations of proposed buildings. The Commission shall then approve said detailed plans by motion duly adopted, upon an affirmative finding that the detailed plan is consistent with the Approved Preliminary Planned Development as adopted and passed by the legislative body upon rezoning. Having so once approved the detailed plan, the Commission shall have no further authority to review or act thereon, except as to amendatory ordinance, and except as hereafter provided for.

Passed on the third reading August 4, 1980

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Melvin Swisher

Richard Youells, Jr.

Marilyn J. Adams

Attest:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 173

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHARTER 5 OF ORDINANCE NO. 169A, BEING THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY INDIANA, BE IT ORDAINED BY THE

BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND AS FOLLOWS:

1. That Chapter 5, Section 5.2(e), "PD-E" - Planned Development -

Extraordinary, be amended to read as follows:

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complimentary conjunction of uses and functions.

Passed on third reading August 4, 1980.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Melvin Swisher

Richard Youells

Marilyn J. Adams

Attest:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 174

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 1,2,3 and 4 OF

ORDINANCE NO. 169 BE IT ORDAINED BY THE BOARD

OF TRUSTEES OF THE TOWN OF BATTLE GROUND,

INDIANA, AS FOLLOWS:

Section I: That Section 1.2, Definitions, of Chapter 1 Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"flood hazard areas" means those flood plains which have not been adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map or on the Flood Hazard of Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana National Resources Commission;

"Flood plain" means the area adjoining the river or stream which has been or may hereafter be covered by flood water from the regulatory flood, including those areas defined as the regulatory floodway and floodway fringe;

"flood protection grade" means the elevation of the lowest floor of a building, including the basement, which shall be two fee above the

elevation of the regulatory flood;

"floodway" see "regulatory floodway"

"floodway fringe" means that portion of the flood plain lying outside the floodway, which is

inundated by the regulatory flood:

"regulatory flood" means that flood having a peak discharge which can be equaled or exceeded

on the average of once in a one hundred (100) year period, as calculated by a method and

procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a

probability of occurrence of one percent (1%) in any given year;

"regulatory floodway" means the channel of a river or stream and those portions of the flood plains

adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Section II: That Section 2.1, Kinds of Districts: Establishment, of Chapter 2 of Ordinance No. 169 being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended to read as follows:

Flood Plain Districts, designated "FP" are established to include lowland areas adjacent to lakes ponds and areas that are within the flood plain of rivers and creeks and thus subject to inundation a damage from flood waters up to the elevation of the regulatory flood.

Section III: That Section 2.4, Boundaries: Flood Plain Districts, of Chapter 2 of Ordinance No. 169

being the Unified Zoning Ordinance of Tippecanoe County, be amended by:

deleting (2) the change would not be detrimental to the occupants

and replacing it with (2) that the elevation of such land is at or above the elevation of the regulatory flood.

and further be amended by adding the following:

If the land within the boundary of an FP district is certified by a Registered Land Surveyor or Registered Professional Engineer as having an elevation at or above the regulatory flood

elevation, as determined by the Indiana Natural Resources Commission, that area of land so

certified will be removed from the FP designation and will become zoned as the adjacent areas on the zoning map. Should the adjacent areas contain more than one zoning district, the line dividing those existing districts shall be extended

through the land so removed from the FP district.

Buildings permitted on lands within two hundred (200) feet of the FP district shall be required to comply with the flood protection grade.

All lands, within the flood plain having an elevation below that elevation determined by the by the Indiana Natural Resources Commission to be the regulatory flood elevation for that location shall be in the FP district.

Section IV: That Section 3.1, Primary Use Table, of Chapter 3 of Ordinance No. 169 being the Unified Zoning Ordinance of Tippecanoe County, be amended by deleting the "S", in the Flood Plain (FP) zone for the following uses:

Manufacturing, storage or use of explosives
Petroleum tank farm (commercial)
Scrap metal yard
Public or commercial sanitary fill, refuse dump, or garbage disposal plant
University or college
Advertising sign or billboard

Mortuary

thus prohibiting the above uses in the FP district.

and be further amended by adding to footnote (5) in the Primary Use Table, the following:

..., but not within a regulatory floodway.

Section V: That Section 4.30 (a), of Chapter 4 of Ordinance No. 169 being the Unified Zoning Ordinance of Tippecanoe County be amended to read as follows:

No structure other than a fence may be erected and, if erected in violation of this section, no such structure may be used if the location is within one hundred (100) feet from the nearest edge of the flood plain district.

Hugh Ralstin
Presiding Hugh Ralstin

Richard Youells Jr.

Melvin Swisher
Melvin Swisher

Marilyn Adams

Attest:

Judith E. Marks

Passed by the Board of Trustees October 5, 1980.

ORDINANCE NO. 178

[Editor's Note: This ordinance was amended by Ordinance #180]

[Editor's Note: This ordinance was replaced by Ordinance #185]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1981.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION l: The Clerk Treasurer shall receive a total salary of Twelve Thousand dollars and no cents ($12,000.00) to be paid from the following funds: General Fund-- Four Thousand dollars and no cents ($4,000.00); Water Fund--Two thousand dollars and no cents ($2,000.00) and Sewage Fund -

- Six Thousand dollars and no cent ($6,000.00). The Clerk-Treasurer shall have two (2) weeks paid vacation plus one (1) week sick leave.

SECTION 2: The Town Marshal, being a part-time position, shall receive an hourly rate of Six dollars and fifty cents ($6.50) to be paid from the General Fund. The marshal shall work twenty hours (20) per week, and have one (1) week paid vacation.

SECTION 3: The Deputy Town Marshal; being a part-time position, shall work eight (8) hours per week which will be two-four hour days or as mutually agreed between the marshal and the deputy marshal. The hourly wage for this position shall be Six dollars and Twenty-five cents ($6.25) per hour paid from the General Fund and have one (1) week paid vacation.

SECTION 4: The Supervisor of Operations shall receive a salary of Fifteen Thousand, Six Hundred dollars and no cents ($15,600.00) to be paid from the Motor Vehicle Highway Fund. The Supervisor will also have Three weeks (3) weeks paid vacation.

SECTION 5: The full time employees shall receive an hourly rate of Five dollars and eighty-three cents ($5.83) from Water and Sewage Funds, as per hours worked. Overtime hours shall be paid at a rate of Eight dollars and Seventy-Five cents ($8.75). The full time employees shall receive two (2) weeks paid vacation.

SECTION 6: The Deputy Clerk-Treasurer shall receive an hourly rate of Three dollars and Seventy-five cents ($3.75) per hour to come from the Sewage and Water Funds. Hours worked by the Deputy Clerk-

Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the town board. The Deputy Clerk-Treasurer shall also receive one (1) week paid vacation.

SECTION 7: The Board of Trustees are also the Utility Board which includes Water and Sewage and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees

Water	$ 42.00
Sewage	64.00
General	304.00
	$ 410.00

B. Area Plan Representative

Water	$ 42.00
Sewage	64.00
General	284.00
	$ 390.00

C. All Other Trustees

Water	$ 42.00
Sewage	64.00
General	204.00
	$ 310.00

The Board of Trustees must attend Eight (8) meetings to receive a full years compensation.

SECTION 8: The Clerk-Treasurer shall be paid monthly.

The Supervisor of Operations shall be paid

weekly.

The Full time employees shall be paid weekly.

All Part time employees shall be paid monthly.

All Temporary employees shall be paid weekly at mutually agreed hourly rate.

SECTION 9: All full time employees shall receive 9 paid holidays as follows: New Years', Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

SECTION 10: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 1st DAY OF December 1980.

Hugh Ralstin
Presiding Officer Hugh Ralstin

Trustee Richard Youells

Melvin Swisher
Trustee Melvin Swisher

Trustee Marilyn Adams

David Samuelson
Trustee David Samuelson

ATTEST:

Judith E. Marks

ORDINANCE No. 179

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 2 AND 5 OF

ORDINANCE NO. 169

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, AS FOLLOWS:

Section I: That Subsection 2.2, Words and Terms Defined, of Section 2 of Ordinance No. 169 being the Unified Subdivision Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

MULTI-FAMILY SUBDIVISION. A subdivision intended to be the site of more than one multi-family structure each such structure containing two or more dwelling units.

Section II: That Subsection 5.12, Multi-family Subdivisions, of Section 5 of Ordinance No. 169 being the Unified Subdivision Ordinance of Tippecanoe County, be and is hereby added, to read as follows:

Multi-Family Subdivisions

(1) General.

Unless otherwise excluded under Section A of the definition of Subdivision, or under the provisions for parcelization indicated in Section 3.5 of this ordinance, the development of more than one multi-family structure on a single ownership parcel constitutes a subdivision of land as defined herein. Yet the creation of a separate lot for each principal use building, that is, each multi-family structure, poses unique and complex problems for the subdivider of land to be so used. Many of the standards set forth in the Unified Zoning Ordinance to be applied to individual residential lots cannot be met without destroying the unifying concept of a well designed complex of multi-family

structures. Most notable among these standards are lot size, frontage and setback requirements, all of which assume a progression of uniform lots along a roadway, more typical of single family and some duplex developments. Despite these difficulties associated with the subdivision of land for multi-family development, the purposes of this ordinance, as listed in Section 1.3, must be met.

Thus, with regard to proposed multi-family subdivisions, the emphasis of the Commission shall be on the number of principal use buildings, the number of proposed dwelling units and required parking spaces, and the provision of required public improvements. To this end, the necessity of placing interior lot lined on sketch plans and preliminary and final plats shall be at the subdivider's option, so long as all principal use buildings and all accessory buildings remain in the ownership or leasehold of a single entity.

That option shall be revoked at such time as the ownership or leasehold of fewer than all such buildings is to be transferred to another entity.

Such transfer shall necessitate a re-subdivision of the affected property, complete with appropriate lot lines.

(2) Procedural Requirements and Submission Specifications.

(a) Multi-family subdivisions must be appropriately zoned for multi-family

structures prior to the proposal for a subdivision under this section.

(b) The subdivider of land to be used for the development of multi-family

structures shall adhere to the

procedural requirements and submission specifications for sketch plans and

preliminary and final plats as provided in Sections 3 and 6 of this ordinance, except as follows:

(i) the number of principal use buildings, and the number of

proposed dwelling units and

required parking spaces shall be

indicated on sketch plans and

preliminary anf final plats;

(ii) the subdivider may opt to omit interior lot lines under the circumstances indicated in Section 5.12 (1); and

(iii) no multi-family subdivision shall be approved unless the area

to be approved unless the area to

be subdivided shall have frontage

on and access from an existing

street on the Official Map, or if

there be no Official Map, unless

such street is:

(A) an existing state, county, or local highway or a street

either shown upon a plat

approved by the Commission

and recorded by the County

Recorder, or recorded by the

County Recorder prior to

February, 1965. Such street

or highway must be suitably

improved and accepted for

public maintenance, or be

secured by a performance bond

required under this

ordinance. Wherever the area

to be subdivided is to

utilize existing road

frontage, the half of the

road fronting the subdivision

shall be suitably improved as

provided in Section 5.12 (3)

(a) (i) or Section 5.12 (3)

(a) (ii) as follows; or

(B) a street plated as a part of the multi-family subdivision.

(c) Should the subdivider exercise the option of omitting interior lot lines, the standards of the Unified Zoning

Ordinance shall be applied to the

entire tract. That is, the entire tract will be treated as one lot, subject to all restrictions and requirements of

the Unified Zoning Ordinance pertaining to multi-family dwellings on a single

lot. In effect, this will permit the

placement of more than one principal

use building on a single lot. Should

there be a necessity to re-subdivide, as Could occur in the event of a transfer of ownership or leasehold of fewer than all principal use and accessory

buildings, the standards of the Unified Zoning Ordinance for multi-family

dwellings shall be applied to each and every separate lot so created through

the re-subdivision process; variances

may be sought from the appropriate

Board of Zoning Appeals.

(3) Requirements for Improvements.

(a) The subdivider of land to be so used for the development of multi-family

structures shall be subject to the

requirements of Section 5 of this

ordinance, except as follows:

(i) Widening and Realignment of Existing and Proposed Arterials.

Where a multi-family subdivision

borders an existing narrow

arterial or when the Comprehensive

Plan, Thoroughfare Plan, or zoning

setback regulations indicate plans

for realignment or widening an

adjacent arterial that would

require use of some land in the

subdivision, the subdivider shall

be required to dedicate such areas

for widening or realignment of such arterials. Where any portion of a multi-family subdivision abuts any such arterial, that arterial shall be improved only to one-half (1/2) of the full width of a collector facility as required by this ordinance. If the site is transected by an existing arterial which the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening, the subdivider shall be required to dedicate right-of-way for such arterial. Where any portion of a multifamily subdivision abuts any such arterial, that arterial shall be improved to the full width of a collector facility as required by this ordinance. Where an arterial proposed in the Comprehensive Plan or Thoroughfare Plan borders or transects a proposed subdivision, the necessary right-of-way shall

be reserved as provided for in
Section 5.9 of this ordinance.

(ii) Widening and Realignment of Existing and Proposed Collectors and Local Roads.

Where a multi-family subdivision borders an existing narrow collector or local road or when the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening an adjacent collector or local road that would require use of some land in the subdivision, the subdivider shall be required to dedicate such areas for widening or realignment of such collectors or local roads. Where any portion of a multi-family subdivision abuts any such collector or local road, that collector or local road shall be improved to one-half (1/2) of the full width of that designated facility as required by this ordinance. If the site is

transected by an existing collector or local road which the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening, the subdivider shall be required to dedicate right-of-way for such collector or local road. Where any portion of a multi-family subdivision abuts any such collector or local road shall be improved to the full width of that facility respectively as required by this ordinance.

(iii) In the event of resubdivision, where public improvements were built following a previously approved set of construction plans, public improvements then need not be reconstructed because of the adoption of new criteria by a participating jurisdiction.

Passed This the 2nd day of February, 1981.

Hugh Ralstin
Presiding Officer Hugh Ralstin

Melvin Swisher
Trustee Melvin Swisher

Marilyn Adams

Attest:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE 180

AN ORDINANCE TO AMEND ORDINANCE 178 - FIXING

MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND

THE CLERK TREASURER OF THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1981

[Editor's Note: This ordinance was replaced by Ordinance #185]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA THAT:

Section 11 be added as follows:

SECTION 11: The Sewage Superintendent shall receive an hourly rate of Six dollars and forty-one cents ($6.41) from the Sewage Fund, as per hours worked. Over-time hours shall be paid at a rate of Nine dollars and Sixty-two cents ($9.62). The Sewage Superintendent shall receive a two (2) week paid vacation.

Section 11 will be retroactive from January 1, 1981.

PASSED THIS THE 2nd DAY OF FEBRUARY 1981.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee - Melvin Swisher

Trustee - Marilyn J. Adams

Attest:

Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 181

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 1 AND 4 OF

ORDINANCE NO. 169A, BE IT ORDAINED BY THE

BOARD OF TRUSTEES OF THE TOWN OF BATTLE

GROUND AS FOLLOWS:

Section 1: That the following definitions are incorporated into Section 1.2.

"foundation" means the supporting member of a wall or structure.

"frontyard" means the horizontal space between the nearest foundation of a building to the right-of-way line and that measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has it least frontage;

"rear yard" means the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard;

"side yard" means the horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escape, fire-proof outside stairways and balconies projecting not over twenty-four (24) inches into that space;

That Chapter 4 is amended as follows:

Section 4.6 Standard Setbacks

(c) The minimum side yard for a Residential use is six (6) feet from the nearest foundation of a building except for a CB District where there is no such requirement.

Approved on this the first (1st) day of July, 1981.

Hugh Ralstin

Hugh Ralstin, Presiding Officer

Melvin Swisher
Trustee

David Samuelson
Trustee

Attest: Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 182

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 3 OF ORDINANCE

NO. 169A

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF TOWN OF BATTLE

GROUND AS FOLLOWS:

Section 1: That Section 3.2, ACCESSORY USES, of Chapter 3

of the aforementioned Ordinance be amended by adding the following:

As a foot note (*) to Fences and Hedges;

*Provided that, in any Residence district, ornamental fences and hedges shall not exceed three feet in height in the required front yard, or as provided in Section 4.8.

Approved on this the 1st day of July, 1981.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee

David Samuelson
Trustee

Attest:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 183

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE

NO. 169A

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND AS FOLLOWS:

Section 1: That Section 4.6 (b), Standard Setbacks, of Chapter 4 of the aforementioned Ordinance be amended to read as follows:

The minimum depth of a rear yard for a residential use is fifteen (15) feet in an LB or GB District and twenty-five (25) feet in any other district in which the use is permitted except that there is no such requirement in a CB District. The minimum rear year of a building accessory to a residential use is ten (10) feet except for fences and hedges which may be placed on the property line. The minimum depth of a rear yard for a business or industrial use is fifteen (15) feet, except there is no such requirement in a CB District.

One-half of any alley abutting the rear of a lot may be counted as part of the required rear yard.

Adopted by the Board of Trustees on this the 1st day of July, 1981.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee

David Samuelson
Trustee

Attest:

Judith E. Marks

ORDINANCE 185

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1982

[Editor's Note: This ordinance was replaced by Ordinance #192]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

Section 1. The Clerk-treasurer shall receive a total salary of Twelve Thousand Eight Hundred and Forty dollars and no cents ($12,840.00) to be paid from the following funds: General Fund --Five Thousand dollars and no cents ($5,000.00) Sewage Fund--Five Thousand eight hundred and forty dollars and no cents ($5,840.00) Water Fund--Two thousand dollars and no cents($2,000.00). The Clerk-Treasurer shall have two (2) weeks paid vacation plus one (1) week sick leave. The Clerk-Treasurer shall also receive one tank of gas per month and four (4) Oil & Lub Jobs and two (2) Tune-ups in exchange for operating the clerk's auto for town purposes.

Section 2. The Deputy Clerk-Treasurer shall receive an hourly rate of Four dollars and one cent per hour ($4.01) to come equally from Sewage and Water Funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the town board.

The Deputy Clerk-Treasurer shall have three days (3) paid vacation.

Section 3. The Town Marshal; being a part time position, shall receive an hourly rate of Six dollars and Seventy-five cents ($6.75) to be paid from the General Fund. The Marshal shall work twenty hours (20) per week, and have (1) one week paid vacation (20 hours).

Section 4. The Deputy Town Marshal, being a part time position, shall work eight (8) hours per week which will be two-four hours days or as mutually agreed between the marshal and the deputy marshal. The hourly wage for this position shall be six dollars and fifty cents ($6.50) per hour paid from the General Fund. The Deputy Marshal shall have a (1) week paid vacation (8 hours).

Section 5. Sewage Superintendent shall receive an hourly wage of Six dollars and eighty six cents ($6.86) per hour with overtime paid at a rate of Ten dollars and twenty-seven cents per hour $10.27). These funds shall come from the Sewage Fund. The Sewage superintendent shall receive a two (2) week paid vacation or sick leave.

[Editor's Note: Section 6 (below) was amended by Ordinance #189.]

Section 6. The Supervisor of Operations shall receive a salary of Sixteen Thousand six hundred ninety-two dollars and no cents, to be paid from the Motor Vehicle Highway Fund ($16,692.00) The Supervisor will also have three (3) weeks paid vacation or sick leave.

Section 7. Full time employees shall receive an hourly rate of Six dollars and Six cents per hour ($6.06) and an overtime rate of Nine dollars and nine cents per hour (9.09); to come equally from water and sewage funds. The full time employees shall receive two (2) weeks paid vacation or sick leave.

Section 8. The Board of Trustees are also the Utility Boards which includes Water and Sewage and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees

Water	$42.00
Sewage	64.00
General	304.00
	$410.00

B. Area Plan Representative

Water	$42.00
Sewage	64.00
General	284.00
	$390.00

C. All other Trustees

Water	$42.00
Sewage	64.00
General	204.00
	$310.00

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

Section 9. The Clerk-Treasurer shall be paid monthly

The Supervisor of Operation shall be paid weekly
The Full time employees shall be paid weekly
The Sewage Superintendent shall be paid weekly
The part-time employees shall be paid monthly
All temporary employees shall be paid weekly at mutually agreed hourly rate.

Section 10. All full-time employees shall receive 9 paid holidays as follows: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, July 5, Labor Day, Columbus Day, Thanksgiving Day and Christmas Eve.

Section 11. Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 1st DAY OF JULY, 1981.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Trustee - Marilyn Adams

Melvin Swisher
Trustee - Melvin Swisher

David Samuelson
Trustee - David Samuelson

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE 184

[Editor's Note: Replaced by Ordinance #205.]

AN ORDINANCE TO AMEND THE ORDINANCE LICENSING

AND REGULATING DOGS AND CATS, NAMELY

ORDINANCE #160

WHEREAS, Ordinance #160 was duly passed on September 15, 1977, regulating the harboring of cats and dogs.

WHEREAS, Tippecanoe County has passed an Ordinance which governs the licensing of dogs and cats in Tippecanoe County.

WHEREAS, Section 1: of Ordinance 160

of the Town of Battle

Ground is a duplication of the ordinance of Tippecanoe County.

WHEREAS, it is deemed necessary and appropriate to amend Ordinance #160 of the Town of Battle Ground by repealing section 1 of said ordinance to avoid duplication.

NOW THEREFORE BE IT ORDAINED by the Town of Battle Ground, Indiana that section 1 of Ordinance #160 of the Town of Battle Ground be repealed.

Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

Passed This the 3rd day of August 1981.

Hugh Ralstin
Presiding Officer, Hugh Ralstin

Christopher S. Dare
Trustee - Christopher Dare

David Samuelson
Trustee - David Samuelson

Trustee - Marilyn Adams

Melvin Swisher
Trustee - Melvin Swisher

Attest:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE 188

AN ORDINANCE TO TRANSFER MOTOR VEHICLE

HIGHWAY FUNDS

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, account *2-25 Repairs of Equipment has a surplus of funds:

WHEREAS, account 46-62 Retirement and Social Security has a shortage of funds:

NOW THEREFORE LET IT BE ORDAINED THAT: by the Board of Trustees of the Town of Battle Ground that the sum of ($897.09) Eight hundred ninety-seven dollars and nine cents be transferred from the Motor Vehicle Highway Fund #2-25

Repairs of Equipment to #6-62 Retirement and Social Security.

PASSED this the 7th day of December 1981.

Hugh Ralstin
Hugh Ralstin, Presiding Officer

Melvin Swisher
Melvin Swisher - Trustee

David Samuelson
David Samuelson - Trustee

ATTEST:

Judith E. Marks

Judith E. Marks - Clerk-Treasurer

ORDINANCE No 192

AN ORDINANCE TO AMEND ORDINANCE 185 - AN

ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES

FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL COMPENSATION FOR EMPLOYEES

AND THE BOARD OF TRUSTEES FOR THE YEAR 1982.

[Editor's Note: This ordinance was replaced by Ordinance #194]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA THAT:

Section I: be changed to read as follows:

Section I: The Clerk-Treasurer shall receive a total salary of Twelve Thousand dollars and no/cents ($12,000) to be paid from the following funds: General Fund - Four Thousand dollars and no cents, ($,4000.00); Water Fund -

Two Thousand dollars and no cents ($2,000.00); Sewage - Six thousand dollars and no cents ($6,000.00). The Clerk-Treasurer shall have two (2) weeks paid vacation and one (1) week sick leave. The Clerk-Treasurer shall also receive one tank of gas per month and four (4) oil 7 lube jobs and two (2) Tune-ups in exchange for operating the clerk's auto for town purposes.

Dated and passed this the 7th day of December 1981.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Melvin Swisher
Trustee - Melvin Swisher

David Samuelson
Trustee - David Samuelson

Attest:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 189

AN ORDINANCE AMENDING ORDINANCE 185

FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK-TREASURER OF THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1982.

[Editor's Note: This ordinance was replaced by Ordinance #192]

Amend to read as follows:

Section 6. The Supervisor of Operations shall receive a salary of Sixteen Thousand six hundred ninety-two dollars and no cents, to be paid from the Motor Vehicle Highway Fund and the Sewage Operation Fund equally. ($16,692.00) The Supervisor will also have Three weeks (3) paid vacation or sick leave.

Date Approved: February 1, 1982

Hugh Ralstin
Presiding Officer - Hugh Ralstin

David Samuelson
Trustee - David Samuelson

Melvin Swisher
Trustee - Melvin Swisher

Chris S. Dare
Trustee - Christopher Dare

Elizabeth Frankenberger
Trustee - Elizabeth Frankenberger

ATTEST:

Jean Smith, Clerk-Treasurer

ORDINANCE #190

[Editor's Note: Explicitly repealed by Ordinance #197.]

AN ORDINANCE AMENDING ORDINANCE 185 AND

AMENDMENT 192 FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1982.

Amended to read as follows:

Section I. The Clerk-Treasurer shall receive a total salary of $10,500.00 Ten Thousand Five Hundred Dollars and no/100

annually, pro-rated from Feb. 1, 1982 thru Dec. 31, 1982 to be paid from the following funds:

General Fund - ($3,500.00) Three Thousand Five Hundred Dollars and no/l00

Water Fund ($ 1,750.00) One Thousand Seven Hundred Fifty Dollars and no/l00

Sewage Fund ($5,250.00) Five Thousand Two Hundred Fifty Dollars & no/l00

The Clerk-Treasurer shall have Two (2) weeks paid vacation plus none (0) paid sick leave. The

Clerk shall also receive Two (2) tanks of gas per month and Two (2) Oil & Lube jobs and One (1) Tune-ups in exchange for operating the clerk's auto for town purposes. The clerk should be paid monthly.

Date Approved: February 1, 1982

Hugh Ralstin
Presiding Officer - Hugh Ralstin

David Samuelson
Trustee - David Samuelson

Chris S. Dare
Trustee - Christopher Dare

Melvin Swisher
Trustee - Melvin Swisher

Elizabeth Frankenberger
Trustee - Elizabeth Frankenberger

Attest:

Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 191

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 1, 3, and 4 of ORDINANCE NO. 169.A

BE IT ORDAINED BY THE Board of Trustees, Town of Battle Ground as follows:

Section I: That Section 1.2,, Definitions, of Chapter 1 of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"billboard" see "sign, outdoor advertising";

"sign, outdoor advertising: means a structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the

activities on the premises upon which it is located;

Section II: That Section 3.1, Primary Uses, of Chapter 3 of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by:

changing Advertising sign or billboard to Outdoor advertising sign or billboard;
deleting the x from the SC District;
deleting the S from the IR and A Districts;
adding (7) after each X for Outdoor advertising sign in the primary use table;
adding Footnote (7) to page 21 as fo11ows:

Outdoor advertising signs shall be separated by one thousand (1,000) feet in all

directions, and outside incorporated areas, pertaining to the Interstate and limited

access highways, no outdoor advertising sign may be located adjacent to or within five

hundred (500) feet of an interchange, at-

grade intersection, or rest area; said five hundred (500) feet shall be measured from

the right-of-way line.

Section III: That Section 4.1, Height of Structures, of Chapter 4 of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by deleting the following:

Outdoor advertising sign from the list

Section IV: That Section 4.17 (g), Signs, of Chapter 4 of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended to read as follows:

No outdoor advertising sign structure shall contain more than two (2) facings and no facing shall display more than two (2) signs.

Battle Ground Town Board
Battle Ground, Indiana

Hugh Ralstin
Hugh Ralstin

Elizabeth Frankenberger
Elizabeth Frankenberger

Melvin Swisher
Melvin Swisher

Chris S. Dare
Christopher Dare

David Samuelson
David Samuelson

April 5, 1982

Jean Smith, Clerk-Treasurer

ORDINANGE NO 194

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1983.

[Editor's Note: This ordinance was replaced by Ordinance #204]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $5.75 not to exceed $12,000.00 (Twelve thousand dollars) to be paid from the following funds: General Fund 1/3; Sewage Fund 1/2; and Water Fund 1/6. The Clerk-Treasurer shall also receive Twelve (12) days paid vacation or sick- leave. The Clerk-Treasurer shall also receive $35.00 (Thirty-five dollars) worth of gas per month; two (2) oil & lube jobs and 1 (one) tune-up per year in exchange for using her vehicle for town purposes.

[Editor's Note: Section 2 (below) was amended by Ordinance #204.]

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $4.01 (four dollars and one cent) to come equally from Sewage and Water Funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy-Clerk-Treasurer shall have eight (8) paid vacation days or sick leave.

SECTION 3: The Town Marshal being a part-time position shall receive an hourly rate of $6.75 to be paid from the General Fund. The Marshal shall work twenty hours (20) per week, and have 20 hours paid vacation.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $6.50 (six dollars and fifty cents) to be paid from the General Fund. He shall work eight (8) hours per week which will be two-four hour days or as the Marshal shall mutually agree. The Deputy Marshal shall have 8 (eight) hours paid vacation.

SECTION 5: The Sewage Superintendent shall receive an hourly wage of $6.86 (six dollars and eighty-six cents) to be paid from the Sewage Fund. The Sewage Superintendent shall receive three weeks paid vacation or sick leave.

[Editor's Note: Section 6 (below) was amended by Ordinance #209.]

SECTION 6. The Supervisor of Operations shall receive a salary of $16,692.60 (Sixteen thousand six hundred ninety-two dollars and no cents) to be paid 1/2 from the Sewage Fund and 1/2 from the Motor Vehicle Highway Fund. He will also have three (3) weeks paid vacation or sick leave.

SECTION 7: Full time laborers shall receive an hourly rate of $6.06 (six dollars and six cents) to come equally from the Water and Sewage Funds The full time employees shall receive two (2) weeks paid vacation or sick leave.

SECTION 8: The Board of Trustees are also the Utility Boards which includes water and sewage and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees:

Water	$42.00
Sewage	64.00
General	304.00
Total	$410.00

B. Area Plan Representative:

Water	$42.00
Sewage	64.00
General	284.00
Total	$390.00

C. All other Trustees:

Water	$42.00
Sewage	64.00
General	204.00
Total	$310.00

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

SECTION 9: The Clerk-Treasurer shall be paid monthly.

The Supervisor of Operations shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Laborers shall be paid weekly.
The Deputy Clerk-Treasurer shall be paid weekly.
The Marshal shall be paid weekly.
The Deputy Marshal shall be paid monthly.
All temporary employees shall be paid weekly at mutually agreed hourly rates.

SECTION 10: The following are the 9 paid holidays which will be paid if it is a scheduled work day:

Washington's Birthday
Good Friday
Memorial Day
Independance Day

Labor Day
Thanksgiving Day
November 25
December 23
December 30

SECTION 11: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 7th DAY OF June , 1982.

Hugh Ralstin
Presiding Officer - Melvin Swisher

David Samuelson
Trustee

Chris S. Dare
Trustee

Elizabeth Frankenberger
Trustee

Melvin Swisher
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 197

AN ORDINANCE TO REPEAL ORDINANCE #190

AMENDING SALARY ORDINANCE # 185

[Editor's Note: As the Salary Ordinance (#185) and Amendment (#190) were replaced by a later Salary Ordinance, this Ordinance is no longer necessary.]

WHEREAS this amendment (Ordinance #190) is in conflict with State Laws governing salaries of elected officials.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana that: Ordinance #190 is hereby repealed.

Approved this 7th day of June 1982.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 193

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 1, and 3 OF

ORDINANCE NO. 169.

BE IT ORDAINED BY THE Board of Trustees of the Town of Battle Ground as follows:

Section I: That Section 1.2, Definitions, of Chapter 1 of Ordinance # 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following terms and their definitions:

"Manufactured home: means a single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 (U.S.C. 5401 et seq.), and which also complies with the following specifications:

a) Shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4

(d);

b) Is attached to a permanent foundation of masonry construction and has a permanent

perimeter enclousure constructed in

accordance with the One and Two Family

Dwelling Code;

c) Has wheels, axles and towing chassis removed;

d) Has a pitched roof with a minimum rise of 2/12; and,

e) Consists of two (2) or more sections which, when joined, have a minimum dimension of 20'

x 47.5' in length or width enclosing occupied space.

"Occupied space" means the total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

"One and Two Family Dwelling Code, Indiana: means the nationally recognized model building code adopted by the Indiana Administrative Building Council (ABC) as mandated by Public Law 360 Act of

1971, and, which includes those supplements and amendments promulgated by the ABC.

"Permanent Foundation: means a structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

"Permanent Perimeter Enclosure" means a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

"Section: means a unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

Section II: That Section 3.1, Primary Uses, of Chapter 3

of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"Manufactured home: to the Primary Use Table and establishing it as a primary use in all existing districts, except CB, SC, I and FP, wherein single family dwellings are not permitted.

Passed this the 6th day of July 1982.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Clerk-Treasurer - Judith E. Marks

ORDINANCE # 196

AN ORDINANCE TO TRANSFER CUMULATIVE CAPITAL

IMPROVEMENT FUNDS TO THE GENERAL FUND

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS the Cumulative Capital Improvement Fund will have funds amounting to ($8,500.00) Eight thousand five hundred dollars and no cents at the close of the 1982

year;

WHEREAS Cumulative Capital Improvement funds can be transferred to the General Fund.

NOW THEREFORE BE IT ORDAINED THAT: the sum of ($8,500.00) Eight Thousand Five Hundred dollars and no cents be transferred from the Cumulative Capital Improvement Fund to the General Fund on December 31, 1982.

APPROVED THIS THE 2nd DAY OF August 1982.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks - Clerk-Treasurer

ORDINANCE # 201

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 1 and 2 and the Table of Contents of ORDINANCE NO. 169-A.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA AS FOLLOWS:

SECTION I: That Section 1,2, Definitions, of Chapter 1 of Ordinance No. 169-A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"condominium: means real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium

instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners;

"parcel" means a piece of lane, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or the last division by recordation of a plat prior to the enactment of that ordinance provided such plat is not in violation of any previous ordinance;

"parcelization: means a division of land, complying fully with Section 3.5 of the Unified Subdivision Ordinance of Tippecanoe County and otherwise exempt from all other provisions of that ordinance, into tracts two (2) acres or more in size but less than ten (10) acres, up to a maximum of four (4) such divisions in any parcel of lane;

"subdivision" means the division of an existing parcel of land into at least two (2) smaller parcels so that either now or in the future the subdivider can do any of the following with one or more of the divided parcels:

1. transfer ownership
2. construct buildings
3. create new building sites for leasehold.

The actual location, shape and size of an existing parcel to be divided is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or by its last conditional transfer of ownership by recorded contract transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted. The following kinds of

divisions of existing parcels of land are exempt from the rules of the Unified Subdivision Ordinance of Tippecanoe County:

1. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size;
2. A division of land for the sale or

   exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;

3. A division of land pursuant to an

   allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;

4. A division of land for the acquisition of street right-of-way, or easement; and
5. A division of land for the sale or

   exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division.

Additionally, a division of land into tracts two (2) acres or more in size, up to a maximum of four (4) such divisions in any parcel of land which complies fully with Section 3.5 of the Unified Subdivision Ordinance of Tippecanoe County is exempt from all other provisions of that ordinance. Such a land division shall be called a parcelization;

SECTION II. That Section 2.5, Residential Subdivisions, of Chapter 2 of Ordinance No. 169-A

being the Unified Zoning Ordinance of Tippecanoe County, be amended to read as follows:

2.5 Subdivisions, Planned Developments and Condominiums

The subdivision of land pursuant to the requirements of the Subdivision Ordinance of the Cities of Lafayette and West Lafayette, the Towns of Battle Ground and Dayton, and Tippecanoe County, Indiana, shall be permitted in these districts: A, FP, FC, Rl, RlA, R2, R3, R4, CB, use of each of the proposed lots within a proposed subdivision shall govern the specific district or districts appropriate to the land to be subdivided, as per Section 3.1 of this ordinance.

However, the following classifications of subdivisions shall only be permitted in Rl, RlA, RlB, R2, R3 or R4

districts:

major subdivisions intended entirely for residential use, and any portions of major subdivisions intended for residential use; other subdivisions intended entirely for residential use granted preliminary plat approval by the Commission after may 1, 1975, and any portions of other subdivisions intened for residential use granted

preliminary plat approval by the Commision after May 1, 1975.

Planned Developments shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Section 5.2 of this ordinance. In order to provide greater design flexibility, and to encourage innovative land development techniques and a more efficient use of land, the design and development of uses within these districts may deviate from the standards prescribed by the Subdivision Ordinance.

Condominiums, as defined and regulated in IC 32-1-6

(the Horizontal Property Law), shall be considered for zoning purposes to be Planned Developments, and consequently shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Section 5.2 of this ordinance.

Section III. That the Table of Contents of Ordinance #169-A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by deleting:

Sec. 2.5 Residential Subdivisions 14

and adding:

Sec. 2.5 Subdivisions, Planned Developments and Condominiums 14

PASSED ON THIS 2nd DAY OF AUGUST 1982.

Hugh Ralstin
Presiding Officer

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 202

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTIONS 1,2,3,4,5 and 6 OF ORDINANCE NO. 169 KNOWN AS THE SUBDIVISION ORDINANCE OF THE CITIES OF LAFAYETTE

AND WEST LAFAYETTE, THE TOWNS OF BATTLE

GROUND AND DAYTON, AND TIPPECANOE COUNTY, INDIANA, BE AND IS HEREBY AMENDED AS FOLLOWS:

SECTION I: That Subsection 1.2 (3) Policy line 8 is hereby amended be replacing the word "Master" with "Comprehensive".

SECTION Ia: That Subsection 1.7 (2) (a) Interpretation, Conflict, and Separability, Conflict with Public and Private Provisions line 5 to be amended by adding a "."

"after law", deleting "whichever provisions are more", and adding "Where any provisions of this" before the word "ordinance" in line 6.

SECTION II: That Subsection 1.8 Saving Provision is amended by adding the following paragraph:

1.8 (4)
Any subdivision qualifying under paragraphs (1) or (2) of Subsection 1.8, having been granted either sketch plan, preliminary, or final approval under previous ordinances and prior to September 1, 1982, and subsequently having completed the requirements for recording under those ordinances, may be signed by the desiganted officials as having been granted secondary approval and permitted to record the plat.

SECTION III: That Subsection 1.13 (1) (c) Enforcement, Violations, and Penalties lines 5 and 6 be amended by deleting "and the conditions of final plat approval".

Section IV: That Subsection 1.13 (2) Enforcement.

Violations, and Penalties Limits of Land Transfers line 7

be amended by adding "by the designated officials and recorded" before "in accordance with the provisions of this ordinance".

SECTION V: That Subsection 2.2 Words and Terms Defined CERTIFICATE line 1 be amended by deleting the word "major", and by replacing the word "approved" with granted secondary approval".

SECTION VI: That Subsection 2.2 Words and Terms Defined be amended by adding after the definition of DEAD-END ROAD the following:

DESIGNATED OFFICIALS. The President and Secretary of the Tippecanoe County Area Plan Commission or their nominees who may sign subdivision documents per I.C.

36-7-4-700 SERIES-SUBDIVISION CONTROL.

SECTION VII: That Subsection 2.2 Words and Terms Defined FINAL SUBDIVISION PLAT be amended by changing lines 4 and 5

to read "secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for filing.

SECTION VIIa: That Subscetion 2.2 Words and Terms Defined be amended by adding the following:

INTERESTED PARTIES. As per I.C. 36-7-4-706, interested parties shall be those adjoining or adjacent property owners as shown on the sketch plan.

Section VIII: That Subsection 2.2 Words and Terms Defined PRELIMINARY SUBDIVISION PLAT line 1 be amended by deleting the word "preliminary".

SECTION IX: That Subsection 2.2 Words and Terms Defined PRELIMINARY SUBDIVISION PLAT

be amended by changing line 3 to read "subdivision meeting conditions of the Subdivision

Ordinance to be submitted to the Commission for primary approval and prepared by a Registered

Land Surveyor or Engineer".

SECTION X: That Subsection 2.2 Words and Terms Defined be amended by adding after the definition of PRELIMINARY

SUBDIVISION PLAT the following:

PRIMARY APPROVAL. An approval or approval with conditions imposed, granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed by the Unified Subdivision Ordinance per I.C. 36-7-4-700 SERIES-SUBDIVISION CONTROL.

SECTION XI: That Subsection 2.2 Words and Terms Defined Resubdivision line 1 be amended by replacing the ford "final" with "secondary".

SECTION XII: That Subsection 2.2 Words and Terms Defined be amended by adding the definition of ROAD RIGHT-OF-WAY

WIDTH the following:

SECONDARY APPROVAL. An approval granted to a subdivision with Primary Approval) found to be in conformance with the Primary Approval by the Staff, or the Commission at a Public Hearing, after adequate assurances have been provided to the Commission to cover the installation and completion of improvements in compliance with the ordinance, signed and certified by the Designated Officials to

permit recordation.

SECTION XIII: That Subsection 2.2 Words and Terms Defined SKETCH PLAN be amended by deleting "The initially submitted graphic representation of a proposed subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form" and adding the following:

The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.

SECTION XIV: That Subsection 3.2 (3) All Subdivisions: Sketch Plan Application Procedure Classification of Subdivision lines 8,9, and 10 be amended by deleting "No certificate of pproval as per Section A.l (7) shall be required for a minor subdivision."

SECTION XV: That Subsection 3.3 (1) Major Subdivisions General Procedures lines 13 and 14 be amended by replacing the words "found in compliance with the preliminary plat as approved by the Commission or otherwise approved" with "granted secondary approval and signed by the designated officials"; and line 15 be amended by deleting the words "signed and"; and adding per I.C. 36-7-4-700 SERIES-SUBDIVISION CONTROL after "recorded".

SECTION XVI: That Figure 2. MAJOR SUBDIVISION APPROVAL

PROCESS be amended by adding line and arrow to below "Subdivider requests & Commission holds hearing on compliance" and adding the words "At least 30 days" to said line.

