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CH17 - 2008 Ordinances

CH17 17 .1 - Annexation of the Jarrett 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, Brenda S. Gehring and Barry R. Jarrett filed their 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 Brenda S. Gehring and Barry R. Jarrett, 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 Brenda S. Gehring and Barry R. Jarrett 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 Southeast corner of the Southwest quarter of Section 28, Township 19 North, Range 6 East, and running thence South 89 degrees, 31 minutes and 35 seconds West 884.0 feet along the South line of said Southwest quarter to a STONE CORNER established by a Legal Survey in 1901, thence North 00 degrees and 03 minutes East 2,074.20 feet to the South line of the

Brockway Glass Co, Inc. property described in Deed Record 335, Page 490, thence South 89 degrees, 54 minutes and 00 seconds East 565.8 feet to the Southwest corner of said Brockway Glass Co. Inc. property described in Deed Record 338, Page 376, thence North 81 degrees, 05 minutes and 00 seconds East 20.24 feet along the Southerly line of said property to the Northwest corner of the Douglas and Dana Gehring property described in Instrument No. 2005023051, thence South 00 degrees, 00 minutes and 00 seconds West 246.38 feet to the Southwest corner of said Gehring property, thence North 90 degrees, 00 minutes and 00 seconds East 300.00 feet to the East line of said Southwest quarter of Section 28, thence South 00 degrees, 00 minutes and 00 seconds West (assumed bearing) 1,154.05 feet along said East line, thence North 89 degrees and 10 minutes West 215.00 feet to the Northwest corner of the Edward A, and Carol D. Tynes property described in Instrument No. 9118779, thence South 00 degrees, 00 minutes and 00 seconds West 165.36 feet, thence South 48 degrees, 37 minutes and 47 seconds East 53.30 feet, thence South 89 degrees, 10 minutes and 00 seconds East 175.00 feet to said East line of the Southwest quarter, thence South 00 degrees, 00 minutes and 00 seconds West 468.60 feet to the place of beginning.

Being a part of the East-half of the Southwest quarter of Section 28, Township 19 North, Range 6 East and containing 39.401 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 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 21st Day of February 2008.

Further Information

1-2008

Date Passed: 2/21/2008

CH17 17 .2 - Amendment to #7 - 1996 - Best Way Disposal Fees

Be it ordained, by the Board of Trustees of the Town of Lapel, Madison County, Indiana: Amend ordinance #7, 1996 - That the Town of Lapel has entered into a contractual agreement with Best Way Disposal, for the trash disposal and curbside recycling. That the monthly charge for such refuse pickup shall be assessed against each business and Town of Lapel resident receiving the service, in the amount of \$11.95 per month.

That pursuant to Indiana Code [36-9-30-21](#), the Town Council hereby authorized the modification of the current monthly fee for the operation of the collection and disposal of solid waste and curbside recycling. The fee shall be in the amount of \$11.95, per business and Town of Lapel resident receiving service, per month, beginning the month of May, 2008 and billed June 1, 2008, and each month thereafter.

Now therefore, be it resolved and ordained that the solid waste disposal and curbside recycling fee is still \$11.95 per month, to be assessed to each business and Town of Lapel resident receiving the service, beginning the month of May, 2008 and billed June 1, 2008 and each month thereafter.

Passed and enacted by the Town Council of the Town of Lapel, Indiana this 20th day of March, 2008.

Further Information

2-2008

Date Passed: 3/20/2008

CH17 17 .3 - Annexation of Glenn Boone Farms

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, Glenn Boone Farms, Inc., by Rita Brown, Phil Boone and Nora Brown, filed their 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 property 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 Glenn Boone Farms, Inc., by Rita Brown, Phil Boone, and Nora Brown, 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 Glen Boone Farms, Inc., by Rita Brown, Phil Boone, and Nora Brown, 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:

The East One-half of the East One-half of the Northwest Quarter of Section 34, Township 19 North, Range 6 East, containing 40 acres more or less.

