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CH16 - 2007 Ordinances

CH16 16 .1 - Prohibiting Littering of the Streets, Sidewalks, and All Public Property Including Parks

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

That the Town of Lapel now desires to establish an Ordinance prohibiting littering of the streets, sidewalks, and all public property including parks.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, TOWN OF LAPEL, MADISON COUNTY, INDIANA:

Section 1. That no person or entity shall throw, leave or deposit any dirt, liquid, vegetation, garbage, ashes, wood products, straw, paper, boxes, debris, or waste matter of any kind in or upon any street, alley, sidewalk, park, or other public property within the corporate limits of the Town of Lapel.

Any person or entity owning or having control over such material described above, which are thrown, left, or deposited, shall be deemed to have violated the provisions of the above paragraph.

Section 2. Penalties for Violations of the provisions of this ordinance shall be fined not less than \$25.00 per occurrence, and no more than \$100.00 per occurrence. A separate offense shall be deemed committed upon each day on which a violation of this provision occurs or continues.

Further Information

1-2007

CH16 16 .2 - Prohibiting Motorized Vehicles in Public Parks

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

That the Town of Lapel now desires to establish an Ordinance prohibiting any motorized vehicles being operated within the boundaries of any and all public parks operated and maintained by the Town of Lapel, with the exception of such operation in designated vehicle parking areas.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, TOWN OF LAPEL, MADISON COUNTY, INDIANA:

Penalties for violations of the provisions of this Ordinance shall be a fine of not less than \$100.00 per occurrence. A separate offense shall be deemed committed upon each day on which a violation of this provision occurs or continues.

Further Information

2-2007

Date Passed: 3/15/2007

CH16 16 .3 - Execution and Delivery of Natural Gas Supply Agreement

An Ordinance of the Town of Lapel (the "Town") authorizing the execution and delivery of the Natural Gas Supply Agreement and approving matters related thereto and repealing ordinances inconsistent herewith.

RECITALS

WHEREAS, the Town is permitted and has the power pursuant to the provisions of the Indiana Code: (1) to purchase by contract gas or any other service for the purpose of furnishing the gas or service to the patrons of the Town owned utility or to the Town itself; and (2) to enter into contracts; and

WHEREAS, the Town has removed its municipal gas utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, it has been proposed that certain political subdivisions (the "Indiana Municipal Gas Participants") in the State of Indiana, which own and operate municipal gas utilities, become members of the Indiana Municipal Gas Purchasing Authority, Inc. (the "Authority"); and

WHEREAS, the Authority will be established as a not-for-profit organization pursuant to the Indiana Nonprofit Corporations Act of 1991 (the "Act") for the purpose of acquiring, financing and managing supplies of natural gas for sale to the Indiana Municipal Gas Participants; and

WHEREAS, the Authority will enter into a separate Natural Gas Supply Agreement (each, a "Supply Agreement") and, collectively, the "Supply Agreements") with each of the Indiana Municipal Gas Participants for the purpose of enabling the Authority to sell the natural gas to the Indiana Municipal Gas Participants; and

WHEREAS, the Town recognizes that the Authority will be used for its governmental purposes and functions as described in Article III of the Articles of Incorporation of the Authority (the "Articles"); and

WHEREAS, the Town recognizes that the Authority will perform its functions on behalf of the Indiana Municipal Gas Participants as described in Article III of the Articles; and

WHEREAS, the Town recognizes that the Indiana Municipal Gas Participants have the powers and interests of an owner in the Authority as described in Article IV and Article V of the Articles; and

WHEREAS, the Town recognizes that control and supervision of the organization will be vested in public authorities, as described in Article IV of the Articles; and

WHEREAS, all payments made under the Supply Agreement shall be solely from the revenues of the municipal gas utility;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN AS FOLLOWS:

Section 1. Approval of Authority. The establishment of the Authority pursuant to the Act is hereby approved by the Town Council. Further, the Town is authorized to exercise all powers granted to it as a member of the Authority and the Town Council shall have the power to appoint, remove, and reappoint the representative acting on behalf of the Town as a member of the Board of Directors of the Authority.

Section 2. Execution and Delivery of Supply Agreement. The substantially final form of the Supply Agreement attached hereto and incorporated herein by reference is hereby approved by the Town Council. The President of the Town Council (the "President") and Clerk-Treasurer of the Town (the "Clerk-Treasurer") are hereby authorized to execute and deliver, on or after the effective date of the incorporation of the Authority and at the appropriate time, the Supply Agreement and to approve any changes in form or substance to the same, and such approval shall be conclusively evidenced by their execution thereof.