SECTION XVII: That Subsection 3.3 (4) Major Subdivisions Preliminary Subdivision Plat Procedure be amended as follows:

(a) Submission Requirements line 4, add the word "primary" after the word "for"

(b) Placement on the Commission Agenda line 2, replace the words "preliminary plat" with "primary"

(c) Public Hearing Notification and Sign Posting Requirements line 5, replace the word "a" with "two" and replace the word "newspaper" with "newspapers"

(d) Public Hearing Notification and Sign Posting Requirements line 6, add "(per I.C. 5-3-1)" after the word "hearing"

(d) Public Hearing Notification and Sign Posting Requirements line 9, add "advising interested parties of the hearing," after the word "posters"

(d) Public hearing Notification and Sign Posting Requirements line 13, replace the word "proof"

with "proofs" and replace the word "notice" with "notices"

(d) Public Hearing Notification and Sign Posting Requirements line 14, replace the word "was" with

"were"

(d) Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least 10 days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the public hearing an affidavit so testifying.

(e) Approval of the Preliminary Plat, delete Subsection 3.3 (4) (e) and replace with the following:

3.3 (4) (e) Approval of the Preliminary Plat.

(Primary Approval) After the Commission has held a hearing upon the preliminary plat, the Staff's report, checkpoint recommendations, and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public meeting, grant primary approval, or disapprove the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days of the public hearing. Before the Commission grants primary approval of a plat showing park reservation or land for other local government unit, the Commission shall obtain approval of the park or land reservation from the participating jurisdiction. Primary approval by the Commission is subject to review by certiorari. Secondary approval of a subdivision cannot occur until a minimum of thirty (39) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708

(d).

(f) Field Trip line 3, replace the words "preliminary plat" with "primary"

(g) Effective Period of Preliminary Approval, delete Subsection 3.3 (4) (g) and replace with the following:

3.3 (4) (g) Effective Period of Primary Approval. Unless extended, the approval of a preliminary plat shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any plats not receiving secondary approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for sketch plan review and certificate subject to all the zoning restrictions and subdivision regulation and procedures in effect at the time of resubmission.

Upon request of the applicant the Commission may extend the primary approval of a plat in increments of two (2) years beyond an expiration date without further notice and public hearing.

SECTION XVIII: That Subsection 3.3 (5) Major Subdivisions Approval of Construction Plans be amended as follows:

(a) Submission Procedure and Requirements line 3, replace the words "final Plat" with "secondary"

(b) Review Process line 10, replace the words "final plat" with "secondary"

(c) Installation of Improvements lines 6,8, and 9, replace the words "final plat" in each line with "secondary"

SECTION XIX: That Subsection 3.3 (6) Major Subdivisions Final Subdivision Plat Procedure be amended as follows:

(a) Submission Requirements line 2, replace the words "Following approval of the preliminary plat and"

with "Following primary approval and approval of"

(a) Submission Requirements line 6, replace the word "final" with "secondary"

p class="back_2em"> (a) Submission Requirements line 13, add the word "final" after "the"

(a) Submission Requirements lines 15, 16, and 17, replace lines 15, 16, and 17 with the following:

(iv) Totally comply with the ordinance and the terms and conditions of primary approval.

(a) Submission Requirements lines 22, 23, 24, 25, and 26, delete the words "and shall include a provision that the principal of the bond shall comply with all terms of the resolution of the subdivision plat approval as determined by the Commission"

SECTION XX: That Subsection 3.3 (6) (b) Major Subdivisions Final Subdivision Plat Procedure, Determination of Conformance or Additional Approval be amended by deleting Subsection 3.3 (6) (b) and replacing it with the following:

3.3 (6) (b) Determination of Conformance (Secondary Approval). In order to be in conformance with the primary approval either by the Staff, or by the Commission at a public meeting. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is performed by the Staff, or by the Commission at a public meeting.

(i) Should the subdivider not choose Commission review, the Staff shall within ten (10) working days, review the items submitted as per Section 3.3 (6) (a) in order to ascertain conformance with the primary approval. If the submission is found to be in conformance and complete, the Staff shall recommend the signing of the certificate granting secondary approval.

(ii) Should the subdivider choose Commission review, the Commission shall perform the same function but at a public meeting. The subdivider shall request in writing Commission review no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on its next regular meeting agenda.

Staff shall review the proposal and submit a written report and recommendations to the Commission and the applicant; and the Commission, at the public meeting shall approve or disapprove the final plat. If granted secondary approval it shall be signed by the designated officials. If not granted secondary approval then the subdivider shall be informed as to the

insufficiency of his submittal.

SECTION XXI: That Subsection 3.3 (6) (c) Major Subdivisions Final Subdivision Plat Procedure, Sectionalizing Flats, be amended as follows:

Line 2, replace the word "final" with "secondary"

lines 18 and 19, replace the words "preliminary subdivision" with "primary"

SECTION XXII: That Subsection 3.3 (7) (a) Major Subdivisions Signing and Recording a Plat, Signing of Plat, be amended as follows:

lines 2 and 3, replace the words "president and Secretary of the Commission" with "designated officials"

line 4, add the word "secondary" before "approval"

lines 6 and 7, replace the words "all the conditions of the resolution pertaining to the preliminary plat"

with "all conditions of the primary approval"

line 10, replace the words "president and Secretary of the Commission" with designated officials"

line 11, add the word "secondary" before "approval"

line 13, replace the word "preliminary" with "primary"

SECTION XXIII: That Subsection 3.3 (7) (b) Major Subdivisions Signing and Recording a Plat, Assurance to Subdivider, be amended as follows:

line 3, replace the words "final plat" with "secondary"

line 5, replace the word "substantially" with "completely"

line 6, replace the words "preliminary plat as approved" with "primary approval"

line 7, delete the words "have no other recourse than to"

line 8 replace the words " final Plat" with "secondary"

SECTION XXIV: That Subsection 3.3 (7) (C) Major Subdivisions Signing and Recording a Plat, Recording of Plat, be amended as follows:

line 2, replace the words "President and Secretary"

with "designated officials"

line 3, add the words "granting secondary approval"

after "certificate"

lines 9 and 10, delete the words "the Executive Director:

line 10, add the words "in the presence of the Executive Director or his designee" after "subdivider"

SECTION XXV: That Subsection 3.4 Minor Subdivisions be amended as follows:

(1) General Procedures, line 8 replace words "and either approve conditionally approved or rejected" with "for primary approval"; lines 12

and 13, replace the words "found in compliance with the sketch plan or otherwise approved in order to be signed and" with "granted secondary approval and signed by the designated officials in order to be"; and adding after "recorded." per I.C. 36-7-4-700 SERIES-SUBDIVISION CONTROL.

(2) Official Submission Date and Placement on the Agenda, line 2, replace the words "sketch plan approval shall be submitted" with "primary approval of a minor subdivision sketch plan shall be submitted"

Add, after Subsection 3.4 (3) Sketch Plan Review Process, new subsections as follows:

(4) Staff Review.

Subsequent to placement on the agenda, and prior to the date of public hearing, the Commission's Staff shall review the proposal and prepare a final written report to the Commission and applicant indicating Staff's recommendation with regard to the

subdivision being proposed.

(5) Public Hearing Notification and Sign Posting Requirements. The Commission shall hold a public hearing on the sketch plan and notice of such hearing shall be in two local

newspapers of general circulation ten (10) days prior to the hearing (per I.C. 5-3-1) at the applicant's expense. At the time of the public hearing, the applicant shall submit an affidavit stating that the

applicant has placed posters advising

interested parties of the hearing provided by the Staff of the Commission at the

locations designated by the Staff on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10 days prior to the public hearing.

Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the Staff of the Commission at the locations

designated by the Staff on the proposed subdivision property at least ten (10) days prior to the public hearing and show proofs of publication that the notices of public hearing were published at least ten (10 days prior to the public hearing. Interested parties shall be notified by the applicant of the time, date, place, and purpose of the public hearing on the subdivision at least ten (10) days in advance of the hearing by certified mail. The applicant shall file with the Commission at the time of the

public hearing an affidavit so testifying.

Replace the number and words "(4) Approval of the Sketch Plan." with "(6) Approval of the Sketch Plan (Primary Approval)."

(6) Approval of the Sketch Plan (Primary Approval) line 6, delete the words "at a regularly scheduled meeting,"

(6) Approval of the Sketch Plan (Primary Approval) line 7, add the words "grant primary approval" delete. "approve, conditionally approve"

(6) Approval of the Sketch Plan (Primary Approval) line 12, add, after the words "the public meeting." the Following:

Primary approval by the Commission is subject to review by certiorari. Secondary approval of. a subdivision cannot occur until a minimum of. thirty (30) days has elapsed since the granting of primary approval, per I.C. 36-7-4-708 (d).

(5) Final Subdivision Plat Procedure, replace "(5)" with "(7)"

(7) (a) Final Subdivision Plat Procedure, Application Requirements, line 2, add the word "primary" after "Following"

(7) (a) Final Subdivision Plat Procedure, Application Requirements, line 5, replace the word "final" with "secondary"

(7) (a) (iii) line 1, add the word "final" after "of the"

(7) (a) (iv), replace "Substantially comply with the sketch plan as approved, and with conditions of any conditional approval fulfilled.: with "Totally comply with the ordinance and the terms and conditions of primary approval."

(7) (a) (v) lines 5,6,7,8, and 9, delete the words "and shall include a provision that the principal of the bond shall comply with all the terms of the resolution of the subdivision plat approval as determined by the Commission"

(7) (b) Final Subdivision Plat Procedure, Determination of Conformance or Additional Approval, replace the words "or Additional Approval" with "(Secondary Approval)"

(7) (b) line 3, delete the word "either"

(7) (b) line 4, replace the words "approved sketch plan"

with "primary approval either"

(7) (b) lines 5,6, and 7, replace the words "meeting, or if substantially different from the approved sketch plan, shall be approved by the Commission at a public meeting: with "meeting. If the final subdivision plat deviates from the sketch plan that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval."

(7) (b) line 9, replace the words "an approved sketch plan" with "the primary approval"

(7) (b) (i) line 3, add "," after "days"

(7) (b) (i) line 4, replace "3.4 (5) (a)" with "3.4 (7) (a)

(7) (b) (i) line 5, delete the words "their sufficiency as to"

(7) (b) (i) line 6, replace the words "approved sketch plan" with "primary approval"

(7) (b) (i) lines 8 and 9, replace the words "plat to allow it to be recorded" with "certificate granting secondary approval."

(7) (b) (ii) lines 14 and 15, replace the words "approved it shall ba signed by the President and Secretary of the Commission. If not approved" with "granted secondary approval it shall be signed by the designated officials.

If not granted secondary approval"

(7) (c) Final Subdivision Plat Procedure, Sectionalizing Plats, line 2, replace the word "final" with "secondary"

(6) Signing and Recording a Plat, replace "(6)" with "(8)

(8) (a) (i), replace entire paragraph beginning "When a bond is required" with the following:

When a bond is required, the designated officials shall endorse secondary approval on the plat after the bond has been approved, and all conditions of the primary approval have been satisfied.

(8) (a) (ii) line 2, replace the words "President and Secretary of the Commission" with "designated officials"

(8) (a) (ii) line 3, add "secondary" after "endorse", and add "by signing the certificate" after "plat"

(8) (a) (ii) line 4, replace the words "sketch plan" with "primary approval"

(8) (b) Assurance to Subdivider, line 3, replace the words "final Plat" with "secondary"

(8) (b) line 5, replace the word "substantially" with "completely"

(8) (b) line 6, replace the words "sketch plan as approved" with "primary approval"

(8) (b) line 7, delete the words "have no other recourse than to"

(8) (b) line 8, replace the word "final" with "secondary"

(8) (c) (i) lines 1 and 2, replace "President and Secretary shall endorse the approval by signing" with "designated officials shall sign the certificate granting secondary approval which shall be part of"

(8) (c) (ii) lines 1 and 2, replace "the Executive Director and the subdivider" with "the subdivider in the

presence of the Executive Director or his designee"

SECTION XXVI: That Figure 3. MINOR SUBDIVISION APPROVAL

PROCESS be amended by adding lines and arrows between "Commission or its Exec. Committee approves conditionally approves or rejects sketch plan" and "Subdivider requests &

Commission holds hearing on compliance" and adding the words "At least 30 days" to said lines.

SECTION XXVII. That Subsection 4.1 Improvements and Performance Bond be amended as follows:

(1) Completion of Improvements, line 2, replace "the plat is signed by the President and Secretary"

with "any final plats are submitted for secondary approval,"

(1) Completion of Improvements, line 3, delete the words "of the Commission"

(1) Completion of Improvements, lines 4 and 5, replace the words "the approval and this ordinance" with "primary approval, construction plan approval and this ordinance"

(1) Completion of Improvements, lines 7,8, and 9, add a period after the word "subdivision" and delete the remainder of the sentence.

(2) Performance Bond (a) line 3, replace the word "approval" with "submission".

(2) (a) line 14, replace "3.4 (6) (a) (i)"

with "3.4 (8) (a) (i)"

(2) (b) line 7, replace "3.4 (6) (a) (i)" with "3.4 (8) (a) (i)"

(2) (c) line 8, replace "3.4 (6) (a) (i) " with "3.4 (8) (a) (i)"

(2) (d) line 8, replace "3.4 (6) a) (i) " with "3.4 (8) (a) (i)"

(2) (e) line 7, replace the word "shall" with "may"

(2) (e) lines 8 and 9, replace the words "resolution approving the preliminary subdivision plat" with "primary approval"

(2) (e) line 10, insert a period after the word "bond"; replace the word "and" with "Bonds"

(2) (e) line 11, replace the word "final" with "secondary"

(4) Cost of Public Improvements, line 3, replace the word "applicant" with "subdivider"

(6) Failure to Complete Public Improvements, lines 4, 5, and 6, replace the words "the period specified by the Commission in the resolution approving the preliminary plat, or the sketch plan in the case of a minor subdivision, the" with "five (5) years of the date of primary approval, that"

(6) Failure to Complete Public Improvements, line 13, replace the words "final plat approval" with "primary approval and construction plan approval"

(7) Acceptance of Dedication Offers, line 2, insert the word "secondary" before the word

"approval"; insert the word "final" before the word "subdivision"

SECTION XXVIII. That Subsection 4.2 Inspection of Public Improvements be amended as follows:

(1) General Procedure, line 3, replace "3.4 (6) (a) (ii)" with "3.4 (8) (a) (ii)"

SECTION XXIX. That Subsection 4.3 Maintenance of Public Improvements be amended as follows:

(1) line 1, replace the word "applicant" with "subdivider"

(2) line 1, replace the word "applicant" with "subdivider"

SECTION XXX. That Subsection 4.4 Waiver of Required Public Improvements, line 1, be amended by replacing the word "preliminary" with "primary"

SECTION XXXI. That Subsection 4.5 Issuance of Building Permits, line 2, be amended by inserting the word "recorded"

after the word "final"

SECTION XXXII. That Subsection 5.1 General Improvements (7) Subdivision Name, line 7, be amended by replacing the words "sketch plan" with "the time of primary"

SECTION XXXIII. That Subsection 5.3 Roads be amended as follows:

(1) General Requirements, (f) Road Names, line 4, replace the words "preliminary subdivision approve" with "primary approval specify"

(2) Design Standards, (b) Road Surfacing and Improvements, line 15, replace the words "for Plat" with "prior to secondary"

SECTION XXXIV. That Subsection 5.4 Drainage and Storm Sewers, (2) Nature of Storm Water Facilities, (3) Effect on Downstream Drainage Areas, be amended as follows:

line 12, insert the word "primary" after the word "withhold"

line 14, insert the words "granted primary" after the words "shall be"

ine 15, replace the word "approved" with "approval"

Section XXXV. That Subsection 5.7 Sidewalks, (2) Pedestrian Accesses, line 6, be amended by replacing the words "the plat" with "preliminary and final plats."

SECTION XXXVI. That Subsection 5.8 Utilities, (2) Easements, be amended as follows:

line 4, insert the words "and Drainage;" after "municipal)"

line 12, replace the words "the plat" with "preliminary and final plats."

SECTION XXXVII. That Subsection 5.9 Parks, Playgrounds, Recreation Areas and Other Community Facilities, (6) Maintenance of Reserved Lane, line 3, be amended by replacing the word "preliminary" with "primary"

SECTION XXXVIII. That Subsection 5.11 Nonresidential Subdivisions be amended as follows:

(1) General, line 8, replace the words "preliminary plat" with "primary"

(1) General, line 13, replace the words, "final plat"

with "secondary"

(1) General, line 15, replace the words "preliminary plat" with "primary"

(1) General, line 26, insert a comma after the word "changed" and delete the words "by the final plat,"

(2) Standards, (b) lines 1 and 2, replace the words "final plat" with "secondary"

SECTION XXXIX: That Subsection 6.1 Sketch Plan, (1) Name, (b) line 4, be amended by inserting "or secondary approval;" after the word "approval"

SECTION XXXIXa: That Subsection 6.1 Sketch Plan, (4) Features (a) line 5 be amended by inserting "and addresses"

after the word "names

SECTION XL. That Subsection 6.2 Preliminary Plat, (2) Features, (j) line 2 be amended by replacing the word "as"

with "to be"

SECTION XLI: That Subsection 6.4 Final Subdivision Plat, (1) General, be amended by replacing lines 3,4,5,6, and 7

with the following:

tracing cloth or reproducible mylar at an appropriate scale on sheets not larger than twenty-four by thirty six (24 x 36) inches, and show any changes or additions required by the conditions of primary approval. All revision dates must be shown as well as the following:

SECTION XLII. That Appendix A. REQUIRED FORMS AND

CERTIFICATES, A.l, be amended as follows:

Delete lines 7,8,9,10,11,12,13, and 14 and replace with the following:

(1) Application for Sketch Plan Review, Primary Approval and Certificate;

(2) Application for Major Sketch Plan Review and Certificate;

(3) Request for Primary Approval of a Major Subdivision Plat;

(4) Notice of Public Hearing on Subdivision Plat;

(5) Notice of Public Hearing Release Form;

(6) Sign Posting Affidavit

(7) Request for Secondary Approval of Subdivision Flat;

(8) Certificate of Approval;

Hugh Ralstin
Presiding Officer - Hugh Ralstin

David Samuelson
Trustee - David Samuelson

Chris S. Dare
Trustee - Christopher Dare

Melvin Swisher
Trustee - Melvin Swisher

Elizabeth Frankenberger
Trustee - Elizabeth Frankenberger

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

PASSED ON THIS 7th DAY

OF September , 1982 BY THE

BOARD OF TRUSTEES, TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA.

ORDINANCE NO 195

AN ORDINANCE RE-ESTABLISHING AND RE-DISTRICTING WARD BOUNDARIES OF THE TOWN OF

BATTLE GROUND, INDIANA

[Editor's Note: This ordinance has been over-ridden, most recently by # 02-406.

WHEREAS the Town of Battle Ground, Indiana is an incorporated town,

WHEREAS the Trustees of any incorporated town may at any time, sixty days or more preceding an election for town officers, re-district the town;

WHEREAS the Town Trustees of the Town of Battle Ground, Indiana deem it advisable and to the best interest of the residents of the Town to re-establish and re-district the Town of Battle Ground, Indiana;

NOW THEREFORE, BE IT ORDAINED that the Town of Battle Ground, Indiana shall and does now consist of five (5) wards, the boundaries of which are as follows:

WARD NUMBER ONE (1):

Ward number one shall consist of that area of the Town of Battle Ground which lies west of a line described as follows: Beginning at a point on the center line of Battle Ground Avenue extended to intersect the centerline of Burnett's creek, thence southeast along the centerline of Battle Ground Avenue to the centerline of College Avenue extended, thence northeast along the centerline of College Avenue extended and continuing northeast along the centerline of College Avenue to the centerline of Jewett Street., thence southeast along the centerline of Jewett Street to the centerline of Winans Street, thence northeast along the centerline of Winans Street to the Southwestern boundary line of lot 40 of the original plat of the Town of Battle Ground, thence southeast along said line to the centerline of Railroad Street,-

thence northeast along the centerline of Railroad Street two hundred seventy five feet (275'), thence Northwest parallel to the southwestern lot line of lot 40 of the original plat of the Town of Battle Ground to the centerline of Burnett's Creek.

WARD NUMBER TWO (2):

Ward number two shall consist of that area of the Town of Battle Ground which lies east and south of a line described as follows: Beginning at a point on the centerline of Battle Ground Avenue intersecting the centerline of Railroad Street, thence North West along the centerline of Battle Ground Avenue to the centerline of College Avenue extended, thence Northeast along the centerline of College Avenue extended and continuing northeast along the centerline of College Avenue to the centerline of Jewett Street, thence southeast along the centerline of Jewett Street to the centerline of Winans Street, thence northeast along the centerline of Winans Street to the southwest boundary line of east along the centerline of Winans Street to the southwest boundary line of Lot 40 of the original plat of the Town of Battle Ground, thence Southeast along the southwest lot line of lot 40 to the centerline of Railroad Street, thence northeast along the centerline of Railroad Street to the southern lot line of lot 1 in Winans Addition to the Town of Battle Ground, extended, thence northeast along the southern line of lot 1 to the centerline of Jefferson Street,

thence southeast along the centerline of Jefferson Street to the centerline of an alley which lies along the northern boundary of lot 2

in Harrisonville, now a part of the town of Battle Ground, extended, thence northeast along said centerline to the centerline of Tippecanoe Street, thence southeast along the centerline of Tippecanoe Street to the centerline of Main Street, Thence Southwest along the centerline of Main Street to the centerline of an alley, which lies between lots 8 and 9 in Taylors Addition to the Town of Battle Ground, extended, thence southeast along said centerline of the alley and continuing along said line extended to its intersection with the southern corporation line of the Town of Battle Ground.

WARD NUMBER THREE (3):

Ward number three consists of that area of Battle Ground described as follows: Beginning at a point on the centerline of Main Street which intersects the centerline of an alley which lies between lots 8 & 9

in Taylors Addition to the Town of Battle Ground extended, thence northeast along the centerline of Main Street to the centerline of Tippecanoe Street, thence northwest along the centerline of Tippecanoe Street to the centerline of an alley which lies north of lot 6 in Harrisonville, now a part of the Town of Battle Ground, thence southwest along the centerline of said alley to the centerline of Jefferson Street, thence northwest along the centerline of Jefferson Street and continuing north along the centerline of Jefferson Street to the centerline of an alley which lies between lots 37 and 45 in the School Park Addition to the Town of Battle Ground, thence east along the centerline of said alley to the centerline of an alley which lies between lots 37 and 41 in the School Park Addition, thence north along said alley to the centerline of an alley which lies between lots 38

and 31 in the School Park Addition, thence east along said centerline to the centerline of Tippecanoe Street, thence North along the centerline of Tippecanoe Street to the centerline of Sherman Street, thence east along the centerline of Sherman Street to the centerline of Tomahawk Lane, thence north along the centerline of Tomahawk Lane to the southern boundary of Lot 32 extended, thence east along the south boundary of Tomahawk Heights Subdivision to the southeast corner of lot 27, thence south following the boundary of Tomahawk Heights Subdivision extended to the centerline of Sherman Street, thence southeast along the centerline of Sherman Street to the centerline of Main Street, thence southwest along the center line of Main Street to the northeast lot line of lot 37 in Harrisonville, now a part of Battle Ground, extended, thence southeast along the northeast lot line of lot 37 and continuing along said line extended to its intersection with the southeast corporation line of the Town of Battle Ground, thence southwest along said line to its intersection with the centerline of an alley which lies between lots 8 and 9

in Taylors Addition to the Town of Battle Ground, thence northwest along said line to the point of beginning.

WARD NUMBER FOUR (4):

Ward number four shall consist of that area of the Town of Battle Ground which lies north and west of the following described line: Beginning at the point on the northern corporation line of the Town of Battle Ground being the northeast corner of lot 8 in Collins Realty Subdivision, thence south along the eastern boundary of Collins Realty Subdivision to the centerline of Sherman Street, thence west along the centerline of Sherman Street to the centerline of Tippecanoe Street, thence south along the centerline of Tippecanoe Street to the centerline of an alley which lies between lots 30 and 38 in the School Park

Addition extended, thence west along the centerline of said alley to the centerline of an alley which lies between lots 38 and 34 in the School Park Addition, thence west along the centerline of said alley to the centerline of Jefferson Street, thence south along the centerline of Jefferson Street to the southern lot line of lot 1 in Winans Addition extended, thence southwest along said lot line to the centerline of railroad Street, thence northeast along the centerline of Railroad Street 125', thence northwest parallel to the southwestern lot line of lot 40, in the original plat of Battle Ground, to the centerline of Burnett's Creek.

WARD NUMBER FIVE (5):

Ward number five shall consist of that area of the Town of Battle Ground which lies east and north of the following described line: Beginning at a point on the northern corporation line of the Town of Battle Ground also being the northeastern corner of lot 8 in Collins Realty Subdivision, thence south along the eastern boundary of Collins Realty Subdivision to the centerline of Sherman Street, thence, east along the centerline of Sherman Street to the centerline of Tomahawk Lane, thence North along the centerline of Tomahawk Lane to the southern boundary of Lot 32 in Tomahawk Heights Subdivision extended, thence east along the southern line of Tomahawk Heights subdivision to the southeast corner of lot 27, thence south following the boundary of Tomahawk Heights Subdivision extended to the centerline of Sherman Street, thence southeast along the centerline of Sherman Street to the centerline of Main Street, thence southwest along the centerline of Main Street to the southwestern lot line of lot 36 in Harrisonville, now a part of the Town of Battle Ground, extended, thence southeast along said lot line to the southeast corporation line of the Town of Battle Ground.

Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS 4th DAY OF October 1982

Hugh Ralstin
Hugh Ralstin, President

Melvin Swisher
Melvin Swisher, Trustee

David Samuelson
David Samuelson, Trustee

Elizabeth Frankenberger
Elizabeth Frankenberger, Trustee

Chris S. Dare
Christopher Dare, Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO 199

[Editor's Note: Replaced by Ordinance #205.]

AN ORDINANCE TO AMEND AN ORDINANCE LICENSING

AND REGULATING THE KEEPING OF DOGS AND CATS

WITHIN BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND PROVIDING THE PENALTIES FOR THE

VIOLATION THEREOF.

WHEREAS, an Ordinance #160 licensing and regulating domestic animals was duly passed by the Town of Battle Ground on September 12, 1977, and

WHEREAS, said Ordinance specified fines in the amounts of Five Dollars ($5.00) and Twenty-five Dollars ($25.00), and

WHEREAS, said amounts are no longer adequate to cover administrative expenses of enforcing said ordinance, and

WHEREAS, it is deemed necessary and proper to amend Sections of Ordinance #160 by raising the amount of the fine imposed thereunder.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana, that Section 5 of the Ordinance #160 shall be amended as hereinafter set forth.

SECTION 5. It shall be the duty of the dog warden of Battle Ground City, Indiana and his assistants to enforce the provisions of Section 1 of this ordinance and to impound at the humane shelter all dogs at large not conforming to Section 1 hereof. Such impounded dogs may be redeemed by the owner within seventy-two (72) hours by the payment to the Clerk-Treasurer of a redemption fee of Fifteen Dollars ($15.00) for the first occurrence per animal in one year, Twenty- Five Dollars ($25.00) for any second occurrence within one (1) year, Thirty-Five Dollars ($35.00) for any third or subsequent occurrence within one (1) year, plus the regular license fee as required by Tippecanoe County ordinance, if not already obtained. In addition thereto said dog shall be inoculated against the disease of rabies by a duly licensed veterinarian upon a date not more than six (6) months prior thereto. In the event said dog has not been so inoculated, then said owner shall furnish verified evidence of his intention to have said dog inoculated immediately upon its release from impoundment.

Upon presentment of the receipt of the Clerk-Treasurer for the impounding and license fees, and the furnishing of proof of inoculation or verified evidence of intention to inoculate said impounded dog, such impounded dog shall be released to the owner. All such fees paid to the Clerk-Treasurer shall revert to the General Fund. All impounded dogs not redeemed within seventy-two (72) hours may be destroyed in a humane manner. No dogs being held for observation shall be released or destroyed until the expiration of the observation period. It shall be unlawful for any person to hinder, molest or interfere with any person authorized to perform any duty described under this section.

Any person violating or failing to comply with this Ordinance, and any person who shall furnish a verified statement of intention to have his or her dog inoculated against rabies, to secure release of said dog, and shall then fail, neglect or refuse to have said dog so inoculated against rabies shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not less than Five Dollars ($5.00) nor more than Fifth Dollars ($50.00).

The Court in its discretion, however, upon the conviction of any person violating Section 2 of this Ordinance, may order any dog that is vicious or a dog that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping causes any annoyance or disturbance as described in Section 2 hereof, turned over to the humane society of Tippecanoe County, Indiana, to be disposed of by said society.

APPROVED this the 4 day of October , 1982.

Hugh Ralstin
Presiding Officer

Chris S. Dare
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO: 200

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING ORDINANCE #169A OF THE

TOWN OF BATTLE GROUND, INDIANA, BEING THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE

COUNTY, INDIANA, TO REZONE CERTAIN REAL

ESTATE FROM R1 B to FC.

Be it ordained by the Town Trustees of the Town of Battle Ground, Tippecanoe County, Indiana:

Section I: A part of Ordinance #l69A of the Town of Battle Ground, Indiana, being the Unified Zoning Ordinance of Tippecanoe County, Indiana, is hereby amended to rezone the following described real estate in the Town of Battle Ground, Tippecanoe County, Indiana, to wit:

A part of Lots 26, 27, and 34 in the Original Plat of the Town of Battle Ground as follows: Beginning at a point being the southwestern corner of Lot 26, thence southwesterly following the southwestern boundary of Lot 27, 10 ft., thence northeasterly parallel to the south property line of Lot 26, 135 ft., thence northwesterly creating a strip of property 135 ft. wide to a point 70 ft. south of the northwestern boundary line of Lot 26, thence southwesterly, parallel to the northwestern boundary line of Lot 26 to the southwest boundary line of Lot 26, thence southeast along said lot line to the point of beginning.

Section II. The above described real estate should be and same is hereby rezoned from R1 B to FC.

Section III: This Ordinance shall be in full force and effect from and after its passage by the Town Trustees of Battle Ground.

PASSED AND ADOPTED BY THE TOWN TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, on the 4th day of October, 1982.

Hugh Ralstin

Hugh Ralstin, Presiding Officer

David Samuelson
David Samuelson, Trustee

Elizabeth Frankenberger
Elizabeth Frankenberger, Trustee

Melvin Swisher
Melvin Swisher, Trustee

Chris S. Dare
Christopher Dare, Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 203

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 2 OF ORDINANCE

NO. 169A, BE IT ORDAINED BY THE BOARD OF

TRUSTEES OF BATTLE GROUND, INDIANA, AS

FOLLOWS:

SECTION I: That Section 2.4, Boundaries: Flood Plain Districts, of Chapter 2 of Ordinance No. 169A being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following to paragraph two:

District." 'Should an area, certified as having natural ground elevation at or above that of the regulatory flood, be adjacent to no district other than flood plain (i.e., surrounded by flood plain), it will be designated FC, Forestry Conservation, until or unless the legislative body alters that designation by ordinance.

However, in the case of islands created by fill material only those islands located in the floodway fringe will be re-designated. Islands created in the floodway will still be considered part of the floodway. However, in no case shall an area derive FC zoning from its adjacency to land removed by certification from the FP

district if the area also abuts another zoning classification. It shall derive its zoning from the adjacent district.'

Buildings permitted on lands . . . . . .

PASSED THIS 6th DAY

OF December 1982.

Hugh Ralstin
Hugh Ralstin - Presiding Officer

David Samuelson
David Samuelson - Trustee

Elizabeth Frankenberger
Elizabeth Frankenberger - Trustee

Melvin Swisher
Melvin Swisher - Trustee

Chris S. Dare
Christopher Dare - Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 204

AN ORDINANCE TO AMEND ORDINANCE #194 FIXING

THE MAXIMUM ANNUAL SALARIES

[Editor's Note: This ordinance was replaced by Ordinance #206]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

Amend Section 2: to read as follows:

The Deputy Clerk-Treasurer shall receive an hourly rate of $4.75 (four dollars and seventy-five cents) to come equally from Sewage and Water funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy Clerk-Treasurer shall have eight (8) days paid vacation or sick leave.

PASSED ON THIS THE 6th DAY OF DECEMBER, 1982.

Hugh Ralstin
Presiding Officer, Hugh Ralstin

Trustee

Melvin Swisher
Trustee

David Samuelson
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE #206

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1984.

[Editor's Note: This ordinance was replaced by Ordinance #216]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $5.75 not to exceed $12,000.00 (Twelve thousand dollars) annually to be paid from the following funds: General Fund 1/3; Sewage Fund 1/2; and Water Fund 1/6. The Clerk-Treasurer shall also receive Twelve (12) days paid vacation or sick leave. The Clerk-Treasurer shall also receive one (1) tank of gas per month (not to exceed $35.00); Two (2) oil and lube jobs and one (1) tune-up per year in exchange for using her vehicle for town purposes.

[Editor's Note: Section 2 (below) was amended by Ordinance #210.]

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $4.75 (four dollars and seventy-five cents) to come equally from Sewage and Water Funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy Clerk-Treasurer shall have ten (10) days paid vacation or sick leave.

SECTION 3: The Town Marshal being a part-time position shall receive an hourly rate of $6.75 (Six dollars and seventy-five cents) to be paid from the General Fund. The Marshal shall work twenty hours (20) per week, and have 20

hours paid vacation.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $6.50 (six dollars and fifty cents)to be paid from the General Fund. He shall work eight (8) hours per week which will be two-four hour days or as the Marshal shall mutually agree. The Deputy Marshal shall have 8 hours paid vacation.

SECTION 5: The Sewage Superintendent shall receive an hourly wage of $6.86 (six dollars and eighty-six cents) to be paid from the Sewage Fund. He shall receive one pair of steel-toed boots not to exceed $75.00. The Sewage Superintendent shall have uniform service paid for by the town and (1/2) one-half of yearly medical insurance premiums. The Sewage Superintendent shall receive three (3) weeks paid

vacation or sick leave.

SECTION 6: The Supervisor of Operations shall receive a salary of $16,692.00 (sixteen thousand six hundred ninety-two dollars and no cents) to be paid part out of Sewage and Motor Vehicle Highway Funds to be determined as funds are available. He shall receive one (1) pair of steel-toed boots not to exceed $75.00. The Supervisor of Operations will also have (3) three weeks paid vacation or sick leave.

SECTION 7: Full-time laborers shall receive an hourly rate of $6.06 (six dollars and six cents) to come equally from the Water and Sewage Funds. They shall receive one pair of steel-toed boots not to exceed $75.00. The full-time laborers shall also receive uniform service paid by the town and one-half (1/2) of medical insurance premiums yearly. The full-time employees shall receive (12) days paid vacation or sick leave.

SECTION 8: The Board of Trustees are also the Utility Boards which includes Water and Sewage and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees

Water	$42.00
Sewage	64.00
General	304.00
Total	$410.00

B. Area Plan Representative

Water	$42.00
Sewage	64.00
General	284.00
Total	$390.00

C. All other Trustees

Water	$42.00
Sewage	64.00
General	204.00
Total	$310.00

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

SECTION 9: The Clerk-Treasurer shall be paid monthly.

The Supervisor of Operations shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Laborers shall be paid weekly.
The Deputy Clerk-Treasurer shall be paid weekly.
The Marshal shall be paid weekly.
The Deputy Marshal shall be paid monthly.
All temporary employees shall be paid weekly at mutually agreed hourly rates.

SECTION 10: The following are the 10 (ten) paid holidays which will be paid if it is a scheduled work

day:

Washington's Birthday
Good Friday
Memorial Day
July 2 - Independance Day
Labor Day
Thanksgiving Day
November 23
Christmas Eve
Christmas Day
New Years Eve

SECTION 11: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 6th DAY OF JUNE, 1983.

Hugh Ralstin
Presiding Officer

David Samuelson
Trustee

Melvin Swisher
Trustee

Jean Smith
Trustee

Elizabeth Frankenberger
Trustee

ATTEST:

Judith E. Marks

Judith Marks, Clerk-Treasurer

ORDINANCE NO. 205

[Editor's Note: This ordinance was amended by Ordinance #218, replaced by Ordinance #248.] and then replaced by Ordinance #252.]

AN ORDINANCE LICENSING AND REGULATING THE

KEEPING OF DOMESTIC ANIMALS WITHIN BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, AND

PROVIDING THE PENALTIES FOR THE VIOLATION

THEREOF.

SECTION 1: It shall be unlawful for any person owning or harboring a domestic animal six (6) months of age or more to permit said animal to run at large upon the streets or other public places in Battle Ground. In addition, all dogs must be licensed by Tippecanoe County.

SECTION 2: It shall be unlawful for any person to harbor or keep within the Town of Battle Ground any animal that is vicious or that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping shall cause serious annoyance or disturbance to the neighborhood.

SECTION 3: For the purpose of this Ordinance the following words shall have the meanings prescribed to them herein:

1. Vicious animal for the purpose of this ordinance, shall mean any animal that has been known to have bitten a human being, inflicting a personal injury, or an animal who promiscuously attacks other animals.

2. Nuisance, as used in this ordinance, shall mean a condition which arises by an animal barking or howling consistently so as to disturb the peace and quiet of the surrounding neighborhood, or an animal who consistently or at intervals chases bicycles, automobiles or people walking on the street or sidewalks or the community, or any other condition created by an animal which results in the general discomfort of citizens in the community where said animal is harbored.

SECTION 4: It shall be unlawful for any person owning or harboring an animal to permit said animal to run at large.

Animals are to be confined to owners property or on leash when being walked. Fines for violation of this section are stated in Section 6, of this ordinance.

SECTION 5: Any person who shall allow any animal to remain and be lodged and fed within his house and yard, store or enclosure shall be considered as harboring the same within the meaning of this ordinance.

SECTION 6: It shall be the duty of the animal warden of the Town of Battle Ground, Indiana and his assistants to enforce the provisions of this ordinance and to impound at the humane shelter all animals at

large not conforming to this ordinance. Such impounded animals may be redeemed by the owner within seventy-two (72) hours by the payment to the Clerk-Treasurer of a redemption fee of Fifteen Dollars ($15.00) for the first occurrence per animal in one year, Twenty-five Dollars ($25.00) for any second occurrence within one (1) year, Thirty-five Dollars ($35.00) for any third or subsequent occurrence within one (1) year as required by this ordinance. In addition thereto said animal shall be inoculated against the disease of rabies by a duly licensed veterinarian upon a date not more than six (6) months prior thereto. In the event said animal has not been so inoculated, then said owner shall furnish verified evidence of his intention to have said animal inoculated immediately upon its release from impoundment.

Upon presentment of a receipt from the Clerk-Treasurer for the impounding, and the furnishing of proof of inoculation or verified evidence of intention to inoculate said impounded animal, such impounded animal shall be released to the owner. All such fees paid to the Clerk-Treasurer shall revert to the General Fund. All impounded animals not redeemed within seventy-two (72) hours may be destroyed in a humane manner. No animal being held for observation shall be released or destroyed until the expiration of the observation period. It shall be unlawful for any person to hinder, molest or interfere with any person authorized to perform any duty described under this ordinance.

Any person violating or failing to comply with this ordinance, and any person who shall furnish a verified statement of intention to have his or her animal inoculated against rabies, to secure release of said animal, and shall then fail, neglect or refuse to have said animal so inoculated against rabies, to secure release of said animal, and shall then fail, neglect or refuse to have said animal so inoculated against rabies shall be guilty of a misdemeanors and upon conviction, shall be fined a sum not less than Five Dollars ($5.00) nor more than Fifty Dollars ($50.00).

The Court in its discretion, how ever, upon the conviction of any person violating Section 2 or 4 of this Ordinance, may order any animal that is vicious or an animal that creates a nuisance, or which by loud and frequent or habitual barking, noisemaking, howling, or yelping causes any annoyance or disturbance as described in Section 2, or any animal which is permitted to run at large or not confined to a leash or the owners property as described in Section 4 hereof, turned over to the humane society of Tippecanoe County, Indiana, to be disposed of by said society.

SECTION 7: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void. This ordinance replaces ordinance

160 and

184 and

199.

APPROVED THIS THE

5th DAY OF

July , 1983.

Hugh Ralstin
Presiding Officer

Elizabeth Frankenberger
Trustee

David Samuelson
Trustee

Melvin Swisher
Trustee

Jean Smith
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 209

AN ORDINANCE TO AMEND ORDINANCE 194 FIXING

THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK-TREASURER OF THE TOWN OF BATTLE

GROUND, TIPPECANOE, COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1983.

[Editor's Note: This ordinance was replaced by Ordinance #216]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 6 of Ordinance #209 be amended to read as follows:

SECTION 6: The supervisor of Operations shall receive a salary of $16,692.00 Sixteen thousand six hundred ninety-two dollars and no cents) to be paid as funds are available from the Motor Vehicle Highway Fund and Sewage Operating Fund. He will also receive one pair of steel toed boots not to excess $75.00 and he will also have three (3) weeks paid vacation or sick leave.

The supervisor of operations shall have uniform service paid for by the town.

PASSED THIS THE 5th DAY OF JULY, 1983.

Hugh Ralstin
Presiding Officer

David Samuelson
Trustee

Elizabeth Frankenberger
Trustee

Melvin Swisher
Trustee

Jean Smith
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE #210

AN ORDINANCE AMENDING ORDINANCE #206 FIXING

THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK-TREASURER OF THE TOWN OF BATTLE

GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES OF THE BOARD OF

TRUSTEES FOR THE YEAR 1984:

[Editor's Note: This ordinance was replaced by Ordinance #216]

BE IT ORDAINED by the Board of Trustees of the Town of Battle Ground, Indiana, that:

SECTION 2 for Ordinance #206 be changed to read as follows:

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $4.75 (four dollars and seventy-five cents) to come equally from Sewage and Water Funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy Clerk-Treasurer shall have ten (10) days paid vacation or sick leave and one half (1/2) medical insurance yearly premiums paid by the Town.

PASSED THIS THE 5th DAY OF JULY, 1983.