The West half of the Southeast Quarter of the Northwest Quarter of Section 34, Township 19 North, Range 6 East. Containing 20 acres more or less.

Also the East two-thirds (2/3) of the North half of the Northwest Quarter of said Section 34 being more particularly described as follows: Begin at the Northeast corner of the Northwest Quarter of said Section 34 and run thence West 111 rods 6 1/2 feet, South 80 rods, East 111 rods 6 1/2 feet, North 80 rods to the place of beginning, except the East half of the Northeast Quarter of the Northwest Quarter, leaving after said exception 36 acres more or less.

EXCEPTING any portion of the property that is in the name of Philip D. Boone, individually.

Including all county roads and right of ways adjoining the above described parcel.

Be and is annexed into the Town of Lapel, Madison County, Indiana.

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 20th Day of March, 2008.

Further Information

3-2008

Date Passed: 3/20/2008

CH17 17 .4 - Creation of Farmers Market Fund

The Lapel Town Council approves the creation of the Farmers Market Fund to receive and disburse funds for the Summer Farmers Market. Attached to this ordinance are the bylaws for the Farmers Market.

Lapel Farmers Market Bylaws and Rules

ARTICLE I - Name

The name is the "Lapel Farmers Market" and may be referred to in these Bylaws.

ARTICLE II - Purpose and Objectives

1. The Lapel Farmers Market has been formed to provide handmade, homegrown, or received products/produce. Vendor adherence will be strictly enforced.
2. To achieve its mission, the Lapel Farmers Market shall do the following:
 - a. Establish and operate a farmers' market for the purpose of furnishing a location for sales of Indiana fresh foods and horticultural products.
 - b. Sell homemade or revived/up-cycled products created specifically for sale at the Lapel Farmers Market.
 - c. Organize and/or participate in those activities that, in conjunction with the operation of a farmers' market, will serve to encourage commerce and trade in Downtown Lapel.
 - d. Organize and/or participate in those activities that will serve to further the market's mission.
 - e. Solicit and receive funds, gifts, endowments, donations, devises and bequests.

ARTICLE III - Membership

1. The decisions made by the Local Farmers Market operating manager are final.
2. The Lapel Farmers Market is an approved activity of the Lapel Town Council.

ARTICLE IV - Vendor Requirements

1. All booth vendors must provide complete name, address and telephone numbers.
2. All fees for the market must be paid in advance upon registration.
3. Booth space will be provided upon registration. Vendors must supply and remove signs, equipment, and items needed for sales (such as: tables, chairs, marketing.) Motorized vehicles are not allowed. Vehicles shall not be utilized as a display or dispensing area. Power is not provided.

4. All signs must remain within the allotted vendor's exhibit space and must not block traffic or pedestrian ingress or egress, or interfere with other vendors' display of views.
5. Operating Manager has full authority to assign exhibit space. Requests for particular sites will be given consideration but the operating manager reserves the right to assign and locate all vendors.
6. Set-up starts at 8:00 am and must be completed by 9:00 am. Vendors are responsible for removing all garbage from their stall space area. Stall spaces are to be left in the same condition as when rented. Breakdown starts at 11:00 am and must be completed, and stalls vacated by 11:30pm.
7. Fresh produce, plant items, flowers, baked goods, jellies, jams, preserves, and other non-commercial food items may be sold. Revived and up-cycled items may also be sold. Handmade goods such as clothing, quilts, and furniture may also be sold. Vendor options are not limited to the above examples, but must fall into the categories of handmade, homegrown and/or revived. The Operating Manager will resolve any doubt as to the suitability of an item. No soliciting or political or religious activities shall be permitted within the Market area. Displays of public interest, such as nutritional, health or consumer information, may be displayed with the permission of the Operating Manager. All products must be sold, displayed and stored from a surface above the ground. All vendors must utilize tables, shelves, cases or other structures for these purposes.
8. Vendors are responsible for collecting and remitting their own sales tax. Vendors are responsible for all permits required by Indiana or local County to sell their products. The sale or consumption of alcoholic beverages on the market site is prohibited.
9. The Operating Manager is responsible for enforcing the Market rules. Possible violations will be discussed and resolution attempted. Vendors selling prohibited items will be asked to remove those items from sale or leave the Market. Continued violations will result in being banned from the Market with no reimbursement of fees paid. Any vendor challenging another vendor's products legitimacy or conduct must file a written complaint with the Operating Manager, giving the name of the vendor and the product or situation they feel may not be in compliance with Market policies. The complainant must date and sign their name to the complaint and the Operating Manager will rule upon the complaint.
10. Vendors are encouraged to consider obtaining individual liability insurance for products sold.