Section 3. Additional Authority of the President and the Clerk-Treasurer. The President and Clerk-Treasurer are, and each of them, is hereby authorized and directed to do and perform all acts and to execute in the name of the Town and to attest, as appropriate, all such instruments, documents, papers, notices or certificates, including, without limitation, any tax certificate or continuing disclosure undertaking executed in connection with the issuance of the bonds by the Indiana Bond Bank, in such forms the President or Clerk-Treasurer executing or attesting the same shall deem proper, to be evidenced by the execution or attestation thereof which are necessary, desirable or appropriate to carry out the transactions contemplated by this ordinance.

Section 4. Payments and Rate Covenant. All payments made under the Supply Agreement shall be solely from the revenues of the municipal gas utility and such payments shall constitute an operating expense of said utility.

So long as the Supply Agreement is in effect, the Town Council shall establish, maintain and collect reasonable and just rates and charges for facilities and services afforded and rendered by said municipal gas utility, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expenses incident to the operation of such utility, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund and debt service reserve for the liquidation of bonds or other evidences of indebtedness, to provide, adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacements, and all, for the payment of any taxes that may be assessed against such utility, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service.

Section 5. Compliance with the Supply Agreement. On and after the execution and delivery of the Supply Agreement, the Town will take all steps necessary to meet its obligation and enforce its right thereunder.

Section 6. Selection of Counsel. Ice Miller LLP is hereby selected to serve as counsel to the Town in connection with the execution and delivery of the Supply Agreement by the Town.

Section 7. Conflicting Ordinances. All prior ordinances and parts of prior ordinances, insofar as they are in conflict herewith, are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Town Council.

Further Information

3-2007

Date Passed: 4/19/2007

CH16 16 .4 - No Smoking in All Town Owned Buildings and Vehicles

The Lapel Town Council ordains that smoking will be prohibited in all Town owned vehicles and Town owned buildings. This ordinance takes effect April 20th, 2007.

Further Information

4-2007

Indiana Code [04/19/2007](#)

CH16 16 .5 - Execution and Delivery of Natural Gas Supply Agreement

An Ordinance of the Town of Lapel (the "Town") authorizing the execution and delivery of the Natural Gas Supply Agreement and approving matters related thereto and repealing ordinances inconsistent herewith.

RECITALS

WHEREAS, the Town is permitted and has the power pursuant to the provisions of the Indiana Code: (1) to purchase by contract gas or any other service for the purpose of furnishing the gas or service to the patrons of the Town owned utility or to the Town itself; and (2) to enter into contracts; and

WHEREAS, the Town has removed its municipal gas utility from the jurisdiction of the Indiana Utility Regulatory Commission; and

WHEREAS, it has been proposed that certain political subdivisions (the "Indiana Municipal Gas Participants") in the State of Indiana, which own and operate municipal gas utilities, become members of the Indiana Municipal Gas Purchasing Authority, Inc. (the "Authority"); and

WHEREAS, the Authority will be established as a not-for-profit organization pursuant to the Indiana Nonprofit Corporations Act of 1991 (the "Act") for the purpose of acquiring, financing and managing supplies of natural gas for sale to the Indiana Municipal Gas Participants; and

WHEREAS, the Authority will enter into a separate Natural Gas Supply Agreement (each, a "Supply Agreement") and, collectively, the "Supply Agreements") with each of the Indiana Municipal Gas Participants for the purpose of enabling the Authority to sell the natural gas to the Indiana Municipal Gas Participants; and

WHEREAS, the Town recognizes that the Authority will be used for its governmental purposes and functions as described in Article III of the Articles of Incorporation of the Authority (the "Articles"); and

WHEREAS, the Town recognizes that the Authority will perform its functions on behalf of the Indiana Municipal Gas Participants as described in Article III of the Articles; and

WHEREAS, the Town recognizes that the Indiana Municipal Gas Participants have the powers and interests of an owner in the Authority as described in Article IV and Article V of the Articles; and

WHEREAS, the Town recognizes that control and supervision of the organization will be vested in public authorities, as described in Article IV of the Articles; and

WHEREAS, all payments made under the Supply Agreement shall be solely from the revenues of the municipal gas utility;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN AS FOLLOWS:

Section 1. Approval of Authority. The establishment of the Authority pursuant to the Act is hereby approved by the Town Council. Further, the Town is authorized to exercise all powers granted to it as a member of the Authority and the Town Council shall have the power to appoint, remove, and reappoint the representative acting on behalf of the Town as a member of the Board of Directors of the Authority.