Hugh Ralstin
Presiding Officer

David Samuelson
Trustee

Elizabeth Frankenberger
Trustee

Melvin Swisher
Trustee

Jean Smith
Trustee

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 208

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 2 and 3 of ORDINANCE #169

BE IT ORDAINED BY THE Board of Trustees of the Town of Battle Ground, as follows:

Section I: That Section 2.1, Kinds of Districts: Establishment, of Chapter 2 of Ordinance No. 169 being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by deleting paragraph (3) and inserting the following:

(3) Forestry Conservation Districts, designated "FC", are established to include areas containing sloped and wooded land, where little or no urbanization has occurred or is planned to occur , and where conservation of natural vegetation, soils and water is desirable yet compatible with the broad range of agricultural operations, many recreational uses and limited residential use.

Section II: That the columns headed FC in the table accompanying Section 3.1 Primary Uses, of Chapter 3 of Ordinance No. 169 being the Unified Zoning Ordinance Of Tippecanoe County, be and are hereby amended by:

deleting the X's heretofore authorizing the following uses:

Fraternity or sorority (Lafayette only)
Fraternity or sorority or student cooperative (Tipp. Co., W. Laf., Dayton, B.G.)
Home for the aged
Nursing Home
University or college
Public parking area (Business uses: Automobile services) deleting the S's heretofore permitting the following uses upon grant of Special Exception:

Junk yard
Manufacturing, storage or use of explosives
Slaughter house
Other uses not specified (industrial uses)
Airport or heliport
Penal or correctional institution
Public or commercial sanitary fill, refuse dump, or garbage disposal plant
Hospital
Mortuary

adding X's thus authorizing the following uses:

Shared housing

Kindergarten or day nursery

adding S's thus permitting the following uses upon grant of Special Exception:

Public or employee parking area (Public facilities)
Lodge or private club
Cemetery or crematory
Commercial facility for breeding and raising non-farm fowl and animals
Recreational vehicle park
Sales barn for livestock resale

changing S to X for the following use:

Roadside food sales stand

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS

1st DAY OF August ,1983.

Hugh Ralstin

David Samuelson

Melvin Swisher

Jean Smith

Elizabeth Frankenberger

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 211

ADDITIONAL APPROPRIATION ORDINANCE FOR TOWN

OF BATTLE GROUND, MOTOR VEHICLE HIGHWAY FUND

#211

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, IT HAS BEEN DETERMINED THAT IT IS NOW

NECESSARY TO APPROPRIATE MORE MONEY THAN WAS APPROPRIATED

IN THE ANNUAL BUDGET: NOW, THEREFORE:

SECTION I: BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA THAT

FOR THE EXPENSES OF SAID MUNICIPAL CORPORATION, THE

FOLLOWING ADDITIONAL SUMS OF MONEY 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:

Fund:	Amount Requested	Amount Appropriated
100 Personal Services (Motor Vehicle Highway Fund)	$5,000.00	$5,000.00

SECTION II. WHEREAS, IT HAS BEEN SHOWN THAT ADDITIONAL

FUNDS ARE AVAILABLE AND UN-APPROPRIATED, NOW THEREFORE BE

IT ORDAINED THAT $5,000.00 (five thousand dollars) BE

APPROPRIATED FOR MOTOR VEHICLE HIGHWAY FUND, 100 PERSONAL

SERVICES:

ADOPTED THIS 1st DAY

OF August , 1983.

Hugh Ralstin

David Samuelson

Elizabeth Frankenberger

Melvin Swisher

Jean Smith

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO 212

[Editor's Note: This ordinance was not adopted.]

Proposal "A"

PREAMBLE

WHEREAS "Portable Signs"' as defined herein are a distraction and hazard to the safety of the traveling public by reason of their placement and the changing nature of their message; and

WHEREAS they are designed and placed so as to attract maximum attention in locations where distraction of the motoring public leads to traffic accident situations and an inability to safely enter the traffic flow; and,

WHEREAS portable signs are not permanently and securely affixed to the ground, and have been known to become dislodged and moved by inclement weather into the adjacent traveled ways where they become obvious impediments to traffic flow:

Therefore it is hereby recommended, such recommendation being in accord with creating a safer environment by reducing potential traffic hazards, abating a nuisance, and creating a positive economic and business environment by allowing advertising on an equitable basis as established by the terms of Unified Zoning Ordinance Section 4.17 (d), that the following Ordinance be adopted as an Amendment to the Unified Zoning Ordinance of Tippecanoe County:

ORDINANCE NO 212

AN ORDINANCE AMENDING CHAPTERS 1 AND 4 OF

ORDINANCE NO._____, BE IT ORDAINED BY THE

_____ OF _____, AS FOLLOWS:

SECTION I: That Section 1.2 Definitions of Chapter 1 of Ordinance No. _____ being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by inserting the following:

"Sign, Portable" means a free-standing, on-premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie-down straps or stakes;

SECTION II: that Section 1.2 Definitions be amended by deleting "Sign, Temporary";

SECTION III: that Section 4.17 (a) (3) of Chapter 4 Use Requirements be amended to read as follows:

(3) No exterior sign shall be permitted to display flashing, intermittent, revolving, or animated lighting or illumination, nor any illumination which simulates or displays motion.

SECTION IV: that Sections 4.17 (a) (4) and (5) be added as follows:

(4) Except as permitted in 4.17 (g) (1-8), Portable Signs are prohibited.

(5) All signs not expressly permitted by this ordinance are prohibited.

SECTION V: that Section 4.17 (f) become known as Section 4.17 (g); that Section 4.17 (g) become known as Section 4.17 (h); that Section 4.17 (h) be deleted in its entirety; and that a new section 4.17 (f) be added as follows:

(f) In any agriculture or forestry conservation district, the provisions of this subsection shall apply:

(1) Residential uses shall be subject to the provisions of Section 4.17 (c).

(2) Agricultural uses shall be permitted one (1) sign not to exceed thirty (30) square ft.

(3) Industrial uses shall be permitted a maximum of two (2) signs not to exceed a combined area of one hundred (100) square feet.

(4) Public facilities not subject to Section 4.17 (g) (4) shall be permitted one (1) bulletin board or identification sign indicating nothing other than the name and/or address of the premises, and schedule of services or other information

relevant to the operation of the premises; such signs shall not exceed twelve (12) square feet in area.

(5) A home service shall be subject to Section 4.17

(c) (1).

(6) Each recreation business use, clinic, kennel, or veterinary hospital for small animals, shall be permitted one (1) bulletin, board or

identification sign not to exceed twelve (12) square feet, except that uses occupying extended frontages shall be permitted one (1) such sign per five hundred (500) feet of frontage.

(7) All other business uses shall be permitted two (2) signs not to exceed thirty (30) square feet each.

(8) In addition to the requirements of Section 4.17, all uses permitted by Special Exception shall be subject to Section 3.2 (b).

SECTION VI: that Section 4.17 (g) (5) be amended as follows:

One (1) sign, not more than twelve (12) square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively underway.

Also, one (1) portable sign, not in excess of the number or size provisions of subsection 4.17 (d) (3), may be permitted by the administrative officer up to, but not to exceed, forty-five (45) days, if the portable sign is being used in lieu of a permanent sign or during the period while commercial construction or remodeling is actively underway, to be removed when the permanent sign is erected in the first case, or when construction is completed under that Improvement Location permit in the second case.

SECTION VII: that Section 4.17 (g) be amended to read as follows:

For an event of public interest sponsored by a church, governmental agency, school, political organization, or charitable organization, one (1) portable sign not over fifty (50) square feet in area, on the premises on which the event will take place, shall be permitted; such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also, directional signs, may be permitted not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest; such signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event.

SECTION VIII: that Section 4.17 (g) (7) be amended as follows:

For each real estate subdivision that has been recorded in accordance with the subdivision regulations, one (1) sign per major entrance, not over three hundred (300) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located in some portion of the subdivision being advertised for sale. Such sign shall not encroach upon any required yard. Such sign may be illuminated, but no flashing, intermittent or animated illumination is permitted. Such sign shall be maintained only during such time as some portion of the land advertised for sale remains unsold. Permits for such sign shall be issued for one-year periods and may be renewed for additional one-year periods to allow time for reasonable display.

SECTION IX: that the following be added and known as Section 4.17 (g) (8):

Political advertisement signs, on private property, may be erected no more than thirty (30) days prior to

the election and are to be removed within five (5) days after said election.

SECTION X: that the following be added and known as 4.17

(g) (9):

For each major entrance to a real estate subdivision one (1) sign containing the name of the subdivision only shall be permitted. Such sign shall not exceed twenty (20) square feet and shall have a maximum height of six (6) feet. In addition, such sign shall comply fully with Sections 4.8 and 4.17 (b) (6) of this ordinance, but not be subject to Section 4.17 (b) (4).

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS _____ DAY OF _____, 1983.

_____

_____

_____

_____

_____

Not adopted

ATTEST: _____
Clerk-Treasurer

ORDINANCE NO 213

[Editor's Note: This ordinance was not adopted.]

Proposal "B" ORDINANCE NO 213

AN ORDINANCE AMENDING CHAPTERS 1 and 4 OF

ORDINANCE NO. _____, BE IT ORDAINED BY

THE_____ OF

_____, AS FOLLOWS:

SECTION I: that Section 1.2 DEFINITIONS, of Chapter 1 of Ordinance No. 70-4 being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"SIGN, TEMPORARY": An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

SECTION II: that Section 4.17 (f) (6) of Chapter IV of the aforementioned Ordinance be amended to read:

For an event of public interest sponsored by a church, governmental agency, school, or a charitable organization on premises owned by a church, governmental agency, school or charitable organization, one temporary sign, on the premises on which the event will take place, shall be permitted as regulated in Subsection 4.17 (h), (1) through (11).

SECTION III: that Section 4.17, SIGNS, of Chapter IV of the aforementioned Ordinance be amended by adding the following:

(H) Temporary signs advertising sales, services, or events may be allowed, on-premise in LB, CB, GB, AB, and SC

Districts and on land owned by a governmental agency except public rights-of-way, in excess of the permitted number of signs, and net sign area and as an exception to the minimum sign setbacks contained in Section 4.17 (b) provided the following conditions are met:

(1) A permit is obtained for the placement of each temporary sign. The Administrative Officer shall collect a fee of five dollars ($5.00) for all permits for a time period of five (5) days or less and a fee of ten dollars ($10.00) for all permits for a time period of six (6) days or more.

(2) No temporary sign shall exceed forty (40) square feet per sign per face.

(3) No flashing, intermittent or animated illumination shall be used on the temporary sign or its supporting

structure.

(4) No temporary sign shall be maintained on-premise for more than 30 days within any 90 day period; provided that, additional days may be permitted by the Administrative Officer, if the temporary sign is being used in lieu of a permanent sign.

(5) No more than four permits shall be issued in any twelve month period for a temporary sign for the same enterprise.

(6) Only one temporary sign shall be placed on a property at one time.

(7) No temporary sign shall be placed so as to obscure an entrance to, or exit from, a public right-of-way.

(8) No temporary sign shall be placed on any sidewalk or within any public right-of-way.

(9) No temporary sign shall be placed closer than five (5) feet to a public right-of-way.

(10) No sign shall be attached to a tree or utility pole.

(11) Any temporary sign using electricity for illumination shall be properly connected in accordance with Indiana Electrical Rules, 1981 Edition (660 IAC 7) originally published as (4 IR 798) which identifies, amends and incorporates therein the National Electrical Code, 1981 Edition.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS _____ DAY OF _____, 1983.

_____

_____

_____

_____

_____

Not adopted

ATTEST: _____
Clerk-Treasurer

Sec. 3.l Primary Uses . . . . . .

Sec. 3.2 Accessory Uses . . . . . .

Sec. 3.3 NonconformingUses . . . . . .

Sec. 3.4 Garage or Yard Sale . . . . . .

Sec. 8.1 Boards of Zoning Appeals: Memberships and Jurisdictions . .

Sec. 8.2 Boards of Zoning Appeals: Rules and Procedures . . . . . .

Sec. 8.3 Special Exceptions . . . . . .

Sec. 8.4 Variances . . . . . .

Sec. 8.5 Appeals . . . . . .

Sec. 8.6 Administrative Officers . . . . . .

Sec. 8.7 Enforcement . . . . . .

Sec. 8.8 Exclusion . . . . . .

Sec. 8.9 Saving Provision . . . . . .

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 3rd DAY OF October , 1983.

Hugh Ralstin

Elizabeth Frankenberger

Melvin Swisher

David Samuelson

Jean Smith

ATTEST: Judith E. Marks

Judith Marks, Clerk-Treasurer

ADDITIONAL APPROPRIATION ORDINANCE #215

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

Whereas, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now, therefore:

Sec. 1. Be it ordained (resolved) by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana, that for the expenses of said municipal corporation the following sums of money 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:

Name of Fund	Amt. Requested	Amt. Appropriated
Cumulative Capital Improvement	$4,500.00	$4,500.00

Adopted this 7th day of May, 1984.

NAY AYE

Dennis W Pettit

Jean L. McGroarty

Scott Frankenberger

Daniel T. Kelly

Attest: Judith E Marks , Clerk-treasurer

ORDINANCE #216

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1985.

[Editor's Note: This ordinance was replaced by Ordinance #228]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE, GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $6.25 not to exceed $12,000.00 (Twelve thousand dollars) annually to be paid from the following funds: General Fund 1/3; Sewage Fund 1/2; and Water Fund 1/6. The Clerk-Treasurer shall also receive Fifteen (15) days paid vacation or sick leave. The Clerk-Treasurer shall also receive one (1) tank of gas per month (not to exceed $35.00); Two (2) oil and lube jobs and two (2) tune-ups per year in exchange for using her vehicle for town purposes.

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $4.85 (four dollars and eighty-five cents) to come equally from sewage and water funds. Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy Clerk-Treasurer shall have (15) days paid vacation or sick leave and all medical insurance premiums paid.

SECTION 3: The Town Marshal being a part-time position shall receive an hourly rate of $6.75 (six dollars and seventy-five cents) to be paid from the General Fund. The Marshal shall work twenty hours (20) per week, and have 20

hours paid vacation.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $6.50 (six dollars and fifty cents) to be paid from the General fund. He shall work eight (8)

hours per week which will be two-four hour days or as the Marshall shall mutually agree. The

Deputy Marshal shall have 8 hours paid vacation.

[Editor's Note: Section 5 (below) was amended by Ordinance #224.]

SECTION 5: The Sewage Superintendent shall receive an hourly wage of $6.86 (six dollars and eighty-six cents) to be paid from the Sewage Fund. He shall receive one pair of steel-toed boots not to exceed $75.00. The Sewage Superintendent shall have uniform service paid for by the town and all of yearly medical insurance premiums. The Sewage superintendent shall receive three (3) weeks paid vacation or

sick leave.

SECTION 6: The Supervisor of Operations shall receive a salary of $16,692.00 (sixteen thousand six hundred ninety-two dollars and no cents) to be paid part out of Sewage and Motor Vehicle Highway Funds to be determined as funds are available. He shall receive one (1) pair of steel-toed boots not to exceed $75.00. The Supervisor of Operations shall have uniform service paid by the town and all medical insurance yearly premiums paid by the town. The Supervisor of Operations will also have (3) three weeks paid vacation or sick leave.

SECTION 7: Full-time laborers shall receive an hourly rate of $6.06 (six dollars and six cents) to come equally from the Water and Sewage Funds. They shall receive one pair of steel-toed boots not to exceed $75.00. The full-time laborers shall also receive uniform service paid by the town and all medical insurance premiums yearly. The full-time employees shall receive (12) days paid vacation or sick leave.

SECTION 8: The Board of Trustees are also the Utility Boards which includes Water and Sewage and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees:

Water	$42.00
Sewage	64.00
General	304.00
	$410.00

B. Area Plan Representative:

Water	$42.00
Sewage	64.00
General	284.00
	$390.00

C. All Other Trustees:

Water	$42.00
Sewage	64.00
General	204.00
	$310.00

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a prorate portion of the mount due in their category.

SECTION 9: The Clerk-Treasurer shall be paid monthly.

The Supervisor of Operations shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Laborers shall be paid weekly.
The Deputy Clerk-Treasurer shall be paid weekly.
The Marshal shall be paid weekly.
The Deputy Marshal shall be paid monthly.
All temporary employees shall be paid weekly at mutually agreed hourly rates.

SECTION 10: The following are the eleven paid holidays which will be paid if it is a scheduled work day:

Washington's Birthday
Good Friday
Memorial Day
Independence Day
July 5
Labor Day
Thanksgiving Day
November 29
Christmas Eve
Christmas Day
December 27

SECTION 11: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED THIS THE 4th DAY OF June 1984.

Hugh Ralstin
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

Dennis W Pettit
Trustee

Daniel T. Kelly
Trustee

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE # 217

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

[Editor's Note: This ordinance was not enacted.]

An Ordinance Amending Section 1.2 of Chapter 1, Section 3.1 of Chapter 3, and Sections 5.1

and 5.5 (b) of Chapter 5 of Ordinance Number 169 being the Unified Zoning Ordinance of Tippecanoe County.

BE it ordained by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Dayton; the Town Board of the Town of Battle Ground, Indiana) that Ordinance No. 169, Being the Unified Zoning Ordinance of Tippecanoe County, is hereby amended as follows:

Section 1. That the definition of the word "lot" contained in Section 1.2 Definitions of Chapter 1, is hereby amended to read as follows:

"lot" means either

(l) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, subdivision or planned development; or

(b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978; and which shall

include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as

permitted by the Unified Subdivision

Ordinance, or a document recorded prior to July 1, 1978;

or

(2) a piece of land, not in a recorded plat, subdivision or planned development, the location, shape and size of which are

determined by

(a) the legal description in the last recorded document prior to July 1, 1978; or thereafter by

(b) the legal description in the last recorded document made as an exempt division or

parcelization under the then applicable Subdivision Ordinance; and which shall

include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance;

Section 2. That Section 3.1 Primary Uses of Chapter 3 is hereby amended by adding thereto the following.

No primary use shall extend beyond the boundaries of a lot.

Section 3. That Section 5.1 Intent of Districts of Chapter 5 is hereby amended by adding thereto the following paragraph.

In furtherance of the purpose and intent of a Planned Development, the provisions of

Sections 4.1 through 4.17 inclusive and Section 4.30 of this Unified Zoning Ordinance shall not be applied, or be applicable, to or in a Planned Development District.

Section 4. That Section 5.5 (b) of Chapter 5 is hereby amended to read as follows.

(b) The approved Preliminary Planned Development shall then be certified to the appropriate legislative body for adoption as a Planned Development District pursuant to the laws governing amendments to the Zoning Ordinance.

Upon adoption by the legislative body, the applicant shall prepare his detailed plan.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS_____DAY OF_____, 1984.

Defeated 10-1-84

ORDINANCE NO. 218

AMENDING # 205

[Editor's Note: This ordinance was initially replaced by Ordinance #248 and later replaced by Ordinance #252.]

KEEPING CERTAIN ANIMALS:

(A) It shall be unlawful for any owner, lessee, or occupant of any ground or premises within the Town with the exception of those areas of the town designated as Forestry Conservation Areas, to maintain or permit to be maintained thereon any animals or fowls except pet dogs, cats, and other common household pets. On the failure of any company, corporation, or person to comply with this provision, a town official shall cause a written order to be served on the company, corporation, or person to cease the violation within seven (7) days. Failure to cease the violation within seven (7) days shall subject the violator to the penalty provided below.

(B) PENALTY

(a) Any person who shall violate any of the provisions of this chapter for which another penalty is not provided shall, upon conviction, pay a fine of not more than One Hundred Dollars ($100.00). Each day that any person shall violate any of the provisions of this chapter shall constitute a separate offense and be punishable as such.

(b) Any person, firm, or corporation who fails to comply with the notice by the Town Marshal pursuant to Town Ordinance #218 shall, on conviction, be fined not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00) for each offense.

(c) Any person, company, or corporation violating any of the provisions of Town Ordinance 218 shall, on conviction, be fined not less than Ten Dollars ($10.00) nor more than one Hundred dollars ($100.00) for each offense.

Each day a violation continues shall constitute a separate offense.

(C) GRANDFATHER CLAUSE

This ordinance shall have no effect on those residents of the Town who prior to Octover 1, 1984 have maintained animals other than dogs, cats, or common house hold pets in the town.

PASSED THIS THE 5th Day of November, 1984.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 223

[Editor's Note: This ordinance was not enacted.]

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING ORDINANCE #169A(UNIFIED

ZONING) ATTEMPTING TO CREATE A AA FARM LAND

ZONE.

DIED FOR LACK OF A MOTION.
2/4/85

ORDINANCE #224

(Amending Ordinance # 216)

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1985.

[Editor's Note: This ordinance was replaced by Ordinance #228]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 5: be amended to read as follows:

SECTION 5: The Sewage Superintendant shall receive a salary of $16,692.00 (sixteen thousand six hundred ninety-two dollars and no cents) to be paid from the Sewage Fund.

He shall receive one pair of steel-toed boots not to exceed $75.00. The Sewage Superintendent shall have uniform service paid for by the Town and all of yearly medical insurance premiums. The Sewage Superintendant shall receive three (3) weeks paid vacation or sick leave.

PASSED THIS 4TH DAY OF FEBRUARY, 1985. Effective: March 1, pro rate for 1985.

Hugh Ralstin
Presiding Officer

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

Dennis W Pettit
Trustee

Daniel T. Kelly
Trustee

ATTEST: Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 220

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTIONS 5.1 and 5.5

(b) of CHAPTER 5 OF ORDINANCE NUMBER 169A

BEING THE UNIFIED ZONING ORDINANCE OF

TIPPECANOE COUNTY.

BE it ordained by the (County Commissioners of Tippecanoe County; and the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance Number 169A Being the Unified Zoning Ordinance of Tippecanoe County, is hereby amended as follows:

SECTION 1. That Section 5.1 Intent of Districts of Chapter 5 is hereby amended by adding thereto the following paragraph:

In furtherance of the purpose and intent of a Planned Development, the provisions of Sections 4,1 through 4.17 inclusive of this Unified Zoning Ordinance shall not be applied, or be applicable, to or in a Planned Development District.

SECTION 2. That Section 5.5 (b) of Chapter 5 is hereby amended to read as follows:

(b) The approved Preliminary Planned Development shall then be certified to the appropriate legislative body for adoption as a Planned Development District pursuant to the laws governing amendments to the Zoning Ordinance. Upon adoption by the legislative body, the applicant shall prepare his detailed plan.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS

4th DAY OF

March , 1985.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 222

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 2 and 4 OF

ORDINANCE NUMBER 169A BEING THE UNIFIED

ZONING ORDINANCE OF TIPPECANOE COUNTY.

BE IT ORDAINED by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana ; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance Number 169A, being the Unified Zoning Ordinance of Tippecanoe County, is hereby amended as follows:

SECTION 1. That Section 2.4 Boundaries: Flood Plain Districts of CHAPTER2 -- DISTRICTS paragraph three is hereby amended to read as follows:

Buildings permitted on lands within one hundred (100) feet of the FP district shall be required to comply with the flood protection grade.

SECTION 2. That Section 4.30 Restrictions Along Streams of CHAPTER 4 -- USE REQUIREMENTS is amended to read as follows:

(a) The following buildings and structures are the only ones that may be erected within a floodway fringe: recreational apparatus and unenclosed shelters; parking spaces, detached unenclosed carports and the driveways serving them; water wells and fountains, and transmission lines for water, sewer, gas, oil, electric, telephone and cable television; fences; mailboxes; bridges and public streets.

(b) When required by the Indiana Department of Natural Resources, the Buildings and structures listed in Section 4.30 (a) may be erected within a regulatory floodway only if a permit to construct in a floodway has been issued.

(c) Water wells water lines and sewage facilities located within a flood plain shall be constructed to eliminate contamination of or by, floodwater.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS

4th DAY OF

March , 1985.

Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE # 228

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR YEAR 1986

[Editor's Note: This ordinance was replaced by Ordinance #235]

BE IT ORDAINED BY THE

BOARD OF TRUSTEES OF THE TOWN OF BATTLE

GROUND, INDIANA, THAT:

[Editor's Note: Section 1 (below) was amended by Ordinance #233.]

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $6.25 (six dollars and twenty five cents) not to exceed $12,000.00 (Twelve thousand dollars) annually to be paid from the following funds: General Fund 1/3; Sewage Fund 1/2, and Water Fund or Conservancy District 1/6. The Clerk-Treasurer shall also receive Fifteen (15) days paid vacation or sick leave. The Clerk-Treasurer shall also receive one (1) tank of gas per month (not to exceed $35.00); Two (2) oil and lube jobs and two (2) tune-ups per year in exchange for using her vehicle for town purposes.

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $5.50 (five dollars and fifty cents) to come equally from sewage and water or Conservancy Dist. funds.

Hours worked by the Deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Town Board of Trustees. The Deputy Clerk-Treasurer shall have fifteen (15) days paid vacation or sick leave and all medical insurance premiums paid.

SECTION 3: The Town Marshal being a part-time position shall receive an hourly rate of $6.75 (six dollars and seventy-five cents) to be paid from the General Fund. The Marshal shall work twenty five hours (25) per week, and have 20 hours paid vacation.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $6.50 (six dollars and fifty cents) to be paid from the General Fund. He shall work eight (8) hours per week which will be two - four hours days or as the Marshal shall mutually agree. The Deputy Marshal shall have sixteen (16) hours paid vacation.

SECTION 5: The Sewage Superintendent and the Supervisor of Operations shall receive a salary of $16,692.00 (sixteen thousand six hundred ninety-two dollars and no cents) annually. The Sewage Superintendent to be paid totally from sewage funds and the Supervisor of Operations to be paid from sewage and Motor Vehicle Highway as funds are available. They shall receive one (l pair of steel-toed

boots not to exceed $75.00 each. Uniforms service will be paid for by the town and all medical insurance yearly premiums paid by the town. The supervisor of Operations and Sewage Superintended will also have (15) days each paid vacation or sick leave.

SECTION 6: The Board of Trustees are also the Utility Board which includes the Sewage Company and shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees:

Sewage	106.00
General	304.00
	$410.00

B. Area Plan Representative:

Sewage	106.00
General	284.00
	$390.00

C. All other Trustees:

Sewage	$106.00
General	204.00
	$310.00

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

[Editor's Note: Section 7 (below) was amended by Ordinance #237.]

SECTION 7: The Clerk-Treasurer shall be paid monthly.
The Supervisor of Operation shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Deputy Clerk-Treasure shall be paidweekly.
The Deputy Marshal shall be paid monthly.
All temporary employees shall be paid weekly at a mutually agreed hourly rate.

SECTION 8: The following are the eleven paid holidays which will be paid if it a scheduled work day: (temporary employees are not included)

January 1	New Years Day
February 17	Washington's Birthday
March 28	Good Friday
May 26	Memorial Day
July 4	Independence Day
September 1	Labor Day
October 13	Columbus Day
November 27-28	Thanksgiving
December 25-26	Christmas

SECTION 9: Any and all ordinances in conflict with this ordinance upon its passage are null and void

PASSED THIS THE 6th DAY OF May 1985.

Hugh Ralstin
Presiding Officer - Hugh Ralstin

Scott Frankenberger

Jean L. McGroarty

Dennis W Pettit

Daniel T. Kelly

ATTEST:

Judith E. Marks

Clerk-Treasurer Judith E. Marks

ORDINANCE #229

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

[Editor's Note: This ordinance was not enacted.]

ORDINANCE ESTABLISHING DISTRICTS AND

BOUNDARIES DESIGNATED "AA" and amending chapters 2 & 4 AND SECTION 7 OF PART II OF

THE UNIFIED ZONING ORDINANCE OF TIPPECANOE

COUNTY

DIED FOR LACK OF BOARD ACTION

ORDINANCE NO. 232

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE

NO. 169 BEING THE UNIFIED ZONING ORDINANCE OF

TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe Count; The City Council of Lafayette, Indiana; The City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169 being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That Section

4.7 Setbacks: Accessory Buildings in Residential Districts be amended to read as follows; that subsection

(a) In a residential district, an accessory building may be located no closer to a side lot line than six feet and no closer to the front lot line than the minimum front yard for a principal buiding.

Section 2: That Section

4.16 Miscellaneous Residential Restrictions be amended to read as follows:

In an Rl, RlA, RlB, R2, R3, R4, or IR District:

(1) In the case of a through lot, the area at each end of the lot between the setback line and the right-of-way line shall be considered as if it were a part of the front yard.

Adopted and Passed by the Town Board of the Town of Battle Ground, Indiana this

3rd day of February , 1986

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE #233

AMENDING ORDINANCE #228 - 1986 SALARY

ORDINANCE

[Editor's Note: This ordinance was replaced by Ordinance #235]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 1: be amended to read - The Clerk-Treasurer shall receive an hourly salary of $6.25 (six dollars and Twenty-five cents) not to exceed $12,000.00 (Twelve thousand dollars) annually to be paid from the following funds: General Fund 1/3, Sewage Fund 1/2; and Water Fund or Conservancy District 1/6. The Clerk-Treasurer shall also receive fifteen (15) days paid vacation or sick leave. The Clerk shall also receive mileage as stated in mileage ordinance #227 in exchange for using her vehicle for town purposes.

PASSED THIS THE

3rd DAY OF March , 1986

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 235

[Editor's Note: This ordinance was amended by Ordinance #241 to add a Crossing Guard.]

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-

TREASURER OF THE TOWN OF BATTLE GROUND,

TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR YEAR 1987

[Editor's Note: This ordinance was replaced by Ordinance #244]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $6.56 (six dollars and fifty-six cents) to come from the following funds 1/3 Sewage Fund; 1/3 from the General Fund. The Clerk-Treasurer shall also receive fifteen (15) days paid vacation or sick leave. The clerk shall receive mileage according to the mileage ordinance

for use of her car for town purposes.

SECTION 2: The Deputy Clerk Treasurer shall receive an hourly rate of $5.78 (five dollars and seventy-eight cents) to come 1/2 from the Sewage Fund. Hours worked by the deputy clerk-treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Board of Trustees. The Deputy Clerk-Treasurer shall have fifteen (15) days paid vacation or sick leave and all medical insurance premium paid... .half from the Sewage Fund.

SECTION 3: The Town Marshal being a part-time position shall receive an hourly rate of

$7.09-(seven dollars and nine cents) to be paid from the General Fund. The marshal shall work

twenty-five hours (25) per week, and have hours paid vacation.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $6.83 (six dollars and eighty-three cents) to be paid from the General Fund.

He shall work eight (8) hours per week which will be two-four days or as the marshal shall mutually agree. The deputy marshal shall have 16 (16) hours paid vacation.

SECTION 5: The Sewage Superintendent and Supervisor of Operations shall receive a salary of $17,526.60

(seventeen thousand five hundred twenty-six and sixty cents) annually. The sewage superintendent's salary is to come 1/2 from the sewage fund. The Supervisor of Operation salary is to come equally from MVH and Sewage Funds. They shall receive one (1) pair of steel-toed boots not to exceed $75.00 each. Uniform service will be paid by the town arid all medical insurance yearly premiums paid by the town. They will both receive (15) days paid vacation or sick leave.

SECTION 6: The Board of Trustees are also the utility board for the Sewage Company. They shall be paid as follows on the regular meeting day in December.

A. President of the Board of Trustees:

Sewage	111.30
General	319.20
	$430.50

B. Area Plan Representative:

Sewage	111.30
General	298.20
	$409.50

C. All other Trustees:

Sewage	$111.30
General	214.20
	$325.50

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

SECTION 7: The following are the 12 (twelve) days paid holidays which will be paid if it is a scheduled work day: (temporary employees are not included)

January 1-2	New Years
February 16	Presidents Day
April 17	Good Friday
May 25	Memorial Day
July 3	Independence Day
September 7	Labor Day
November 26-27	Thanksgiving
December 24-25	Christmas
December 31	New Years Eve

SECTION 8: The Clerk-Treasurer shall be paid monthly.
The Supervisor of Operation shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Deputy Clerk-Treasurer shall be paid weekly.
The Marshal shall be paid weekly.
The Deputy Marshal shall be paid weekly.

All temporary employees shall be paid weekly at mutually agreed hourly rate.

SECTION 9: Any and all ordinances inconflict with this ordinance upon its passage are hereby null and void.

PASSED ON THE 5th DAY OF MAY, 1986.

Battle Ground Town Board of Trustees:

Hugh Ralstin
President

Daniel T. Kelly
Trustee

Dennis W Pettit
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE #237

AN ORDINANCE AMENDING THE MAXIMUM ANNUAL

SALARIES ORDINANCE #228

[Editor's Note: This ordinance was replaced by Ordinance #244]

WHEREAS SECTION 7: lists the Deputy Marshal being paid monthly - - - and

WHEREAS the new Deputy Marshal wishes to be paid weekly - - - - - -

NOW THEREFORE BE IT ORDAINED THE SECTION 7 WORDING BE

CHANGED TO READ:

The Deputy Marshal shall be paid weekly.

PASSED THIS THE 5TH DAY OF MAY 1986.

Battle Ground Board of Trustees

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 236

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

An Ordinance Amending Chapter 4 of Ordinance Number 169A being the Unified Zoning

Ordinance of Tippecanoe County.

Be it ordained by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A, Being the Unified Zoning Ordiance of Tippecanoe County, is hereby amended as follows:

Section 1. That paragraph (c) of (3) of Section 4.17 Signs of CHAPTER 4 - USE REQUIREMENTS is hereby amended to read as follows:

(3) For uses other than those listed in paragraphs (1) and (2). one bulletin board or identification sign may be erected, indicating nothing other than name and/or address of the premises, and schedule of services or other information

relevant to the operation of the premises. Such sign shall not exceed twelve square feet in area unless erected along an abutting street or roao having a speed limit in excess of 40 miles per hour; then the area of such sign shall not exceed 30 square feet.

Section 2. That part (d) of Section 4.17 Signs of CHAPTER 4

- USE REQUIREMENTS is hereby amended to read as follows:

(d) In any business district, except as herein provided, the provisions of this subsection shall apply.

(1) Residentail uses shall be subject to the provisions of subsection (c).

(2) For each primary use other than those listed in paragraph (1), signs shall be permitted as accessory uses according to the number

and net area of signs set forth below:

District	Sign and Sign Area Number of Signs	Net Sign Area (each)
AB & SC	3	60 square feet
LB	1	30 square feet

GB & CB	2	40 square feet

(3) Except in those blocks where twenty-five percent of the lots are already occupied by business uses and when over-hanging signs

are already established, no sign shall

project over a lot line and no sign shall

project into a required yard by more than

two feet.

Section 3. This Ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN OF BATTLE GROUND, INDIANA THIS

2 DAY OF June

1986

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 236B

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 2.2. OF CHAPTER

11 OF ORDINANCE NO. 169-A,KNOWN AS THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE

COUNTY, INDIANA, BY CHANGING THE DISTRICT

BOUNDARIES.

BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA, AS FOLLOWS:

Section 1. That Section 2.2(a) of Chapter 11 of Ordinance No. 169-A known as the Unified Zoning Ordiance of Tippecanoe County, Indiana, and the Official Zoning may be amended by changing the zoning district of the following described real estate from R1B to LB, to wit:

A part of Lots 35 and 26 in the Plat of the Original Town of Battle Ground, Indiana, Tippecanoe Township, Tippecanoe County, Indiana, described as follows:

Beginning at the most Southern corner of said Lot 36; thence North 590 06 30" West along the Northeastern right-of-way of State Road 225 and the Southwestern line of said lot 36, 35.00 feet; thence North 47 36

l9West along the Northeastern right-ofway of State Road 225 crossing into lot 35, 170.95 feet; thence North 670 29 30 East crossing back into lot 36, 118.11 feet; thence South 590 06 30" East, 133.85

feet to the Southeastern line of said lot 36, thence South 31 40 15" West, along said Southeastern line of lot 36, 128.92 feet to the Point of Beginning of this description containing 0.46 acres more or less.

The above bearings are based on State Highway bearings.

Section 2. This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF

BATTLE GROUND, INDIANA THIS 1ST DAY OF DECEMBER, 1986.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 237-B

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 1 AND 8 OF

ORDINANCE NO. l69A BEING THE UNIFIED ZONING

ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County; We City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana that Ordinance NO. 169 A Being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That section 1 .2 Definitions of CHAPTER 1

TERMINOLOGY is hereby amended by revising the current definition of the word "board" to read as follows:

"board" means the Tippecanoe County Area Board of Zoning Appeals or division thereof, as the case may be;

Section 2: That subsection (c) The West Lafayette Division of section 8.1 Boards of Zoning Appeals: Memberships and Jurisdictions of CHAPTER 8 BOARDS OF ZONING APPEALS: VARIANCES, SPECIAL EXCEPTIONS AND APPEALS: ADMINISTRATION

AND ENFORCEMENT is hereby deleted.

Section 3: That the first sentence of subsection (c) Filing of section 8.2 Boards of Zoning Appeals: Rules and Procedures of that same CHAPTER 8 is hereby amended to read as follows:

All applications for variances within the territorial jurisdiction of any division of the Area Board of Zoning Appeals shall be filed by the applicant with the staff of the appropriate division.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS

1st DAY OF December , 1986

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 238

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE

NO. 169A BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169 Being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That section 4.6 Standard Setbacks of CHAPTER 4

- USE REQUIREMENTS is hereby amended by

inserting the following new paragraph at the beginning of subsection (a):

For any corner lot, these front yard setback standards shall also apply to the side yard abutting the major or minor arterial or local street.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE

GROUND, INDIANA THIS

1st DAY OF December , 1986

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST: Judith E. Marks
Clerk-Treasurer

ORDINANCE #239

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

An Ordinance Amending Chapter 1 of Ordinance Number 169A being the Unified Zoning

Ordinance of Tippecanoe County.

Be it ordained by We (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance Number 169A, Being the Unified Zoning Ordinance of Tippecanoe County, is hereby amended as follows:

Section 1. That Section 1.2 Definitions OF Chapter 1 --

TERMINOLOGY, is hereby amended by the addition of the term "parent tract" to read as follows:

"parent tract" means a piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership

transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or the last division by recordation of a plat prior to the enactment of that ordinance provided such plat is not in violation of any previous ordinance. The ordinance was enacted on November 19, 1979 in Tippecanoe County; December 3, 1979 in Lafayette, West Lafayette and Dayton; and

March 3, 1980 in Battle Ground;

and by the revision of these existing definitions to read as follows:

"parcel" means a lot created by parcelization;

"parcelization" means any division of land complying fully with subsection 3.5 of the Unified Subdivision Ordinance of Tippecanoe County;

"subdivision" means the division of a parent tract or other piece of land into at least two (2) smaller lots so that either now or in the future the subdivider can do any of the following with one or more of the sub divided lots:

1. transfer ownership
2. construct buidings
3. create new building sites for leasehold.

The actual location, shape and size of a parent tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or by its lasts conditional transfer of ownership by recorded contract transacted before the Subdivision Ordinance of Tippecanoe County was enacted. The following kinds of divisions are not subdivisions and are exempt from the rules of the Unified Subdivision Ordianance of Tippecanoe County:

1. A division of land into two (2) or more tracts all of which are at least ten. (10) acres in size;
2. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
3. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
4. A division of land for the acquisition of street right-of-way, or easement; and
5. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division.

Additionally, any division of land complying fully with subsection 3.5 of the Unified Subdivision Ordinance of Tippecanoe County is not a subdivision and shall be called a "parcelization;"

ADOPTED AND PASSED BY THE TOWN BOARD OF BATTLE GROUND, INDIANA THIS

5th DAY OF January , 1987

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST: Judith E. Marks
Clerk-Treasurer

Zoning Classification	Maximum No. of Parcels	Minimum Area of Parcels Land to be Parcelized Exclusive of Right-of-way*
A, AA, FC, R1, R1A, R1B, Rs	4	2 acres
R3, AB, LB, LBS, GB, SC, I, IR	2	2 acres (sewered) or 5 acres (unsewered)

* Unless Tippecanoe County Code Chapter 41 requires more

A parcel may contain some FP-zoned land as well, but only if there is sufficient land within the non-FP portion to place a principal use building and its accessory buildings and paved areas and still conform with Unified Zoning Ordinance Sections 4.6 through 4.10, 4.14 (b) and 4.15 (e), and Tippecanoe County Cede Chapter 41. Parcel area shall be measured exclusive of right-of-way.

(b) Parcels Abutting a Public Road.

For parcels that abut a public road, the minimum parcel width shall be 200 feet. All parcels on land zoned R3, AB, LB, LBS, GB, SC, I, or IR shall abut a public road. Parcel width shall be measured along the right-of-way line of the public road. For Parcels abutting more than one public road, parcel width standards shall apply along each public road aubtted. For parcels abutting a public road that cannot derive access from that road, an easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.

(c) Parcels Not Abutting a Public Road.

For parcels that do not abut a public road, the minimum parcel width shall be in accordance with the requirements of Tippecanoe County Code Chapter 41. For each such parcel, either a front lot line and all necessary setbacks or a building setback of 25 feet from all property lines, shall be included either on the drawings or recorded as a covenant. An easement for vehicular access and utility placements, connecting all such parcels to a public road, shall be provided, either at the time of parcelization or at the time of driveway permit issuance.

(d) Sewage Disposal.

Each parcel shall be served either by sanitary sewer or on-site sewage disposal system. If the property to be parcelized is located within the Cities of Lafayette and West Lafayette, or the Towns of Dayton and Battle Ground, parcels may not be served by an individual sewage disposal system. If the property to be parcelized is located outside these incorporated cities and towns and a sanitary sewer system from within an incorporated city or town abuts that property, parcels shall then be subject to the provisions of Section 41-3-F of the Tippecanoe County Code. Where such service is unavailable (outside the indicated

incorporated cities and towns either within or beyond areas served by these systems), on-site sewage disposal systems that meet the standards of Tippecanoe County Code Chapter 41, shall be required.

(e) Right-of-Way.

