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CH2 - ADMINISTRATION

CH2 2 .1 - General Provisions

CH2 2 .2 - Home Rule

CH2 2 .3 - Licensing of Recreational Establishments

Amendments and Repeals

Sections of this ordinance have since been Amended By - [7-2009](#)

- a. No person shall operate a billiard table, card table, pool table, pinball or electronic game device within the Town prior to applying to the Clerk-Treasurer for a license for the same. The applicant for a license shall state the name of the person to be licensed; his or her residence; whether he or she has been convicted of any felony or misdemeanor; his or her previous occupations for the past five (5) years; the number of tables for billiards, pool, cards, pinball or electronic game devices he or she anticipates installing in the Town and the location of the same. The Clerk-Treasurer shall submit the application to the Board and, upon approval by the Board, the Clerk-Treasurer shall issue a license for the operation of billiard, pool or card tables, pinball, or electronic game devices.
- b. No pool table, billiard table, card table, pinball or electronic game device for which a license to operate is procured, shall be operated in violation of any town law or within 100 yards of an establishment that serves alcoholic beverages, provides adult entertainment or a combination of both. (Ord. 5-1995, passed 5/16/95)
- c. No licensee operating pool or billiard tables, card tables, pinball or electronic game devices shall operate said pool tables, billiard tables, card tables, pinball or electronic game devices in a secret or concealed

- room or rooms. The room shall be open at all times to the public, and all above listed devices must be visible at all times from the street.
- d. No licensee operating pool tables, billiard tables, card tables, pinball or electronic game devices shall operate said pool tables, billiard tables, card tables, pinball or electronic game devices between the hours of 12:00 a.m. and 9:00 a.m., or at any time on Sunday. The room where the pool tables, billiard tables, card tables, pinball or electronic game devices are located must be emptied of all personnel, including owner or operators, thirty (30) minutes after closing time.
- e. Every licensee who obtains a license to operate or maintain pool tables, billiard tables, card tables, pinball or electronic gaming devices, for the purpose of providing or permitting entertainment to persons under eighteen (18) years of age, must set and abide by a closing time of at least thirty (30) minutes before curfew as defined by State Law and this Code, or as directed by the Town Marshal, or other Madison County or State Police Agencies.
- f. No person shall keep and exhibit to be played upon for hire or gain, any pool table, billiard table, card table, pinball or electronic game device within the Town, without first having obtained a license so to do from the Town as herein provided. Any person violating any provision of this section shall be fined the sum of Ten Dollars (\$10.00). Each and every day any pool table, billiard table, card table, pinball or electronic game device is kept and exhibited to be played upon for hire or gain constitutes a separate offense.
- g. All licenses issued in accordance with this section shall be valid for the period from January 1 to December 31 of the following year. Renewal fees shall be due and payable to the Town on or before December 31 of each year. Persons receiving permits issued after January 1, and prior to July 1, shall pay the full license fee. Persons receiving permits issued on or after July 1 shall pay on-half of the license fee.
- h. License permit fees shall be assessed as follows:
- o Each pool or billiard table \$20.00
 - o Each pinball or other mechanical or electronic device for entertainment \$20.00
 - o Each card table \$20.00
- i. Each licensee under this section agrees to allow inspection of his or her premises at any time by the Town Police Department. The failure of said licensee to provide a valid permit for each license category, as set out in (h) of this section shall subject said licensee to immediate revocation of all permits held by said licensee.
- j. A license issued under this section may be revoked upon the conviction of the license holder or maintaining a disorderly, indecent or improper place, permitting gambling of any form or the unlawful possession or sale of alcoholic beverages or controlled substances on the premises. The license holder shall receive a written notice stating that a hearing shall be held no sooner than ten (10) days following the mailing of the notice to determine if the license should be revoked for a violation of this section or as a public nuisance.
- k. The Board may instruct the Town Attorney to bring injunction proceedings to compel the enforcement of this section.
- l. This section does not apply to any benevolent or fraternal organization which owns, keeps and maintains billiard, pool or card tables for use by its own members and not for hire.

'82 Code, Ord. No. 9-1982

Indiana Code [36-1-3-1](#) [36-5-1](#)

Date Passed: 12/22/1982

CH2 2 .4 - Town Legislative Body and Executive

a. The Council of the Town deems it to be in the best interest of the Town and the citizens thereof to abolish said legislative district and candidate residency requirements such that all members of the Town Council of the Town be elected at large and

I. That the legislative body districts heretofore enacted by Lapel Code 36-5-2-4.1 are abolished and repealed and the candidate residency requirements within said legislative body districts are also hereby abolished and repealed.

II. That all Town Council seats shall be elected at large without the designation of legislative body districts.

Further Information

Ord. 5-1990, 10/10/90

Indiana Code [3-10-6](#) [3-10-7](#) [36-5-2-5](#)

Date Passed: 10/10/1990

CH2 2 .5 - Election of Members of Board

The Board provides that its members are to be elected at large by the voters of the whole Town.

Further Information

'82 Code, Ord. No. 9-1982

Date Passed: 12/22/1982

CH2 2 .6 - Seal

The Board adopts a common seal bearing the words "Town of Lapel, Indiana-- Seal".

Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [3-10-6](#) [3-10-7](#) [36-5-2-5](#)

Date Passed: 12/22/1982

CH2 2.7 - Compensation

- a. The Board shall fix the compensation of its Town officers and employees in a Salary Ordinance to be adopted annually.
- b. Vacation and 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 full-time employees completing the probationary period will be eligible for sick leave benefits, which will be prorated from their hire date.
 - All eligible employees will receive six (6) paid sick days per calendar year. Sick days are designed and intended to be used for the employees 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 not 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 fulltime employee will be eligible for the following vacation schedule:
 - **Completed Years of Employment Weeks Paid Vacation**
 - One Year - One Week
 - Two thru Four - Two Weeks
 - Five thru Nine - Three Weeks
 - Ten or more - Four Weeks
 - 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 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.
- c. 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. Overtime is calculated by annual salary divided by 260 days divided by 8 hours = hourly pay. Overtime hours x 1 x hourly pay = overtime pay. Overtime must be approved by the Town Marshal 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 of 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.
- d. Personal Days

- o 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 (1) day for brother-in law, sister-in law, and grandparents.

e. Paid Legal Holidays

- o All full-time employees, except Police Officers, are entitled to the following:
 - New Years Day, Presidents Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving (Thursday and Friday), ½ day Christmas Eve, and Christmas Day.
- o All full-time Police Officers are entitled to 1/260 of his/her salary as holiday pay if an officer works on a declared holiday. This payment would be in addition to his/her regular salary.

f. Insurance

- o The Town of Lapel will pay 100% of the employees 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 other coverage.
 - **Options**
 - Health, Life & Vision - Health application
 - Life Only - Health application (check life only, indicate waiver/other coverage)
- o 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.

g. Fire/Ambulance

- o Volunteers for the Fire/Ambulance Department will be paid \$8.00 per run, cancelled or not. Each volunteer will receive \$100/year car allowance payable semi-annually and a \$100/year clothing allowance payable semi- annually. The car and clothing allowance will be prorated in the case of a new firefighter or ambulance volunteer.
- o Town employees that are volunteer firefighters or ambulance EMTs will be compensated one hour pay for the specific fire/ambulance run. This is applicable during town office, utility, street department hours as stated in the salary ordinance. Employees must record on their daily time sheet when the fire/ambulance run began and when they returned to their duties as a town employee.

h. Office Hours and Utility/Street Department Hours

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

i. Overtime

- o Overtime is defined for all full-time employees, except Polices Officers, as the hours worked, on a daily basis, over 8 hours. Overtime hours will be paid at 1 ½ x 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 over-time whenever possible.

j. Meeting Attendance Payment

- o 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-annual-July and January.

k. Education Reimbursement

- o 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.

l. Utility Certifications

- o When a Lapel Utility employee acquires a Class I operators certification for water or wastewater, their salary will be increased by 75 cents per hour. If a Lapel Utility employee receives an initial gas operators certification, their salary will be increased by 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.
- o 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 employees hourly wage. The Council will review certifications in June and December with pay adjustments effective July 1st and January 1st.
- o Utility workers shall be paid one and one half (1 2) times the regular rate of pay after forty (40) hours of regular rate per week. DOES THIS STILL APPLY?

('82 Code, Ord. No. 9-1982, passed 12/22/82) (Ord. 8-1994, passed 12/20/94 amending previous Ord.)(Annual Salary Ordinances)(Ord 8-1995, passed 12/20/94), (Ord 9-1996, passed 12/19/95), (Ord. 6-1996, passed 10/15/96),(Ord 9-1997, passed 12/17/96)(Ord. 161998, passed 12/98)

(Ord. No. 1-1999, passed 1/21/1999), (Ord No. 1-2000, passed 1/20/2000) (Ord No. 12-2000, passed 12/2000 (Ord No. 11-2001, passed 1/2000 Indiana Code [36-5-3-2](#) (Ord. No. 102006 , passed 1/4/2007)

Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [36-5-3-2](#)

Date Passed: 12/22/1982

Date Amended: 1/4/2007

- a. The Board is authorized to budget and appropriate funds to provide for the payment of membership dues for the Town, its elected and appointed officials, and the members of its boards, councils, departments, or agencies in any local, regional, state or national associations of a civic, educational, or governmental nature which have as their purpose the improvement of municipal operations.
- b. The Town Board is authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the Town belongs.

Further Information

'82 Code, Ord. No. 9-1982
Indiana Code [36-5-3-4](#)
Date Passed: 12/22/1982

CH2 2 .9 - Mileage and Parking Expenses

- a. Mileage rate allowance for employees and officers of the Town of Lapel incurred in connection with business for the Town of Lapel, Indiana, shall be compensated to such employee and officer at the rate of twenty six (\$.26) cents per mile.
- b. Parking fees incurred by said employees and officers as a result of travel in connection with the Town of Lapel business shall be compensated at the maximum rate of six (\$6.00) dollars per day.

Further Information

Resolution 6-1991, passed 5/8/91
Indiana Code [36-7-13](#)
Date Passed: 5/8/1991

CH2 2 .10 - Town Marshal

- a. The office of Town Marshal is hereby established.
- b. The Marshal is authorized to appoint deputy marshal, subject to Board approval.

Further Information

'82 Code, Ord. No. 9-1982
Indiana Code [36-7-4](#)
Date Passed: 12/22/1982

CH2 2 .11 - Economic Development

The Board hereby creates the Town Department of Development. The Department shall be under the control of the Town Economic Development Commission. Codifer's note: ORDINANCE NO. 5-1980 PROVIDED:

AN ORDINANCE ... CREATING THE DEPARTMENT OF DEVELOPMENT AND THE ... ECONOMIC DEVELOPMENT COMMISSION BE IT ORDAINED by the Board ...

That the Town Board find that a need exists for the financing of Economic Development and Pollution Control Facilities, as authorized by Indiana Code 1971, 18-6-4.5 [now Indiana Code [36-7-12-1](#)] as supplemented and amended by Acts 1973, PL. 182 and by Acts 1975, PL. 187.

Further Information

'82 Code, Ord. No. 9-1982

Indiana Code [36-7-12-1](#)

Date Passed: 12/22/1982