Section 2. Execution and Delivery of Supply Agreement. The substantially final form of the Supply Agreement attached hereto and incorporated herein by reference is hereby approved by the Town Council. The President of the Town Council (the "President") and Clerk-Treasurer of the Town (the "Clerk-Treasurer") are hereby authorized to execute and deliver, on or after the effective date of the incorporation of the Authority and at the appropriate time, the Supply Agreement and to approve any changes in form or substance to the same, and such approval shall be conclusively evidenced by their execution thereof.

Section 3. Additional Authority of the President and the Clerk-Treasurer. The President and Clerk-Treasurer are, and each of them, is hereby authorized and directed to do and perform all acts and to execute in the name of the Town and to attest, as appropriate, all such instruments, documents, papers, notices or certificates, including, without limitation, any tax certificate or continuing disclosure undertaking executed in connection with the issuance of the bonds by the Indiana Bond Bank, in such forms the President or Clerk-Treasurer executing or attesting the same shall deem proper, to be evidenced by the execution or attestation thereof which are necessary, desirable or appropriate to carry out the transactions contemplated by this ordinance.

Section 4. Payments and Rate Covenant. All payments made under the Supply Agreement shall be solely from the revenues of the municipal gas utility and such payments shall constitute an operating expense of said utility. So long as the Supply Agreement is in effect, the Town Council shall establish, maintain and collect reasonable and just rates and charges for facilities and services afforded and rendered by said municipal gas utility, which shall to the extent permitted by law produce sufficient revenues at all times to pay all the legal and other necessary expenses incident to the operation of such utility, to include maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund and debt service reserve for the liquidation of bonds or other evidences of indebtedness, to provide, adequate funds to be used as working capital, as well as funds for making extensions, additions, and replacements, and all, for the payment of any taxes that may be assessed against such utility, it being the intent and purpose hereof that such charges shall produce an income sufficient to maintain such utility property in a sound physical and financial condition to render adequate and efficient service.

Section 5. Compliance with the Supply Agreement. On and after the execution and delivery of the Supply Agreement, the Town will take all steps necessary to meet its obligation and enforce its right thereunder.

Section 6. Selection of Counsel. Ice Miller LLP is hereby selected to serve as counsel to the Town in connection with the execution and delivery of the Supply Agreement by the Town.

Section 7. Conflicting Ordinances. All prior ordinances and parts of prior ordinances, insofar as they are in conflict herewith, are hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage by the Town Council.

Further Information

5-2007

Date Passed: 5/3/2007

CH16 16 .6 - Annexation of Valeda Woodward Property

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana

An ordinance annexing adjacent and contiguous property to the Town of Lapel, a municipal corporation, of Madison County, Indiana.

WHEREAS, Martha Valeda Woodward has filed her Petition for Annexation of real property adjacent and contiguous to the corporate limits of the Town of Lapel, which property is described hereinafter; and

WHEREAS, the Petition is properly before the Town Board pursuant to Indiana Code [36-4-3-5-1](#); and

WHEREAS, the Town Board of Lapel, as the Board of Trustees, finds the Petition in proper order and that the property sought to be annexed, by Martha Valeda Woodward, is adjacent and contiguous to the corporate boundaries of the municipal corporate of the Town of Lapel and that the Petition and all things comply with the above-referenced Indiana Code.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, AS THE BOARD OF TRUSTEES, LAPEL, MADISON COUNTY, INDIANA:

Section 1. That the following described real estate owned by Martha Valeda Woodward is adjacent and contiguous to the corporate limits of the Town of Lapel, Madison County, Indiana.

Section 2. That the following described real estate, to wit:

Commencing 95.77 rods North of the point of the intersection of the center line of the Fishersburg and Pendleton turnpikes, with the East line of the West half of the Southwest Quarter of Section 27, Township 19 North, Range 6 East, running thence West 59.4 rods to the East line of the alley on the East side of William Woodward's Fourth Addition to the Town of Lapel, thence North on the East line of said alley to the South line of the right-of-way of the Central Indiana Railway Company, thence in an easterly course on the South Line of said right-of-way to the East line of the West half of the Northwest quarter of said Section 27, thence South to the place of beginning containing 35 acres more or less. Subject to legal highways.

Excepting therefrom the following:

Commencing 149.71 rods north of the point of intersection of the center line of the Fishersburg and Pendleton Turnpike with the east line of the west half of the southwest quarter of Section 27, Township 19 north, Range 6 east, running thence west 59.4 rods to the east line of the alley on the east side of William Woodward's Fourth Addition to the Town of Lapel, thence north on the east line of said alley to the south line of the right-of-way of the Central Indiana Railway Company, thence in an easterly course on the south line of said right-of-way to the east line of the west half of the northwest quarter of said section 27, thence south to the place of beginning containing 15 acres, more or less.