If a parcel abuts a public road along which full right-of-way width has not yet been obtained, the land divider shall, by appropriate instrument, convey to the public sufficient right-of-way for one-half the required width for that specific road (as indicated in the Thoroughfare Plan for Tippecanoe County or its successor), for the full width of that parcel along that roadway.

(f) Conflict with Public Provisions.

The provisions of subsection 3.5 are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provisions of law. Where any provisions of this subsection impose restrictions different from those imposed by any other ordinance, or other provision of law, which= ever provisions are more restrictive or impose higher standards shall control, unless otherwise stated herein.

(g) Public Improvement

Any proposed division of land necessitating the creation or extension of a public improvement shall not qualify as a parcelization.

(h) Saving Provision.

All parcelizations approved prior to the effective date of this amendment to the Unified Subdivision Ordinance shall remain valid.

(4) Documentation.

(a) Sewage Disposal.

If the property to be parcelized is located outside the Cities of Lafayette and West Lafayette or the Towns of Dayton and Battle Ground but within an area served by a sanitary sewer system from an incorporated city or town, the land divider shall submit written documentation from the appropriate service provider as to whether sanitary sewer would be available for use. If such service is unavailable, or if the property is located beyond the areas served by the systems, the land divider shall provide written documentation that the County Board of Health has been satisfied that the standards of Tippecanoe County Code Chapter 41 have been met to assure the continuted operation or the proper installation of an on-site sewage disposal system on each parcel.

(b) Right-of-way.

If additional right-of-way is required as per subsection 3.5 (3) (e) the land divider shall submit the appropriate conveyance, with a legal description prepared by a registered land surveyor, conveying such right-of-way to the appropriate jurisdiction. Conveyances shall be prepared in a format available at the Office of the Commission and shall be signed by the land owner and notarized.

(c) Easements for Private Drives.

Should the land divider at the time of parcelization provide an easement for a private drive connecting parcels to a public road the land divider shall submit ten copies of the description of that easement prepared by a registered land surveyor, and signed by all owners and notarized. Where applicable, a statement shall be appended to each legal description of each parcel as follows: "This parcel is subject to an easement for ingress and egress recorded in _____ Record _____, Page " Should the land divider choose to submit parcelization drawings, the description should appear on the face of the drawings. An additional statement must accompany any such easement description indicating that private driveways constructed in these easements shall not be accepted for maintenance by any participating jurisdiction.

(5) Private Driveways.

The construction and maintenance of private driveways built to provide access to parcels shall be the responsibility of the owner or owners of the land. These driveways shall not be accepted for maintenance by participating jurisdictions. A private driveway may be named by the land divider, provided the name is approved by the Commissions Staff, as not duplicating, or too closely approximating phonetically, the name of any other street whether public or private, in the area covered by this ordinance. A sign indicating the name of the private driveway only may be erected, provided that the sign is not constructed with white letters on a green background, and is not constructed using any other format or color scheme used by a participating jurisdiction to identify a publicly maintained street or road. he words "private drive" shall be placed after the name. Placement of the sign shall be approved by the County Highway Engineer or appropriate City Engineer or Town Board at the time of the driveway permit issuance.

(6) Review, Approval and Recordation.

(a) An application for parcelization shall not be considered complete until all items in subsections 3.5 (2) and 3.5 (4) have been submitted to the Commissions Staff. Within three working days of the submission of the completed application, the Commission's Staff shall review all items and notify the land divider as to their compliance or deficiencies with regard to all requirements of subsection 3.5.

(b) Upon a finding of compliance, the Executive Director or his designee shall sign all ten sets of legal descriptions or drawings. Once signed, the approved parcelization is eligible to be recorded.

(c) It shall be the responsibility of the land divider to file the approved parcelization with the County Recorder within thirty calendar days of the end of the review process. Failure to so record shall automatically void the approved parcelization.

(7) Dissolution.

(a) A recorded parcelization or portion thereof may be dissolved by the property owner (or owners if, in doing so, no provision of this or any other ordinance, rule, regulation, statute or provision of law is violated. To do so, ten copies of a statement dissolving the parcelization (or any part of it) shall be submitted to Staff for review of compliance with above-stated ordinances, rules, etc. his statement, signed by all legal owners, contract buyers, and optionees of the property and notarized, shall contain the parcelization number and legal descriptions of the parcels involved.

(b) Upon a finding of compliance, the Executive Director or his designee shall sign all ten statements. Once signed, the approved dissolution is eligible to be recorded.

(c) It shall be the responsibility of the land divider to file the approved dissolution with the County Recorder within thirty calendar days of the end of the review process. Failure to so record shall automatically void the approved dissolution.

(d) Upon recording the dissolution statement, the land owner is once more eligible to pursue the full parcelization process as per subsection 3.5 of this ordinance. That is, the land involved, for purposes of land division, is restored to its preparcelization status.

Section 7. Subsection 5 .9 (3) of Section 5 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN IS hereby amended to read as follows:

5.9 Parks, Playgrounds, Recreational Areas and Other Community Facilities (3) Referral to Public Body. The sketch plan shall be referred to the public body concerned with the reservation for its consideration and report as per Section 3.2 (2) of this ordinance, he public body or agency shall have forty-five (45) days for reply indicating its official action in writing. he public body or agency's recommendation, if affirmative, shall include a copy of the sketch plan showing the boundaries and area of the land to be acquired and an estimate of the time within five (5) years required to complete the acquisition.

Section 8. Subsection 5.12 (1) of Section 5 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN is hereby amended to read as follows:

5.12 Multi-family Subdivisions (1) General. Unless otherwise excluded under Section A of the definition of Subdivision, or under the provisions for Parcelization indicated in Section 3.5 of this ordinance, the development of more than one multi-family structure on a single ownership lot constitutes a subdivision of land as defined herein. Yet the creation of a separate lot for each principal use building, that is, each multi-family structure, poses unique and complex problems forthe subdivider of land to be so used. Many of the standards set forth in the Unified Zoning Ordinance to be applied to individual residential lots cannot be met without destroying the unifying concept of a well-designed complex of multifamily structures. Most notable among these standards are lot size, frontage and setback requirements, all of which assume a progreeion of uniform lots along a roadway, more typical of single family and duplex developments. Despite these difficulties associated with the subdivision of land for multi-family development, the purposes of this ordinance, as listed in Section 1.3, must be met. Thus, with regard to proposed multi-family subdivision, the emphasis of the Commission shall be on the number of principal use buildings, the number of proposed dwelling units and the required parking spaces, and the provision of required public improvements. To this end, the necessity of placing interior lot lines on sketch plans and use buildings and all accessory buildings remain in the ownership or leasehold of a single entity. hat option shall be revoked at such time as the ownership or leasehold of fewer than all such buildings is to be transferred to another entity. Such transfer shall necessitat:e a resubdivision of the affected property, complete with appropriate lot lines.

Section 9. Subsection 6.1 (4) (f) of Section 6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED is hereby amended to read as follows:

6.1 (4) Features. (f) The approximate location, dimensions, and area of all land proposed to be set aside for park and playground use or other public use, or for the common use of property (owners in the proposed subdivision;

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND,

INDIANA THIS _____ DAY OF _____ 1986.

_____
_____
_____
_____
_____

ATTEST: _____
Clerk-Treasurer

Died for Lack of second to motion 2-2-87

ORDINANCE #241

AN ORDINANCE AMENDING ORDINANCE #235 SALARIES

FOR 1987

[Editor's Note: This ordinance was replaced by Ordinance #244]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, THAT:

SECTION 10: Salary of the Crossing Guard. The crossing Guard shall receive a salary of $8.00 (eight dollars per day) to be paid from the General Fund Crossing Guard Account. Hours to be arranged by the Town Marshal.

CHANGE-SECTION 8: Add the following: The Crossing Guard shall be paid bi-weekly.

PASSED ON THIS 5th Day of January 1987.

Hugh Ralstin
Presiding Officer

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith E. Marks

Zoning Classification of Parcels	Maximum No. of Parcels	Minimum Area of Land to be Parcelized Exclusive of Right-of-way*
A, AA, FC, R1, R1A, R1B, R2	4	2 acres
R3, AB, LB, LBS, GB, SC, I, IR	2	2 acres (sewered or unsewered)

* Unless Tippecanoe County Code Chapter 41 requires more

A parcel may contain some FP-zoned 1 and as well, but only if there is sufficient land within the non-FP portion to place a principal use building and its accessory buildings and paved areas and still conform with Unified Zoning Ordinance Sections 4.6 through 4.10, 4.14 (b(and 4.15 (e), and Tippecanoe County Cede Chapter 41. Parcel area shall be measured exclusive of right-of-way.

(b) Parcels abuttinq a Public Road.

For parcels that abut a public road, the niminum parcel width shall be 200 feet. All parcels on land zoned R3, AB, LB, LBs, GB, SC, I, or IR shall abut a public road. Parcel width shall be measured along the right-of-way line of the public road. For parcels abutting more than one public road, parcel width standards shall apply along each public road abutted. For parcels abutting a public road that cannot derive access from that road, an easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.

(c) Parcels Not Abutting a Public Road.

For parcels that do not abut a public road, the minimum parcel width shall be in accordance with the requirements of Tippecanoe County Code Chapter 41. For each such parcel, either a front lot line and all necessary setbacks or a building setback of 25 feet from all property lines, shall be included either on the drawings or recorded as a covenant. An easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided, either at the time of parcelization or at the time of driveway permit issuance.

(d) Sewage Disposal.

Each parcel shall be served either by sanitary sewer or on-site sewage disposal system. If the property to be parcelized is located within the Cities of Lafayette and West Lafayette, or the Towns of Dayton and Battle Ground, parcels may not be served by an individual sewage disposal system. If the property to be parcelized is located outside these incorporated cities and towns and a sanitary sewer system from within

an incorporated city or town abuts that property, parcels shall then be subject to the provisions of Section 41-3-F of the Tippecanoe County Code. Where such service is unavailable (outside the indicated incorporated cities and towns either within or beyond areas served by these systems), on-site sewage disposal systems that meet the standards of Tippecanoe County Cede Chapter 41, shall be required.

(e) Right-of-Way.

If a parcel abuts a public road along which full right-of-way width has not yet been obtained, the land divider shall, by appropriate instrument, convey to the public sufficient right-of-way for one-half the required width for that specific road (as indicated in the Thoroughfare Plan for Tippecanoe County or its successor), for the full width of that parcel along that roadway.

(f) Conflict with Public Provisions.

The provisions of subsection 3.5 are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provisions of law. Where any provisions of this subsection impose restrictions different from those imposed by any other ordinance, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control, unless otherwise stated herein.

(g) Public Improvement.

Any proposed division of land necessitating the creation or extension of a public improvement shall not qualify as a parcelization.

(H) Saving Provision.

All parcelizations approved prior to the effective date of this amendment to the Unified Subdivision Ordinance shall remain valid.

(4) Documentation.

(a) Sewage Disposal.

If the property to be parcelized is located outside the Cities of Lafayette and West Lafayette or the Towns of Dayton and Battle Ground but within an area served by a sanitary sewer system from an incorporated city or town, the land divider shall submit written documentation from the appropriate service provider as to whether sanitary sewer would be available for use. If such service is unavailabe, or if the property is located beyond the areas served by the systems the land divider shall provide written documentation that the County Board of Health has been satisfied that the standards of Tippecanoe County Chapter 41 have been met to assure the continued operation or the proper installation of an on-site sewage disposal system on each parcel.

(b) Right-of-way.

If additional right-of-way is required as per subsection 3.5 (3) (e) the land divider shall submit the appropriate conveyance, with a legal description prepared bya registered land surveyor, conveying such right-of-way to the appropriate jurisdiction. Conveyances shall be prepared in a format available at the Office of the Commission and shall be signed by the land owner and notarized.

(c) Easements for Private Drives.

Should the land divider at the time of parcelization provide an easement for a private drive connecting parcels to a public road, the land divider shall submit ten copies of the description of that easement prepared by a registered land surveyor, and signed by all owners and notarized. Where applicable, a statement shall be appended to eachlegal description of each parcel as follows: "This parcel is subject to an easement for ingress and egress recorded in Record _____, Page _____." Should the land divider choose to submit parcelization drawings, the description should appear on the face of the drawings. An additional statement must accompany any such easement description indicating that private driveways constructed in these easements shall not be accepted for

(5) Private Driveways.

The construction and maintenance of private driveways built to provide access to parcels shall be the responsibility of the owner or owners of the land. These driveways shall not be accepted for maintenance by participating jurisdictions. A private driveway may be named by the land divider, provided the name is approved by the Commission's Staff, as not duplicating, or too closely approximating phonetically, the name of any other street whether public or private, in the area covered by this ordinance. A sign indicating the name of the private driveway only may be erected, provided that the sign is not constructed with white letters on a green background, and is not constructed using any other format or color scheme used by a participating jurisdiction to identify a publicly maintained street or road. The words "private drive" shall be placed after the name. Placement of the sign shall be approved by the County Highway Engineer or appropriate City Engineer or Town Board at the time of the driveway permit issuance.

(6) Review, Approval and Recordation.

(a) An application for parcelization shallnot be condisered complete until all items in subsections 3.5(3) and 3.5(4) have been submitted to the Commission's Staff. Within three working days of the submission of the completed application, the Commission's Staff shall review all items and notify the land divider as to their compliance or deficiencies with regard to all requirements of subsection 3.5.

(B) Upon a finding of compliance, the Executive Director or his designee shall sign all ten sets of legal descriptions or drawings. Once signed, the approved parcelization is eligible to be recorded.

(c) It shall be the responsibility of the land divider in the presence of the Executive Director or his designee to file the approved parcelization with the County Auditor and Recorder within thirty (30) days of the date of signature. Failure to so file and record shall automatically invalidate the approval, rendering it null and void and requiring resubmittal for approval.

(7) Dissolution.

(a) A recorded parcelization or portion thereof may be dissolved by the property owner or owners if, in doing so, no provision of this or any other ordinance, rule, regulation, statute or provision of law is violated. To do so, ten copies of astatement dissolving the parcelization (or any part of it) shall be submitted to Staff for review of compliance with above-stated ordinances, rules, etc. This statement, signed by all legal owners, contract buyers, and optionees of the property and notarized, shall contain the parcelization number and legal descriptions of the parcels involved.

(b) Upon a finding of compliance, the Executive Director or his designee shall sign all ten statements. Once signed, the approved dissolution is eligible to be recorded.

(c) It shall be the responsibility of the land divider in the presence of the Executive Director or his designee to file the approve dissolution with the County Recorder within thirty (30) days of the date of signature. Failure to so file and record shall automatically invalidate the approval, rendering it null and void and requiring resubmittal for approval.

(d) Upon recording the dissolution statement, the land owner is once more eligible to pursue the full parcelization process as per subsection 3.5 of this ordinance. That is, the land involved, for purposes of land division, is restored to its pre-parcelization status.

Section 7. Subsection 5.9(3) of Section 5 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN is hereby amended to read as follows:

5.9 Parks, Playgrounds, Recreational Areas and Other Community Facilities (3) Referral to Public Body. The sketch plan shall be referred to the public body concerned with the reservation for its consideration and report as per Section 3.2(2) of this ordinance. The public body or agency shall have forty-five (45) days for reply indicating its official action in writing. The public Body or agency's recommendation, if affirmative, shall include a copy of the sketch plan showing the boundaries and area of the land to be acquired and an estimate of the time within five (5) years required to complete the acquisition.

Section 8. Subsection 5.12(1) of Section 5 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN is hereby amended to read as follows:

5.12 Multi-family Subdivisions (1) General. Unless otherwise excluded under Section A of the definition of Subdivision, or under the provisions for Parcelization indicated in Section 3.5 of this ordinance, the development of more than one multi-family structure on a single ownership lot constitutes a subdivision of land as defined herein. Yet the creation of a separate lot for each principal use building, that is, each multi-family structures, poses unique and complex problems for the subdivider of land to be so used. Many of the standards set forth in the Unified Zoning Ordinance to be applied to individual residentail lots cannot be met without destroying the unifying concept of a well-designed complex of multi-family structures. Most notable among these standards are lot size, frontage and setback requirements, all of which assume a progression of uniform lots along a roadway, more typical of single family and some duplex developments. Despite these difficulties associated with the subdivision of land for multi-family development, the purposes of this ordinance, as listed in Section 1.3, must be met. Thus, with regard to proposed multi-family subdivision, the emphasis of the Commission shall be on the number of principal use buildings, the number of proposed dwelling units and the required parking spaces, and the provision of required public improvements. To this end, the nexessity of placing interior lot lines on sketch plans and preliminary and final plats shall be at the subdivider's option, so long as all principal use buildings and all accessory buildings remain in the ownership or leasehold of a single entity. That option shall be revoked at such time as the ownership or leasehold of fewer than all such buildings is to be transferred to another entity. Such transfer shall necessitate a resubdivision of the affected property, complete with appropriate lot lines.

Section 9. Subsection 6.1 (4) (f) of Section 6 SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED is hereby amended to read as follows:

6.1 (4) Features. (f) The approximate location, dimensions, and area of all land proposed to be set aside for park and playground use or other public use, or for the common use of property owners in the proposed subdivision; ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 2nd DAY OF February , 1987.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:
Judith E. Marks
Clerk-Treasurer

ORDINANCE NO. 243

AN ORDINANCE AMENDING SECTION 1 (b) OF TOWN

ORDINANCE NO 133 ENTITLED "AN ORDINANCE

AMENDING ORDINANCE NO.131 FIXING THE SCHEDULE

OF RATES AND CHARGES TO BE COLLECTED BY THE

TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED

BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER

MATTERS CONNECTED THEREWITH:.

[Editor's Note: Please see Ordinance #386 for the latest schedule of rates.]

WHEREAS, the Battle Ground Conservancy District has established uniform water rate; and

WHEREAS, sewage rates are not presently uniform; and

WHEREAS, Farmers Home Administration has control of the rates and charges; and

WHEREAS, the Town of Battle Ground is desirous of the setting uniform sewage rates; and

WHEREAS, Farmers Home Administration has given approval for said uniform sewage rates;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

SECTION 1.: Section 1 (b) shall read as follows:

(b) The water usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

QUANTITY OF WATER USED PER MONTH		CHARGE PER 1,000 gallons
FIRST	5,000 GALLONS	$2.70
NEXT	10,000 GALLONS	1.62
NEXT	20,000 GALLONS	1.35
NEXT	65,000 GALLONS	1.02
ALL OVER	100,000 GALLONS	.68

Minimum for 5/8 & 3/4" meters, $5.40 per month; for 1"

meters $9.90 per month; for 1 1/4" meters $13.05 per month; for 1 1/2" meters $16.20 per month; for 2" meters $21.60

per month; for 4" meters $43.20 per month.

SECTION 2. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

PASSED AND ADOPTED THIS THE

1st DAY OF

June , 1987.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE # 244

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1988:

[Editor's Note: This ordinance was replaced by Ordinance #256]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $6.86 (Six dollars and eighty-six cents) to come from the following funds: 1/3 Sewage fund; 1/3 from the General Fund. The Clerk-Treasurer shall also receive fifteen (15) days paid vacation or sick leave. The clerk shall receive mileage according to the mileage ordinance

for use of her car for Town purposes.

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $5.91 (five dollars and ninety-one cents) to come 1/2 from the Sewage Fund. Hours worked by the deputy Clerk-Treasurer shall be at the discretion of the Clerk-Treasurer with the approval of the Board of Trustees. The Deputy Clerk-Treasurer shall have fifteen (15) days paid vacation or sick leave and all medical and dental insurance premiums paid.

[Editor's Note: Section 3 (below) was amended by Ordinance #246 and further amended by Ordinance #247.]

SECTION 3: The Town Marshal shall receive an hourly rate of $7.33 (seven dollars and thirty-three cents) to be paid from the General Fund. The Marshal shall work twenty-five hours (25) per week, and have 25 hours vacation paid. He shall receive an annual unif or m allowance of $200.00 to be paid in December.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $7.17 (seven dollars and seventeen cents) to be paid from the General Fund He shall work eight (8) hours per week which will be two-four hour shifts or as the Marshal shall mutually agree. The Deputy Marshal shall have (16) hours paid vacation.

SECTION 5: The Sewage Superintendent and the Supervisior of Operations shall receive a salary of $18,026.60

(eighteen thousand twenty-six dollars and sixty cents) annually. The sewage superintendent 's salary is to come from the sewage fund. The Supervisior of Operation's salary is to come equally from MVH and

Sewage Funds. They shall receive one (1) pair of steel-toed boots not to exceed $75.00 each. Uniform service will be paid by the town and all medical and dental insurance yearly premiums will be paid. They will both receive (15) fifteen days paid vacation or sick leave.

SECTION 6: The Crossing Guard shall receive a salary of $8.25 per day. The days worked shall be set by the Town Marshal. The funds shall come from the General Fund.

Protection equipment shall be furnished by the Town.

SECTION 7: The Board of Trustees are also the utility board for the Sewage Company. They shall be apid as follows on the regular meeting day in December.

A. President of the Board of Trustees:

Sewage	$111.30
General	319.20
	$430.50

B. Area Plan Representative:

Sewage	$111.30
General	298.20
	$409.50

C. All other Trustees:

Sewage	$111.30
General	214.20
	$325.50

The Board of Trustees must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category. Members attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their categaroy.

SECTION 8: The following are the 12 (twelve) days paid holidays which will be paid if it is a scheduled work day: (temporary employees are not eligible - seasonal employees are not eligible)

January	1	New Year's Day
February	12	Lincoln 's Birthday
February	15	Washington's Birthday
April	1	Good Friday
May	30	Memorial Day
July	4	Independence Day
Sept.	5	Labor Day
October	10	Columbus Day
November	24-25	Thanksgiving Day
December	23 & 26	Christmas

SECTION 9:

The Clerk-Treasurer shall be paid monthly.
The Supervisor of Operation shall be paid weekly.
The Sewage Superintendent shall be paid weekly.
The Deputy Clerk-Treasurer shall be paid weekly.
The Marshal shall be paid weekly.
The Crossing Guard shall be paid bi-weekly.
All temporary employees shall be paid weekly at mutually agreed hourly rate.

SECTION 10: Any and all ordinances inconflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS THE 6th DAY OF July, 1987.

6th DAY OF

July , 1987.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 246

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER FOR THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1987.

[Editor's Note: This ordinance was replaced by Ordinance #256]

Delete Section 3: Salary of Town Marshal and replace with the following:

SECTION 3: The Town Marshal being a full-time position shall receive a salary of $14,500.00

(fourteen thousand five hundred dollars and no cents). This is to be paid from the General

Fund. Vacation to be set by Board.

Passed on the 17th day of August, 1987.

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

DISTRICTS_____IN_____WHICH_____PERMITTED

PRIMARY USE R1 RlA R1B R2 R3 R4 AB LB GB CB SC I IR A FC

_____

Adult

SECTION 4. That Section 4.17 "signs" of Chapter 4 "Use Requirements: be and is hereby amended by adding a new sub-section (i) to read as follows:

(1) No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

SECTION 5. That Chapter 7 "Improvement Location Permits: be and is hereby amended by adding a new Section 7.7 and renumbering the existing sections 7.7 and 7.8 as 7.8 and 7.9 respectively, the new Section 7.7 to read as follows:

7.7 Adult Entertainment Businesses The establishment of any adult entertainment business shall be prohibited if such business is within 500 feet of any other such adult entertainment businesses or within 500 feet of the property line of any church, public or parochial school, library, public park, or county courthouse square, or the boundary line of any residence zoning district or agriculture zoning district within Tippecanoe County, Indiana. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest property line of each such business. The distance between an adult entertainment business and any church, public or parochial school, library, public park, county courthouse square, residence zoning district or agriculture zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest property line of the adult entertainemt business to the nearest property line of the church, public or parochial school, library, public park of county courthouse square, or the nearest boundary line of the residence zoning district or agriculture zoning district. If any adult entertainment business is part of or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest property line of said adult entertainment business.

SECTION 6: Severability

If any provision or clause of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconsitutional or invalid provision, clause or application, and to this end the provisions and clauses of this Ordiance are declared to be severable.

SECTION 7: Effective Date:

This Ordiance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE Battle Ground Board of Trustees, this _____ day of October 5, 1987

Hugh Ralstin

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:
Judith E. Marks
Clerk-Treasurer

ORDINANCE # 247

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR THE YEAR 1988.

[Editor's Note: This ordinance was replaced by Ordinance #256]

Delete Section 3: Salary of the Town Marshal and replace with the following:

Section 3: The Town Marshal shall receive a salary of $16,000.00. (Sixteen thousand dollars and no cents) to come from the General Fund. The Marshal shall work 40 hours per week and have (10) days paid vacation or sick leave. All medical and dental insurance premiums will be covered by the Town.

Passed on this the 5th day of October, 1987.

Hugh Ralstin
Presiding Officer

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 248

[Editor's Note: This ordinance was implicitly replaced by Ordinance #252.]

An Ordinance licensing and regulating the keeping of domestic animals within Battle Ground, Tippecanoe County, Indiana and

providing the penalties for the violation thereof.

SECTION I It shall be unlawful for any person owning or harboring a domestic animal six (6) months of age or more to permit said animal to run at large upon the streets or other public places in Battle Ground, Indiana. In addition, all dogs and cats must be licensed at the Office of the Clerk Treasurer of the Town of Battle Ground by January 1, 1988.

SECTION II It shall be unlawful for any person to harbor or keep within the Town of Battle Ground any animal that is vicious or that creates a nuisance, or which by loud and frequent or habitual barking, howling or yelping, shall cause serious annoyance or disturbance to the neighborhood.

SECTION III For the purpose of this Ordiance the following words shall have the meaning prescribed to them herein:

(1) Vicious animal for the purpose of this Ordinance shall mean any animal that has been known to have bitten a human being, inflicting a personal injury, or an animal who promiscously attacts other animals.

(2) Nuisance as used in this Ordinance shall mean a condition which arises by an animal barking or howling consistently so as to disturb the peace and quiet of the surrounding neighborhood, or an animal who consistently or at intervals chases bicycles, automobiles or people walking on the streets or sidewalks of the community, or any other condition created by an animal which results in the general discomfort of citizens in the community where said animal is harbored.

SECTION IV It shall be unlawful for any person owning or harboring an animal to permit said animal to run at large. Animals are to be confined to owner 's property or on leash when being walked. Pelanties violation of this section are stated in Section VI of this Ordinance.

SECTION V Any person who shall allow any animal to remain and be lodged and be fed within his house and yard, store or enclosure, shall be considered as harboring the same with in the meaning of this Ordinance.

SECTION VI It shall be the duty of the Town Marshal of the Town of Battle Ground, Indiana and his assistants to enforce the provisions of the Ordinance. All violators of this ordinance will receive a written warning by a law enforcement officer of the Town of Battle Ground. Any subsequent violation of this Ordinance will be a criminal infraction and upon conviction, the owner will receive a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

SECTION VII It shall be unlawful for any owner, lessee, or occupant of any ground or premises within the Town of Battle Ground with the exception of those areas of the town designated as Forestry Conservation Areas, to maintain or permit to be maintained thereon any animals or fowls except per dogs, cats, and other common household pets.

SECTION VIII Innoculations All cats and dogs in the Town of Battle Ground shall be innoculated against the disease of rabies by a duly licensed veterinarian. Any violators of this section shall be prosecuted in accordance with Section VI of this ordinance.

SECTION IX Any and all ordinances in conflict with the Ordinance upon its passage are hereby null and void.

This Ordinance replaces Ordinance Number 205 and Ordinance Number 218

SECTION X This Ordinance shall have no effect on those residents of the town who prior to November 1, 1987, have maintained animals other than dogs, cats, or common houehold pets in the town.

APPROVED THIS

7 day of December , 1987.

Hugh Ralstin
Presiding Officer

Daniel T. Kelly
Trustee

Dennis W Pettit
Trustee

Scott Frankenberger
Trustee

Jean L. McGroarty
Trustee

ATTEST:

Judith E. Marks

Judith Marks, Clerk-Treasurer

ORDINANCE NO. 250

ORDINANCE REGULATING SEMI-TRACTORS AND TRAILERS AND TRUCKS WEIGHING

MORE THAN NINE THOUSAND POUNDS IN THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA

[Editor's Note: Replaced by Ordinance #277.]

SECTION 1. Semi-tractors, semi-trailers or any vehicle weighing more than nine thousand pounds (9,0000 lbs) are prohibited on all side streets in the Town of Battle Ground, Tippecanoe County, Indiana.

SECTION 2 Each violator of this Ordinance will receive one (1) written warning. After a written warning is issued, any subsequent violation will warrant a ticket for said violation.

SECTION 3 All ticketed violators of this ordinance will be assessed a fine of Two Hundred Fifty Dollars ($250.00) payable to the Clerk-Treasurer of the Town of Battle Ground within thirty (30) days of the receipt of said ticket.

SECTION 4. All moving vans, garbage trucks, and delivery trucks and service vehicles will be exempted from the application of this Ordinance.

SECTION 5. Any and all Ordinance in conflict with this Ordinance upon its passage are hereby null and void.

Passed this 7 day of December , 1987 by the Town Board of the Town of Battle Ground, Tippecanoe County, Indiana.

Hugh Ralstin
Presiding Officer

Daniel T. Kelly

Dennis W Pettit

Scott Frankenberger

Jean L. McGroarty

ATTEST:

Judith E. Marks

Judith Marks, Clerk-Treasurer

ORDINANCE # 251

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE NO. 169A BEING THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County; the City Council of the City of lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A Being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows: Section 1: That section 4.6 Standard Setbacks of CHAPTER 4-USE REQUIREMENTS

IS HEREBY amended to read as follows:

(a) In any district except the CB district, where there is no such requirement, minimum requirement, minimum depth of front yard for a lot abutting a street shall be as follows:

Street Type	Minimum Front Yard
Local or place	25 feet
Collector	30 feet
Secondary Arterial	40 feet
Primary Arterial	60 feet

Arterials are designated by the Adopted Thoroughfare Plan; collectors are designated by resolution of the commission.

However, along a local street in a residence district or business district other than CB, where fifty percent of lots in that block face are occupied by principal use buildings, minimum depth of front yard for that block face shall be the average depth of front yard for those buildings provided that such front yard shall be no less than 10 feet, But buildings to be removed to make way for a new building shall not be included when calculating average depth of front yard to be applied to the new building.

A through lot has a front yard on each abutting street.

For any corner lot, these front yard setback standards shall also apply to the side yard abutting the primary or secondary arterial, collector, local street or place.

Where a lot does not abut a street, minimum depth of front yard shall be 25 feet, measured from a designated front lot line.

For any accessory building, minimum depth of front yard shall be the same as for the principal use building.

(b) Minimum depth of rear yard, in feet, for primary and accessory buildings shall be as follows:

Zoning District	Residential Use		Non-residential Use	
	Primary	Accessory	Primary	Accessory
Rl, R1A, R1B, Rs, R3, R4, A, AA, FC	25	10	25	10
LB	15	15	15	15
GB, AB	15	15	15/40(1)	15/40(1)
CB	0	0	0	0
I	--	--	15/40/(1)	15/40/(1)
IR	15	15	15/40/(1)	15/40/(1)

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(1) Where rear lot line abuts a residential district

(c) Minimum depth of side yard, in feet, for primary or accessory buildings shall be as follows:

Zoning District	Residential Use	Nonresidential Use
R1, R1A, R1B, R2, R3, R4, A, AA, FC	6	6
KBM GBM AB	0	0/10(1)
CB	0	0
I	-	0/30(1)
IR	6	0/30(1)

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(1) Where side lot line abuts a residential district ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 2nd DAY OF MAY, 1988.

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ATTEST:

Judith E. Marks

Clerk-Treasurer

ORDINANCE NO. 253

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE NO. 169A BEING THE

UNIFIZED ZONING ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A Being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That subsections (d), (e0, and (f) of section 4.15 Parking of Chapter 4-USE REQUIREMENTS are hereby amended to read as follows:

(d) Each off-street parking space required by this section shall consist of a rectangular area no less than 9 feet wide and 18 feet long, except 8 feet wide and 22 feet long for each parallel (00) parking space.

(e) For all primary uses other than one and two-family dwellings (plus any home service authorized therein), the provisions of this subsection shall apply.

(1) Each required off-street parking space shall open directly on an unobstructed aisle, the width of which is determined by the angle between the centerline of the parking space and the centerline of the aisle, as follows:

Parking Angle	One-way Aisle-Width	Two-way Aisle-Width
76-90°	22 ft.	22 ft.
61-75	18 ft.	22 ft.
46-60°	17 ft.	22 ft.
0-45°	12 ft.	22 ft.

A paved alley abutting parking spaces may be counted toward the required aisle width.

Measurement of parking space width and length, aisle width and parking angle shall be made as per the following diagram:

[Editor's Note: Sketch of angled parking dimensions may be viewed in the orginal Battle Ground Ordinance Book, page 187.]

(2) The parking spaces prescribed by this section shall be located on the premises or on a site approved by the Board, at least part of which is within 300 feet of the premises. However, these parking spaces

may not be located in a required front yard unless situated in a business or industrial zoning district.

(3) All parking spaces and aisles shall be paved, except in A, AA, FT, and FC districts and on farms in any district, where paving shall be optional. Paving shall be either bituminous pavement or portland cement concrete, or an alternative dustfree, durable and cohesive surface such as paving blocks or brick, Such alternative surface shall not be hazardous to pedestrians and shall be traversable by the handicapped.

(4) Each paved parking space shall be delineated by striping or other means acceptable to the Administrative Officer.

(f) For one and two-family dwellings (plus any home service authorized therein), regardless of district, the provisions of this subsection shall apply.

(1) The parking spaces required by this section shall be located on the premises, but shall not be located in a required front yard. However parking in addition to the required spaces is permitted in a required front yard, but only in driveways and turnarounds.

(2) The parking spaces required by this section shall be paved with a dustfree, durable and cohesive surface if they are not inside a garage. No more of the driveway need be paved than is necessary to meet the parking requirement.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 2nd DAY OF MAY, 1988.

AYES	NAYS
Carl C. Horner	Robert J. Patton Sr.
Jean L. McGroarty	
Shirley Shelton	
Bob England	

ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 254

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 4 OF ORDINANCE NO. 169A BEING THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the City Council of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance # 169A, being the Unifized Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1 That subsection (a) of section 4.4 minimum Lot Size: Residential Uses is hereby amended to read as follows:

(a) Except as provided for in 4.4 (c) and 4.4 (d), a lot on which a dwelling is to be erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it by the table on the next page.

("Changed shall mean " increased in number of dwelling units contained therein", but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

Section 2: That subsection (b) of section 4.4 Minimum Lot Size; Residential Uses, EXCEPT FOR THE TABLE WHICH SHALL REMAIN UNCHANGED. IS HEREBY amended to read as follows:

(b) Except as provided for in 4.4 (c) and 4.4 (d), a lot on which a dwelling is to be erected or changed may not be smaller in width in linear feet, than that prescribed f or it by the following table. ("Changed" shall mean " increased in number of dwelling units contained therein", but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS

2nd DAY OF MAY, 1988.

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ATTEST:

Judith E. Marks

Judith E. Marks, Clerk-Treasurer

ORDINANCE # 256

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, AND ALL COMPENSATION FOR EMPLOYEES AND THE BOARD

OF TRUSTEES FOR 1989.

[Editor's Note: This ordinance was replaced by Ordinance #267]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

[Editor's Note: Section 1 (below) was amended by Ordinance #261.]

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $4 .93 to come equally from the Sewage Fund and the General Fund.

(Four dollars and ninety-three cents). The Clerk-Treasurer shall also receive fifteen (15) days paid vacation or sick leave. The Clerk shall receive mileage according to the mileage ordinance for use of her car for town purposes. The insurance package shall be paid by the Town.

[Editor's Note: Section 2 (below) was amended by Ordinance #261.]

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $3.27 (three dollars and twenty-seven cents) to come from the Sewage Fund. The Deputy Clerk-Treasurer shall have 15 (fifteen) days paid vacation or sick leave and all medical and dental insurance premiums paid.

[Editor's Note: Section 3 (below) was amended by Ordinance #264.]

SECTION 3: The Town Marshall shall receive an hourly rate of $8.17

(eight dollars and seventeen cents) to be paid from the General Fund. The marshal shall work forty hours per week and have 15 days paid vacation or sick leave. All medical and dental insurance premiums paid.

[Editor's Note: Section 4 (below) was amended by Ordinance #264.]

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $8.00 (eight dollars and no cents) to be paid from the General Fund. He shall work at least eight (8) hours per week which will be two-four hour shifts or as the Marshal shall mutually agree. The Deputy Marshal shall have (16) sixteen hours paid vacation or sick leave.

[Editor's Note: Section 5 (below) was amended by Ordinance #261.]

SECTION 5: Sewage Superintendent shall receive a salary of $9,500.00

which will come from the Sewage Fund. He shall receive a pair of steel-toed boots, not to exceed $75.00.

Uniform service will be paid by the town and all medical and dental insurance premiums will be paid by the Town. He will receive (15) fifteen days sick leave or vacation.

SECTION 6: MVH?Sewage worker shall receive a salary of $19,00.00

to be paid equally from the MVH and Sewage Funds. He shall receive a pair of steel-toed boots not to exceed $75.00. Uniform service will be paid by the Town and all medical and dental insurance paid by the town. He will receive 15 (fifteen) days paid vacation or sick leave.

SECTION 7: The Crossing Guard shall receive a salary of $8 .50 per day. The days worked shall be set by the Town Marshal. The funds shall be paid from the General Fund. Protect ion equipment shall be furnished by the Town.

SECTION 8: The Board of Trustees are also the utility board for the Sewage Company. They shall be paid as follows on the requlr meeting day in December.

A. President of the Board:

Sewage	$150.00
General	302.00
	$452.00

B. Area Plan Representative:

Sewage	$150.00
General	280.00
	$430.00

C. All other Trustees:

Sewage	$150.00
General	192.00
	$342.00

The Board of Trustees must attend Eight (8) requlr meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

Members attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION 9: The following are the 12 (twelve) days paid holidays which will be paid if it is a scheduled work day: (temporary employees and seasonal employees are not eligible) Employees must work at least 32 hours per week to be classified full-time and be elibible.

February 20	Washington's Birthday	September 4	Labor Day
March 24	Good Friday	October 9	Columbus Day
May 29-30	Memorial Day	November 23-24	Thanksgiving
July 3-4	Independence Day	December 25-26	Christmas

SECTION 10:

The Clerk-Treasurer shall be paid monthly
The MVH-Sewage worker shall be paid weekly
The Sewage Superintendent shall be paid every other week
The Deputy Clerk-Treasurer shall be paid every other week
The Marshal shall be paid weekly
The Deputy Marshal shall be paid weekly
The Crossing Guard may be paid weekly, bi-weekly or monthly
All temporary employees shall be paid weekly at mutually agreed hourly rate.

SECTION 11: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 6th DAY OF JUNE 1988.

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TRUSTEE

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TRUSTEE

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TRUSTEE

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TRUSTEE

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TRUSTEE

ATTEST:

Judith E. Marks

Judith Marks, Clerk-Treasurer

ORDINANCE 257:

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 1 OF ORDINANCE NO. 169A BEING THE UNIFIED

ZONING ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana; the City Council of the City of lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance No. 169A, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

SECTION 1: That parts B., D., and E. of the definition of SUBDIVISION in subsection 1.2, Definitions, of Chapter 1, TERMINOLOGY, are hereby amended to read as follows:

B. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional principal use building sites are created by the division;

D. A division of land for federal, state or local government to acquire street right- of-way; and

E. A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 5th DAY OF JULY, 1988.

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ATTEST:

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Clerk-Treasurer

ORDINANCE # 261

TOWN OF BATTLE GROUND, INDIANA

AN ORDINANCE FIXING THE MAXIMUM ANNUAL

SALARIES FOR ALL EMPLOYEES AND THE CLERK

TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, AND ALL

COMPENSATION FOR EMPLOYEES AND THE BOARD OF

TRUSTEES FOR YEAR 1989.

[Editor's Note: This ordinance was replaced by Ordinance #267]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA THAT:

Ordinance #256 being the Salary Ordinance for 1989 is amended as follows:

SECTION 1: The Clerk-Treasurer shall work 1/3 of her monthly hours for the Sewage Company and 1/3 for the General Fund.

SECTION 2: The Deputy Clerk-Treasurer shall work 20

hours per week for the Sewage company.

SECTION 5: The Sewage Superintendent shall work 20

hours per week for the Sewage Company.

Passed on this the 1st day of August, 1988.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

A + .71B + .40C + .28D + .24E

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Acres

$$\frac{A + .71B + .40C + .28D + .24E}{} = 15.01$$

Acres

District R1 R1A R1B R2 R3 R4 AB LB GB CB IR A FC

Percentage

of Coverage 25 25 30 30 40* 40 25 25 25 60 30 20 10

*Within the City of West lafayette only, total impervious coverage from building areas, sidewalks, crive and parking areas shall not exceed 70 percent of the total lot area.

SECTION 7: This ordinance shall be in full force and effect from and after its passage and signing.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE, GROUND, INDIANA THIS 20th DAY OF FEBRUARY 1989.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE # 264

AN ORDINANCE AMENDING ORDINANCE #256 BEING THE 1989 SALARY

ORDINANCE OF THE TOWN OF BATTLE GROUND, INDIANA

[Editor's Note: This ordinance was replaced by Ordinance #267]

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF

BATTLE GROUND, INDIANA, THAT:

sections 3 & 4 be amended to read as follows:

SECTION 3: The Town Marshal shall receive an hourly rate of $9.75 (Nine dollars and seventy-five cents) to be paid from the General Fund. The marshal shall work twenty (20) hours per week and have 8 (eight) days paid vacation or sick leave. Uniforms and equipment will be supplied by the town and remain the property of the town.

SECTION 4: The Deputy Town Marshal shall work 20 hours per week and receive an hourly wage of $9.00 (Nine dollars and no cents) per hour. He shall be paid from the General Fund. He shall have 8 days vacation or sick leave time paid by the Town and uniforms and equipment will be furnished by the town and remain the property of the town.