ARTICLE V - Administration

1. The Lapel Farmers Market operating manager is appointed by the Lapel Town Council
2. Decisions made by the operating manager are final

ARTICLE VI - Finances

1. Incomes from booth fees/donations are to be deposited at the Lapel Town Hall.
2. A petty cash fund will be established and all accounting properly given to the Lapel Town Hall for replenishment.

Market Registration:

Market Dates for 2008

- June 7, 14, 21, 28

- July 19, 26
- August 2, 9, 16, 23

Time: From 9 - 11 am

Location: School Street, Lapel, Indiana

Your booth number will be provided at the start of the season.

Fee: \$30/for 10 Saturday Summer Season

OR

\$25 if items sold are certified organic or created without pesticides.

FEE PAID UPON REGISTRATION

I, the vendor, do hereby agree to the bylaws provided for the Lapel Farmers Market.

Signed:

Date:

Name:

Address:

Telephone:

Email:

Further Information

4-2008

Date Passed: 4/17/2008

CH17 17 .5 - Annexation of Conrad Property State Road 32 and 900 West

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE TOWN OF LAPEL, INDIANA.

WHEREAS, Indiana Code [36-4-3-5.1](#) and Indiana Code [36-4-3-3](#) authorizes the legislative body of a municipality to annex territory that is contiguous to a municipality; and

WHEREAS, the territory sought to be voluntarily annexed shall be rezoned for commercial, business, or industrial use, and can be used for such development purposes in the reasonably near future; and

WHEREAS, the Town Council of the Town of Lapel has conducted a public hearing on the annexation of this real estate.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Lapel, as follows:

Section 1. That the following described real estate located in Madison County, Indiana, be annexed to and declared a part of the Town of Lapel, Indiana, to-wit:

Beginning at a point on the South line of the East Half of the Southeast Quarter of Section 21, Township 19 North, Range 6 East, said point being South 89 degrees and 02 minutes West 599.75 feet from the Southeast corner of said Section 21, and running thence South 89 degrees and 02 minutes West 378.45 feet along said South line to a point being 358.6 feet East of the Southwest corner of said East Half of the Southeast Quarter; thence North 00 degrees 12 minutes and 20 seconds West 868.5 feet parallel with the West line of said East Half to the Southerly right-of-way line of State Road 32; thence Northeasterly along said right-of-way line on a curve to the right having a radius of 5,694.6 feet, a distance of 100.75 feet to a concrete right-of-way marker; thence North 76 degrees and 45 minutes East 284.03 feet along said right-of-way line; thence South 00 degrees 24 minutes and 20 seconds East 950.2 feet to the place of beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 7.86 Acres, more or less. Subject to legal right-of-ways.

ALSO beginning at the Southeast corner of Section 21, Township 19 North, Range 6 East and running thence South 89 degrees and 02 minutes West 599.75 feet along the South line of the East Half of said Southeast Quarter; thence North 00 degrees 24 minutes and 20 seconds West 950.2 feet parallel with the East line of said Southeast Quarter to the Southerly right-of-way line of State Road No. 32; thence North 76 degrees and 45 minutes East 505.17 feet along said right-of-way line to the Northwest corner of the Morris K. Hersberger property; thence South 00 degrees 24 minutes and 20 seconds East 143.2 feet to the Southwest corner of said Hersberger property; thence North 89 degrees and 02 minutes East 288.7 feet; thence South 00 degrees 24 minutes and 20 seconds East 915.5 feet; thence South 89 degrees and 02 minutes West 181.5 feet to the place of the beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 13.62 Acres, and a part of the Southwest Quarter of the Southwest Quarter of Section

22, Township 19 North, Range 6 East and containing 3.814 Acres, and containing 17.434 Acres, more or less..