This exception being previously annexed into the Town of Lapel per Ordinance No. 9, 1974, duly recorded in the Madison County Recorder's office in Book No. 189, Page 324.

Also excepting therefrom, Beginning at a point 14 feet East of Southeast corner of Lot 135 in William Woodward's Fourth Addition to the Town of Lapel, Indiana, the plat of which is recorded in Plat Book 5, Page 77 in the office of the Recorder of Madison County, Indiana, and running thence North along the East line of said alley a distance of 380.00 feet; thence East on a line parallel with the South line of said Lot 135 a distance of 164.89 feet; thence South on a line parallel with the East line of said alley a distance of 380.00 feet to a point on the South line of said Lot 135 extended East; thence West along said extended Lot line a distance of 164.89 feet to the point of beginning.

Being a part of the West half of the Southwest Quarter of Section 27, Township 19 North, Range 6 East, and containing 1.438 acres, more or less. Subject to legal rights-of-way.

That exception being previously annexed into the Town of Lapel per Ordinance No. 4, 1992, Instrument No. 9220045 in the office of the Recorder of Madison County.

be and hereby is annexed to the Town of Lapel, a municipal corporation of Madison County, Indiana, and shall be a part of the municipal corporation of the Town of Lapel.

Section 3. Be it further ordained that the annexed property shall qualify pursuant to Indiana Code [36-4-3-4.1\(b\)](#) which reads as follows:

"Territory annexed under this section is exempt from all property tax liability under Indiana Code [6-1.1](#) for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under Indiana Code [6-1.1](#) for municipal purposes may be exempted for a period of not more than ten (10) years."

Section 4. Be it further ordained that the ordinance, upon adoption, shall be published as prescribed by Indiana Code [5-3-4](#) and it shall take effect as provided in Indiana Code [36-4-3-7](#) and a certified copy of this ordinance

shall be recorded in the office of the County Auditor of Madison County, Indiana, the Clerk of the Circuit Court; and the Board of Voter Registration in Madison County; and the Madison County Recorder's Office.

READ AND ADOPTED THIS 19th DAY OF APRIL 2007.

Further Information

6-2007

Date Passed: 4/19/2007

CH16 16 .7 - Temporary Permits for Golf Carts during Village Fair

The Lapel Town Council ordains that the procedure be utilized during the annual Village Fair that is held during the month of July concerning temporary permits issued for golf carts used by individuals.

1. Anyone bringing a golf cart type vehicle to the Lapel Village Fair must have a temporary permit. The permit is secured from the Lapel Police Department and will cost \$20.
2. All ATV vehicles are not allowed within the Town of Lapel during the Village Fair.
3. Applicants for the temporary permit must have a valid drivers license to be able to operate the vehicles between the hours of 6:30am to 9:30pm (daylight hours).
4. The sticker that is issued must be visible on the front of the vehicle.
5. A local ordinance violation will be issued by the Lapel Police Department for any non-compliance. The fine will be \$80, payable to the Town of Lapel.
6. The Temporary permit is good for the three days of the Village Fair and expires Sunday evening at 7:00pm.

Further Information

7-2007

Date Passed: 6/7/2007

CH16 16 .8 - Establish Rainy Day Fund

The Lapel Town Council ordains to establish a Rainy Day Fund. The purpose of the Rainy Day Fund is to receive and disburse transfers of unused and unencumbered funds.

The Town of Lapel can use the money in the Rainy Day Fund for any lawful purpose. The receipts to and disbursements from the Rainy Day Fund are controlled by Indiana Code [36-1-8-5.1](#).

The Rainy Day Fund is subject to the same appropriation process as other funds that receive tax money. The Lapel Town Council further ordains that the Rainy Day Fund is established as of June 21st, 2007 and is fully

activated.

Further Information

8-2007

Date Passed: 6/21/2007

CH16 16 .9 - 4 Way Stop Intersection of 7th and Woodward

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

That the intersection of 7th Street and Woodward Street, Lapel, Indiana shall be designated a four way stop intersection.

NOW, BE IT ORDAINED, by the Town Board of Trustees of the Town of Lapel, Madison County, Indiana:

That the intersection of 7th Street and Woodward Street, Lapel, Madison County, Indiana, is hereby designated as a four way stop intersection for all traffic.

Read and Adopted this 5th Day of July 2007

Further Information

9-2007

Date Passed: 7/5/2007

CH16 16 .10 - Annexation of Brookside Cemetery

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

An ordinance annexing adjacent and contiguous property to the Town of Lapel, a municipal corporation, of Madison County, Indiana.