The Deputy Marshal shall work under the direction of the marshal.

Any and all parts of ordinances in conflict with this ordinance upon its passage are hereby null and void.

Passed on this the 7th day of August, 1989.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE # 267

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, AND ALL COMPENSATION FOR EMPLOYEES AND COUNCIL

PERSONS FOR THE YEAR 1990.

[Editor's Note: This ordinance was replaced by Ordinance #282]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $5 .33 (Five dollars and thirty-three cents) to come equally from the Sewage Fund and the General Fund. The Clerk-Treasurer shall receive mileage according to the mileage ordinance for use of her car for town purposes. The insurance package shall be paid by the town.

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $3.54 (Three dollars and fifty-four cents) to come from the Sewage Fund. The Deputy Clerk-Treasurer shall have (15) fifteen days paid vacation or sick leave (sick leave can accumulate) and all medical and dental insurance paid by the town.

SECTION 3: The Town Marshal shall receive an hourly rate of $10.53

(Ten Dollars and fifty-three cents) to be paid from the General Fund. The Marshal shall work 20 hours per week and have 10 days paid vacation or sick leave. All medical and dental insurance insurance premium paid by the town.

SECTION 4: The Deputy Town Marshal being a part-time position shall receive an hourly rate of $9.72 (Nine dollars and seventy-two cents) to be paid from the General Fund. He shall work at least 20 hours per week, and hours should be arranged with the Marshal and should be mutually agreed. The Deputy Marshal shall have 10 days paid vacation or sick leave.

SECTION 5: Sewage Superintendent shall receive a salary of $10,260.00

(Ten thousand two hundred sixty dollars and no cents) which will come from the Sewage Fund. He shall receive a pair of steel-toed boots not to exceed $75.00.

Uniform service will be paid by the Town and all medical and dental insurance premiums will be paid by the town. He will receive (15) fifteen days vacation or sick leave.

SECTION 6: MVH/Sewage worker shall receive a salary of $20,520.00

(Twenty-thousand five hundred twenty and no cents) to be paid equally from the MVH and Sewage Funds. He shall receive a pair of steel-toed boots not to exceed $75.00. Uniform service will be paid by the Town and all medical and dental insurance paid by the town. He will receive 15 (fifteen days paid

vacation or sick leave.

SECTION 7: The crossing Guard shall receive a salary of $15.00 (Fifteen dollars per day). The days worked shall be set by the Town Marshal, and the guard shall be on duty two times per day. Additional time will be compensated. Funds shall come from the General Fund. Protection equipment shall be furnished by the Town.

SECTION 8: Senior Life Guard shall be paid $4.50 (Four dollars and fifty cents) per hour to come from the General Fund. Hours worked shall not exceed 40

per week.

SECTION 9: Assistant Life Guard shall be paid $4.25 (Four dollars and twenty-five cents) per hour to come from the General Fund. Hours worked shall not exceed 40 per week.

SECTION 10: The Town Council are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December.

A. President of the Council

Sewage	$188.00
General	302.00
	$490.00

B. Area Plan Representative:

Sewage	$185.00
General	280.00
	$465.00

C. All Other Councilpersons

Sewage	$178.00
General	192.00
	$370.00

The Town Council members must attend Eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate protion of the amount due in their category. Members attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION 11: The following are the 12 paid holidays which will be paid if it is a scheduled work day: (temporary employees and seasonal employees are not eligible.) Employees must work at least 32 hours per week to be classed full-time and be elibible.

January	1	New Years Day
February	19	Washington's Birthday
April	13	Good Friday
May	28	Memorial day
July	4	Independence Day
September	3	Labor Day

October	8	Columbus Day
November	22-23	Thanksgiving
December	24-25	Christmas
December	31	New Years Eve

SECTION 12:

The Clerk-Treasurer shall be paid monthly
The MVH/ Sewage worker shall be paid weekly
The Sewage Plant Manager shall be paid bi-weekly
The Deputy Clerk-Treasurer shall be paid bi-weekly
The Marshal shall be paid weekly
The Deputy Marshal shall be paid weekly
The Crossing Guard may be paid weekly, bi-weekly or monthly
The Life Guards shall be paid weekly
All temporary employees shall be paid weekly at a mutually agreed hourly rate.

SECTION 13: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 7th day of August, 1989.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 275

ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS

[Editor's Note: Replaced by Ordinance #320.]

SECTION 1. It shall be unlawful to discharge any firearm or airgun in the Town of Battle Ground, Tippecanoe County, Indiana, provided that this Ordinance shall be not construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.

SECTION 2. Any person violating this Ordinance shall be assessed a fine of Fifty Dollars ($50.00) payable to the Ordinance Violations Clerk as outlined in Ordinance # 271; and a separate offense shall be deemed committed on each day during on or which a violation occurs or continues.

SECTION 3. Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

ADOPTED THIS 7th day of August, 1989.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 277

ORDINANCE REGULATING SEMI-TRACTORS AND TRAILERS AND TRUCKS WEIGHING MORE THAN

NINETHOUSAND POUNDS GVW IN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

[Editor's Note: Replaced by Ordinance #306.]

SECTION 1. Semi-tractors, semi-trailers or any vehicle weighing more than nine thousand (9,000) pounds GVW are prohibited on all side streets in the Town of Battle Ground, Tippecanoe County, Indiana.

SECTION 2. Each violator of this ordinance will receive one (1) written warning. After a written warning is issued, any subsequent violation will warrant a ticket for said violation.

SECTION 3. All ticketed violators of this Ordinance will be assessed a fine of Fifty Dollars ($50.00) payable to the Ordinance Violations Clerk as outlined in Ordinance No. 271.

SECTION 4. All moving vans, garbage trucks, delivery trucks, service vehicles, farm vehicles and buses will be exempted from the application of this Ordinance.

SECTION 5. Any and all Ordinances in conflict with this Ordinance upon its passage are hereby null and void.

ADOPTED this 7th day of AUGUST, 1989.

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ATTEST:

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Clerk-Treasurer

ORDINANCE NO. 279

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 8 OF ORDINANCE NO 169A BEING THE UNIFIED

ZONING ORDINANCE OF TIPPECANOE COUNTY

BE IT ORDAINED by the (County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana) that Ordinance NO. 169A, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That subsection (c) of Section 8.5 Appeals. of Chapter 8 BOARDS

OF ZONING APPEALS, VARIANCES, SPECIAL EXCEPTIONS AND APPEALS: ADMINISTRATION

AND ENFORCEMENT is hereby amended to read as follows:

(C) All appeals from a decision of the Area Board of Zoning Appeals, or from a decision concerning variances of any division of the Area Board of Zoning Appeals shall be made pursuant to Indiana Code 36-7-4-1001 through 36-7-4-1020, The person aggrieved by a decision of such Board of Zoning Appeals shall present the petition provided for in Ind. Code 36-7-4-1003 to the Court within thirty (30) days after the entry of the decision of the Board of Zoning Appeals:

No appeals from a decision of a division of the Area Board of Zoning Appeals, over which such division has jurisdiction, shall be made to the Area Board of Zoning Appeals.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA this 4th day of December , 1989.

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ATTEST:

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Clerk-Treasurer

ORDINANCE NO. 281

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 4.1 (A) of ORDINANCE NO. 169-A BEING THE

UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY

BE IT ORDAINED by the Town Council of the Town of Battle Ground: that Ordinance No. 169-A being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section l. Section 4.1 (a) of the Unified Zoning Ordinance of Tippecanoe County is amended by:

a. except as otherwise provided by this section, no structure may be erected or changed so as to make its height greater than twenty-five feet if it is in an R1, R1A, R1B, R2 or FC District, or thirty-five feet if it is in an A, R3, R4, AB, LB, GB, SC or IR District, or one hundred feet if it is in the CB or I District. Provided, however, that in the City of West Lafayette only, in an R3 District, the height of the finish floor of the upper story shall not exceed 14 fee.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS 4th day of June, 1990.

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ATTEST:

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Clerk-Treasurer

ORDINANCE # 282

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES

AND THE CLERK TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND COUNCIL

PERSONS FOR THE YEAR 1991.

[Editor's Note: This ordinance was replaced by Ordinance #290]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

SECTION 1: The Clerk-Treasurer shall receive an hourly salary of $5.65 (Five dollars and sixty-five cents) to come equally from the Sewage Fund and the General Fund. The Clerk-Treasurer shall receive mileage according to the mileage ordinance for use of his/her car for town purposes. The insurance package shall be paid by the town.

SECTION 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $3.75 (Three dollars and seventy-five cents) to come from the Sewage Fund.

The Deputy Clerk-Treasurer shall have (15) fifteen days paid vacation or sick leave (sick leave can accumulate) and all medical and dental insurance will be paid by the town.

SECTION 3: The Town Marshal shall receive an hourly rate of $11.16

(Eleven dollars and sixteen cents) to be paid from the General Fund. The Marshal shall work 20 hours per week and have 60 hours paid vacation or sick leave.

SECTION 4: The Deputy Town Marshal shall receive an hourly rate of $10.30

(Ten dollars and thirty cents) to be paid from the General Fund. He/she shall work 20

hours per week at the direction of the town marshal. The Deputy Marshal shall have 60 hours paid vacation or sick leave.

SECTION 5: The Crossing Guard shall receive a salary of $17.00 (Seventeen dollars and no cents) per day. The days worked shall be set by the Town Marshal. Funds shall come from the General Fund. Protection equipment shall

be furnished by the town.

SECTION 6: The Sewage Superintendent shall receive a salary of $10,875.60

(Ten thousand eight hundred seventy-five and sixty cents) to be paid from the Sewage Fund.

He/she shall receive a pair of steel toed boots not to exceed $75.00. Uniform service will be paid by the town and all medical and dental insurance premiums will be paid by the town.

He/she will receive (15) fifteen days vacation or sick leave.

SECTION 7: MVH/Sewage worker shall receive a salary of $21,751.20 (Twenty-one thousand seven hundred fifty-one and twenty cents) to be paid equally from the MVH Fund and the Sewage Fund. He/she shall receive a pair of steel toed boots not to exceed $75.00.

Uniform service will be paid by the town and all medical and dental insurance will be paid by the town. He/she will receive 15 (fifteen) days paid vacation or sick leave.

SECTION 8: The Senior Life Guard shall be paid $4.75 (four dollars and seventy-five cents) per hour to come from the General Fund. Hours worked shall not exceed 40 hours per week.

SECTION 10: New employees shall have a six (6) month training period and can be terminated any time during that period at the discretion of the board. A pay scale shall be determined commensurate with experience and educational background. Benefits will be paid for PERF and medical. No vacation time or sick leave shall apply until six (6) months is completed. This section applies to non-elective positions.

SECTION 11: The Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December.

A. President of the Council

Sewage	$199.40
General	320.00
	$519.40

B. Area Plan Representative

Sewage	$195.90
General	297.00
	$492.90

C. All Other Councilpersons

Sewage	188.20
General	204.00
	$392.20

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Members leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

Members attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION 12: The following are the 12 paid holidays which will be paid if it is a scheduled work day: (temporary employees and seasonal employees are not eligible). Employees must work at least 32 hours

per week to be classed

full-time and be eligible.

January	1	New Years Day
February	18	President's Day
March	29	Good Friday
May	27	Memorial Day
July	4&5	Independence Day
September	2	Labor Day
November	28 & 29	Thanksgiving Day
December	24 & 25	Christmas
December	31	New Year's Eve

SECTION 13:

Clerk-Treasurer shall be paid monthly
MVH/Sewage Worker shall be paid weekly
Sewage Plant Manager shall be paid bi-weekly
Deputy Clerk-Treasurer shall be paid bi-weekly
Marshal shall be paid weekly
Deputy Marshal shall be paid weekly
Crossing Guard shall be paid weekly
Life Guards shall be paid weekly
Temporary employees shall be paid weekly at a mutually agreed rate.

SECTION 14: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

Editor's Note: Section 15, establishing an overtime policy, was added by Ordinance #290.

Editor's Note: Section 16, establishing the terms for a Deputy Marshal in Training, was added by Ordinance #294.

PASSED ON THIS THE 10th day of

July 1990.

Battle Ground Town Council

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Jean McGroarty

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Shirley Shelton

_____

Carl Horner

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 287

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTERS 2, 3, and 4 of ORDINANCE NO. 169-A BEING

THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

BE IT ORDAINED by the (County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Board of the Town of Battle Ground, Indiana; the Town Board of the Town of Dayton, Indiana) that Ordinance NO. 169A,

being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1. Amend section 2.1 (Kinds of Districts: Establishment) of the Unified Zoning Ordinance by adding a new subsection (14) to read as follows:

(14) In the City of West Lafayette, Central Business Districts, designated "CBP", are established to include core business areas in the city which experience significant pedestrian traffic and which require 60 percent of the parking otherwise required for certain customer oriented business uses as set forth in section 4.15 (k) and 100 percent of the parking required for other uses.

The remaining subsections of section 2.1 presently numbered (14) through (18) are renumbered (15) through (19) to remain in sequence.

Section 2. Amend the first sentence of Unified Zoning Ordinance section 2.5

(Subdivisions, Planned Developments and Condominiums) to read as follows:

The subdivision of land pursuant to the requirements of the Subdivision Ordinance of the cities of Lafayette and West Lafayette, the towns of Battle Ground and Dayton, and Tippecanoe County, Indiana, shall be permitted in these districts: A, AA, FP, FC, R1, R1A, R1B, R2, R3, R4, CB, CBP, AB, LB, LBS, GB, SC, I and IR.

Section 3: Amend Unified Zoning Ordinance section 3.1 (Primary Uses) to allow the following uses in a CBP district:

PRIMARY USES	CBP
RESIDENTIAL USES	
Dwelling, single-family	X (10)
Boarding or lodging house	X (10)
Dwelling, two-family	X (10)
Dwelling, multi-family	X (10)
Shared housing	X (10)
PUBLIC FACILITIES	
Church or temple	X
Governmental offices	X
Kindergarten or day nursery	X
Police station or fire station	X
Public library or museum	X
Public park or recreational facility	X
Public or employee parking area 1	X
School, public or parochial	X
Telephone exchange or public utility substation	S
Trade or business school	X
Transmission lines for gas, oil, electric or other utilities	S
University or college	X
BUSINESS USES: APPLIANCES	
Electric appliance service and sales	X
Radio-TV service and sales	X
Other similar uses	X
BUSINESS USES: AUTOMOBILE SERVICES	
Automobile repair (all indoors)	X
Filling or service station 1	X
Public parking garage	X
Public parking area	X
Other similar uses	S
BUSINESS USES: CLOTHING SERVICES	
Dressmaking shop	X
Drycleaning establishment 2	X
Laundry agency	X
Millinery shop	X
Self-service laundry	X
Shoe repair shop	X
Tailor and pressing shop	X

Other similar uses	S
BUSINESS USES: FOOD SALES AND SERVICES	
Bakery - retail	X
Dairy - retail	X
Delicatessen	X
Grocery	X
Meat Market	X
Restaurant	X
Supermarket	X
Other similar uses	S
BUSINESS USES: GENERAL BUSINESS	
Bank	X
Business or professional office	X
Postal station	X
Telegraph office	X
Other similar uses	S
BUSINESS USES: PERSONAL SERVICES	
Barber shop	X
Beauty shop	X
Reducing salon	X
Other similar uses	X
BUSINESS USES: RECREATION	
Bait sales	X
Billiard room 3	X
Bowling alley 3	X
Lodge or private club	X
Nightclub 3	X
Private recreational development	S
Tavern 3	X
Theater, indoor 3	X
BUSINESS USES: RETAIL SALES	
Apparel shop	X
Department store	X
Drug store	X
Flower shop 4	X
Gift shop	X
Hardware store	X
Jewelry Store	X
News dealer	X
Record shop	X
Retail showroom	X
Stationary	X
Variety store	X
Other similar uses	X
BUSINESS USES: Miscellaneous	

Clinic	X
Home service	X
Hospital	X
Hotel or motel	X
Railway station or motorbus station	X
Photographic studio	X
Retail business not otherwise covered	X

(10) Residential uses in CBP must be located above the ground floor, except that one handicapped accessible dwelling unit may be located on the ground floor of non-elevator buildings.

Section 4. Amend subsection (a) of Unified Zoning Ordinance section 4.1

(Height of Structures) to read as follows:

(a) (TIPPECANOE COUNTY, DAYTON) Except as otherwise provided by this section, or in Chapter 6, no structure may be erected or changed so as to make its height greater than twenty-five feet if it is in an R1, R1A, R1B, R2 or FC District, or thirty-five feet it is in an A, AA, R3, R4, AB, LB, GB, CBP, SC, or IR District, or one hundred feet if it is in a CB or I District.

Provided, however, that in the City of West Lafayette only, in an R3 District, the height of the finish floor of the upper story shall not exceed 14 feet. Also, provided that no building in a CBP zone shall have more than three stories, regardless of height, any part of which is above grade at the front elevation of the building.

(a) (LAFAYETTE, WEST LAFAYETTE, BATTLE GROUND) Except as otherwise provided by this section, no structure may be erected or changed so as to make its height greater than twenty-five feet if it is in an R1, R1A, R1B, R2 or FC

District, or thirty-five feet if it is in an AA, R3, R4, AB, LB, GB, CBP, SC, or IR District, or one hundred feet if it is in a CB or I District. Provided, however, that in the City of West Lafayette only, in an R3 District, the height of the finish floor of the upper story shall not exceed 14 feet. Also, provided that no building in a CBP zone shall have more than three stories, regardless of height, any part of which is above grade at the front elevation of the building.

Section 5. Amend Unified Zoning Ordinance section 4.6 (Standard Setbacks) to read as follows:

(a). in any district except the CB and CBP districts, where there is no such requirement, minimum depth of front yard for a lot abutting a street shall be as follows:

Street Type	Minimum Front Yard
Local or Place	25 feet
Collector	30 feet
Secondary Arterial	40 feet

Primary Arterial	60 feet

Arterials are designated by the Adopted Thoroughfare Plan; collectors are designated by resolution of the commission.

However, along a local street in a residence district or business district other than CB or CBP, where fifty percent of lots in that block face are occupied by principal use buildings, minimum depth of front yard for that block face shall be the average depth of front yard for those buildings, provided that such front yard shall be no less than 10 feet. But buildings to be removed to make way for a new building shall not be included when calculating average depth of front yard to be applied to the new building.

A through lot has a front yard on each abutting street.

For any corner lot, these front yard setback standards shall also apply to the side yard abutting the primary or secondary arterial, collector, local street or place.

Where a lot does not abut a street, minimum depth of front yard shall be 25 feet, measured from a designated front lot line.

For any accessory building, minimum depth of front yard shall be the same as for the principal use building.

(b) Minimum depth of rear yard, in feet, for primary and accessory buildings shall be as follows:

Zoning District	Residential Use		Nonresidential Use	
	Primary	Accessory	Primary	Accessory
Ra, R1A, R1B, R2, R3, R4, A, AA, FC	25	10	25	10
LB	15	15	15	15
GB AB	15	15	15/40[1]	15/40[1]
CB, CBP	0	0	0	0
I	- -	- -	15/40[1]	15/40[1]
IR	15	15	15/40[1]	15/40[1]

[1]Where rear lot line abuts a residential district

(c) Minimum depth of side yard, in feet, for primary or accessory buildings shall be as follows:

Zoning District	Residential Use	Nonresidential Use
R1, R1A, R1B, Rs, R3, R4, A, AA, FC	6	6
LB, GB, AB	0	0/10[1]
CB, CBP	0	0
I	- -	0/30[1]
IR	6	0/30[1]

[1]Where side lot line abuts a residential district

Section 6. Amend Unified Zoning Ordinance section 4.14 to add a subsection (f) as follows:

(f) Each principal use building in a CBP development shall provide a loading berth for its use and all deliveries shall use the same unless the administrative officer certifies that there is a street or alley loading zone within 130 feet of the development in which case the development may elect not to include a loading berth. If no loading berth is included, all deliveries must be made using the certified street or alley loading zone.

Section 7. Amend Unified Zoning Ordinance section 4.15 to add a subsection (k) as follows:

(k) In West Lafayette only, the maximum number of parking spaces required for customer oriented retail uses in a GB District shall be 59.9% of that otherwise set forth in this section. The minimum number of parking spaces required for customer oriented retail uses in a CBP District shall be 60.0% of that otherwise set forth in this section. Customer oriented retail uses include department store, retail showroom, apparel shop, flower shop, drugstore, hardware store, stationer, news dealer, record shop, photo studio, barber shop, beauty shop, reducing salon, restaurant, delicatessen, bakery, grocery, meat market, supermarket, electrical appliance shop, radio-TV shop, dressmaker, millinery, tailor, and pressing shop, shoe repair, dry cleaning shop, self-service laundry, laundry agency, billiard room, tavern, night club and similar business uses. No such parking shall be located between the building and the right-of-way line of any adjoining street. For existing buildings only, the board may grant a variance to permit the required parking to be located between the building and the right-of-way line of any adjoining street.

Section 8. Amend Unified Zoning Ordinance section 4.17 (d) (2) to read as follows:

(2) For each primary use other than those listed in paragraph (1), signs shall be permitted as accessory uses according to the number and net area of signs set forth below:

	Sign and Sign Area	
District	Number of Signs	Net Sign Area (each)

-	-	- - - - - - - - - - - -
AB & SC	3	60 square feet
LB	1	30 square feet
GB & CB	2	40 square feet

In CBP districts one sign of 30 square feet shall be permitted for each street frontage of each integrated center and one sign of 30 square feet permitted for each separate retail use and one additional sign of 10 square feet facing the parking lot for each use with a public entrance facing the parking lot (if a sign facing a street frontage is not visible from the parking lot). No portion of a sign may be located above the lower edge of the roof line. For purposes of this section, a separate use is a contiguous space, regardless of goods sold or services offered, which is operated as one space without intervening lockable partitions. No free standing or overhanging signs are permitted. One additional sign of 10 square feet is permitted for the integrated center, whose placement must be approved by the administrative officer, identifying the location of the entrance to any parking lot located on the opposite side of the building from the street.

Any change in a sign, including the facing, shall require an improvement location permit.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS day of OCTOBER, 1990.

1st

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Robert J. Patton, Jr.

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Bob England

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Carl Horner

_____
Shirley Shelton

_____
Jean McGroarty

ATTEST:

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Clerk-Treasurer

ORDINANCE NO. 289

AMENDMENT TO ORDINANCE NO. 131

Editor's Note: This ordinance was repealed by Ordinance 13-509, adopted 5/13/2013.

WHEREAS, Ordinance No. 133 entitled an ordinance amending Ordinance NO. 131 fixing

the rates and charges to be collected by the Town of Battle ground, from the owners of property served by the sewage works of said Town and other matters connected therewith was adopted by the Board of Trustees of the Town of Battle Ground, Tippecanoe County, Indiana on the 13th day of September, 1971 and

WHEREAS, the Board of Trustees of the Town of Battle Ground, Indiana passed Ordinance NO. 133 on October 26, 1971; and

WHEREAS, Section 6 of Ordinance NO. 133

provides that the Town shall make and enforce

such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the town serer system and for the construction and use of house sewers and connectors to the sewer system and for the regulation, collection, rebating and refunding of rates and charges;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT:

ORDINANCE NO. 131 SHALL BE AMENDED AND REVISED AS FOLLOWS:

Editor's Note: While the following passages clearly indicate that Section 2g of Ordinance #131 is being revised, Ordinance 131 does not contain Section 2g.

The correct reference - and linkage - is to Ordinance #133.

Section 1 (following) was further amended by Ordinance #399 to allow for some special credit conditions.

Since the "sprinkling credit" is now an integral part of Sewage Rates, please refer to the most current Sewage Rates Ordinance - as supplemented by Ordinance #399.

Section 1. The first two sentences of

Section 2 (g) shall read as follows: In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the billing periods of May 15 through August 15, the billing for sewage service for residences and/or domestic users for said billing period of May 15 through August 15, shall be based on the water usage for the previous billing periods of December 15 through March 15 is greater than the water usage for said billing periods of May 15 through August 15, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

Section 2. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

ALL OF WHICH IS ADOPTED THIS 4th day of March, 1991.

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Presiding Officer

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE # 290

An ordinance fixing the maximum annual salaries for all EMPLOYEES AND

THE CLERK TREASURER OF THE TOWN OF BATTLE GROUND TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND COUNCIL PERSONS FOR THE YEAR 1991

[Editor's Note: This ordinance was replaced by Ordinance #299-A]

AMENDING ORDINANCE # 282

SECTION 15: Overtime policy will allow compensatory time at a rate of 1 1/2 hours per every hour overtime worked or the Council shall have the right to pay overtime at the rate of 150% for each hour worked overtime.

Passed on this the 1st day of April 1991.

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ATTEST:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE # 294

AMENDING ORDINANCE #282, 1991

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1991.

[Editor's Note: This ordinance was replaced by Ordinance #299-A]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

That Section 16 be added allowing for payment of salary for a Deputy Marshal in training.

Section 16: The Deputy Marshal in Training shall receive an hourly rate of $8.50 per hour and work 12 hours per week. He shall work under the direction of the marshal and his position shall be reviewed after three months.

He is subject to dismissal at any time during this training period. When training is completed his position shall be reviewed with the Board to determine if a new position will be created. Pay for this position will be mutually agreed upon by the Council, the marshal, and the new police deputy.

Section 16 is to set the pay of an additional employee and in no way affects the present deputy marshal as stated in Section 4 of Ordinance #282.

Any and all ordinances in conflict with this ordinance upon its passage or parts of ordinances are hereby null and void.

Passed on this the 1 of July 1991.

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ATTEST:

Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 296

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 2.2 OF CHAPTER II OF ORDINANCE NO. 169A, KNOWN AS

THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, BY CHANGING THE

DISTRICT BOUNDARIES.

BE IT ORDAINED BY THE TOWN COUNCIL OF BATTLE GROUND, INDIANA, AS FOLLOWS:

Section 1. That Section 2.2 (a) of Chapter II of Ordinance No. 169A known as the Unified Zoning Ordinance of Tippecanoe County, Indiana, and the Official Zoning map be amended by changing the zoning district of the following described real estate from R1B to LB to wit:

A part of Lot number Five (5) in the Town of Harrisonville (now Battle Ground City), being a piece of ground which is Sixty six (66) feet wide along Main Street and fifty-seven (57) feet deep and in addition, a part of the western twenty two (22) feet of a certain street platted as a right of way between Lots five (5) and six (6) being fifty-seven (57) feet in length, vacated per Battle Ground City ordinance #284, on July 10, 1990.

Located in Tippecanoe Township, Tippecanoe County, Indiana. (207 Main St.)

Section 2. This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THIS 3rd day of September, 1991.

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Attest:

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Judith E. Marks, Clerk-Treasurer

ORDINANCE NO. 297

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 1 OF ORDINANCE NO. 169A BEING THE UNIFIED ZONING

ORDINANCE OF TIPPECANOE COUNTY.

Editor's Note: Amended by Ordinance #303.

BE IT ORDAINED by the County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana) that Ordinance NO. 169A, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

SECTION 1: That the definition of the terms "front yard", "manufactured home"

and "rear yard" in Chapter 1 - TERMINOLOGY, Section 1.2 - DEFINITIONS be amended to read as follows:

"front yard" means the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions specify otherwise.

"Manufactured home" means a single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) and which also complies with the following specifications:

(a) shall have been constructed after January 1, 1981 and must exceed nine hundred fifty (950) square feet of occupied space per IC 36-7-4 (d);

(b) is attached to a permanent foundation of masonry construction and has a permanent perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;

...MISSING "C" Item...

(d) has a pitched roof with a minimum rise of 2/12; and,

(e) consists of two (2) or more sections which, when joined, have a minimum dimension of 20' in both length and width.

"rear yard" means the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line.

The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front lot line.

Section 2, This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS 7th DAY OF October, 1991.

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attest:

_____
Clerk-Treasurer

ORDINANCE # 298

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 169 BEING THE UNIFIED

SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY

BE IT ORDAINED by the County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana) that Ordinance #169, being the Unified Subdivision Ordinance of Tippecanoe County is hereby amended as follows:

SECTION 1: That the definition of the terms "front yard" and the "rear yard" in Section 2 - DEFINITIONS, 2.2 WORDS AND TERMS DEFINED be amended to read as follows:

FRONT YARD. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage, except as deed restrictions specify otherwise.

REAR YARD. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front lot line.

SECTION 2: This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS

7th DAY OF OCTOBER, 1991.

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_____

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ATTEST:

_____

Clerk-Treasurer

ORDINANCE # 299

Editor's Note: There are two nearly identical versions of ordinance 299 and they were both given the same number. One version was typed on the standard ordinance book pages - this is the version you are currently viewing.

The other version (Ordinance 299-A) was typed on standard 8½ x 11 paper and clipped into the ordinance book. Only Ordinance 299-A was signed by the town council.

Editor's Note: Whichever of the ordinances 299 or 299-A was officially recognized, it was promptly amended by Ordinance #300 and later by Ordinance #302.

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1992.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

Section 1: The Clerk-Treasurer shall receive an hourly salary of $4.80 (Four dollars and eighty cents) to come from the Sewage Fund and the General Fund. The Clerk-Treasurer shall receive mileage according to the mileage ordinance for use of his/her car for town purposes. The insurance covered is dental, life and disability coverage, and shall be paid by the town. She shall have 1 week vacation after 6 month and 2 weeks after 1 year. She shall work 40 hours a week.

Section 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $2.50 per hour. Two dollars and fifty cents to come from the Sewage Fund.

All medical and dental insurance will be paid by the town. *1 wk after 6 mo. and 2

wks after 1 year. She shall work 32 hours per wk.

Section 3: The Town Marshal shall receive an hourly rate of $11.75 Eleven and seventy five cents to be paid from the General Fund. He/she shall work 20 hours per week and have 60 hours paid vacation or sick leave per year.

Section 4: The Deputy Town Marshall (#1) shall receive an hourly rate of $10.80 (Ten dollars and eighty cents) to be paid from the General Fund. He/she shall work 20 hours per week at the direction of the Town Marshal.

The Deputy Marshal shall have 60 hours paid vacation or sick leave.

Section 5: The Deputy Town Marshal #2 shall receive an hourly rate of $8.85 (Eight dollars and eighty-five cents) to be paid from the General Fund. He/she shall work 12 hours per week at the direction of the Town Marshal.

Section 6: The Crossing Guard shall receive a salary of $20.00

(Twenty dollars and no cents). The days worked shall be set by the Town Marshal.

Funds shall come from the General Fund. Protection equipment shall be furnished by the town.

Section 7: The Sewage Superintendent shall receive a salary of $11,419.38 (eleven thousand four hundred nineteen and 38/100's) to be paid from the Sewage Fund. He/she shall receive a pair of steel toed boots not to exceed $100.00. Uniform service will be paid by the town and all medical and dental insurance premiums will be paid by the town. He/she will receive (15) fifteen days vacation or sick leave.

Section 8: MVH/Sewage worker shall receive a salary of $22,186.22

to be paid equally from the MVH Fund and the Sewage Fund. He/she shall receive a pair of steel toed boots not to exceed $100.00. Uniform service will be paid by the town and all medical and dental insurance will be paid by the town. He/she will receive 15 (fifteen) days paid vacation or sick leave.

Section 9: The Senior Life Guard shall be paid $5.00 (five dollars and no cents) per hour to come from the General Fund. Hours worked shall not exceed 40 hours per week.

Section 10: Substitute Life Guards shall be paid $4.80 Four dollars and eighty cents per hour to come from the General Fund. Hours worked shall not exceed 40 hours per week.

Section 11: New employees shall have a six (6) month training period and can be terminated any time during that period at the discretion of the Town Council. A pay scale shall be determined commensurate with experience and educational background. Benefits will be paid for PERF and medical. No vacation time or sick leave shall apply until six (6) months is completed. This section applies to non-elective positions.

Section 12: The Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December.

A. President of the Council

General Fund	225.00
Sewage Fund	325.00
Total	$550.00

B. Area Plan Representative

General Fund	250.00
Sewage Fund	250.00
Total	$500.00

C. All Other Councilpersons

General Fund	225.00
Sewage Fund	225.00
Total	$450.00

The Town Council members must attend eight (8) regular meetings to receive a full years compensation.

Councilpersons leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

Councilpersons attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

Section 13: Overtime policy will allow compensatory time at a rate of 1 ½ hours per every hour overtime worked or the Council shall have the right to pay overtime at the rate of 150% for each hour worked overtime.

Section 14: The following are the 12 paid holidays which will be paid if it is a scheduled work day (Temporary employees and seasonal employees are not eligible). Employees must work at least 32 hours per week to be classed full-time and be eligible.

January	Mon.	New Years Day
February 17	Mon.	President's Day
April 17	Fri.	Good Friday
May 25	Mon.	Memorial Day
July 6	Mon.	Independence Day
Sept. 7	Mon.	Labor Day
Oct. 12	Mon.	Columbus Day
Nov. 26 & 27	Thur./Fri.	Thanksgiving
Dec. 24 & 25	Thur./Fri.	Christmas
Dec. 31	Thur.	New Years Eve.

Section 15: The Clerk-Treasurer shall be paid weekly.
MVH/Sewage Worker shall be paid weekly.
Sewage Plant Manager shall be paid bi-weekly.
Deputy Clerk-Treasurer shall be paid bi-weekly.
Marshal shall be paid weekly.
Both Deputy Marshals shall be paid weekly.
Crossing Guard shall be paid weekly.
Life Guards shall be paid weekly.
Temporary employees shall be paid weekly at a mutually agreed rate.

Section 16: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

Passed on this the 16th day of Dec.

1991.

Town Council

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_____
Judith E. Marks, Clerk-Treasurer

ORDINANCE # 299

Editor's Note: There are two nearly identical versions of ordinance 299 and they were both given the same number. One version was typed on the standard ordinance book pages (Ordinance 299). The other version was typed on standard 8½ x 11 paper and clipped into the ordinance book. Only this latter version - that you are currently viewing - was signed and it has been labelled Ordinance 299-A.

Editor's Note: Whichever of the ordinances 299 or 299-A was officially recognized, it was promptly amended by Ordinance #300

and later by Ordinance #302.

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK

TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL

COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1992.

[Editor's Note: This ordinance was replaced by Ordinance #301]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND INDIANA THAT:

Section 1: The Clerk-Treasurer shall receive an hourly salary of $4.80- Four dollars and eighty cents to come from the Sewage Fund and the General Fund. The Clerk-Treasurer shall receive mileage according to the mileage ordinance for use of his/her car for town purposes.

The insurance covered is dental, life and disability coverage, and shall be paid by the town. She shall have 1 week vacation after 6 mo. and 2 wks. after 1 yr. She shall wk 40 hr wk.

Section 2: The Deputy Clerk-Treasurer shall receive an hourly rate of $2.50 per hour. Two dollars and fifty cents to come from the Sewage Fund.

All medical and dental insurance will be paid by the town. *1 wk after 6 mo. and 2 wks after 1 year. She shall work 32 hours per wk.

Section 3: The Town Marshal shall receive an hourly rate of $11.75 Eleven and seventy-five cents to be paid from the General Fund. He/she shall work 20 hours per week and have 60 hours paid vacation or sick leave per year.

Section 4: The Deputy Town Marshall(#l) shall receive an hourly rate of $10.80 (Ten dollars and eighty cents) to be paid from the General Fund.

He/she shall work 20 hours per week at the direction of the Town Marshal. The Deputy Marshal shall have 60 hours paid vacation or sick leave.

Section 5: The Deputy Town Marshal #2 Shall receive an hourly rate of $8.85 (Eight dollars and eighty-

five cents) to be paid from the General Fund. He/she shall work 12 hours per week at the direction of the Town Marshal.

Section 6: The Crossing Guard shall receive a salary of $20.00

(Twenty dollars and no cents). The days worked shall beset by the Town Marshal.

Funds shall come from the General Fund. Protection equipment shall be furnished by the town.

Section 7: The Sewage Superintendent shall receive a salary of $11,419.38 (eleven thousand four hundred nineteen and 38/100's) to be paid from the Sewage Fund. He/she shall receive a pair of steel toed boots not to exceed $100.00. Uniform service will be paid by the town and all medical and dental insurance premiums will be paid by the town. He/she will receive (15) fifteen days vacation or sick leave.

Section 8: MVH/Sewage worker shall receive a salary of $22,186.22 (Twenty two thousand one hundred eight-six and 22/100's) to be paid equally from the MVH Fund and the Sewage Fund. He/she shall receive a pair of steel toed boots not to exceed $100.00. Uniform service will be paid by the town and all medical and dental insurance will be paid by the town. He/she will receive 15 (fifteen) days vacation or sick leave.

Section 9: The Senior Life Guard shall be paid $ 5.00 (Five dollars and no/100s per hour) to come from the General Fund. Hours worked shall not exceed 40 hours per week.

Section 10: Substitute Life Guards shall be paid $4.80 (Four dollars and eighty cents per hour) to come from the General Fund. Hours worked shall not exceed 40 hours per week.

Section 11: New employees shall have a six (6) month training period and can be terminated any time during that period at the discretion of the town council. A pay scale shall be determined commensurate with experience and educational background. Benefits will be paid for PERF and medical. No vacation time or sick leave shall apply until six (6) months is completed. This section applies to non-elective positions.

Section 12: The Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December.

A. President of the Council

General Fund	225.00
Sewage Fund	325.00
Total	$550.00

B. Area Plan Representative

General Fund	250.00
Sewage Fund	250.00
Total	$500.00

C. All Other Councilpersons

General Fund	225.00
Sewage Fund	225.00

Total	$450.00

The Town Council members must attend eight(8) regular meetings to receive a full years compensation. Councilpersons leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category. Councilpersons attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

Section 13: Overtime policy will allow compensatory time at a rate of 1 ½ hours per every hour overtime worked or the Council shall have the right to pay overtime at the rate of 150% for each hour worked overtime.

Section 14: The following are the 12 paid holidays which will be paid if it is a scheduled work day. (Temporary employees and seasonal employees are not eligible). Employees must work at least 32 hours per week to be classed full-time and be eligible.

January	Mon.	New Years Day
February 17	Mon.	President's Day
April 17	Fri.	Good Friday
May 25	Mon.	Memorial Day
July 6	Mon.	Independence Day
Sept. 7	Mon.	Labor Day
Oct. 12	Mon.	Columbus Day
Nov. 26 & 27	Thur./Fri.	Thanksgiving
Dec. 24 & 25	Thur./Fri.	Christmas
Dec. 31	Thur.	New Years Eve.

Section 15:

The Clerk-Treasurer shall be paid weekly.
MVH/Sewage Worker shall be paid weekly.
Sewage Plant Manager shall be paid bi-weekly.
Deputy Clerk-Treasurer shall be paid bi-weekly.
Marshal shall be paid weekly.
Both Deputy Marshals shall be paid weekly.
Crossing Guard shall be paid weekly.
Life Guards shall be paid weekly.
Temporary employees shall be paid weekly at a mutually agreed rate.

Section 16: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

Passed on this the 16th day of Dec.

1991.

Town Council

Jean L. McGroarty

Robert J. Patton, Jr.

Shirley Shelton

Carl C. Horner

Attest:

Judith E. Marks
Judith E. Marks, Clerk-Treasurer

ORDINANCE # 300

AMENDMENT TO ORDINANCE # 299

[Editor's Note: This ordinance was replaced by Ordinance #301]

WHEREAS, Ordinance #299 entitled an ordinance fixing the maximum annual salaries for all employees and the Clerk-Treasurer of the Town of Battle Ground, Indiana and all compensation for employees and council-persons for the year 1992:

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT ORDINANCE #299 BE AMENDED AND REVISED AS FOLLOWS:

SECTION I: The Clerk-Treasurer shall receive a salary of $12,688.00 to be paid as follows: $4,992.00 from General funds and $7,696.00

from the Sewage funds.

SECTION II: The Deputy Clerk-Treasurer and Utility Clerk shall receive a salary of $11,440.00 to be paid from the Sewage funds.

SECTION III: MVH/Sewage Worker shall receive a salary (40 hours per week) of $22,838.76 to be paid as follows: $11,093.11 from MVH funds and $11,745.65 from the Sewage funds.

SECTION IV: The Sewage Operator helper shall receive a salary (40 hours per week) of $12,480.00 to be paid from the Sewage funds, with review in 90 days.

SECTION V: INSURANCE: All full-time employees and salaried employees shall receive all medical and dental insurance to be paid by the town.

SECTION VI: UNIFORM SERVICE: All full-time employees and salaried employees shall receive uniform service as provided in Ordinance # 299.

SECTION VII: VACATION: All full-time employees and salaried employees shall receive vacation/sick-leave as follows, after six months employment five days (40) hours), after one year ten days (80) hours) and after two years fifteen days (120 hours).

PASSED ON THIS 3rd DAY OF February 1992.

BATTLE GROUND TOWN COUNCIL

Carl C. Horner

Selma Patterson

Stan Cunningham
Stan Cunningham

Steven C. Egly

Steven C. Egly

Donald D. McKee
Donald McKee

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE #301

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1993

[Editor's Note: This ordinance was replaced by Ordinance #311]

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT:

SECTION I: The Clerk-Treasurer shall receive a salary of $12,376.00 to be paid equally from the Sewage and General funds. Salary to be paid bi-weekly.

SECTION II: The Deputy Clerk-Treasurer shall receive a salary of $8,736 to be paid from the sewage fund. Salary to be paid bi-weekly.

SECTION III: The Town Marshal shall receive an hourly rate of $12.34 per hour for 20 hours worked per week to be paid from the General Fund.

He shall be paid weekly.

The #1 Deputy Town Marshal shall receive an hourly rate of $11.34 per hour for 20 hours worked per week to be paid from the General fund. He shall be paid weekly.

The #2 Deputy Town Marshal shall receive an hourly rate of $9.29 per hour for 12 hours worked per week to be paid from the General Fund. He shall be paid weekly.