Including all state and county roads, and rights-of-way adjoining the above described property.

Section 2. The Clerk/Treasurer of the Town of Lapel, Indiana shall certify copies of this Ordinance to: the Auditor of Madison County, the Circuit Court Clerk of Madison County, the Indiana Secretary of State, and record said Ordinance in the office of the Recorder of Madison County, Indiana, thirty (30) days after publication of this Ordinance as by law provided.

Section 3. The Town Council finds that the Town has developed a fiscal plan and has established a definite policy to furnish the territory to be annexed within a period of three (3) years governmental and proprietary services furnished by the Town to other areas of the Town which have characteristics of topography, patterns of land utilization and population density similar to the annexed area.

Section 4. That the territory described in this Ordinance shall be zoned General Business (GB).

Section 5. This Ordinance shall be in full force and effect from and after its passage by the Town Council, and publication as by law provided.

Passed and Adopted by the Town Council of the Town of Lapel this 17th day of July 2008.

Further Information

5-2008

Date Passed: 7/17/2008

CH17 17 .6 - Annexation of Charlie Hull 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, Charlie R. Hull and Hattie R. Hull filed their 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 Charlie R. Hull and Hattie R. Hull, 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 Charlie R. Hull and Hattie R. Hull 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 a GPS Monument marking the Southwest corner of the Southwest quarter of Section 28, Township 19 North, Range 6 East, and running thence North 00 degrees, 12 minutes and 45 seconds East 1,852.40 feet along the West line of said Southwest quarter to an existing R.R. Spike, then North 75 degrees, 59 minutes and 12 seconds East 983.33 feet along the Southerly right-of-way line of the Central Indiana Railroad to the South property line of the Brockway Glass Co., Inc. as recorded in Deed Record 335, Page 490, thence South 89 degrees, 54 minutes and 00 seconds East 832.5 feet to a property line fence, thence South 00 degrees, 03 minutes and 00 seconds East 2,074.20 feet to a stone corner established by a Legal Survey in 1901, thence South 89 degrees, 31 minutes and 35 seconds West 1,795.30 feet to the place of beginning.

Being a part of the Southwest quarter of Section 28, Township 19 North, Range 6 East and containing 82.999 acres, more or less. Subject to legal rights-of-way and easements of record.

Be and is annexed into the Town of Lapel, Madison County, Indiana.

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 17th Day of July, 2008

Further Information

CH17 17 .7 - Zoning of Conrad Property

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, WITH RESPECT TO A CHANGE IN THE ZONE MAP AS TO CERTAIN REAL ESTATE WITHIN THE TOWN OF LAPEL., AS HEREIN PARTICULARLY DESCRIBED.

WHEREAS, an Ordinance has been referred to the duly authorized Plan Commission of the Town of Lapel for a change in the zone map as to certain real estate in said Town as hereinafter described; and

WHEREAS, the Plan Commission of the Town of Lapel has given the proper notice and conducted a public hearing for this Ordinance and thereafter made the final report to the Town Council of said Town.