WHEREAS, Brookside Cemetery Association has filed its Petition for Annexation of real property adjacent and contiguous to the corporate limits of the Town of Lapel. which property is described hereinafter; and

WHEREAS, the Petition is properly before the Town Board pursuant to Indiana Code [36-4-3-5.1](#); and

WHEREAS, the Town Board of Lapel, as the Board of Trustees, finds the Petition in proper order and that the property sought to be annexed, by the Brookside Cemetery Association, is adjacent and contiguous to the corporate boundaries of the municipal corporation of the Town of Lapel and that the Petition and all things comply with the above-referenced Indiana Code.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, AS THE BOARD OF TRUSTEES, LAPEL, MADISON COUNTY, INDIANA:

Section 1. That the following described real estate owned by Brookside Cemetery Association is adjacent and contiguous to the corporate limits of the Town of Lapel, Madison County, Indiana.

Section 2. That the following described real estate, to wit:

Beginning at an existing IRON PIPE marking the Southwest corner of the Southeast quarter of Section 28, Township 19 North, Range 6 East, and running thence North 00 degrees, 00 minutes and 00 seconds East (assumed bearing) 583.50 feet along the West line of said Southeast quarter, thence North 89 degrees, 51 minutes and 25 seconds East 825.00 feet to the Southeast corner of Lot numbered Four (4) in George Humbles Addition to the Town of Lapel, thence South 00 degrees, 00 minutes and 35 seconds West 43.90 feet to the Southwest corner of Isaac Bosworth's First Addition to the Town of Lapel, thence North 89 degrees, 51 minutes and 25 seconds East 510.00 feet to the Southeast corner of said addition, thence South 00 degrees, 00 minutes and 35 seconds West 539.60 feet to an existing IRON PIPE marking the Southeast corner of the West-half of said Southeast quarter of Section 28, thence south 89 degrees, 51 minutes and 25 seconds West 1,335.08 feet to the place of the beginning.

Being a part of the Southwest quarter of the Southeast quarter of Section 28, Township 19 North, Range 6 East and containing 17.369 acres, more or less. Subject to legal rights-of-way and easements of record.

be and hereby is annexed to the Town of Lapel a municipal corporation of Madison County, Indiana, and shall be a part of the municipal corporation of the Town of Lapel.

Section 3. Be it further ordained that the annexed property shall qualify as a general business district and the total parcel annexed is established solely as an operating cemetery facility and is perpetual in nature.

Section 4. Be it further ordained that this annexation is conditioned on, the Town of Lapel, providing a waiver of any impact fee associated in the Town of Lapel's current ordinance. In addition, the Town of Lapel shall waive one water and sewer tap fee, for the Brookside Cemetery Association, should such water and sewer tap fee be deemed necessary in the future. Further, the Town of Lapel accepts the above-described annexed property in its current, physical state and accepts the fiscal condition as to all existing set backs, structures, signage, roadways, parking, and structures. The Brookside Cemetery Association shall continue the control of supervision, maintenance, and overall operation of the Cemetery as an independent association. The Brookside Cemetery Association shall continue all roadway maintenance and repair, including snow removal, such roadways remaining that of the Brookside Cemetery Association and not dedicated to the Town of Lapel.

Section 5. Be it further ordained that the ordinance, upon adoption, shall be published as prescribed by Indiana Code [5-3-4](#) and it shall take effect as provided in Indiana Code [36-4-3-7](#) and a certified copy of the ordinance shall be recorded in the office of the County Auditor of Madison County, Indiana, the Clerk of the Circuit Court; and the Board of Voter Registration in Madison County; and the Madison County Recorder's Office.

Read and Adopted this 2nd Day of August 2007.

Further Information

10-2007

Date Passed: 8/2/2007

CH16 16 .11 - Annexation of Bodenhorn Property 19 Acres on Brookside Road

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

An ordinance annexing adjacent and contiguous property to the Town of Lapel, a municipal corporation, of Madison County, Indiana.