SECTION IV: The Crossing Guard shall receive $20.00 per each day worked. (Days worked are set by the Town Marshal) and to be paid from the General Fund weekly.

SECTION V: Sewage Superintendent shall receive a salary of $11,990.35 to be paid from Sewage funds weekly.

SECTION VI: MVH/Sewage Operator shall receive a salary of $23,980.70 to be paid equally from MVH and Sewage funds weekly.

Editor's Note: Section VII (below) was amended by Ordinance #304.

SECTION VII: Sewage Operator shall receive a salary of $8,736.00

($6.30 per hour) to be paid from the Sewage fund weekly.

SECTION VIII: Life Guards: Senior life-guard shall be paid $5.25 per hour not to exceed 40 hours per week. Assistant Life-guard shall be paid $5.00 per hour not to exceed 40 hours.

Substitute life-guards shall be paid $5.00 per hour not to exceed 40 hours.

All life-guards to be paid weekly from General funds.

SECTION IX: Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December,

A. President of the Council

General Fund	225.00
Sewage Fund	325.00
	$550.00

B. Area Plan Representative

General Fund	250.00
Sewage Fund	250.00
	$500.00

C. All Other Councilpersons

General Fund	225.00
Sewage Fund	225.00
	$450.00

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving or resigning before the year is complete will receive a pro-rate portion of the amount due in their category.

Councilpersons attending less than eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION X: INSURANCE: All full-time salaried employees shall receive all medical and dental insurance to be paid by the Town.

Employees shall pay 1/4 of the cost of their families medical insurance.

SECTION XI: UNIFORM SERVICE: Service to be provided for Sewage Superintendent, MVH/Sewage Operator and Sewage Operator. MVH/Sewage Operator shall receive steel-toed boots not to exceed $100.00. Protective equipment for crossing guard shall be provided by the Town.

SECTION XII: VACATION: All full-time salaried employees shall receive vacation/sick six months employment (5 days or 40 hours) after one year (10 days or 80 hours) and after two years (15 days or 120 hours).

The Town Marshal and #1 Deputy Marshal shall receive vacation/sick leave of 60

hours and the Deputy Marshal #2 shall receive 24 hours vacation/sick leave.

SECTION XIII: OVER-TIME POLICY: Compensatory time will be at a rate of 1+ hours per every hour overtime worked. As of May 1, 1993

the accumulated comp time will be used or lost. After May 1, 1993 comp time must be used within thirty days of earning it or be lost.

SECTION XIV: HOLIDAYS: The following (12) twelve paid holidays will be paid for full-time and salaried employees and are as follows:

January 1	Friday	New Years Day
February 15	Monday	President's Day
April 16	Friday	Good Friday
May 31	Monday	Memorial Day
July 5	Monday	Independence Day
September 6	Monday	Labor Day
October 11	Monday	Columbus Day
Nov. 25/26	Thur/Fri	Thanksgiving Day
Dec. 23/24	Thur/Fri	Christmas
December 31	Friday	New Years Eve

SECTION XV: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 7th day of JULY 1992.

Battle Ground Town Councilpersons:

Donald D. McKee

Presiding Officer - Don McKee

Selma Patterson

Stanley Cunningham

Stanley Cunningham

David L. Ferringer

David L. Ferringer

Steven C. Egly

ATTEST:

Geraldine Berghoff
Geraldine Berghoff-Clerk-Treasurer

ORDINANCE # 302

AMENDMENT TO ORDINANCE # 299

[Editor's Note: This ordinance was replaced by Ordinance #311]

WHEREAS, Ordinance #299 entitled "An Ordinance Fixing the Maximum Annual Salaries for All Employees and the Clerk-Treasurer of the Town of Battle Ground, Indiana and All Compensation for Employees and Councilpersons for the year 1992."

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT ORDINANCE #299 BE AMENDED AND REVISED AS FOLLOWS:

SECTION IV: The Sewage Operator Helper shall receive a salary raise after his review and that raise shall be $1.00 per hour and shall come from the Sewage funds. This raise shall begin August 1, 1992.

PASSED ON THIS THE 3rd DAY OF AUGUST 1992.

BATTLE GROUND TOWN COUNCIL

Donald D. McKee
Donald McKee

Selma Patterson

Stanley Cunningham
Stanley Cunningham

David L. Ferringer
David Ferringer

Steven Egly
Steven Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE # 303

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AMENDS ORDINANCE NO. 297 an ordinance amending chapter 3 of ordinance no 169A BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY

BE IT ORDAINED by the (County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana) that Ordinance No. 169A, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

SECTION 1: Amend the table in Unified Zoning Ordinance Section 3.1 (Primary Uses), Public Facilities subsection, by:

1. Permitting a "Church or temple: by right (X) in AA districts;
2. adding footnote 11 at the end of "Railroad right-of-way and necessary uses"

   to read:
   "[11]Railroad yards require a special exception in all districts.";

3. permitting "Railroad right-of-way and necessary uses by right (X) in A & FC districts; and
4. permitting "Transmission lines for gas, oil, electricity or other utilities"

   by right (X) in A and FC districts, rather than by special exception (5).

SECTION 2: Amend the table in Unified Zoning Ordinance Section 3.1 (Primary Uses), Industrial Uses subsection, by:

1. adding the words "Fertilizer and" in front of "Liquid fertilizer storage and distribution";
2. permitting "Fertilizer and liquid fertilizer storage and distribution: by special exception (5) in AA districts; and
3. permitting " Mineral extraction, borrow pit, topsoil removal and storage" by special exception (5) in AA districts.

SECTION 3: Amend the table in Unified Zoning Ordinance Section 3.1 (Primary Uses), Business Uses; Miscellaneous subsection, by:

1. adding a new primary use "Agricultural seed sales (other than owner of farm and/or operator of farm)";
2. permitting "Agricultural seed sales (other than owner of farm and/or operator of farm)" by special exception (5) in A, AA and FC districts;
3. adding a new primary use "Agricultural seed sales (owner of farm and/or operator of farm);
4. permitting "Agricultural seed sales (owner of farm and/or operator of farm)"

   by right (X) in A, AA and FC districts;

5. adding a new primary use "Farm chemical sales (pesticides)",
6. permitting "Farm chemical sales (pesticides)" by special exception (s) in A,AA and FC districts;
7. adding the punctuation and words ", and repair" and footnote 12 at the end of "Farm equipment sales and service", with footnote 12 to read: "[12]

   Farm equipment includes no licensed vehicles other than non-motorized vehicles."

8. permitting "Farm equipment sales and service, and repair 12" by special exception (5) in AA and FC districts; and
9. permitting "Recreational vehicle park" by special exception (5) in A districts, rather than by right (X).

SECTION 2.

This ordinance, shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN BOARD OF THE TOWN OF BATTLE GROUND, INDIANA THIS

5th DAY OF OCTOBER, 1992.

BATTLE GROUND TOWN COUNCIL

Donald D. McKee

Donald McKee

Selma Patterson

Stanley Cunningham

Stanley Cunningham

David L. Ferringer

David Ferringer

Steven Egly

Steven Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

Ordinance 304

An Ordinance Amending Ordinance #301 fixing the maximum annual salaries for all employees and the Clerk-Treasurer of the Town of Battle Ground, Tippecanoe County, Indiana and all compensation for employees and councilpersons for the year 1993.

[Editor's Note: This ordinance was replaced by Ordinance #311]

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THAT ORDINANCE #301 BE AMENDED AS FOLLOWS:

SECTION VII: The Sewage Operator shall receive a salary of $10,919.00 to be paid weekly from the Sewage fund.

SECTION XV: Any and all ordinances in conflict with this ordinance upon its passage shall be null and void.

PASSED ON THIS 7th DAY OF December 1992.

Donald D. McKee

David L. Ferringer

Stanley Cunningham

Steven Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer, Geraldine Berghoff

ORDINANCE NO. 310

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 2.2 OF CHAPTER II OF ORDINANCE NO. 169A, KNOWN

AS THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, BY CHANGING THE

DISTRICT BOUNDARIES.

BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana, as follows:

SECTION I. That Section 2.2 (a) of Chapter II of Ordinance No. 169A

known as the Unified Zoning Ordinance of Tippecanoe County, Indiana, and the Official Zoning map be amended by changing the zoning district of the following described real estate from R1B to LB, to-wit:

Lots numbered nine (9) and ten (10) in Taylor's addition to Battle Ground City, as platted upon part of the Southeast quarter of Section twenty-three (23) Township twenty-four (24) North, Range four (4) west. EXCEPT a strip six (6) feet in depth and one hundred and sixty eight (168) in depth from the Street line of said lot, off of the northeast side said Lot numbered (10).

Located in Tippecanoe Township.

SECTION II: This ordinance shall be in full force and effect from and after the date of passage.

Adopted and passed by the Town Council of the Town of Battle Ground this 6th day of July 1993.

David L. Ferringer
President, David Ferringer

Steve Egly

Steve Egly

Stanley Cunningham
Stanley Cunningham

Donald D. McKee
Donald McKee

Marie McCoy

Marie McCoy

ATTEST:

Geraldine Berghoff
Clerk-Treasurer, Geraldine Berghoff

ORDINANCE # 311

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL

COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1994:

[Editor's Note: This ordinance was replaced by Ordinance #319]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $12,933 to be paid equally from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $9,129 to be paid from the Sewage Funds.

SECTION III: The Town Marshal shall receive an hourly rate of $13.00 per hour for 20 hours worked per week, to be paid from the General Fund.

The #1 Deputy Town Marshal shall receive an hourly rate of $12.00 per hour for 20 hours worked per week, to be paid from the General Fund. The #2 Deputy Town Marshal shall receive an hourly rate of $10.00 per hour for 12 hours worked per week, to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $12,530 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $25,060 to be paid equally from MVH and Sewage Funds.

SECTION VI: Sewage Operator shall receive an annual salary of $11,410 to be paid from the Sewage Fund.

SECTION VII: All life-guards shall not exceed 40 hours work per week and be paid from General Funds. Life-guard salary to be decided at time of hiring, total of all life-guards salary not to exceed $5,500 for the season.

SECTION: VIII: Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December:

A. President of the Council

Gen. Fund	$ 425.00
Sew. Fund	425.00
	$ 850.00

B. Area Plan Representative

Gen. Fund	$ 400.00
Sew. Fund	400.00
	$ 800.00

C. All Other Councilpersons:

Gen. Fund	$ 375.00
Sew. Fund	375.00
	$ 750.00

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving, resigning or not attending eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4

of the cost of dependants medical insurance.

SECTION X: Uniform service and a pair of steel-toed boots at a cost not to exceed $100.00 will be provided for the Sewage Superintendent, Street Superintendent and Sewage Operator. Cost for the Sewage Superintendent and Sewage Operator will be shared with the Battle Ground Conservancy District. Protective equipment for the Crossing Guard shall be provided by the Town.

SECTION XI: Vacation/sick leave for all full-time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked, ten days or 80 hours, after two years and every year thereafter, fifteen days or 120 hours. The Town Marshal and #1 Deputy Marshal shall receive vacation/sick leave of 60 hours and the Deputy Marshal #2 shall receive 24 hours vacation/sick time.

SECTION XII: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked. Compensatory time must be used within thirty days of earning it.

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

January 3	Monday	New Years Day
February 15	Monday	President's Day
April 8	Friday	Good Friday
May 30	Monday	Memorial Day
July 4	Monday	Independence Day
September 5	Monday	Labor Day
October 10	Monday	Columbus Day
Nov. 23/24	Thur/Friday	Thanksgiving Day
Dec. 23/26	Fri/Monday	Christmas
December 30	Friday	New Year's Eve

SECTION XIV: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 2nd DAY OF

AUGUST 1993.

David L. Ferringer
President, David Ferringer

Donald D. McKee
Donald McKee

Stanley Cunningham
Stanley Cunningham

Steve Egly

Steve Egly

Marie McCoy

Marie McCoy

ATTEST:

Geraldine Berghoff
Clerk-Treasurer, Geraldine Berghoff

ORDINANCE 94-313A

AN ORDINANCE TO APPROPRIATE MONEY TO PURCHASE AN OVERHEAD

DOOR FOR THE WORK AREA AT THE TOWN HALL.

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget; now therefore:

SECTION I: Be it ordained by the Council of the Town of Battle Ground, Battle Ground, Tippecanoe County, Indiana, that for the expense of said municipal corporation, the following additions sum of money is hereby appropriated and ordered set apart out of the fund herein named and for the purpose herein specified, subject to the laws governing the same:

FUND:	AMOUNT REQUESTED
400 Capital Outlay (CCI)	$813.00

SECTION II: WHEREAS, it has been shown that additional funds are available and un-appropriated, now therefore be it ordained that $813.00 be appropriated for Cumulative Capital Improvement Fund, 400 Capital Outlay:

ADOPTED THIS 7th

DAY OF February , 1994.

BATTLE GROUND TOWN COUNCIL:

David L. Ferringer
President, David Ferringer

Steven C. Egly

Steven C. Egly

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy

Marie McCoy

ATTEST:

Geraldine Berghoff
Clerk-Treasurer-
Geraldine Berghoff

ORDINANCE NO. 314-94

OF TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

[Editor's Note: Not adopted in lieu of Ordinance #325.]

AN ORDINANCE regulating the construction, alteration, repair, location and use of buildings and structures in the Town of Battle Ground, Indiana; providing for the issuance of permits therefore providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Board of Trustees of Battle Ground, Indiana, as follows;

SECTION 1, TITLE. This ordinance, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the Town of Battle Ground, Indiana", may be cited as such, and will be referred to herein as "this code".

SECTION 2. PURPOSE. The purpose of this Code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.

SECTION 3. (A) AUTHORITY. The Building Commissioner is hereby authorized and directed to administer and enforce all of the provision of this code.

Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Board of Trustees, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance has been complied with; and so such provision shall be construed as giving any officer discretionary powers as to what such regulation, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

SECTION 3. (B) The Building Commissioner, after having been designated at the officer of a single agency to administer and enforce building regulation, shall be authorized to issue building permits, collect permit fees, perform inspections, order orrection of violations of building regulations, and authorize occupancy of buildings and structures situated within the incorporated areas of Battle Ground.

SECTION 4. SCOPE. The provisions of this code a 1 to the construction alterations re air, use, occupancy, maintenance and additions to all buildings and structures other than fences, mobile structures and/or industrialized buildings in the Town of Battle Ground.

SECTION 5. ADOPTION OF REGULATIONS BY REFERENCE

A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this ordinance and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein:

(1) Articles 13-Building Codes

(a) Fire and Building Safety Standards
(b) Indiana Building Code
(c) Indiana Building Code Standards
(d) Indiana Handicapped Accessibility Code

(2) Article 14-One and Two Family Dwelling Codes

(a) Council of American Building Officials One and Two Family Dwelling Code
(b) CABO One and Two Family Dwelling Code; Amendments
(c) Standard for Permanent Installation of Manufactured Homes

(3) Article 16-Plumbing Codes

(a) Indiana Plumbing Code

(4) Article 17-Electrical Code

(a) Indiana Electrical Code
(b) Safety Code for Health Care Facilities

(5) Article 18-Mechanical Codes

(a) Indiana Mechanical Code

(6) Article 19-Energy Conservation Codes

(a) Indiana Energy Conservation
(b) Modifications to the Model Energy Code

(7) Article 20-Swimming Pool Code

(a) Indiana Swimming Pool Code

b. Copies of adopted building rules, codes, and standards are on file in the office of Building Commissioner.

SECTION 6. APPLICATION FOR PERMITS. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety commission of the State of Indiana must also be filed with the State Building Commissioner if state permit is required. No local permits shall be issued hereunder until a copy of a Design Release from the State Building Commissioner is received by the County Building Commissioner if such Design Release is required.

SECTION 7. PERMIT REQUIRED. A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner, and all fees provided for herein shall be paid to Tippecanoe County, Indiana.

SECTION 8. OTHER ORDINANCES. All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.

SECTION 9. (A) FEES - OTHER THAN ELECTRICAL (PERMITS).

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$0 - $1,000 - Improvements . . . . . . . . . . . . . . . . . . . . . . $25.00 fee
$1,000.01 - $1,000,000 . . . . . . . . . . . . . . . . . . . . $2.00 per $1,000 fee
$1,000,000.01 - And Above . . . . . . . . . . . . . . . . . . $0.10 per $1,000 fee
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SECTION 9. (B) FEES - -ELECTRICAL (PERMITS).

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1) Up to 200 Amps, single-phase . . . . . . . . . . . . . . . . . . . $25.00 fee
2) Any other electrical service . . . . . . . . . . . . . . . . . . . $50.00 fee
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SECTION 10. REVIEW OF APPLICATION. Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

(a) Review all building permit applications to determine full compliance with provisions of this ordinance

(b) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

SECTION 11. INSPECTIONS. After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to make, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this ordinance and the terms of the permit.

SECTION 12. ENTRY. Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure or premises in Battle Ground to perform any duty imposed upon him by this Code.

SECTION 13. STOP ORDER. Whenever any work is being done contrary to the provisions of this code,

the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

SECTION 14. CERTIFICATE OF OCCUPANCY. No final approval of construction for any building or structure erected, altered or repaired after the adoption of this ordinance shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this ordinance.

SECTION 15. STANDARDS. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

SECTION 16. VIOLATIONS. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other then fences, in the Battle Ground or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

SECTION 17. RIGHT OF APPEAL. All persons shall have the right to appeal the Building Commissioner' s decision first through the Commissioners of Battle Ground and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I.C. 22-13-2-7 or I.C. 4-21.5-3-7, as applicable.

SECTION 18. REMEDIES. The Building Commissioner shall in the name of the Trustees of the Town of Battle Ground bring actions in the Tippecanoe Circuit Court, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Commissioner, and any such action for mandatory or in injunctive relief may be joined with an action to recover the penalties provided for in this ordinance.

SECTION 19. PENALTIES. If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, with the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this ordinance, for each violation, failure or refusal, such person, firm, or corporation shall be fined in the sum of One Hundred Dollars ($100.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

SECTION 20. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

PASSED this _____ day of _____, 1994.

TOWN OF BATTLE GROUND

BOARD OF TRUSTEES

_____
PRESIDENT

_____
MEMBER

_____
MEMBER

_____
MEMBER

_____
MEMBER

ATTEST:

_____
Clerk-Treasurer

ENDORSEMENT:

Approved this _____ day of _____, 1994, by the Fire Prevention and Building Safety Commission of the State of Indiana.

_____
CHAIRMAN

_____
SECRETARY

ORDINANCE 315-94

ORDINANCE RE-ESTABLISHING CUMULATIVE CAPITAL DEVELOPMENT FUND UNDER IC 36-9-16.5-2

BE IT ORDAINED by the Battle Ground Town Council, Town of Battle Ground, Tippecanoe County, Indiana that a need now exists for the re-establishing of the Cumulative Capital Development Fund to provide for the following:

FOR IMPROVEMENTS TO PUBLIC WAYS AND SIDEWALKS AS DESCRIBED IN I.C. 36-9-16.5-2

The fund will be provided for by a tax levy on all taxable real and personal property in the taxing unit for a period of three (3) years. The tax rate on each one hundred dollars ($100.00) of taxable property will be fifteen cents ($.15) for 1994 taxes payable in 1995, fifteen cents ($.15) for 1995 payable in 1996, and fifteen cents ($.15) for 1996 taxes payable in 1997.

BE IT FURTHER ORDAINED that proofs of publication of the public hearing held on the 7th day of March, 1994 and a certified copy of this ordinance be submitted to the State Board of Tax Commissioners of the State of Indiana as provided by law. Said Cumulative Capital Development Fund is subject to the approval of the State Board of Tax Commissioners.

Duly adopted by the following vote of the members of said Battle Ground Town Council, this 7th day of March, 1994.

David L. Ferringer

David L. Ferringer

Stanley Cunningham

Stanley Cunningham

Donald D. McKee

Donald McKee

Marie McCoy

Marie McCoy

Steven C. Egly

Steve C. Egly

ATTEST:

Geraldine Berghoff
Clerk-Treasurer-Geraldine Berghoff

TOWN OF BATTLE GROUND ECONOMIC DEVELOPMENT INCOME TAX CAPITAL IMPROVEMENT PLAN

Pursuant to the authority granted by I.C. 6-3,5-7-15 to the Council of the Town of Battle Ground, we hereby adopt the following Capital Improvement Plan for the Town of Battle Ground setting forth the uses of the revenues which the Town of Battle Ground shall receive from the Economic Development Income Tax duly adopted in the year 1989 and re-established in 1991 and 1994. This Capital Improvement Plan shall encompass the period commencing this date. The project for this Capital Improvement Plan is as follows:

JEFFERSON STREET IMPROVEMENT PROJECT

The following described work is located between Main Street and the end of Jefferson Street, consisting of three blocks, approximately 1,519 feet. Plan consists of installation of new water service lines.

Project Description:

1. Cut the existing asphalt from Jefferson Street and at the intersections of High School Avenue and Sherman Street.
2. Remove and haul away from site all the existing asphalt surface.
3. Install storm drains as needed at engineers discretion.
4. Excavate and establish sub-grade to drain to existing inlets one foot below finish grade.
5. Supply, place and compact in the excavated area, addition stone #63 base as required to establish a minimum of eight inches of stone base. Alternate Bid to use Gravel Base.
6. Furnish, place two and one half inches hot asphaltic concrete base on the prepared two and one half inch base, an average of twenty two feet width.
7. Furnish, place and roll one and one half inches of hot asphaltic concrete surface to the three blocks of Jefferson Street.

Note: Questions should be addressed to Gene Shumard, Battle Ground Town Hall, 100 College Street, Battle Ground, In. 47920 Phone (317) 567-2603.

David L. Ferringer

David Ferringer

Stanley Cunningham

Stanley Cunningham

Donald D. McKee

Donald McKee

Marie McCoy

Marie McCoy

Steven C. Egly

Steve Egly

Attest:

Geraldine Berghoff
Clerk-Treasurer Geraldine Berghoff

ORDINANCE # 316 - 94

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND JEFFERSON STREET PROJECT

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, it has been determined that it is now necessary to appropriate money in the annual budget to fund Jefferson Street Project; now therefore:

SECTION I: Be it ordained by the Council of the Town of Battle Ground, Battle Ground, Tippecanoe County, Indiana, that for the expense of said municipal corporation, the following additional sum of money is hereby appropriated and ordered set apart out of the funds herein named and for the purpose herein specified, subject to the laws governing the same:

FROM:	AMOUNT REQUESTED
CEDIT OPERATING	$41,000.00
TO:	
OTHER SERVICES & CHARGES	$41,000.00
#311 Jefferson Street Project	
FROM:	
CCD OPERATING	$10,000.00
TO:	
OTHER SERVICES & CHARGES	$10,000.00
#311 Jefferson Street Project	

SECTION II: WHEREAS, it has been shown that additional funds are available and un-appropriated, now therefore be it ordained that $51,000.00 be appropriated for the Jefferson Street Project.

ADOPTED THIS 4th day of April, 1994.

David L. Ferringer
David L. Ferringer

Steven C. Egly
Steven C. Egly

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee

Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST:

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE # 317 - 94

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND JEFFERSON STREET PROJECT.

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, it has been determined that it is now necessary to appropriate money in the annual budget to fund Jefferson Street Project; now therefore:

SECTION I: Be it ordained by the Council of the Town of Battle Ground, Battle Ground, Tippecanoe County, Indiana, that for the expense of said municipal corporation, the following additional sum of money is hereby appropriated and ordered set apart out of the funds herein named and for the purpose herein specified, subject to the laws governing the same:

FROM	AMOUNT REQUESTED
CCI	$18,000.00
TO	
OTHER SERVICES & CHARGES	$18,000.00
#311 Jefferson St. Project	

SECTION II: WHEREAS, it has been shown that additional funds are available and un-appropriated, now therefore be it ordained that $18,000.00 be appropriated for the Jefferson Street Project:

ADOPTED THIS 6th DAY OF JUNE, 1994.

David L. Ferringer
David L. Ferringer

Steven C. Egly
Steven C. Egly

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

Stanley J. Cunningham
Stanley J. Cunningham

ATTEST:

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE # 319

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1995

[Editor's Note: This ordinance was replaced by Ordinance #328]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $13,665 to be paid equally from The Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $9,679 to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $13.53

per hour for 20 hours worked per week, to be paid from the General Fund. The #1

Deputy Town Marshall shall receive an hourly rate of $12.48 per hour for 20 hours worked per week, to be paid from the General Fund. The # 2 Deputy Town Marshal shall receive an hourly rate of $10.48 per hour for 12 hours worked per week, to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $12,930 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $25,860 to be paid equally from MVH & Sewage Funds.

SECTION VI: Sewage Operator shall receive an annual salary of $8,656

to be paid from the Sewage Fund.

SECTION VII: All life-guards shall not exceed 40 hours work per week and to be paid from General Funds. Life-guard salary to be decided at the time of hiring, total of all life-guards salary not to exceed $5,500 for the season.

SECTION VIII: Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December:

A. President of the Council

Gen. Fund	$525.00
Sew. Fund	525.00
	$1,050.00

B. Area Plan Representative

Gen. Fund	$500.00
Sew. Fund	500.00
	$1,000.00

C. All Other Councilpersons:

Gen. Fund	$475.00
Sew. Fund	475.00
	$950.00

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving, resigning or not attending eight (8) meetings will receive a prorated portion of the amount due in their category.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4

of the cost of dependents medical insurance.

SECTION X: Uniform service and a pair of steel-toed boots at a cost not to exceed $100.00 will be provided for the Sewage Superintendent, Street Superintendent and Sewage Operator. Cost for the Sewage Superintendent and Sewage Operator will be shared with the Battle Ground Conservancy District.

Protective equipment for the crossing guard shall be provided by the Town.

SECTION XI: Vacation/sick leave for all full-time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal and #1 Deputy Marshal shall receive vacation/sick leave of 60 hours and the #2 Deputy Marshal shall receive 24 hours vacation/sick time.

SECTION XII: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked. Compensatory time must be used within thirty days of earning it.

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

January 2	Monday	New Years Day
January 16	Monday	Martin Luther King Day
February 20	Monday	President's Day
May 2	Tuesday	Primary Election
May 29	Monday	Memorial Day
July 4	Tuesday	Independence Day
September 4	Monday	Labor Day
November 7	Tuesday	Election
November 10	Friday	Veterans Day
November 23/24	Thur/Fri	Thanksgiving Day

December 25/26 Mon/Tues Christmas

SECTION XIV: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 5th DAY OF JULY 1994.

Battle Ground Councilpersons

David L. Ferringer
David L. Ferringer

Steven C. Egly
Steven C. Egly

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy
Marie McCoy

ATTEST:

Geraldine Berghoff
Geraldine Berghoff-Clerk-Treasurer

ORDINANCE # 322 - 94

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND JEFFERSON STREET PROJECT.

[Editor's Note: Because this ordinance represents a one time appropriation of funds, it is no longer "active".]

WHEREAS, it has been determined that it is now necessary to appropriate money in the annual budget to fund Jefferson Street Project; now therefore:

SECTION I: Be it ordained by the Council of the Town of Battle Ground, Battle Ground, Tippecanoe County, Indiana, that for the expense of said municipal corporation, the following additional sum of money is hereby appropriated and ordered set apart out of the funds herein named and for the purpose herein specified, subject to the laws governing the same:

FROM	AMOUNT REQUESTED
CCI	$2,500.00
CCD	3,000.00
CEDIT	7,000.00
LR & S	4,500.00
GENERAL	3,000.00
TO	
CCI OTHER SERVICES & CHARGES	$2,500.00
#312 Jefferson Street Project	
CCD OTHER SERVICES & CHARGES	3,000.00
#311 Jefferson Street Project	
CEDIT OTHER SERVICES & CHARGES	7,000.00
#311 Jefferson Street Project	
LR & S OTHER SERVICES & CHARGES	4,500.00
#311 Jefferson Street Project	
GENERAL CAPITAL OUTLAYS	3,000.00
#411 Jefferson Street Project	

SECTION II: WHEREAS, it has been shown that additional funds are available and un-appropriated, now therefore be it ordained that $20,000 be appropriated for the Jefferson Street Project:

ADOPTED THIS 19th DAY OF SEPTEMBER, 1994.

David L. Ferringer
David L. Ferringer

Stanley J. Cunningham
Stanley J. Cunningham

Donald D. McKee
Donald D. McKee

Marie McCoy

Marie McCoy

ATTEST:

Geraldine Berghoff
Geraldine Berghoff, Clerk-Treasurer

ORDINANCE NO. 328 -95

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1996.

[Editor's Note: This ordinance was replaced by Ordinance #336]

SECTION 1: The Clerk-Treasurer shall receive an annual salary of $14,212 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $8,653 to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $14.00

per hour for 24 hours worked per week, to be paid from the General Fund. The #1

Deputy Town Marshal shall receive an hourly rate of $13.00 per hour for 24 hours worked per week, to be paid from the General Fund. The #2 Deputy Town Marshal shall receive an hourly rate of $11.00 per hour for 16 hours worked per week, to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of 13,214 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $17,620 to be paid equally from MVH and Sewage Funds.

SECTION VI: All life-guards shall not exceed 40 hours work per week and be paid from General Funds. Life-guard salary to be decided at time of hiring, total of all life-guards salary not to exceed $5,500 for the season.

[Editor's Note: Section VII (below) was modified by Ordinance #332].

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid as follows on the regular meeting day in December:

A. President of the Council

Gen. Fund:	$ 550.00
Sew. Fund:	550.00
	$1100.00

B. Area Plan Representative

Gen. Fund:	$ 525.00
Sew. Fund:	525.00
	$1050.00

C. All Other Councilpersons

Gen. Fund	$ 500.00
Sew. Fund	500.00
	$1000.00

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving, resigning or not attending eight (8) meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependants medical insurance.

SECTION IX: Uniform service and a pair of steel-toed boots at a cost not to exceed $100.00 will be provided for the Sewage Superintendent and Street Superintendent. Cost for the Sewage Superintendent and Street Superintendent will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the Town.

SECTION X: Vacation/sick leave for all full-time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal and #1 Deputy Town Marshal shall receive a maximum vacation/sick leave of 72 hours and the #2 Deputy Marshal shall receive 32 hours maximum vacation/sick time, according to the hours worked.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked. Compensatory time must be used within thirty days of earning it.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

January 1	Monday	New Years Day
January 15	Monday	Martin Luther King Day
February 19	Monday	President's Day
May 7	Tuesday	Primary
May 27	Monday	Memorial Day
July 4	Thursday	Independence Day
September 9	Monday	Labor Day
November 5	Tuesday	Election Day
November 15	Friday	Veterans' Day
November 21/22	Thur/Fri	Thanksgiving Day
December 24/25	Tue/Wed	Christmas

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 3rd DAY OF JULY, 1995.

BATTLE GROUND COUNCILPERSONS

David L. Ferringer

Donald D. McKee

Steven C. Egly

Marie McCoy

Stanley J. Cunningham

ATTEST: Geraldine Berghoff

ORDINANCE NO. 332 -96

Amendment to #328 - Salary Ordinance 1996

[Editor's Note: This ordinance was replaced by Ordinance #336]

BE IT ORDAINED THAT SECTION VII BE AMENDED TO READ:

SECTION VII: Town Council members are also the Sewage Utility Board, and shall be paid $500 from the General Fund and $500 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council, will receive an additional $50 from the General Fund and $50 from the Sewage Fund. The Area Plan Representative will receive an additional $25 from the General Fund and $25 from the Sewage Fund.

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving, resigning or not attending eight (8) meetings will receive a pro-rate portion of the amount due in their category.

Passed on the 4th day of March 1996.

Battle Ground Councilpersons

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ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 334 -96

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 169 BEING THE UNIFIED SUBDIVISION

ORDINANCE OF THE TOWN OF BATTLE GROUND

Be it ordained by the Town Council of the Town of Battle Ground, Indiana, that Ordinance No. 169, being the Unified Subdivision Ordinance of the Town of Battle Ground, Indiana, is hereby amended as follows:

SECTION 1. That (b) parcelizations of part (1), Classification of Land Divisions, of subsection 3.1, General Procedure, of Section 3, SUBDIVISION

APPLICATION PROCEDURES AND APPROVAL PROCESSES, is hereby amended by deleting the word "and" and adding the following after "(b) parcelizations,":

except that the actual location, shape, size and boundaries of a parcel established by a recorded parcelization shall not be changed, altered, added to or reduced by any provision, exempt division or exemption

except that the actual location, shape, size and boundaries of a parcel established by a recorded parcelization shall not be changed, altered, added to or reduced by any provision, exempt division or exemption provided for in this ordinance except by dissolution of the parcelization or a parcel thereof under section 3.5(7) of this ordinance.

SECTION 2. That part (6), Review, Approval and Recordation, of subsection 3.5, Parcelization, of Section 3, SUBDIVISION APPLICATION PROCEDURES

AND APPROVAL PROCESSES, is hereby amended by adding a new paragraph (d) as follows:

(d) The actual location, shape, size and boundaries of a parcel established by a recorded parcelization shall not be changed, altered, added to or reduced by any provision, exempt division or exemption provided for in this ordinance except by dissolution of the parcelization or a parcel thereof under section 3.5(7) of this ordinance.

SECTION 3. This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA THIS

3rd DAY OF JUNE, 1996.

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ATTEST:

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Clerk-Treasurer

ORDINANCE NO. 336 -96

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1997

[Editor's Note: This ordinance was replaced by Ordinance #344]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $14,922 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $9,345 to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $14.42

per hour for 24 hours worked per week, to be paid from the General Fund. The #1

Deputy Town Marshal shall receive an hourly rate of $13.39 per hour for 24 hours worked per week, to be paid from the General Fund. The #2 Deputy Town Marshal shall receive an hourly rate of $11.33 per hour for 16 hours worked per week, to be paid from the General Fund. $10,850 to be set aside for 16 extra hours per week overtime work if needed.

SECTION IV: Sewage Superintendent shall receive an annual salary of $13,743 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $18,325 to be paid equally from MVH and

Sewage Funds.

SECTION VI: All life-guards shall be paid from General Funds. Life-guard salary to be decided at time of hiring, total of all life-guards salary not to exceed $6,000 for the season.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $550 from the General Fund and $550 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council will receive an additional $50 from the General Fund and $50 from the Sewage Fund. The Area Plan Representative will receive an additional $50 from the General Fund and $50 from the Sewage Fund.

The Town Council members must attend eight (8) regular meetings to receive a full years compensation. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried

employees by the Town. Employees shall pay 1/4 of the cost of dependents medical insurance.

SECTION IX: Uniform service and a pair of steel-toed boots at a cost not to exceed $125.00 will be provided for the Sewage Superintendent and Street Superintendent. Cost for the Sewage Superintendent and Street Superintendent will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the Town.

SECTION X: Vacation/sick leave for all full time salaried employees shall accrue at a rate of, for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal and #1 Deputy Marshal shall receive a maximum vacation/sick leave of 72 hours and the Deputy Marshal #2 shall receive 48

hours maximum vacation/sick time, according to the hours worked.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

January 1	Wednesday	New Years Day
January 13	Monday	Martin Luther King Day
February 17	Monday	President's Day
May 6	Tuesday	Primary
May 26	Monday	Memorial Day
July 4	Friday	Independence Day
September 1	Monday	Labor Day
November 4	Tuesday	Election Day
November 11	Tuesday	Veterans' Day
November 27/28	Thur/Fri	Thanksgiving Day
December 25/26	Tue/Wed	Christmas

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 5th DAY OF AUGUST 1996.

Battle Ground Councilpersons

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ATTEST:

Geraldine Berghoff

ORDINANCE NO. 338

[Editor's Note: Ordinance #141 and all amendments to Ordinance #141 were nullified by the adoption of

Ordinance #349-97, the *new* Uniform Zoning Ordinance on December 1, 1997.
Please note, also, that many of the amendments to Ordinance #141 - the original zoning ordinance - improperly reference Ordinance #169 or #169-A, the Uniform Subdivision Ordinance.]

AN ORDINANCE AMENDING CHAPTER 2 + 5
OF ORDINANCE NO. 169A
BEING THE UNIFIED ZONING ORDINANCE
OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the City Council of the City of Lafayette, Indiana; the City Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana) that Ordinance No. _____, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: That Subsection 18 ***(Planned Development Districts)***, of Section 2.1 ***(Kinds of Districts: Establishment)***, of Chapter 2 ***(Districts)***, read as follows:

Planned Development Districts, designated "PD-R," "-C," "-I," "-L," and "-E,"

are established for the purposes and under the conditions set forth in Chapter 5 hereof.

Section 2: That the 4th and 5th paragraphs of Section 2.5, ***Subdivisions, Planned Developments and Condominiums***, of Chapter 2

(Districts), read as follows:

Planned Developments shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Section 5.2 of this ordinance. In order to provide greater design flexibility, and to encourage innovative land development techniques and a more efficient use of land, the design and development of uses within these districts may deviate from the standards prescribed by the Subdivision Ordinance.

Condominiums, as defined and regulated in IC 32-1-6 (the Horizontal Property Law), shall be considered for zoning purposes to be Planned Developments, and consequently shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Section 5.2 of this ordinance.

Section 3: That Chapter 5, ***Planned Development Districts***, read as follows:

5.1 Intent of Districts

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Development Plan and intent of the Unified Zoning Ordinance. The use of Planned Development Zoning Classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services

and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedure s may apply to the development of presently developed lands, or open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristic of the area in which located.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

Planned Development projects should also encourage a more efficient use of land which reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

In furtherance of the purpose and intent of a Planned Development, the provisions of Sections 4.1 through 4.17 inclusive of this Unified Zoning Ordinance shall not be applied, or be applicable, to or in a Planned Development District.

5.2 Classifications of Planned Development

Upon preliminary review of a Planned Development proposal by the Executive Director as provided by this Ordinance, such proposal shall be identified by the general character of dominant use of the development. Such proposals shall be classified by the following designations:

(a) "PD-R" Planned Development - Residential

Any development consisting of not less than three (3) acres in which more than 80

percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily related to residential use.

(b) "PD-C" - Planned Development - Commercial

Any development consisting of not less than four (4) acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

(c) "PD-I" - Planned Development - Industrial

Any development consisting of not less than five (5) acres in which more than 80

percent of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor area, if any, being intended for such commercial uses as reasonably relate to the support or convenience of the intended industrial uses or their occupants.

(d) "PD-L" - Planned Development - Leisure

Any development consisting of not less than five (5) acres in which the principal activity, whether conducted within or outside of a building or other structures, relates to recreation, amusement, the exhibition of sports events, the conduct of games and athletics, or the provisions of open space for any passive or active endeavor. In these districts, such commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

(e) "PD-F" - Planned Development - Extraordinary A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

5.3 Origination of Proposals

Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in separate ownership may propose a Planned Development District in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as developer or sponsor of the development if the zoning change is adopted and indicates the requisite capabilities to carry out such proposal. A parcel, or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Commission.

5.4 Filing Procedure

(a) The authorization of a Planned Development shall be subject to the procedures expressed herein:

(b) Submit a petition for rezoning for the appropriate PD classification, which petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or which petition shall have attached thereto the consent o fall such owners to the filing of such petition, and to the change to a PD classification of their real estate included.

(c) The petition, which shall include a preliminary plan and plat for any area proposed for development as a Planned Development shall be filed with the Area Plan Commission. The preliminary plan and plat shall include:

(1) Proposed layout of streets, open space and other basic elements of the plan;

(2) General identification of location and types of structures and their use categories within the area, including proposed densities of said uses;

(3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal, lighting, signage and other pertinent development features;

(4) A separate location map to scale shall show the boundary lines of adjacent land and the existing

zoning of the area proposed to be developed as well as the adjacent land;

(5) A general statement of the covenants to be made a part of the Planned Development as well as the order and estimated time of development;

(6) A statement of the proposed order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.

(d) The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 100' = 1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the appropriate checkpoint agencies for their review and comment. These checkpoints are as follows:

Tippecanoe County

County Highway Engineer

County Surveyor

Tippecanoe Soil and Water Conservation District
County Health Department
Parks and Recreation Dept.

Tippecanoe School District
Township Fire Department
County Sheriff Department

City of West Lafayette

City Engineer

Board of Health
Parks and Recreation
Fire Chief
Police Dept., Traffic Div
Tippecanoe Soil and Water Conservation District
W. Lafayette School Corp.
W. Lafayette Environmental Commission
W. Lafayette Community Development Commission

City of Lafayette

City Engineer
Board of Health
Police Dept., Traffic Div.
Fire Chief
Parks and Recreation
Tippecanoe Soil and Water Conservation District
Lafayette School Corp.
Civic Design Commission
Redevelopment Authority

Other Incorporated Towns

Town Board
County Health Department
Tippecanoe School Corp.
Local Fire Department
Town Marshall

(e) Within twenty-five (25) days after filing, the Executive Director of the Area Plan Commission or his representative shall consult with the petitioner regarding the petition and checkpoint agency comments. After such consultation the petitioner may make modifications to the petition.

(f) After consultation with the Executive Director and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:

(1) Include all documents included in the preliminary plan;

(2) Include an index identifying all documents included in the preliminary plan;

(3) Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and case number;

(4) Be bound or stapled together and all documents therein reduced to a size no larger than 8 1/2 x 14 inches except for the maps and sketches.

5.5 Preliminary Plan Hearing

(a) The petition, if and as modified, shall then be heard by the Area Plan Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may recommend approval, amendment, or disapproval of the plan and may impose any reasonable condition with its recommendation. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President and Secretary of the Commission and one copy shall be permanently retained in the office of the Commission.

(b) The approved Preliminary Planned Development shall then be certified to the appropriate legislative body for adoption as a Planned Development District pursuant to the laws governing amendments to the Zoning Ordinance. Upon adoption by the legislative body, the applicant shall prepare his detailed plan.

5.6 Approval of Detailed Plan

(a) Before any development takes place, the petitioner shall present to the Area Plan Commission a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment and other site development features including general locations of proposed buildings. The Commission shall then approve said detailed plans by motion duly adopted, upon an affirmative finding that the detailed plan is consistent with the Approved Preliminary Planned Development as adopted and passed by the legislative body upon rezoning. Having so once approved the detailed plan, the Commission shall have no further authority to review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.