BE IT ORDAINED, by the Town Council of the Town of Lapel under authority of the Acts of 1947, Chapter 174, of the General Assembly of the State of Indiana, and all acts amendatory thereto, as follows:

Section 1. That Zoning Ordinance of the Town of Lapel, Madison County, Indiana as shown by the records in the Office of the Clerk/Treasurer of said Town, be amended to change the zone map as incorporated therein, and the following described real estate in Madison County, Indiana, to-wit:

Beginning at a point on the South line of the East Half of the Southeast Quarter of Section 21, Township 19 North, Range 6 East, said point being South 89 degrees and 02 minutes West 599.75 feet from the Southeast corner of said Section 21, and running thence South 89 degrees and 02 minutes West 378.45 feet along said South line to a point being 358.6 feet East of the Southwest corner of said East Half of the Southeast Quarter; thence North 00 degrees 12 minutes and 20 seconds West 868.5 feet parallel with the West line of said East Half to the Southerly right-of-way line of State Road 32; thence Northeasterly along said right-of-way line on a curve to the right having a radius of 5,694.6 feet, a distance of 100.75 feet to a concrete right-of-way marker; thence North 76 degrees and 45 minutes East 284.03 feet along said right-of-way line; thence South 00 degrees 24 minutes and 20 seconds East 950.2 feet to the place of beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 7.86 Acres, more or less. Subject to legal right-of-ways.

ALSO beginning at the Southeast corner of Section 21, Township 19 North, Range 6 East and running thence South 89 degrees and 02 minutes West 599.75 feet along the South line of the East Half of said Southeast Quarter; thence North 00 degrees 24 minutes and 20 seconds West 950.2 feet parallel with the East line of said Southeast Quarter to the Southerly right-of-way line of State Road No. 32; thence North 76 degrees and 45 minutes East 505.17 feet along said right-of-way line to the Northwest corner of the Morris K. Hersberger property; thence South 00 degrees 24 minutes and 20 seconds East 143.2 feet to the Southwest corner of said Hersberger property; thence North 89 degrees and 02 minutes East 288.7 feet;

thence South 00 degrees 24 minutes and 20 seconds East 915.5 feet; thence South 89 degrees and 02 minutes West 181.5 feet to the place of the beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 13.62 Acres, and a part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 19 North, Range 6 East and containing 3.814 Acres, and containing 17.434 Acres, more or less..

be, and the same hereby is rezoned from "No Zone" to GB (General Business). The subject property is located at Southwest of the intersection of State Road 32 and County Road 900 West, Lapel, Madison County, Indiana.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Town Council, approval by the President, and publication as by law provided.

Passed and Adopted by the Town Council of the Town of Lapel, this 17th day of July 2008.

Further Information

7-2008

Date Passed: 7/17/2008

CH17 17 .8 - Annexation Withdrawn

This Annexation request was withdrawn.

Further Information

8-2008

CH17 17 .9 - Revised Schedule of Rates and Charges for Sewer

Amendments and Repeals

Sections of this ordinance have since been Amended By - [1-2009](#)

AN ORDINANCE AMENDING ORDINANCE NO. 2-1990, ORDINANCE NO. 3-2000, AND ORDINANCE 9-2004, OF THE TOWN COUNCIL OF THE TOWN OF LAPEL, 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 Lapel, Indiana, has constructed and acquired, and does now own and operate, a municipal sewage works system for the treatment of waste water for the benefit of the residents of the Town of Lapel; and

WHEREAS, the Town of Lapel anticipates continued improvements and upgrading of the municipal sewage works system (hereinafter referred to as "the Sewage Works") for the treatment of waste water for the benefit of the residents of the Town of Lapel; and

WHEREAS, the Town Council of the Town of Lapel has previously adopted on May 11, 2000, Ordinance No. 3-2000, amending Ordinance No. 2-1990 (hereinafter referred to as "1990 Ordinance"), which Ordinance provides for the rates and charges for the use of and services rendered by the Sewage Works of the Town of Lapel; and

WHEREAS, in connection with the extension of Sewage Works to the service area known as Fishersburg, the Town Council of the Town of Lapel has previously adopted on September 16, 2004, Ordinance No. 9-2004 (hereinafter referred to as "2004 Ordinance"), and Ordinance No. 10-2005 (hereinafter referred to as "2005 Ordinance", and collectively with the 1990 Ordinance and 2004 Ordinance, hereinafter referred to as "Prior Ordinances"), previously adopted on June 16th, 2007, establishing the rates and charges for the use of and services rendered by the Sewage Works of the Town of Lapel for such service area; and