WHEREAS, Alice M. Bodenhorn, David L. Bodenhorn, and Donna S. Bodenhorn filed her Petition for Annexation of real property adjacent and contiguous to the corporate limits of the Town of Lapel, which property is described hereinafter; and

WHEREAS, the Petition is properly before the Town Board pursuant to Indiana Code [36-4-3-5.1; and

WHEREAS, the Town Board of Lapel, as the Board of Trustees, finds the Petition in proper order and that the property sought to be annexed, by Alice M. Bodenhorn, David L. Bodenhorn, and Donna S. Bodenhorn, is adjacent and contiguous to the corporate boundaries of the municipal corporation of the Town of Lapel and that the Petition and all things comply with the above-referenced Indiana Code.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, AS THE BOARD OF TRUSTEES, LAPEL, MADISON COUNTY, INDIANA:

Section 1. That the following described real estate owned by Alice M. Bodenhorn, David L. Bodenhorn, and Donna S. Bodenhorn is adjacent and contiguous to the corporate limits of the Town of Lapel, Madison County, Indiana.

Section 2. That the following described real estate, to wit:

Commencing 50 rods 15.85 feet south of the Northwest corner of the Southeast quarter of Section 28. Township 19 North. Range 6 East and run thence south 75 rods, 15 feet, thence east 53 rods to the West line of Bosworth's Addition to

the Town of Lapel, thence North 20 rods, 75 feet, thence West 12 rods, to the Corporation line of the Town of Lapel, thence North 54 rods 15.9 feet, thence West 39 rods, 13.2 feet to the place of beginning, containing 20.75 acres, more or less.

EXCEPT: Part of the Southwest Quarter of the Southeast quarter of Section 28, Township 19 North, Range 6 East more specifically described as follows: Beginning at a point 583.5 feet North and 874.0 East of the Southwest corner of the Southwest Quarter of the Southeast Quarter of Section 28, Township 19 North, Range 6 East, said point also being on the West line of I.D. Bosworth's Addition 330.15 feet, thence West 186.0 feet, thence South parallel to the West line of I.D. Bosworth's Addition 330.15 feet, thence East 186.0 feet to the place of beginning, contained 1.41. acres, more or less. Containing after said exception 19.34 acres, more or less.

be and hereby is annexed to the Town of Lapel, a municipal corporation of Madison County, Indiana, and shall be a part of the municipal corporation of the Town of Lapel.

Section 3. Be it further ordained that the annexed property shall qualify pursuant to Indiana Code [36-4-3-4.1\(b\)](#) which reads as follows:

"Territory annexed under this section is exempt from all property tax liability under Indiana Code [6-1.1](#) for municipal purposes for all portions of the annexed territory that are classified for zoning purposes as agricultural and remain exempt from the property tax liability while the property zoning classification remains agricultural. However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under Indiana Code [6-1.1](#) for municipal purposes may be exempted for a period of not more than ten (10) years."

Section 4. Be it further ordained that the ordinance, upon adoption, shall be published as prescribed by Indiana Code [5-3-4](#) and it shall take effect as provided in Indiana Code [36-4-3-7](#) and a certified copy of the ordinance shall be recorded in the office of the County Auditor of Madison County, Indiana, the Clerk of the Circuit Court; and the Board of Voter Registration in Madison County; and the Madison County Recorder's Office.

Read and Adopted this 2nd Day of August 2007.

Further Information

11-2007

Date Passed: 8/2/2007

CH16 16 .12 - 3 Way Stop Intersection of County Road 900 W and County Road 200 S

Be it ordained by the Town Board of Lapel, Madison County, Indiana:

That the following intersection, which is within the corporate limits of the Town of Lapel but currently identified by numbers associated with Madison County Roadways, shall be designated as a three-way stop:

1. The intersection of Madison County Road 900 West and Madison County Road 200 South:

- o Now, be it ordained, by the Town Board of Trustees, of the Town of Lapel, Madison County, Indiana:
 - That the above referenced intersection be designated as a three-way stop intersection.

Read and adopted this 6th day of September 2007.

Further Information

12-2007

Date Passed: 9/6/2007

CH16 16 .13 - Designate School Zone County Road 900 W from State Road 32 to All of Vine St, County Road 200 S to East Line of High School Property

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

That the following roadways are within the corporate limits of the Town of Lapel, shall be designated as a school zone and will maintain a speed limit of 40 miles per hour to be reduced to 25 miles per hour at appropriate times, including, but not limited to, the beginning of a school day at Lapel High School, dismissal of a school day at Lapel High School, and all events at Lapel High School. That in conjunction with the Ordinance, the school zone will be designated by yellow flashing lights.

The following roadways shall be designated with the above-referenced school zone speed limit:

1. Madison County Road 900 West from State Road 32 to all of Vine Street;
2. All of Madison Count Road 200 South to the east line of the Lapel High School boundary.

NOW, BE IT ORDAINED, by the Town Board of Trustees of the Town of Lapel, Madison County, Indiana:

That the above referenced roadways be a school zone as designated.

Read and Adopted this 13th Day of December, 2007.