(b) The approved detailed plan shall be stamped "Approved Detailed Planned Development" and be signed by the Clerk with one copy sent to and permanently retained in the office of the Area Plan Commission and one copy shall be sent to the Administrative Officer.

(c) Approval, unless extended of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after

adoption of the Planned Development District by the legislative body.

(d) In the exercise of continuing jurisdiction, the Administrative Officer may from time to time approve only minor modifications of the approved Detailed Planned Development in a manner consistent with the approved Preliminary Planned Development.

Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

(e) In the event that approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the Zoning Ordinance relating to said land or the legislative body may request such action.

(f) The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Development.

(g) Approval shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is 50 percent (500/a) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Administrative Officer.

5.7 Covenants and Maintenance

(a) Covenants, when required by the Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signed by the Commission President and Secretary upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission and shall be specifically enforceable by the Commission.

(b) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate.

If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.

(c) The Commission may require based upon the approved detailed plan the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:

(1) Lot area

(2) Floor area

(3) Ratios of floor space to land space

(4) Area in which structures may be built ("Buildable area")

(5) Open space

(6) Setback lines and minimum rear yards

(7) Building separations

(8) Height of structures

(9) Signs

(10) Off-street parking and loading space

(11) Design standards

(12) Phasing of development

(d) The petitioner shall be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Unified Subdivision Control Ordinance of Tippecanoe County, Indiana.

(e) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.

(f) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(g) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will be adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

5.8 Recording

All approved Detailed Planned Development Plans and Plats and modifications thereof shall be recorded in the office of the Tippecanoe County Recorder within two (2) years after approval, but before any development takes place.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the "Approved Detailed Planned Development" to the Administrative Officer as an amended approved Detailed Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original Approved Detailed Planned Development, shall re-approve, date and sign said amended approved Detailed Planned Development, which the developer may then record.

5.9 Permits

An improvement location permit shall be issued for a Planned Development District upon full compliance to the approved Detailed Planned Development.

5.10 Construction

(a) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications thereof (as required by section 6.1 of the Subdivision Control Ordinance of Tippecanoe County, Indiana) have been submitted to the Executive Director and the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Engineer of his intention to begin such work in order that inspections may be made as the work progresses.

(b) All development shall be in conformity with the approved Detailed Planned Development and any material deviations from the approved Detailed Planned Development shall be subject to appropriate enforcement action as provided for in the Unified Zoning Ordinance of Tippecanoe County.

5.11 Extensions, Abandonment, Expiration

(a) Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrative Officer for good cause shown. In the event the Administrative Officer disallows a requested extension, the petitioner may appeal said determination to the Commission who shall make a recommendation to the appropriate governmental unit.

(b) Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

If an extension is granted such extension shall be recorded.

5.12 Rules of Procedure

All proceedings brought under this section shall be subject to the Rules of Procedure of the Area Plan Commission, where not inconsistent with the procedure otherwise stated herein.

5.13 Limitation on Rezoning

The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Planned Development and is proceeding in accordance with the time requirements imposed herein.

ORDINANCE NO. 342 -97

AMENDMENT TO ORDINANCES 289 AND 131

[Editor's Note: The Sprinkling Provision was replaced by Ordinance #386.]

WHEREAS, Ordinance #131 fixing the rates and charges to be collected by the sewage

works of said Town of Battle Ground, from the property owners served by the sewage works of said Town and other matters connected therewith, was adopted by the Council of the Town of Battle Ground, Tippecanoe County, Indiana on the 13th day of September 1971 and Ordinance #289 was passed on March 4th, 1991.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, THAT: ORDINANCE #131 SHALL BE AMENDED AND REVISED AS

FOLLOWS:

Editor's Note: As in Ordinance #289, the following passages clearly indicate that Section 2g of Ordinance #131 is being revised. But, Ordinance 131 does not contain "Section 2g". The correct reference - and linkage - is to Ordinance #133.

SECTION 1. The first two sentences of Section 2(g) shall read as follows:
In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the billing periods of May 15 through August 15, the billing for sewage service for residences and/or domestic users for said billing period of May 15 through August 15, shall be based on the water usage for the previous three months. In the event the water usage for said periods is greater than the billing periods of May 15 through August 15, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

SECTION 2. Any and all ordinances or parts of ordinances in conflict with this ordinance shall become null and void upon passage of this ordinance.

ALL OF WHICH IS ADOPTED THIS 5th DAY of MAY 1997.

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ATTEST

Geraldine Berghoff

ORDINANCE NO. 344 -97

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE

CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND

ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1998

[Editor's Note: This ordinance was replaced by Ordinance #363]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $16,562 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $9,905 to be paid from the Sewage funds

SECTION III: The Town Marshal shall receive an hourly rate of $14.80 per hour for 26 hours worked per week, to be paid from the General Fund.

The Deputy Town Marshal #1 shall receive an hourly rate of $13.80 per hour for 26 hours worked per week, to be paid from the General Fund. The Deputy Town Marshal #2 shall receive an hourly rate of $12.40 per hour for 26 hours worked per week, to be paid from the General Fund. $10,850 to be set aside for 16 extra hours per week overtime if needed.

SECTION IV: Sewage Superintendent shall receive an annual salary of $14,292 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $18,782 to be paid equally from MVH and Sewage Funds.

Editor's Note: A "Section V-b" was added by Ordinance #350.

Section V-b was then modified by Ordinance #351.

SECTION VI: All life-guards shall be paid from General Funds.

Life-guard salary to be decided at time of hiring, total of all life-guards salary not to exceed $6,500 for the season.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $575 from the General Fund and $575 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council will receive an additional $60 from the General Fund and $60 from the Sewage Fund. The Area Plan Representative will receive an additional $60 from the General Fund and $60 from the Sewage Fund.

For a Council member to receive a full years salary, they must remain in office for the entire calendar

year and attend a minimum of eight (8) regular monthly council meetings. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees

(MISSING)

Editor's Note: Section V-b was modified by Ordinance #351.

crossing guard shall be provided by the Town.

SECTION X: Vacation/sick leave for all full-time salaried employees shall accrue at a rate of, for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal and #1 Deputy Marshal shall receive a maximum vacation/sick leave of 60 hours and the Deputy Marshal #2 shall receive 36 hours maximum vacation/sick time, according to the hours worked.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

New Years Day	January 1
Martin Luther King Day	Third Monday in January
Lincoln's Birthday	February 12
Washington's Birthday	Third Monday in February
Good Friday	Friday Before Easter
Primary	Tue After First Monday in May
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election	First Tues After First Monday in November
Veteran's Day	November 11
Thanksgiving Day	Fourth Thur & Fri in November
Christmas Day	December 25 & 26

When any of these holidays, other than Sunday, comes on Sunday, the following Monday shall be the legal holiday. When any of these holidays comes on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THE 2nd DAY OF SEPTEMBER 1997.

BATTLE GROUND COUNCILPERSONS

_____

Don McKee

_____

J David Fisher

_____

Marie McCoy

_____

ATTEST:

_____

Geraldine Berghoff

ORDINANCE #350

AMENDMENT TO ORDINANCE #344

[Editor's Note: This ordinance was replaced by Ordinance #363]

SECTION V-b Utility/Street Laborer shall revolve an hourly rate of $8.00 per hour for 40 hours worked per week during probation, to be paid from the Sewage Fund. After end of probation evaulation any raise will be implemented at that time.

PASSED ON THIS 1st DAY OF

December 1997.

BATTLE GROUND COUNCILPERSONS

Donald D. McKee

Dave Fisher

ATTEST:

Marie McCoy

Geraldine Berghoff

Linda K. Miller

Stan Cunningham

ORDINANCE #351

AMENDMENT TO ORDINANCE #344

[Editor's Note: This ordinance was replaced by Ordinance #363]

SECTION V-b Utility/Street Laborer shall receive an hourly rate of $8.50 per hour for 40 hours worked per week during probation, to be paid from the Sewage Fund. This rate shall be retroactive to January 1, 1998. Pending a satisfactory evaluation at the end of the 90 day probationary period, the employee will receive a $1.00 per hour raise, bringing the salary to $9.50 per hour. At the end of the first 6 months of employment, the rate of pay will increase an additional 50 cents per hour (to a rate of $10.00 per hour) pending a satisfactory evaluation.

Editor's Note: Section VIII (following) was modified by Ordinance #362.

SECTION VIII Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependents'

medical insurance. Starting January 1, 1998, full-time employees that are covered for medical insurance elsewhere, shall receive an additional $790.40 per year in addition to their set salary.

This will be in place of receiving the Town's medical insurance, if at any time during the year an employee stops receiving the Town's medical insurance they shall receive a pro rate portion of the $790.40.

PASSED ON THIS 2nd DAY OF

March 1998.

BATTLE GROUND COUNCILPERSONS

Donald D. McKee

Dave Fisher

Linda K. Miller

Marie McCoy

Stan Cunningham

ATTEST:

Geraldine Berghoff

ORDINANCE 357

ORDINANCE ESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND UNDER IC 36-9-16.5-2

BE IT ORDAINED by the Battle Ground Town Council, Town of Battle Ground, Tippecanoe County, Indiana, that a need now exists for the the establishing of a Cumulative Capital Development Fund to provide for the following:

FOR IMPROVEMENTS TO PUBLIC WAYS AND SIDEWALKS AS DESCRIBED IN I.C. 36-9-16.5-2

The fund will be provided for by a tax levy on all taxable real and personal property in the taxing unit. The tax rate on each one hundred dollars ($100.00) of taxable property will be fifteen cents ($.15) payable in 1999.

BE IT FURTHUR ORDAINED that proof of publication of the public hearing held on the 30th day of March, 1998 and a certified copy of this ordinance be submitted to the State Board of Tax Commissioners of the State of Indiana as provided by law. Said Cumulative Capital Development Fund is subject to the approval of the State Board of Tax Commissioners.

Duly adopted by the following vote of the members of said Battle Ground Town Council, this 30th day of March, 1998.

NAY	AYE
	Donald D. McKee
	Dave Fisher
	Marie McCoy
	Linda K. Miller
	Stan Cunningham

ATTEST:

Geraldine Berghoff
Clerk-Treasurer

ORDINANCE #358

ORDINANCE ESTABLISHING A CUMULATIVE CAPITAL DEVELOPMENT FUND UNDER IC 36-9-15.5

BE IT ORDAINED by the Battle Ground Town Council, Town of Battle Ground, Tippecanoe County, Indiana, that a need now exists for the the establishing of a Cumulative Capital Development Fund to provide for the following:

FOR IMPROVEMENTS TO PUBLIC WAYS AND SIDEWALKS AS DESCRIBED IN I.C. 36-9-15.5

The fund will be provided for by a tax levy on all taxable real and personal property in the taxing unit. The tax rate on each one hundred dollars ($100.00) of taxable property will be fifteen cents ($.15) payable in 1999.

BE IT FURTHUR ORDAINED that proof of publication of the public hearing held on the 27th day of April, 1998 and a certified copy of this ordinance be submitted to the State Board of Tax Commissioners of the State of Indiana as provided by law. Said Cumulative Capital Development Fund is subject to the approval of the State Board of Tax Commissioners.

Duly adopted by the following vote of the members of said Battle Ground Town Council, this 27th day of April, 1998.

NAY	AYE
	Donald D. McKee
	J. Dave Fisher
	Marie McCoy

ATTEST:

Geraldine Berghoff
Geraldine Berghoff
Clerk-Treasurer

ORDINANCE NO. 98- 359

AN ORDINANCE TO ESTABLISH TOWN ELECTION DISTRICTS

[Editor's Note: This ordinance was replaced by Ordinance #02-406]

WHEREAS, the Town of Battle Ground is divided into five election districts; and

WHEREAS, the Town of Battle Ground has increased in population through annexation; and

WHEREAS, the TOWN BOARD OF TRUSTEES desires to redistrict the town election districts based on the 1990 population figures of the United States Bureau of the Census and as a result of recent annexations: and

WHEREAS, the TOWN BOARD OF TRUSTEES desires to redistrict town election districts in accordance with I.C. 36-5-2-4.1:

THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

SECTION 1. The Town of Battle Ground shall be divided into five election districts as described in attached Exhibit A.

SECTION 2.. This ordinance shall be in full force and effect from and after its passage and signing and notice, as provided by law.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA ON

1st DAY OF

June , 1998

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA ON

6th DAY OF

July , 1998

Geraldine Berghoff
Clerk-Treasurer Geraldine Berghoff

Donald D. McKee
President, Donald D. McKee

J. Dave Fisher
Trustee J.Dave Fisher

Stan Cunningham
Trustee Stan Cunningham

Marie McCoy
Trustee Marie McCoy Trustee

DESCRIPTIONS OF PROPOSED BATTLE GROUND TOWN ELECTION DISTRICTS

District 1 - Population = 283

CENSUS TRACT: 101
CENSUS BLOCKS: 501A, 508, 509, 510, 511, and

part of 501B located in the Town of Battle Ground, being the part of the block west of the following portion of the Battle Ground town boundary: beginning at a point on Pretty Prairie Road that is about 63 feet northeast of the intersection of Pretty Prairie Road and High School Avenue as shown on the Census Map; then continuing northeast along Pretty Prairie Road about 329 feet; then northerly about 1,112 feet; then westerly about 759 feet to the Battle Ground town boundary identified on the Census Map (this includes property owned by the Tippecanoe School Corporation)

District 2 - Population = 256

CENSUS TRACT: 101
CENSUS BLOCKS: 316A, 317A, 505A, 506A, 507,

part of 315 located in the Town of Battle Ground, being the part of the block north of the following portion of the Battle Ground town boundary: beginning at a point on Pretty Prairie Road that is about 63 feet northeast of the intersection of Pretty Prairie Road and High School Avenue as shown on the Census Map; then southerly about 113 feet; then northwesterly about 29

feet; then southwesterly about 201 feet to an unnamed road as shown on the Census map (this includes the east part of Marti's Subdivision), and

part of 316B located in the Town of Battle Ground, being the part of the block north of the following portion of the Battle Ground town boundary: commencing at a point on Pretty Prairie Road that is about 63 feet northeast of the intersection of Pretty Prairie Road and High School Avenue as shown on the Census Map; then southerly about 113 feet; then northwesterly about 29

feet; then southwesterly about 201 feet to an unnamed road as shown on the Census map and the point of beginning; then southeasterly about 64 feet along said unnamed road; then westerly about 344 feet to the Battle Ground town boundary identified on the Census Map (this includes the west part of Marti's Subdivision)

District 3 - Population = 267

CENSUS TRACT: 101
CENSUS' BLOCKS: 318A, 416A, 418A, 419A, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523,

part of 414 located in the Town of Battle Ground, being the part of the block south and east of the following portion of the Battle Ground town boundary: commencing at a point on Prophets Rock Road (shown as "(Rock Rd)" on the Census Map) that is about 200 feet southwest of the intersection of Co Rd 300 E and Prophets Rock Road; then westerly about 780 feet to a power transmission line and the point of beginning; then continuing westerly about 900 feet; then southerly about 1,320 feet to Co Rd 600 N (this includes property owned by the Tippecanoe County Park and Recreation Board),

part of 417 located in the Town of Battle Ground, being the part of the block south of the following portion of the Battle Ground town boundary: beginning at a point on Prophets Rock Road (shown as " (Rock Rd)" on the Census Map) that is about 200 feet southwest of the intersection of Co Rd 300 E and Prophets Rock Road; then westerly about 780 feet to a power transmission line (this includes property owned by the Tippecanoe County Park and Recreation Board), and

part of 418B located in the Town of Battle Ground, being the part of the block south of the following portion of the Battle Ground town boundary: beginning at a point on Prophets Rock Road (shown as " (Rock Rd)" on the Census Map) that is about 200 feet southwest of the intersection of Co Rd 300 E and Prophets Rock Road; then easterly about 630 feet to the Battle Ground town boundary identified on the Census Map; and, part of 41 8B located in the Town of Battle Ground, being the part of the block north of the following portion of the Battle Ground town boundary: beginning at a point on Prophets Rock Road (shown as "(Rock Rd)" on the Census Map) that is about 380 feet northeast of the intersection of Co Rd 600 N and Prophets Rock Road; then easterly about 1,100 feet to Burnett Creek, which is identified as the Battle Ground town boundary on the Census Map (this includes property owned by the Town of Battle Ground and the Tippecanoe County Park and Recreation Board)

District 4 - Population = 264

CENSUS TRACT: 101
CENSUS BLOCK: part of 423 located in the Town of Battle Ground, being the part of the block north of the following portion of the Battle Ground town boundary: commencing at a point on Prophets Rock Road (shown as "(Rock Rd)" on the Census Map) that is about 450 feet southwest of the intersection of Co Rd 600 N and Prophets Rock Road; then northwesterly about 400 feet; then westerly about 50 feet to a power transmission line and the point of beginning; then westerly about 380 feet; then southwesterly about 430 feet; then northwesterly about 55 feet; then southwesterly about 382 feet; then northwesterly about 487 feet; then southwesterly about 292 feet; then southerly about 325 feet; then westerly about 1,010 feet; then southerly about 990 feet; then westerly about 660 feet; then southerly about 377 feet; then westerly about 800

feet to St Hwy 43 (this includes Prophets Rock Heights Subdivision, Parts 2 and 4 and Quail Ridge Subdivision),

part of 425 located in the Town of Battle Ground, being the part of the block north of the following portion of the Battle Ground town boundary: beginning at a point on Prophets Rock Road (shown as " (Rock Rd)" on the Census Map) that is about 450 feet southwest of the intersection of Co Rd 600 N and Prophets Rock Road; then northwesterly about 400 feet; then westerly about 50 feet to a power transmission line (this includes part of Prophet Rock Heights Subdivision, Part 3), and

CENSUS TRACT 102.01
CENSUS BLOCK: part of 127 located in the Town of Battle Ground, being the part of the block east of the following portion of the Battle Ground town boundary: beginning at a point on Co Rd 600 N that is about 452 feet west of the intersection of St Hwy 43 and Co Rd 600 N; then southerly about 375 feet; then westerly about 70 feet; then southerly about 142 feet; then westerly about 130 feet; then southwesterly about 150 feet; then westerly about 576 feet; then southerly about 1,186 feet to 1-65

District 5 - Population = 209

CENSUS TRACT: 101
CENSUS BLOCKS: 415, and

part of 414 located in the Town of Battle Ground, being the part of the block south of the following portion of the Battle Ground town boundary: beginning at a point on Co Rd 600 N that is about 1,750 feet east of the intersection of St Hwy 43 and Co Rd 600 N; then northerly about 3,074 feet to the centerline of Burnett Creek; then following the centerline of Burnett Creek northeasterly about 2,940 feet; then southerly about 1,871 feet; then westerly about 198

feet; then southerly about 1,984 feet; then easterly about 665 feet; then southerly about 1,203; then westerly about 160 feet; then southerly about 302 feet to Co Rd 600 N (this includes Harrison Meadows Subdivision and Hawks Nest Subdivision, Phases l, 11, and 111)

ORDINANCE NO. 98- 360

AN ORDINANCE PERTAINING TO JUVENILE CURFEWS

[Editor's Note: Replaced by Ordinance #02-410.]

WHEREAS, the Town of Battle Ground does not currently have a curfew pertaining to 16 and 17

year olds; and

WHEREAS, an ordinance is needed pertaining curfews for minors in order to protect our youth, help prevent juvenile crime problems and bring the Town of Battle Ground in line with State law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA, THAT:

(A) It is made unlawful for any person under the following ages to remain in or on any of the public streets, alleys, or public places in the Town of Battle Ground during the following times and days:

1. For any person under the age of 18 years the following curfew applies:
    1. 1:00 A.M. - 5:00 A.M. on Saturday or Sunday
    2. 11:00 P.M. - 5:00 A.M. on Sunday, Monday, Tuesday, Wednesday Thursday or Friday
2. For any person under the age of 16 years the following curfew applies:
    1. 11:00 P.M. - 5:00 A.M. on Friday or Saturday
    2. 10:00 P.M. - 5:00 A.M. on Sunda, Monday, Tuesday, Wednesday Thursday
    3. This Section shall not apply to a child who is:
        1. Accompanied by the child's parent, guardian, or custodian:
        2. Accompanied by an adult specified by the child's parent, guardian or custodian:
        3. Participating in, going to, or returning from:
            1. lawful employment;
            2. a school sanctioned activity;
            3. a religious event; or
            4. a necessary errand or duty directed by the child's parent, guardian, or custodian.

(B) Any child under 18 years of age who is found violating division (A) above by any police office or other peace officer shall be taken before the juvenile court of the county or the judge thereof, to be

charged, tried, and punished for the violation of division (A) above, as now or hereafter provided by laws of the State for the punishment of juvenile offenders.

The police officer may also have the option of issuing the same said child a written citation for this violation to appear in the Ordinance Violations Bureau to pay a fine not to exceed $75.00.

PASSED ON FIRST READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND INDIANA ON THE

1st DAY OF

June , 1998

PASSED ON SECOND AND FINAL READING BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BATTLE GROUND, INDIANA ON THE

6th DAY OF

July , 1998

Geraldine Berghoff Clerk-Treasurer	Donald D. McKee President
J. Dave Fisher Trustee	Stan Cunningham Trustee
Marie McCoy Trustee	Trustee

ORDINANCE #362

AMENDMENT TO ORDINANCE #351

[Editor's Note: This ordinance was replaced by Ordinance #363]

SECTION VIII Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependents'

medical insurance. Starting August 1, 1998, full-time employees that are covered for medical insurance elsewhere, and do not take the insurance, shall receive an additional $28.05 per week in addition to their salary.

PASSED ON THIS 6th DAY OF

July 1998.

BATTLE GROUND COUNCILPERSONS

Donald D. McKee

J. Dave Fisher

Marie McCoy

Stan Cunningham

ATTEST:

Geraldine Berghoff

ORDINANCE #363

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 1999

[Editor's Note: This ordinance was replaced by Ordinance #374]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $17,390 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $9,828

to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $15.54 per hour for 30 hours worked per week, to be paid from the General Fund. The #1 Deputy Town Marshall shall receive an hourly rate of $14.49 per hour for 30 hours worked per week, to be paid from the General Fund. The #2 Deputy Town Marshall shall receive an hourly rate of $13.00 per hour for 30 hours worked per week, to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $15,007

to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $19,721, to be paid equally from MVH and Sewage Funds.

SECTION V-B: Utility/Street Laborer shall receive an hourly rate of $8.50

per hour for 40 hours worked per week during probation, to be paid from the Sewage Fund and the Conservancy District. Pending a satisfactory evaluation at the end of the 90 day probationary period, the employee will receive a $1.00 per hour raise, bringing the salary to $9.50 per hour.

At the end of the first 6 months of employment, the rate of pay will increase an additional 50

cents per hour (to a rate of $10.00 per hour) pending a satisfactory evaluation. If this position continues the rate will be $10.50 per hour the beginning of 1999.

SECTION VI: All life-guards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring, total of all life-guards salary not to exceed $7,000 for the season.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $600 from the General Fund and $600 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council will receive an additional $80 from the General Fund and $80 from the Sewage Fund. The Area Plan Representative will receive an additional $80 from the General Fund and $80 from the Sewage Fund.

For a Council member to receive a full year's salary they must remain in office for the entire calendar year and attend a minimum of eight (8) regular monthly council meetings. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependants medical insurance. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance, shall receive an additional $36.50 per week to their set salary.

SECTION IX: A pair of steel-toed boots at a cost not to exceed $125.00

and uniform service will be provided for the Utility and Street workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION X: Vacation/sick leave for all full time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal and #1 Deputy Marshall shall receive a maximum vacation/sick leave of 60 hours and the Deputy Marshal #2 shall receive 36 hours maximum vacation/sick time, according to the hours worked.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

New Years Day	January 1
Martin Luther King Day	Third Monday in January
President's Birthday	Third Monday in February
Primary	Tue After First Mon in May
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election	First Tue After First Mon in Nov
Veterans' Day	November 11
Thanksgiving Day	Fourth Thur & Fri in November
Christmas Day	December 25 & 26

When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday.

When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 8th DAY OF

Sept. 1998.

Battle Ground Councilpersons

Donald D. McKee

J. Dave Fisher

ATTEST:

Marie McCoy

Geraldine Berghoff

Stan Cunningham

ORDINANCE #374

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF

THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND

COUNCILPERSONS FOR THE YEAR 2000

[Editor's Note: This ordinance was replaced by Ordinance #383]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $18,608 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $10,516 to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $16.50 per hour for 30 hours worked per week, to he paid from the General Fund. The #1 Deputy Town Marshall shall receive an hourly rate of $15.50 per hour for 30 hours worked per week, to be paid from the General Filed. The #2 Deputy Town Marshall shall receive an hourly rate of $14.00 per hour for 30 hours worked per week, to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $16,057 to be paid from the Sewaqe Fund.

SECTION V: Street Superintendent shall receive an annual salary of $21,102, to be paid equally from MVH and Sewage Funds.

SECTION V-B: Utility/Street Laborer shall receive an hourly rate of $11.23 per hour for 40 hours worked per week, to be paid from the Sewage Fund.

SECTION VI: All life-quards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring, total of all life-guards salary not to exceed $7,000 for the season.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $700 from the General Fund and $700 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council will receive an additional $100 from the General Fund and $100 from the Sewage Fund. The Area Plan Representative will receive an additional $100 from the General Fund and $100 from the Sewage Fund.

For a Council member to receive a full year's salary they must remain in office for the entire calendar year and attend a minimum of eight (8) regular monthly council meetings. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried

employees by the Town. Employees shall pay 1/4 of the cost of dependents medical insurance. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance, shall receive an additional $36.50 per week to their set salary.

SECTION IX: A pair of steel-toed boots at a cost not to exceed, $125.00

and uniform service will be provided for the Utility and Street workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION X: Vacation/sick leave for all full time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120

hours. The Town Marshal and #1 Deputy Marshall shall receive a maximum vacation/sick leave of 60 hours and the Deputy Marshall #2 shall receive 36 hours maximum vacation/sick time, according to the hours worked.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

New Years Day	January 1
Martin Luther King Day	Third Monday in January
President's Birthday	Third Monday in February
Primary	Tue After First Mon in May
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Election	First Tue After First Mon in Nov
Veterans' Day	November 11
Thanksgiving Day	Fourth Thur & Fri in November
Christmas Day	December 25 & 26
New Year' Eve	December 31

When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday.

When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 6th DAY OF

July 1999.

Battle Ground Councilpersons

Karen G. Tislow

Stanley D Cunningham

ATTEST:

Marie McCoy

Geraldine Berghoff

Donald D. McKee

Dave Fisher

ORDINANCE #383

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER OF THE

TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES AND

COUNCILPERSONS FOR THE YEAR 2001

[Editor's Note: This ordinance was replaced by Ordinance #393]

SECTION I: The Clerk-Treasurer shall receive an annual salary of $19,800 to be paid equal from the Sewage and General funds.

Editor's Note: SECTION II (following) was amended by Ordinance #389.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $11,410

to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $17.36 per hour for 20 hours worked per week, the #1 Deputy shall receive an hourly rate of $16.36 per hour for 20 hours worked per week, the #2 Deputy shall receive an hourly rate of $14.86 per hour for 20 hours worked per week, and the #3 Deputy shall receive an hourly rate of $12.36 per hour for 12 hours worked per week, all police to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $16,951 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $22,294, to be paid equally from MVH and Sewage Funds.

SECTION V-B: Utility/Street Laborer shall receive an annual salary of 16,442, to be paid from the Sewage Fund.

SECTION VI: All life-guards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring, total of all life-guards salary not to exceed $7,000 for the season.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $900 from the General Fund and $900 from the Sewage Fund, and shall be paid on the regular meeting day in December. The Council member who serves as President of the Council will receive an additional $150 from the General Fund and $150 from the Sewage Fund. The Area Plan Representative will receive an additional $150 from the General Fund and $150 from the Sewage Fund.

For a Council member to receive a full year's salary they must remain in office for the entire calendar year and attend a minimum of eight (8) regular monthly council meetings. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in

their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependants medical insurance. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance, shall receive an additional $36.50 per week to their set salary.

SECTION IX: A pair of steel-toed boots at a cost not to exceed $125.00 and uniform service will be provided for the Utility and Street workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION X: Vacation/sick leave for all full time salaried employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years and every year thereafter fifteen days or 120 hours. The Town Marshal, #1 and #2 Deputy shall receive a maximum vacation/sick leave of 60 hours and the Deputy #3 shall receive 12 hours maximum vacation/sick time.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked.

SECTION XII: The following holidays will be paid for all full-time salaried employees:

New Years Day, Martin Luther King Day, President's Birthday, Primary, Memorial Day, Independence Day, Labor Day, Columbus Day, Election, Veterans' Day, Thanksgiving Day and Day After, Christmas Eve Day, Christmas Day, and New Year's Eve.

When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday.

When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 7th DAY OF

August 2000.

Battle Ground Council Persons

Duane Tucker

ATTEST:

Richard L Berghoff

Mildred Marie McCoy

Geraldine Berghoff

ORDINANCE NO. 386

Editor's Note: This Ordinance is now *void*. It was repealed by

Ordinance 2008-463.

Photographs of the pages of Ordinance # 386 may be displayed by clicking the appropriate links:

+/-

(VOID) #386: Sewage Rates - Page 1

+/-

(VOID) #386: Sewage Rates - Page 2

+/-

(VOID) #386: Sewage Rates - Page 3

ORDINANCE #389

AMENDMENT TO ORDINANCE #383 ESTABLISHING PAY FOR 2001

[Editor's Note: This ordinance was replaced by Ordinance #393]

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, THAT: ORDINANCES #389 SHALL BE AMENDED AND REVISED AS FOLLOWS:

The Council wished to give a bonus to the Deputy Clerk-Treasurer in the amount of $1.32 per hour starting July 1, 2001.

Any and all ordinances in conflict with this ordinance, or parts of this ordinance, upon its passage, are hereby null and void.

PASSED ON THIS 13th DAY OF

August , 2001.

Steve Wilt
Steve Wilt

Jeff Brown
Jeff Brown

ATTEST:
Geraldine Berghoff
Geraldine Berghoff

Dick Berghoff
Dick Berghoff

Marie McCoy
Marie McCoy

J B Miller
Jim Miller

ORDINANCE #390

ORDINANCE #390 ESTABLISHING RULES FOR COMPOST, BRUSH, AND LIMBS DISPOSAL FOR THE TOWN OF

BATTLE GROUND

Editor's Note: This ordinance was repealed by Ordinance 12-504, adopted 12/10/2012.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, THAT: ORDINANCES #390 SHALL RESTRICT THE USAGE OF COMPOST, BRUSH, AND LIMBS

DISPOSAL FOR THE CITIZENS OF BATTLE GROUND ONLY.

The area where compost, brush and limbs can be disposed of shall be posted that the area is for the citizens of Battle Ground only. Also a fine of $75.00 shall be given for each and every time someone from outside of the town is caught dumping in this facility. This fine shall also apply to anyone that dumps other articles in any part of Town Battle Ground.

The hours that this area can be used will be from 1:00 PM. to 5:00 PM. Monday through Saturday.

However we will allow other hours upon appointment only.

Any and all ordinances in conflict with this ordinance, or parts of this ordinance, upon its passage, are hereby null and void.

PASSED ON THIS 10th DAY OF

September , 2001.

Steve Wilt
Steve Wilt

Jeff Brown
Jeff Brown

Dick Berghoff
Dick Berghoff

Marie McCoy
Marie McCoy

ATTEST:
Geraldine Berghoff
Geraldine Berghoff

J B Miller
Jim Miller

ORDINANCE #393

[Editor's Note: This ordinance was replaced by

Ordinance #406]

Editor's Note: Ordinance #393 was the salary ordinance for 2002. It was later ammended by

Ordinance #409 and the amendments were made retroactive to January 1, 2002. Ordinance

#393 is reproduced here in photographic form because the final (signature) page of the ordinance is partially

obscured by what appear to be meeting minutes.

Photographs of the pages of Ordinance #393 may be displayed by clicking the appropriate links:

+/-

(VOID) #393: Salary - Page 1

+/-

(VOID) #393: Salary - Page 2

+/-

(VOID) #393: Salary - Page 3

ORDINANCE # 399

AN ORDINANCE TO AMEND ORDINANCE #

289 SEWAGE RULES

AND REGULATIONS CONCERNING SEWAGE DISCOUNTS FOR SPECIAL REASONS

Editor's Note: This ordinance was repealed by Ordinance 13-509, adopted 5/13/2013.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, TIPPECANOE

COUNTY, INDIANA, THAT:

Section 1. If the weather is especially dry for a period either before or after the usual three month period an extra month of sprinkling credit will be given at the Councils approval.

Section 2. If a sewage customer uses an excess of water for reasons such as filling a pool or watering trees and or yards and that customer advises the Town Hall a credit on the sewage will be given.

Any and all ordinances in conflict with this ordinance, or parts of this ordinance, upon its passage, are hereby null and void.

PASSED ON THIS 8th DAY OF

April , 2002.

Richard L Berghoff

Carolyn Roth

ATTEST:
Geraldine Berghoff
Geraldine Berghoff

Mildred M. McCoy

Brian Brewer

J B Miller

ORDINANCE NO. 02- 406

Editor's Note: This ordinance was repealed by Ordinance 2012-502, adopted 11/12/2012.

AN ORDINANCE FIXING THE ELECTION DISTRICTS AND TOWN WARDS

BE IT ORDAINED by the Town Council of the Town of Battle Ground., Indiana as follows:

Sec. I. That the current Ordinance fixing the Election Districts and Town Wards is hereby amended to read as follows:

ELECTION DISTRICTS AND TOWN WARDS

Ward Areas. The Town of Battle Ground, Indiana, pursuant to I.C. 36-5-2-4.1, is hereby divided into the following election districts and wards, containing the following census blocks.

WARD 1.	Block Numbers	5006 5008 5009 5016 3020 pt.
WARD 2	Block Numbers	3020 pt. 3021 3022 5005 5010 5011 5012 5013 5014 5015 5017
WARD 3	Block Numbers	4018 4019 4021 4023 5018 5019 5020 5021 5022 5023 5024 5025 5026 4024

WARD 4	Block Numbers	4030 4031 4032 1037
WARD 5	Block Numbers	4027 4028 4029

Ward map. A map of the ward boundaries as above set forth is incorporated by reference hereby, and a copy of same is on file with the Town Clerk.

Election of Town Council members. One member of the Town Council shall be elected from each ward by voters of the whole Town.

Sec. II. Seat 1 of the Town Council shall be elected from Ward 1, Seat 2 shall be elected from Ward 2, Seat 3 shall be elected from Ward 3, Seat 4 shall be elected from Ward 4 and Seat 5

shall be elected from Ward 5.

Sec. III. This ordinance shall be effective on January 1 following its adoption, being January 1, 2003.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA on this 28 day of October , 2002.

J B Miller
President, Town Council of the Town of Battle Ground, Indiana

ATTEST:
Phyllis Hall
Clerk-Treasurer of the Town of Battle Ground, Indiana

ORDINANCE # 406

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR

EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 2003

[Editor's Note: This ordinance was replaced by Ordinance #423]

SECTION 1: The Clerk-Treasurer shall receive an annual salary of $23,065 to be paid equal from the Sewage and General Funds.

SECTION II. The Deputy Clerk-Treasurer shall receive an annual salary of $11,778 to be paid from the Sewage Funds.

SECTION III: The Town Marshal shall receive an hourly rate of $ 18.19 per hour for 20 hours worked per week, the #1 Deputy shall receive an hourly rate of $ 17.16 per hour for 20 hours worked per week, the #2 Deputy shall receive an hourly rate of $ 15.61 per hour for 20 hours worked per week and the #3 Deputy shall receive an hourly rate of $13.04 per hour for 12 hours worked per week, all police to be paid from the General Funds.

SECTION IV: Sewage Superintendent shall receive an annual salary of $17,995 to be paid from the Sewage Funds.

SECTION V: Street Supenntepdent shall receive an annual salary of $23,679 to be paid equally from MVH and Sewage Funds.

SECTION VI-A: Utility/Street Laborer shall receive an annual salary of $17,651 to be paid from the Sewage Fund.

SECTION VI-B: Utility/Street Laborer/Crossing Guard shall receive $8.24 per hour, to be paid equally from the Sewage Fund and the General Fund.

SECTION VII: All lifeguards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring not to exceed $7.50 per hour.

SECTION VIII: The Council Members are also the Sewage Utility Board and shall be paid $1000 from the General Fund and $1000 from the Sewage Fund, and shall be paid after Decembers'

meeting in 2003. The Council Member who serves as President of the Council will receive an additional $150 from the General Fund and $150 from the Sewage Fund. The Area Plan Representative will receive an additional $150 from the General Fund and $150 from the Sewage Fund.

A councilpersons that resigns before end of year will receive a pro-rated portion of the amount due in their category for said year.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependents medical insurance. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance shall receive and additional $36.50 per week to their set salary.

SECTION X: A pair of steel-toed boots at a cost not to exceed $125.00 and uniform service will be provided for the Utility and Street Workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION XI: Vacation/sick leave for all full-time salaried employees:

One week paid vacation sick leave after the first six months worked
Two weeks paid vacation sick leave after one year worked
Three weeks paid vacation/sick leave after two years worked

Vacation earned in 2003 must be used in 2003.

SECTION XII: Overtime policy is considered compensatory time and accrues at a rate of 1-1/2 hours per hour overtime worked.

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

The following holidays will be observed, New Years Day, Martin Luther King Day, President's Birthday, Good Friday, Primary, Memorial Day, Independence Day, Labor Day, Columbus Day, Election, Veterans Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day, and New Year's Eve.

When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday.

When any of the above holidays falls on Saturday, the proceeding Friday shall be the legal holiday.

SECTION XIIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 9th DAY OF December 2002.

BATTLE GROUND COUNCILPERSONS

J B Miller

JIM MILLER COUNCIL PRESIDENT

ATTEST:

BRIAN BREWER

PHYLLIS HALL CLERK TREASURER

DICK BERGHOFF

Marie McCoy
MARIE McCOY

Carolyn Roth
CAROLYN ROTH

ORDINANCE # 409

AN ORDINANCE FIXING ORDINANCE #393 FOR ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES

AND COUNCILPERSONS FOR THE YEAR 2002. ORDINANCE #409 WILL MAKE EVERYTHING EXCEPT SECTION IV-A IN ORDINACE #393 RETROACTIVE TO JANUARY 1, 2002.

[Editor's Note: This ordinance was replaced by Ordinance #423]

PASSED ON THIS 27th DAY OF DECEMBER 2002

BATTLE GROUND COUNCILPERSONS
Carolyn Roth
J B Miller

Richard L Berghoff

ATTEST:
Phyllis Hall

ORDINANCE #393

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES

AND COUNCILPERSONS FOR THE YEAR 2002

SECTION I: The Clerk-Treasurer shall receive an annual salary of $22,393 to be paid equal from the Sewage and General funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of $13,303

to be paid from the Sewage funds.

SECTION III: The Town Marshal shall receive an hourly rate of $17.66 per hour for 20 hours worked per week, the #1 Deputy shall receive an hourly rate of $16.66 per hour for 20

hours worked per week, the #2 Deputy shall receive an hourly rate of $15.16 per hour for 20

hours worked per week, and the #3 Deputy shall receive an hourly rate of $12.66 per hour for 10 hours worked per week, all police to be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive an annual salary of $17,471 to be paid from the Sewage Fund.

SECTION IV-A: Sewage Supervisor position to receive an annual salary of $2,500 to be paid from the Sewage Fund.

SECTION IV-B: Sewage Technician to reveive a salary of up to $16,000 to be paid from the Sewage Fund.

SECTION V: Street Superintendent shall receive an annual salary of $22,988, to be paid equally from MVH and Sewage Funds.

SECTION V-B: Utility/Street Laborer shall receive an annual salary of 17,137, to be paid from the Sewage Fund.

SECTION VI: All life-guards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring. Wage not to excees $7.25.

SECTION VII: Town Council members are also the Sewage Utility Board and shall be paid $1,000 from the General Fund and $1,000 from the Sewage Fund, and shall be paid on the regular meeting day in November. The Council member who serves as President of the Council will receive an additional $150 from the General Fund and $150 from the Sewage Fund. The Area Plan Representative will receive an additional $150 from the General Fund and $150 from the Sewage Fund.

For a Council member to receive a full year's salary they must remain in office for the entire calendar year and attend a minimum of eight (8) regular monthly council meetings. Councilpersons leaving, resigning or not attending eight (8) regular meetings will receive a pro-rate portion of the amount due in their category.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay 1/4 of the cost of dependants medical insurance. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance, shall receive an additional $36.50 per week to their set salary.

SECTION IX: A pair of steel-toed boots at a cost not to exceed $125.00 and uniform service will be provided for the Utility and Street workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION X: Vacation/sick leave for all full time employees shall accrue at a rate of for the first six months worked five days or 40 hours, after one year worked ten days or 80 hours, after two years fifteen days or 120 hours. Twenty years and thereafter full time employees shall accrue fifteen days or 120 hours. The Town Marshal, #1 and #2 Deputy shall receive a maximum vacation/sick leave of 60 hours and the Deputy #3 shall receive 30 hours maximum vacation/sick time.

SECTION XI: Overtime policy is considered compensatory time and accrues at a rate of 1 1/2 hours per hour overtime worked. If employee has more than 120 hours of compensatory time they will be asked to use it promptly.

SECTION XII: The following holidays will be paid for all full-time salaried employees:
New Years Day, Martin Luther King Day, President's Birthday, Good Friday, Primary, Memorial Day, Independence Day, Labor Day, Columbus Day, Election, Veterans' Day, Thanksgiving Day and Day After, Christmas Eve Day, Christmas Day, and New Year's Eve. When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday. When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS _____ DAY OF _____ 2001.