WHEREAS, the Town of Lapel has caused a financial rate study of the Sewage Works and its rates and charges to be prepared by Patrick Callahan, CPA. Based upon the results of the study, the Town Council now determines that the 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. The revised rates and charges should allow a reasonable rate of return on the utility plant in service and allow an amount sufficient to compensate the Town of Lapel for taxes due the Town of Lapel which would be paid on the utility property in service were it privately owned; and

WHEREAS, the Town Council of the Town of Lapel now determines that proper notice has been 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 16th day of June, 2005.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAPEL, INDIANA, AS FOLLOWS:

Section 1. That the Prior Ordinances, are hereby amended by adding the following section:

Section 6. That the calendar monthly rate for sewer utility service for customers in the Fishersburg service area for an unoccupied residence or improvement shall be \$18.50.

That all other Sections of the Prior Ordinances shall remain in full force and effect as stipulated in Ordinance No. 10-2005.

Passed and Adopted by the Town Council of the Town of Lapel, this 18th day of December, 2008.

Further Information

9-2008

Date Passed: 12/18/2008

CH17 17 .10 - Amendment to Salary Ordinance

The Lapel Town Council agrees to extend a bonus of \$30.00 net to all full time employees of the Town of Lapel. This bonus will be paid one time prior to December 31, 2008.

The Lapel Town Council agrees to allow full time employees, except police officers, an additional holiday, December 26th, 2008, Friday. Police officers that work December 25th and 26th will follow the procedures stated in the salary ordinance.

Further Information

10-2008

Date Passed: 12/18/2008

CH17 17 .11 - 2009 Salary Ordinance

Checks will be issued as follows:

- Council, monthly, the next pay period following the Council meeting.
- Clerk/Treasurer, weekly.
- Building Inspector, monthly
- Town Attorney, semi-annually,
- all other employees weekly.

Specific salaries for Town of Lapel employees beginning January 1st, 2009 and ending December 31st, 2009 are:

- Dennis Molina, Town Marshall \$44,027 Annually
- Allan Phillips, Police Officer \$39,784 annually
- Mike Barnes, Police Officer \$39,346 annually
- Jerry Young, Police Officer \$33,790 annually
- Robert Kowalski, Part Time Officer \$17.00 per hour
- Gary Flowers, Utility Superintendent \$17.26 per hour
- Paula Lee, Office Administration \$14.46 per hour
- Donna Lawther, Office Administration \$14.46 per hour
- Tim McClintick, Building Inspector \$600 per month

- Robert Kowalski, Development Inspector \$300 per month
- Nathon Owens, Utility/Street \$15.23 per hour
- Virgil Hobbs, General Maintenance \$10.71 per hour
- Andrew Kern Sewer/Utility/Street \$13.39 per hour
- Mathew McDole, Utility/Street \$13.39 per hour
- Aaron Withrow, Sewer/Utility/Street \$11.84 per hour
- Cameron Clawson, Utility/Street \$12.50 per hour
- C.J. Taylor, Water Operator \$40 per hour (5 hrs per week)

Section - Personal Days

All full-time employees are entitled to eight (8) 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 (2) for 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/Personal Days 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. After six (6) months on the job the employee will receive two (2) paid vacation days for the remainder of the first year of service.

All eligible employees will receive eight (8) paid Personal days per calendar year. Accumulated Sick days (those earned prior to January 1st, 2009) are designed and intended to be used for the employee's illness or medical appointments. Absences may be subject to investigation. A physician's statement of "fitness of duty" will be required if an employee is off work for 3 consecutive days or more. The Town also reserves the right to request a "fitness of duty" statement at any time. Accumulated Sick days, if not used, can be carried over to future years.

Accumulated Sick days will not be paid upon termination of employment. Personal days, if not used, can be accumulated up to 30 days. At the accumulation of 30 days, this accrual will be capped.

Section - Vacation

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 Accumulated 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 optional 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 **25** 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 75 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

11-2008

Date Passed: 12/18/2008