Further Information

13-2007

Date Passed: 12/13/2007

CH16 16 .14 - Amend Snow Emergency Ordinance

The Lapel Town Council ordains to amend Ordinance #6, 1999 passed June 17, 1999. The ordinance pertains to the procedures for a snow emergency and the sufficient clearing of public thoroughfares of snow for the safety

and protection of the citizens of the Town of Lapel.

That in order to perform that municipal service of clearing snow, it is necessary for motorized vehicles not to be parked on certain thoroughfares during a period designated as a snow emergency.

That a snow event, in the Town of Lapel, Madison County, Indiana shall be determined when four (4) inches or more of snow is forecasted by our local national weather bureau.

That no parking shall be allowed during the declared snow event for the following streets - 7th Street, Main Street, and 9th Street.

Violation for the failure to abide by the no parking designation, the vehicle owner shall be subject to towing and storage charges of any vehicle in violation of this ordinance.

That the snow event is cancelled when roads are sufficiently cleared of snow.

Further Information

14-2007

Date Passed: 12/13/2007

CH16 16 .15 - Salary Ordinance for 2008

Be it ordained by the Town of Lapel, Madison County, Indiana:

Section 1. The salaries of the Town officials, police officers, utility/park employees, and all others employed by the Town of Lapel, IN, effective for all pays after January 1, 2008 and ending December 31st, 2008 shall be as follows, to-wit:

Clerk Treasurer

- General Fund \$7,900
- Gas Company \$5,663
- Water Company \$4,644
- Sewer Company \$4,644
- Total \$22,821

Town Council Members

- General Fund \$500
- Gas Company \$1,000
- Water Company \$1,000
- Sewer Company \$1,000

- Total \$3,500

Attorney

- \$4,500 annually

General Maintenance

- \$9.75 per hour. If general maintenance employee were retained after 6-month probationary period, the salary will be reviewed.

Part Time Maintenance

- \$9.75 per hour

Part Time Police Officer

- \$9.63 to \$17.00 per hour

Building Inspector

- \$600 per month

Development Inspector

- \$300 per month

Janitor

- \$50 per week

Checks will be issued as follows:

1. Council-monthly, the next pay period following the Council meeting.
2. Clerk-Treasurer, weekly
3. Building Inspector, monthly
4. Town Attorney, semi-annually
5. all other employees weekly

Specific salaries for Town of Lapel employees beginning January 1, 2008 and ending December 31st.

- Dennis Molina, Town Marshall \$42,745 annually
- Allan Phillips, Police Officer \$38,625 annually
- Mike Barnes, Police Officer \$38,200 annually
- Jerry Young, Police Officer \$32,806 annually
- Robert Kowalski, Part Time Officer \$17 per hour
- Jeremiah Martin, Utility Superintendent \$14.82 per hour

- Gary Flowers, Utility/Street \$15.76 per hour
- Paula Lee, Office Administration \$14.04 per hour
- Donna Lawther, Office Administration \$14.04 per hour
- Tim McClintick, Building Inspector, \$600 per month
- Robert Kowalski, Development Inspector \$300 per month
- Shirley Bond, Utility/Street \$12.84 per hour
- Bill Goodner, Utility/Street \$13.26
- Nathon Owens Utility Street, \$14.04
- Virgil Hobbs, Part Time General Maintenance, \$10.40 per hour
- Christina Moore, Part Time General Maintenance, \$10.14 per hour

Section - Personal Days

All full-time employees are entitled to two (2) personal days per calendar year. Bereavement days three (3) per family member, which includes and is limited to the following; wife, husband, children, stepchildren, father, mother, stepfather, stepmother, father-in-law, mother-in-law, brothers, sisters; one day (1) for brother-in-law, sister-in-law and grandparents.

Section - Paid Legal Holidays

All full-time employees except Police Officers, are entitled to the following:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving (Thursday and Friday)
- Christmas Eve (Half Day)
- Christmas Day

Section - Sick Leave for Full-Time Employees

All new employees will be under a probationary period for the first six months of their employment, starting with the first day on the job. During this probationary period the employee will not be entitled to paid vacation benefits or sick leave benefits.

All eligible employees will receive six (6) paid sick days per calendar year. Sick days are designed and intended to be used for the employee's illness or medical appointments. Absences may be subject to investigation. The Town reserves the right to request a physician statement for sick days. Sick days if not used, can be carried over to future years. Sick days will be paid upon termination of employment.

Time worked reports must be submitted weekly to the Town Hall for all employees that are eligible for either Personal Days, Paid Legal Holidays, Insurance, Paid Vacation, or Sick Leave.