ATTEST:
Phyllis Hall

ORDINANCE 03-415

AMENDMENT TO ORDINANCE #406 SALARY ORDINANCE FOR THE YEAR 2003

[Editor's Note: This ordinance was replaced by Ordinance #423]

WHEREAS, the Town Council of the Town of Battle Ground, Indiana did enact Ordinance #406 being the salary ordinance for the year 2003; and

WHEREAS, the requirements of the Town of Battle Ground, Indiana necessitate increased hours worked from the Office of the Town Marshall

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THAT THE FOLLOWING PROVISIONS ARE HEREBY ADOPTED:

Section I: Section III of Ordinance #406 is hereby amended to read:

"Section III: The Town Marshall shall receive an hourly rate of $18.19 per hour for hours worked for the year 2003. Deputy #1 shall receive an hourly rate of $17.16

per hour for hours worked for the year 2003. Deputy #2 shall receive an hourly rate of $15.61 per hours worked for the year 2003. Deputy #3 shall receive an hourly rate of $13.04 per hour for hours worked for the year 2003."

Section 2: In all other respects Ordinance #406 Salary Ordinance for the Year 2003

shall remain in full force and effect.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, THIS 9TH DAY

OF JUNE, 2003

BATTLE GROUND COUNCILPERSONS

Carolyn Roth

Carolyn Roth Council President

J B Miller

Jim Miller

ATTEST:

Brian Brewer

Phyllis Hall

Phyllis Hall, Clerk-Treasurer

Brian Brewer

Marie McCoy

Kerry Smith

ORDINANCE # 423

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AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND ALL COMPENSATION FOR EMPLOYEES

AND COUNCILPERSONS FOR THE YEAR 2004

[Editor's Note: This ordinance was replaced by Ordinance #04-432]

SECTION 1: The Clerk-Treasurer shall receive an annual salary of **$23,988**

to be paid equal from the Sewage and General Funds.

SECTION 2: The Deputy Clerk-Treasurer shall receive an annual salary of **$10,078** to be paid from the Sewage Funds.

SECTION III: The Town Marshal shall receive an hourly rate of **$18.19** per hour.
#1 Deputy shall receive an hourly rate of **$17.16** per hour.
#2 Deputy shall receive an hourly rate of **$15.61** per hour.
#3 Deputy shall receive an hourly rate of **$13.04** per hour.
All police to be paid from the General Funds.

SECTION IV: Sewage Superintendent shall receive an annual salary of **$17,995** to be paid from the Sewage Funds.

SECTION V: Ssreet Superintendent shall receive an annual salary of **$24,153** to be paid equally from MVH and Sewage Funds.

SECTION VI-A: Utility/Street Laborer shall receive an annual salary of **$18,357** to be paid from the Sewage Fund.

SECTION VI-B: Utility/Street Laborer/Crossing Guard shall receive **$8.24** per hour, to be paid equally from the Sewage Fund and the General Fund.

SECTION VII: All lifeguards shall be paid from General Funds. Lifeguard salary to be decided at time of hinng not to exceed **$7.50** per hour.

SECTION VIII: The Council Members are also the Sewage Utility Board and shall be paid **$1,000** from the General Fund and **$1,000** from the Sewage Fund, and shall be paid after Decembers' meeting in 2003. The Council Member who serves as President of the Council will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund. The Area Plan Representative will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund.
Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their

category for said year.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay **1/4** of the cost of defendants medical insurance and an additional **$10.00** per week. Full-time employees that are covered for medical insurance elsewhere and do not take the medical insurance shall receive and additional **$36.50** per week to their set salary.

SECTION X: A pair of steel-toed boots at a cost not to exceed **$125** and uniform service will be provided for the Utility and Street Workers. The cost for them will be shared with the Battle Ground Conservancy District. Protective equipment for the crossing guard shall be provided by the town.

SECTION XI: Vacation sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.
Two weeks paid vacation/sick leave after one year worked.
Three weeks paid vacation/sick leave after two years worked.

Vacation earned in 2004 must be used in 2004

SECTION XII: Overtime policy is considered compensatory time and accrues at a rate of l-l/2 hours per hour overtime worked. Overtime is received after a 40 hours.

OVERTIME MUST BE USED WITHIN THE MONTH OF EARNING IT.

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

The following holidays will be observed, New Years Day, President's Birthday, Primary, Memorial Day, Independence Day, Labor Day, Columbus Day, Election, Veterans' Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day. When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday. When any of the above holidays falls on Saturday, the proceeding Friday shall be the legal holiday.

SECTION XIV: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 30th DAY OF December 2003.

BATTLE GROUND COUNCILPERSONS

Carolyn Roth

CAROLYN ROTH COUNCIL PRESIDENT

Brian Brewer

ATTEST:

BRIAN BREWER

Phyllis Hall
PHYLLIS HALL CLERK-TREASURER

Kerry J. Smith

KERRY SMITH

Steve Egly

STEVE EGLY

ORDINANCE #04-429

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND MISCELLANEOUS STREET AND SIDEWALK PROJECTS

[Editor's Note: This ordinance was not signed or adopted.]

WHEREAS, it has been determined that it is now necessary to appropriate money in the annual budget; now, therefore:

SECTION I: Be it ordained by the Battle Ground Town Council, of Battle Ground, Indiana, Tippecanoe County, that for the expenses of the taxing unit the following additional sum of money is hereby appropriated out of the fund named and for the purposes specified, subject to laws governing the same:

Fund Name:	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
CEDIT OPERATING	$115,000.00	$115,000.00

Adopted this 9th day of August, 2004

NAY AYE

ATTEST:

Phyllis Hall Clerk - Treasurer

ORDINANCE # 04-430

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND MISCELLANEOUS STREET PROJECTS

WHEAREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual 2004 budget; now, therefore:

Sec. 1 Be it ordained by the Battle Ground Town Council of Battle Ground, Tippecanoe County, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name & Number	Amount Requested	Amount Approved By Fiscal Body
Cedit Fund	$115,000	$115,000
Riverboat Fund	$8,000	$8,000
TOTAL OF FUNDS	$123,000	$123,000

Adopted this 23rd day of August, 2004

NAY	AYE
	Carolyn Roth
	Becky Holladay
	Steven C. Egly
	Kerry J. Smith

ATTEST:

Phyllis Hall
Phyllis Hall Clerk-Treasurer

ORDINANCE #04-432

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA INCLUDING ALL COMPENSATION FOR

EMPLOYEES AND COUNCILPERSONS FOR THE YEAR 2005

[Editor's Note: This ordinance was replaced by

Ordinance #05-438]

SECTION I: The Clerk-Treasurer shall receive an annual salary of **$22,783**

to be paid equal from the Sewage and General Funds.

SECTION II: The Deputy Clerk-Treasurer shall receive an annual salary of **$10,598** to be paid from the Sewage Funds.

SECTION III: The Town Marshal shall receive an hourly rate of **$18.34** per hour.
#1 Deputy shall receive an hourly rate of **$17.31** per hour.
#2 Deputy shall receive an hourly rate of **$15.76** per hour.
#3 Deputy shall receive an hourly rate of **$12.00** per hour.
All police to be paid from the General Funds.

SECTION IV: Director of Public Works shall receive and annual salary of **$26,667** to be paid equally from General, MVH and the Sewage Funds.

SECTION V: Sewage Superintendent shall receive an annual salary of **18,255** to be paid from the Sewage Funds.

SECTION VI: Street Superintendent shall receive an annual salary of **$24,499** to be paid equally from MVH and the Sewage Funds.

SECTION VII: Utility/Street Laborer shall receive an annual salary of **$19,050** to be paid from the Sewage Fund.

SECTION VIII: All lifeguards shall be paid from General Funds. Lifeguard salary to be decided at time of hiring not to exceed **$7.50** per hour.

SECTION IX: The Council Members are also the Sewage Utility Board and shall be paid **$1,200** from the General Fund and **$1,200** from the Sewage Fund, and shall be paid after Decembers' meeting in 2003. The Council Member who serves as President of the Council will receive an additional **$400** from the General Fund and **$400** from the Sewage Fund. The Area Plan Representative will receive an additional **$400** from the General Fund and **$400** from the Sewage Fund.
Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their

category for said year.

SECTION X: Health, life, dental and disability insurance will be paid for all full-time salaried employees by the Town. Employees shall pay **1/4** of the cost of dependents medical insurance and an additional **$10.00** per week towards the employees medical insurance.

SECTION XI: A pair of steel-toed boots at a cost not to exceed **$62.50**

and unifomm service will be provided for the Utility and Street Workers. The town shall provide the protective equipment for the crossing guard.

SECTION XII: Vacation/sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.
Two weeks paid vacation/sick leave after one year worked.
Three weeks paid vacation/sick leave after two years worked.

Vacation earned in 2004 must be used in 2004.

SECTION XIII: Overtime policy is considered compensatory time and accrues at a rate of 1-1/2 hours per hour overtime worked. Overtime is received after a 40 hours. **OVERTIME**

MUST BE USED WITHIN THE MONTH OF EARNING IT.

SECTION XIV: The following holidays will be paid for all full-time salaried employees:

The following holidays will be observed, New Years Day, Martin Luther King, President's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day. Election Day and the Primary will be observed in the years that there is an election. When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday. When any of the above holidays falls on Saturday, the proceeding Friday shall be the legal holiday.

SECTION XV: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS **13th** DAY OF **DECEMBER, 2004.**

BATTLE GROUND COUNCILPERSONS

Carolyn Roth

CAROLYN ROTH COUNCIL PRESIDENT

Brian Brewer

BRIAN BREWER

ATTEST:

Phyllis Hall
PHYLLIS HALL CLERK-TREASURER

KERRY SMITH

Steve Egly

STEVE EGLY

Becky Holladay

BECKY HOLLADAY

ORDINANCE #04-433

AN ORDINANCE TO APPROPRIATE ADDITIONAL MONEY TO FUND MISCELLANEOUS STREET PROJECTS

[Editor's Note: This ordinance was active only for the 2005 budget]

WHEREAS, It has been determined that it is now necessary to appropriate money than was appropriated in the annual 2005 budget; now, therefore:

Sec. 1 Be it ordained by the Battle Ground Town Council, of Battle Ground, Tippecanoe County, that for the expenses of the taxing unit the following additional sumw of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name:	Amount Requested	Amount Approved By Fiscal Body
Cedit Fund	$35,000.00	$35,000.00
Local Roads & Street Fund	$35,000.00	$35,000.00
TOTAL OF FUNDS	**$70,000.00**	**$70,000.00**

Adopted this 1st day of February, 2005

NAY	AYE
	Brian Brewer
	Steven C. Egly
	Becky Holladay

ATTEST:

Phyllis Hall
Phyllis Hall Clerk - Treasurer

ORDINANCE NO. 05-435

AN ORDINANCE ON COMPREHENSIVE STORMWATER MANAGEMENT

WHEREAS, the Town Council of the Town of Battle Ground is the governing body of said Town; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in the Town of Battle Ground and Tippecanoe County and its water resources; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to establish a regulatory mechanism to address stormwater quality management in addition to stormwater discharge quantity erosion and sediment control; and,

WHEREAS, the Town Council of the Town of Battle Ground desires to have said mechanism conform with the Tippecanoe County Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, STATE OF INDIANA that it adopts the

Comprehensive Stormwater Management Ordinance in the form attached hereto and by reference made a part hereof and marked Exhibit "A", and repeals any Ordinance in conflict with the same.

This Ordinance shall be in full force and effect as of the 14th day of March , 2005.

ADOPTED this

14th day of March , 2005.

Carolyn M. Roth
President, Town Council of the
Town of Battle Ground, Indiana

ATTEST:

Phyllis Hall
Clerk Treasurer of the
Town of Battle Ground, Indiana

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL MATCH

COMMITMENT

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, 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 Battle Ground, Indiana recognizes the need to stimulate growth and 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 Battle Ground, 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 Battle Ground, Indiana, that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address wastewater, water and stormwater issues, 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 Battle Ground, Indiana hereby commits the requisite local funds in the amount of one thousand six hundred and fifty dollars ($1,650), in the form of water funds and the amount of three thousand six hundred and thirty-five dollars ($3,635), in the form of wastewater funds, with the total amount of matching funds equaling five thousand dollars ($5,285), as matching funds for said program, such commitment to be contingent upon receipt of CDBG Planning funding from the Indiana Department of Commerce.

Adopted by the Town Council of the Town of Battle Ground, Indiana this 13 day of June 2005 at 7:00 p.m.

Carolyn Roth

SIGNATURE:

Carolyn Roth, Town Council President

ATTEST: Phyllis Hall

Phyllis Hall, Clerk-Treasurer

ORDINANCE NO. 05-438

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 05-438 may be displayed by clicking the appropriate links:

+/- (VOID) #05-438: Salary for 2006 - Page 1

+/- (VOID) #05-438: Salary for 2006 - Page 2

ORDINANCE NO. 06-441

Editor's Note: This Ordinance is now *void*. It was repealed by Ordinance 07-551.

Photographs of the pages of Ordinance # 06-441 may be displayed by clicking the appropriate links:

+/- (VOID) #06-441: Payment Vouchers

ORDINANCE NO. 06-445

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 06-445 may be displayed by clicking the appropriate links:

+/- (VOID) #06-445: Salary Amendment

ORDINANCE NO. 06-449

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 06-449 may be displayed by clicking the appropriate links:

+/- (VOID) #06-449: Salary for 2007 - Page 1

+/- (VOID) #06-449: Salary for 2007 - Page 2

ORDINANCE NO. 07-451

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 07-451 may be displayed by clicking the appropriate links:

+/- (VOID) #07-451: Salary Amendment

ORDINANCE NO. 07-452

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 07-452 may be displayed by clicking the appropriate links:

+/- (VOID) #07-452: Salary Amendment

ORDINANCE NO. 07-453

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 07-453 may be displayed by clicking the appropriate links:

+/- (VOID) #07-453: Salary Amendment

ORDINANCE NO. 07-455A

Editor's Note: This Ordinance is now *void*.

Photographs of the pages of Ordinance # 07-455A may be displayed by clicking the appropriate links:

+/- (VOID) #07-455A: Salary Amendment

ORDINANCE #07-456

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES

FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

INCLUDING ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS

FOR THE YEAR 2008

SECTION I: The Clerk-Treasurer shall receive a 4% raise making the annual salary **$24,893** to be paid equal from the Sewage and General Funds.

SECTION II. The Deputy Clerk-Treasurer shall receive an annual salary of **$12,189** to be paid from the Sewage Funds.

SECTION III: The Town Marshal shall receive an hourly rate of **$19.32** per hour.

#1 Deputy shall receive an hourly rate of **$18.25** per hour.

#2 Deputy shall receive an hourly rate of **$16.64** per hour.

#3 Deputy shall receive an hourly rate of **$13.50** per hour.

#4 Deputy shall receive an hourly rate of **$12.25** per hour.

The crossing guard's salary will be $12.50 per each time coverage is provided and will be paid out of the police department funds.

Total salaries of police department shall not exceed $68,000 and will be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive a 3% raise making the annual salary **$19,371** to be paid from the Sewage Department Funds.

SECTION V: Street Supervisor shall receive an annual salary of **$19,999** to be paid equally from the MVH and Sewage Funds.

SECTION VI: Utility/Street Laborer shall receive and annual salary of **$20,744** to be paid equally from the MVH and Sewage Funds.

SECTION VII: All lifeguards shall be paid from the General Funds. Lifeguard salary to be decided at the time of hiring.

SECTION VIII: The Council Members are also the Sewage Utility Board and shall be paid **$1,500** from the General Fund and **$1,500** from the Sewage Fund, and shall be paid quarterly. The Council Member who serves as President and/or Area Plan Representative will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund.

Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their category for said year.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees except for the $12.00 per week which will be paid from each insured employee. The employees shall also be responsible for **1/4** of the cost of their dependant's medical insurance.

SECTION X: Uniforms and their cleaning services will be provided to the employees. Each employee will receive $62.50 towards the purchase of a pair of steel-toed boots. The General, MVH and Sewage Department Funds will provide all protective equipment needed.

SECTION XI: Vacation/sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.

Two weeks paid vacation/sick leave after one year worked.

Three weeks paid vacation/sick leave after two years worked.

Four weeks paid vacation/sick leave after 20 years worked

Vacation must be used within a year of receiving it.

SECTION XII: Compensatory time is received at a rate of 1 ½ hours per hour after a regular 40 hour work week. Hours over 40 that include vacation, personal paid time off or holiday time will be paid as straight time only. **OVERTIME MUST BE USED WITHIN A MONTH OF RECIEVING IT.**

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and the day after, Christmas Eve and Christmas Day. Election Day and the Primary will be observed in the year there is an election. When any of the above holidays falls on Sunday, the following Monday shall be the legal holiday. When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION IX: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 3rd DAY OF DECEMBER, 2007.

ATTEST:

Phyllis Hall

PHYLLIS HALL CLERK-TREASURER

BATTLE GROUND COUNCILPERSONS

Steve Egly

STEVE EGLY COUNCIL PRESIDENT

Carolyn Roth

CAROLYN ROTH

Brian Brewer

BRIAN BREWER

Becky Holladay

BECKY HOLLADAY

Karen Pearson

KAREN PEARSON

ORDINANCE NO. 2008- 460

AN ORDINANCE PROHIBITING YARD SALES DURING THE BATTLE GROUND SESQUICENTENNIAL CELEBRATION ON AUGUST 9, 2008.

WHEREAS, the town of Battle Ground will hold a sesquicentennial celebration on August 9, 2008; and

WHEREAS, the Town Council has agreed that outside sales by non-retail operations will significantly detract from the event;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THAT:

Section 1. Outside sales by non-retail operations, commonly referred to as "yard sales" and/or "garage sales", will not be allowed on Saturday, August 9, 2008.

Section 2. Yard sale permits will not be sold for sales to be held on Saturday, August 9, 2008.

Section 3. The penalty for holding a yard sale (outside sales by a non-retail operation) within the Battle Ground Town limits on Saturday, August 9, 2008, shall be a fine of up to $300.

Section 4. Sales of items specifically permitted and/or endorsed by the Celebration Committee and/or the Town Council will be exempt from this ordinance.

Section 5. This ordinance shall be in full force and effective upon passage.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

22 day of

April , 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly

Steve Egly, President

Brian Brewer

Brian Brewer

Becky Holladay

Becky Holladay

Karen Pearson

Karen Pearson

Carolyn Roth

Carolyn Roth

ATTEST:

Phyllis Hall

Phyllis Hall
Clerk/Treasurer

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

12 day of

May , 2008.

Town Council of the Town of
Battle Ground, Indiana:

Steve Egly, President

Brian Brewer

Brian Brewer

Becky Holladay

Becky Holladay

Karen Pearson

Karen Pearson

Carolyn Roth

Carolyn Roth

ATTEST:

Phyllis Hall

Phyllis Hall
Clerk/Treasurer

RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND

LOCAL MATCH COMMITMENT

2008- 25

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, 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 Battle Ground, 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 Battle Ground, 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 Battle Ground, Indiana that:

1. Town Council President is authorized to prepare and submit an application for grant funding to address upgrades to the wastewater collection system, 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 Battle Ground, Indiana hereby commits the requisite local funds in the amount of Ninety-five Thousand (95,000.00) from it own Wastewater Fund, 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 Battle Ground, Indiana this ____ day of June 2008, at ____ pm.

SIGNATURE:

Steve Egly

Steve Egly, Council President

ATTEST:

Phyllis Hall

Phyllis Hall, Clerk-Treasurer

ORDINANCE # 08-*464*

Editor's Note: This ordinance is Void.

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

+/- (VOID) #08-464: Amending 2008 Salary

ORDINANCE # 08-*465*

Editor's Note: This ordinance is Void.

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

+/- (VOID) #08-465: Amending 2008 Salary

Editor's Note: This ordinance is Void.

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

+/- (VOID) #08-466: 2009 Salary - Page 1

+/- (VOID) #08-466: 2009 Salary - Page 2

RESOLUTION AUTHORIZING APPLICATION SUBMISSION

AND LOCAL MATCH COMMITMENT

09-30

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, AUTHORIZING THE SUBMITTAL OF THE CFF APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING

RELATED MATERS

WHEREAS: the Council of the Town of Battle, 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 person; and

WHEREAS, the Town of Battle Ground, 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 Battle Ground, Indiana that:

1. Town Council President is authorized to prepare and submit an application for grant funding to address upgrades to the wastewater collection system, and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indian Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town of Battle Ground, Indiana hereby commits the requisite local funds in the amount of Ninety-five Thousand ($95,000.00) from it own Wastewater Fund, 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 Battle Ground, Indiana this 12 day of January, 2009 at 7pm.

SIGNATURE:

Becky Holladay

Council President

ATTEST:

Phyllis Hall

Phyllis Hall Clerk-Treasurer

ORDINANCE # 09-*466A*

Editor's Note: This ordinance is Void.

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

+/- (VOID) #09-466A: Amending 2009 Salary

ORDINANCE NO. 2009- 471

Editor's Note: This ordinance was replaced by Ordinance 12-498, adopted 5/21/2012.

AN ORDINANCE AMENDING ORDINANCE NO. 2008-463 TO MODIFY THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN.

WHEREAS, the town retained a rate consultant to perform a study of sewage rates and charges; and

WHEREAS, said study has been presented to the Town Council and it has determined the current rates are not sufficient to fund operating expenses, working capital, debt service on outstanding and anticipated bonds, and extensions and replacements;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND THAT:

Section 1: That Section 1, sub-sections (a) and (b) of Ordinance No. 2008-463 shall be replaced with the following:

Metered Water Users:

(a) The sewage rates and charges shall be based on the meter size and on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use. For the purpose of billing and collecting the charges for sewage service, the water usage schedule on which the amount of said rate and charges shall be determined is as follows:

Quantity of Water Used per Month	Monthly Rate Per 1,000 Gallons		
	Phase I (See Note 1)	Phase II (See Note 2)	Phase III (See Note 3)
First 5,000 gallons			
Next 10,000 gallons	$7.30	$9.07	$10.84
	4.38	5.45	6.51

Next 20,000 gallons	3.66	4.54	5.43
	2.76	3.43	4.10

Over 35,000 gallons

Minimum Charge:

Meter Size:	Gallons Allowed Per Month:	Phase I (See Note 1)	Phase II (See Note 2)	Phase III (See Note 3)
5/8 & 3/4 inch meter	2,000	$14.60	$18.14	$21.68
1 inch meter	3,666	26.76	33.25	39.74
1 1/4 inch meter	4,833	35.28	43.84	52.39
1 1/2 inch meter	6,666	43.80	54.43	65.05
2 inch meter	10,000	58.40	72.60	86.75
4 inch meter	25,000	116.90	145.25	173.60

(b) Unmetered Water Users:

	Per Month: Phase I (See Note 1)	Phase II (See Note 2)	Phase III (See Note 3)
Residential Single Family (Assuming 3,300 gallons per month)	$24.09	$29.93	$35.77

NOTES:

1: Phase I rates will be effective October 5, 2009.

2: Phase II rates will be effective July 1, 2010.

3: Phase III rates will be effective July 1, 2011.

Section 2: All other portions of Ordinance No. 2008-463 shall remain in full force and effect.

Section 3: This ordinance shall be in full force and effective upon passage. The new rates and charges shall then apply to all billing periods following the effective date of the new rates and charges.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

14 day of

September , 2009.

Town Council of the Town of
Battle Ground, Indiana:

Becky Holladay
Becky Holladay, President

ATTEST:

Brian Brewer
Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk-Treasurer

Steve Egly
Steve Egly

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

13 day of

October , 2009.

Town Council of the Town of
Battle Ground, Indiana:

Becky Holladay
Becky Holladay, President

ATTEST:

Brian Brewer
Brian Brewer

Phyllis Hall
Phyllis Hall
Clerk-Treasurer

Steve Egly
Steve Egly

Karen Pearson
Karen Pearson

Carolyn Roth
Carolyn Roth

Resolution 09-34

A RESOLUTION TO CLARIFY THE COMPENSATION

TIME DEFINITION DURING PERIODS WITH PAID

HOLIDAYS

WHEREAS, the "Employee Policies Manual", adopted by Resolution 08-23 on March 10, 2008, describes Overtime Compensation and the criteria for receiving compensation time; and

WHEREAS, the council wishes to clarify the definition relative to paid holidays, NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA that:

The first paragraph of the "Overtime Compensation" section, which currently reads as:

"Nonexempt salaried (hourly) employees will accumulate compensation pay at the rate of one and one-half times their regular hourly rate of pay for all time worked in excess of 40 hours in any one workweek."

Shall be replaced by the following paragraph:

"Nonexempt salaried (hourly) employees will accumulate compensation pay at the rate of one and one-half times their regular hourly rate of pay for all time in excess of 40 hours in any one workweek. Time worked (during snow emergencies) and town approved paid holidays will count toward the 40 hour threshold. Personal time off, such as vacation, sick leave, or personal days will not count toward the 40 hour threshold."

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF BATTLE

GROUND, INDIANA this

9 day of November , 2009.

BATTLE GROUND COUNCILPERSONS

Karen Pearson
Karen Pearson

Abstained

Becky Holladay, Council President

Carolyn Roth
Carolyn Roth

Brian Brewer

Brian Brewer

Steve Egly
Steve Egly

ATTEST:
Phyllis Hall
Phyllis Hall, Clerk-Treasurer

ORDINANCE # 09-475

Editor's Note: This ordinance is Void.

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

+/- #09-475: Amending 2009 Salary

ORDINANCE # 09-476

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES

FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

INCLUDING ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS

FOR THE YEAR 2010

SECTION I: The Clerk-Treasurer shall receive **$497.93** weekly and will be paid equal from the Sewage and General Funds.

SECTION II. The Deputy Clerk-Treasurer shall receive **$243.80** weekly and will be paid from the Sewage Funds.

SECTION III: Town Marshal shall receive an hourly rate of **$19.71** per hour.

#1 Deputy shall receive an hourly rate of **$18.62** per hour.

#2 Deputy shall receive an hourly rate of **$17.14** per hour.

#3 Deputy shall receive an hourly rate of **$15.50** per hour.

#4 Deputy shall receive an hourly rate of **$15.00** per hour.

#5 Crossing guard shall receive $12.50 per day crossing is covered.

Total salary for Section III is not to exceed **$91500** and will be paid from the General Fund.

SECTION IV: Sewage Superintendent shall receive **$380.00** weekly and will be paid from the Sewage Department Funds.

SECTION V: Street Supervisor shall receive a weekly check for **$416.05** to be paid equally from the MVH and Sewage Funds.

SECTION VI: Utility/Street Laborer shall receive a 25cent per hour raise and will receive a weekly check for **$366.72** to be paid equally from the MVH and Sewage Funds.

SECTION VII: Budget for part time help will be **$12000** and will be paid from the Department they are working for.

SECTION VIII: The Council Members are also the Sewage Utility Board and shall be paid **$1,500** from the General Fund and **$1,500** from the Sewage Fund, and shall be paid quarterly. The Council Member who serves as President and/or Area Plan Representative will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund.

Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their category for said year.

SECTION IX: Health, life, dental and disability insurance will be paid for all full-time salaried employees except for the **$12.00** per week which will be paid from each insured employee. The employees shall also be responsible for **1/4** of the cost of their dependant's medical insurance.

SECTION X: Uniforms and their cleaning services will be provided to the employees. Each employee will receive **$62.50** towards the purchase of a pair of steel-toed boots. The General, MVH and Sewage Department Funds will provide all protective equipment needed.

SECTION XI: Vacation/sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.

Two weeks paid vacation/sick leave after one year worked.

Three weeks paid vacation/sick leave after two years worked.
Four weeks paid vacation/sick leave after 20 years worked

Vacation must be used within a year of receiving it.

SECTION XII: Compensatory time is received at a rate of 1 1/2 hours per hour after a regular 40 hour work week. Hours over 40 that include vacation, personal paid time off or holiday time will be paid as straight time only. With the exception of snow emergencies, paid holidays will count towards the overtime. **OVERTIME MUST BE USED WITHIN A MONTH OF RECIEVING IT.**

SECTION XIII: The following holidays will be paid for all full-time salaried employees:

New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day,

Columbus Day, Veterans' Day, Thanksgiving Day and the day after, Christmas Eve and Christmas Day. Election Day and the Primary will be observed in the year there is an election. When any of the above holidays falls on Sunday, the following Monday shall be the

legal holiday. When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION IX: Bonuses may be given to the full time employees up to $70 at the discretion of the council.

SECTION X: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 14th DAY OF DECEMBER, 2009.

BATTLE GROUND COUNCILPERSONS:

Becky Holladay
BECKY HOLLADAY COUNCIL PRESIDENT

Carolyn Roth

ATTEST:

Phyllis Hall
PHYLLIS HALL CLERK - TREASURER

CAROLYN ROTH

BRIAN BREWER

Steve Egly
STEVE EGLY

Karen Pearson
KAREN PEARSON

ORDINANCE # 09-478

Editor's Note: This ordinance is Void.

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

+/- (VOID) #09-478: Amending 2009 Salary

ORDINANCE # 10-480

Editor's Note: This ordinance is Void.

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

+/- (VOID) #10-480: Salary Amendment, 7/12/2010

ORDINANCE #10-481 A

Editor's Note: This ordinance is Void.

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

+/- (VOID) 10-481A: Salary Amendment, 7/12/2010

ORDINANCE # 10-487

AN ORDINANCE FIXING THE MAXIMUM ANNUAL SALARIES

FOR ALL EMPLOYEES AND THE CLERK-TREASURER

OF THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA

INCLUDING ALL COMPENSATION FOR EMPLOYEES AND COUNCILPERSONS

FOR THE YEAR 2011

SECTION I: The Clerk-Treasurer shall receive **$497.93** weekly and will be paid equal from the Sewage and General Funds. ....

SECTION II. The Deputy Clerk-Treasurer shall receive **$250.00** weekly and will be paid from the Sewage Funds.

SECTION III: Town Marshal shall receive an hourly rate of **$19.71** per hour.

#1 Deputy shall receive an hourly rate of **$18.62** per hour.

#2 Deputy shall receive an hourly rate of **$17.14** per hour.

#3 Deputy shall receive an hourly rate of **$15.50** per hour.

#4 Deputy shall receive an hourly rate of **$15.00** per hour.

#5 Crossing guard shall receive $12.50 per day crossing is covered.

Total salary for Section III is not to exceed **$95000** and will be paid from the General Fund.

SECTION IV: Street Supervisor shall receive a weekly check for **$654.00** to be paid equally from the MVH and Sewage Funds.

SECTION V: Utility/Street Laborer shall receive a weekly check for **$590.00** to be paid equally from the MVH and Sewage Funds.

SECTION VI: Budget for part time help will be **$1000** and will be paid from the Department they are working for.

SECTION VII: The Council Members are also the Sewage Utility Board and shall be paid **$1,500** from the General Fund and **$1,500** from the Sewage Fund, and shall be paid quarterly. The Council Member who serves as President and/or Area Plan Representative will receive an additional **$200** from the General Fund and **$200** from the Sewage Fund.

Councilpersons that resign before end of year will receive a pro-rated portion of the amount due in their

category for said year.

SECTION VIII: Health, life, dental and disability insurance will be paid for all full-time salaried employees except for the **$12.00** per week which will be paid from each insured employee. The employees shall also be responsible for **1/4** of the cost of their dependant's medical insurance.

SECTION IX: A clothing allowance of $300 for the Street Supervisor/Utility Labor and $300 for Street/Utility Labor will be provided to cover cost of work clothing and steel-toed boots for the year. Cleaning of clothing will be done by employees. The General, MVH and Sewage Department Funds will provide all protective equipment needed. Unused clothing allowance from any employee will be rolled over into their next years clothing allowance.

SECTION X:

Vacation/sick leave for all full-time salaried employees:

One week paid vacation/sick leave after the first six months worked.

Two weeks paid vacation/sick leave after one year worked.

Three weeks paid vacation/sick leave after two years worked.

Four weeks paid vacation/sick leave after 20 years worked

Vacation must be used within a year of receiving it.

SECTION XI: The following holidays will be paid for all full-time salaried employees:

New Years Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day and the day after, Christmas Eve and Christmas Day. Election Day and the Primary will be observed in the year there is an election. When any of the above holidays falls on Sunday, the following Monday shall be the

legal holiday. When any of the above holidays falls on Saturday, the preceding Friday shall be the legal holiday.

SECTION XII: Bonuses may be given to the full time employees up to $70 at the discretion of the council.

SECTION XIII: Any and all ordinances in conflict with this ordinance upon its passage are hereby null and void.

PASSED ON THIS 13th DAY OF DECEMBER, 2010.

BATTLE GROUND COUNCILPERSONS

Becky Holladay
BECKY HOLLADAY COUNCIL PRESIDENT

CAROLYN ROTH

ATTEST:

Brian Brewer
BRIAN BREWER

Phyllis Hall
PHYLLIS HALL CLERK - TREASURER

Steve Egly
STEVE EGLY

Karen Pearson
KAREN PEARSON

ORDINANCE # 11-492

Editor's Note: This ordinance is Void. It has been replace by a more current salary ordinance.

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

+/- (VOID) #11-492: Salary for 2012 - Page 1

+/- (VOID) #11-492: Salary for 2012 - Page 2

ORDINANCE NO. 12-494

Editor's Note: This ordinance is Void. It was replaced by a more current ordinance.

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

+/- (VOID) #12-494: North East Tippecanoe Fire Territory - Page 1

+/- (VOID) #12-494: North East Tippecanoe Fire Territory - Page 2

Ordinance No. 13-506

Procedure for Permitting Street Cuts within

the Town of Battle Ground, Indiana

Editor's Note: This ordinance is VOID. It was specifically repealed by Ordinance 14-521, adopted 3/10/2014.

WHEREAS, the Town of Battle Ground is responsible for the upkeep, maintenance, and condition of streets and alleyways within the Town, with the exception of State Road 225, and

WHEREAS, these streets must occasionally be cut to repair sub-surface utilities, and

WHEREAS, a procedure is needed to insure that streets are repaired to the satisfaction of the Town of Battle Ground,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Battle Ground, Indiana, that:

Section 1: A procedure shall be created for controlling cutting, sawing, boring, or other penetration of streets and alleyways within the Town of Battle Ground. All street or alleyway surface disturbances by any party *other than* the Town of Battle Ground Street Department shall require a "Street Cut Permit".

Section 2: The "Street Cut Permit" (attached), allowing the party wishing to disturb the street or alleyway surface to proceed with the work, may be obtained at Battle Ground Town offices, 100 College Street, Battle Ground, Indiana during office hours. If the work must begin at a time when the office is not open, the permit must be obtained within 24 hours of the next opening of the Town offices.

Section 3: All portions of "Street Cut Permit" must be completed to the satisfaction of the Battle Ground Street Superintendent (or Supervisor) and the Battle Ground Clerk-Treasurer. The Inspection Fee must be paid at the time of permit application. Failure to obtain the necessary permit or abide by the regulations therein will result in a fine of $1,000.00 (One Thousand Dollars) per offense.

Section 4: If a water leak is detected under the surface of a Battle Ground street or alleyway, repair work must begin within 24 hours of detection and/or notification of the Water Conservancy and/or Water Superintendent. If the leak is not repaired within said 24 hour period, the Water Conservancy will be fined $1,000.00 (One Thousand Dollars) for each 24 hour period or portion thereof between the time of notification and the time the leak is stopped.

Each separate incident requires a new Street Cut Permit. A single permit will cover

Section 5: coincident holes related to the same utility issue, in the same area, and opened at nearly the same time.

Section 6: This ordinance shall be in full force and effective upon passage and publication as required by Indiana Code.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on first reading this

11 day of

February , 2013.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Battle Ground, Indiana on second reading this

8 day of

April , 2013.

Steve Egly
Steve Egly, Presiding Officer

Brian Brewer
Brian Brewer

ATTEST:

Becky Holladay
Becky Holladay

Phyllis Hall
Phyllis Hall, Clerk-Treasurer

Karen Pearson
Karen Pearson

David Sturgeon
David Sturgeon

NORTH EAST TIPPECANOE FIRE TERRITORY
BATTLE GROUND TOWN ORDINANCE
13-507

Editor's Note: This ordinance is VOID. It was replaced by Ordinance 14-522, adopted 3/28/2014.

WHEREAS, for cost savings to individual units of government and for enhanced public safety, the townships of Tippecanoe, Washington, Perry and Sheffield and Battle Ground Town have determined to create the North East Tippecanoe Fire Territory in conformity with Indiana Code 36-8-19, and

WHEREAS, after proper notice was given, a public hearings were held jointly by these entities on February 25, 2013, March 11, 2013, and March 27, 2013 at which time information about the proposed Territory was provided and input from the taxpayers was received, and

Be it ordained by the Battle Ground Town Board of Tippecanoe County, Indiana adopted the following:

In accordance with IC 36-8-19 adopts the following:

- Battle Ground Town is hereby authorized to become a party to one or more agreements for the establishment of the North East Tippecanoe Fire Protection Territory ("the Territory"), a fire protection territory being hereby created pursuant to said statute.
- The boundaries of the North East Tippecanoe Fire Territory will include the townships of Tippecanoe, Washington, Perry and Sheffield and Battle Ground Town.
- Tippecanoe Township will be identified as the provider unit as established in IC 36-8-19-3
- Washington, Perry, Sheffield Townships and Battle Ground Town will be identified as participating units as established in IC 36-8-19-2
- The guidelines established in the North East Tippecanoe Fire Territory Primary Organizational Guidelines dated 02/25/13 are incorporated by reference and attached.
- The territory will establish a Fire Territory Fund from which all expense for operating and maintaining the fire protection services within the territory, including repairs, fees, salaries, deprecation on all depreciable assets, rents, supplies, contingencies, and all other expenses lawfully incurred with the territory shall be paid. IC 36-8-19-8. Further the territory will adopt a uniform tax rate upon all of the taxable property within the territory for fire protection services to fund the Fire Territory Fund.

In accordance with IC 36-8-19-6 c adopts the following:

- The territory will also establish an Equipment Replacement Fund IC 36-8-19-8.5 to be used to purchase fire protection equipment, including housing, that will be used to serve the entire territory.
- The territory will establish the Equipment Replacement Fund at .0333 for all taxable property in the fire territory.

In addition, the town authorizes the provider unit, Tippecanoe Township, to establish the funds delineated above for the operation of the North East Tippecanoe Fire Territory.

Adopted this 28th day of March 2013.

NAY	AYE
	Steven C. Egly
	Karen Pearson
	Becky Holladay

ATTEST

Phyllis Hall

Clerk-Treasurer Battle Ground Town

North East Tippecanoe Fire Protection Territory

Primary Organizational Guidelines

The North East Tippecanoe Fire Protection Territory is created to streamline the financial and administrative responsibilities for fire protection for the townships of Tippecanoe (including Battle Ground Town), Washington, Perry, and Sheffield in Tippecanoe County Indiana. A Territory Board will be composed of the executive official or their designee of the participating units. The provider unit is defined as Tippecanoe Township; Tippecanoe, Washington, Perry and Sheffield Townships and the Battle Ground Town would be classified participating units. The Territory Board will develop guidelines concerning purchasing authority and financial limits on purchasing for day to day operations, and make recommendations to the Provider Unit's Board.

All fire territory tax rates would be equal in all units of the territory. The territory would establish a Fire Protection Territory Fund for operating and an Equipment Replacement Fund to purchase fire protection equipment, including housing, that will be used to serve the entire territory.

The territory will have authority to contract with the Tippecanoe Township Volunteer Fire Department, the Washington Township Volunteer Fire Department and the Sheffield Township Firefighters Association to support the territory's stations and apparatus for the purpose of fire protection and EMS. Tippecanoe, Washington and Sheffield departments will operate under their own bylaws and SOGs and be under the command of their own officers.

An administrative body known as Central Command will be created from the member volunteer organizations. Central Command will consist of the Chief of Tippecanoe, Washington and Sheffield Fire Departments. Central Command will be responsible for administration of day to day operations of the territory.

Central Command will:

- develop long range plans for large projects, such as replacement or addition of apparatus and buildings, and convey those plans to the Territory Board for action.
- assign apparatus or other equipment to the departments in such a way that best utilizes the equipment. Apparatus and equipment, purchased by the territory, may also be reallocated by Central Command as situations change.
- resolve issues that arise when the bylaws or SOGs of one department conflict with those of another member department and those issues adversely affect safe and efficient operations.
- work to see that members of all three departments are receiving the same quality of training. Joint training will be encouraged. Firefighters may have various levels of training based on their abilities and the amount of time they have to volunteer but all firefighters must attain any minimum levels set by the State of Indiana.

Tippecanoe, Washington and Sheffield Volunteers Organizations will be free to continue having their own fund raisers, maintain their own funds and make purchases from those funds that benefit their volunteer fire departments.

The territory board will select a chairman who will communicate official territory business to Central Command. Central Command will have a chairman, with the chairmanship rotating thru the 3 chiefs on a 1 year term. The Central Command chairman will communicate official business to the territory board chairman.

Tippecanoe Township is established as the provider unit and will be responsible for the duties of the provider unit as established in IC 36-8-19, which includes the formulation of the annual budget for the territory. Central Command will provide annual budget estimates to the Territory Board which will then make recommendations to the Provider Unit Board to complete the budget process.

Modification of these guidelines can be adopted by resolution of the participating units.

02/25/13 by North East Tippecanoe Fire Territory

ORDINANCE #13-517

Editor's Note: This ordinance is Void.

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

+/- (VOID) #13-517: Salary for 2014 - Page 1

+/- (VOID) #13-517: Salary for 2014 - Page 2

ORDINANCE # 14-535

Editor's Note: This ordinance is Void.

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

+/- (VOID) #14-535: Salary for 2015 - Page 1

+/- (VOID) #14-535: Salary for 2015 - Page 2

ORDINANCE 2015-537

Editor's Note: This ordinance is Void.

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

+/- (VOID) #15-537: Amends 2015 Salary - Page 1

+/- (VOID) #15-537: Amends 2015 Salary - Page 2