At the anniversary date of employment, the full-time employee will be eligible for the following vacation schedule:

- One year of employment, one week paid vacation.
- Two thru four years of employment, two weeks of vacation.
- Five thru nine years of employment, three weeks of vacation.
- Ten or more, four weeks of vacation.

Following the first year of employment additional weeks will be earned on a calendar year basis beginning January 1st.

All vacations are mandatory (cannot work and collect pay plus vacation). Vacations must be scheduled one (1) week in advance with a supervisor. Vacations cannot be held over until the next year.

Unused vacation days will be paid upon termination of employment. Vacation days must be used before unpaid days off are granted.

Section - Overtime

Overtime is defined for all full-time employees, except Police Officers, as the hours worked, on a daily basis, over 8 hours. Overtime hours will be paid at 1 1/2 their hourly pay. The payroll clerk will prepare on a weekly basis, a report to the Council illustrating the amount of and who were paid overtime. It will be the job of the department supervisors to limit overtime whenever possible.

Section - Meeting Attendance Payment

Non-council members, that are authorized members of the Planning Commission, Park Board and Board of Zoning Appeals will be paid \$10 per meeting attended. Disbursement of amounts owed will be semi-annually July and January.

Section - Office Hours and Utility/Street Department Hours

Town Hall office hours are Monday-Friday, 8:00am to 5:00pm. The Utility/Street Department hours are 7:00am to 3:30pm. On disconnect day, one utility employee will work from 10:00am to 6:00pm so that paid disconnected services can be returned to service.

Section - Police Officers.

The work week consists of seven (7) days from Saturday and ending Friday. If a Police Officer works more than 40 hours per week, overtime will be paid. Holiday pay is calculated by annual salary divided by 260 days divided

by 8 hours=holiday pay. Overtime hours x 1 x hourly pay=overtime pay. Overtime must be approved by the Town Marshall and the Town Council.

If a Lapel Police Officer is sent to the Police Academy, and compensated by the Town of Lapel, the Police Officer is required to remain on the department for two (2) years after graduation from the academy. If for some foreseen or unforeseen reason the officer has to leave the department or fails to complete the academy assignment, said officer must repay all training compensation to the Town of Lapel.

Section - Education Reimbursement

It is the desire of the Town of Lapel that all employees gain more education in their specific disciplines. If the employee quits a course, paid by the Town of Lapel, the employee must repay to the town the cost of the course. This would include tuition fees, cost of books and materials, and mileage reimbursements. If the employee completes the course work and attendance requirements, but fails the final test, reimbursement is not required. Retesting is at the discretion of the Council.

Section - Insurance

The Town of Lapel will pay 100% of the employee's health insurance premium, employees will have to pay dependent coverage, if desired. This benefit is available to full-time employees only. Employees who are eligible to enroll in the group medical program may choose to waive participation in the plan. Only employees covered under another group health plan will be permitted to waive coverage. Employees are required to complete the appropriate form to waive their election and provide verification of coverage.

- Health Life and Vision - Health Application
- Life Only - Health Application (check life only, indicate waiver/other coverage)

An option dental insurance benefit plan is offered to all full-time employees. The premium for the insurance policy is split 50%-50% between the employee and the employer.

Section - Utility Certifications

When a Lapel Utility employee acquires a Class 1 operators certification for water or wastewater, their salary will be increased 75 cents per hour. If a Lapel Utility employee receives an initial gas operator's certification, their salary will be increased 75 cents per hour. When a Lapel Utility employee acquires a Class II operators certification in water or wastewater, their salary will be increased by 25 cents per hour. The Town of Lapel must receive a copy of the certification notice for each employee.

Continuing education to maintain a utility certification will be paid by the Town of Lapel. If an employee fails to maintain his/her certification, the Town of Lapel reserves the right to reduce the employee's hourly wage. The Council will review certification in June and December with pay adjustments effective July 1st and January 1st.

Further Information

15-2007

Date Passed: 12/13/2007

CH16 16 .16 - Establish Stop Street for All Exits from the Lapel High School

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

That the following intersections, which are within the corporate limits of the Town of Lapel, Madison County, Indiana, shall be designated as stop streets to be enforced by all law enforcement agencies:

1. All vehicle exits from the Lapel High School to connecting roadways.

NOW, BE IT ORDAINED, by the Town Board of Trustees of the Town of Lapel, Madison County, Indiana:

That all vehicle exits from Lapel High School to connecting roadways are to be stop streets, as designed.

READ AND ADOPTED THIS 26th DAY OF DECEMBER 2007

Further Information

16-2007

Date Passed: 12/26/2007