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CH28 - 2019 Ordinances

CH28 28 .1 - Motor Vehicle Highway Restricted Fund Creation

An Ordinance of the Town of Lapel, Indiana creating a sub-fund within the Town of Lapel's Motor Vehicle Highway Fund entitled Motor Vehicle Highway – Restricted (203)

WHEREAS, Indiana Code [8-14-1.5](#) sets forth the permissible uses for Motor Vehicle Highway (“MVH”) funds that cities and towns receive from the State Motor Vehicle Highway Account; and,

WHEREAS, Indiana Code [8-14-1-5](#) was recently amended to require at least fifty percent (50%) of all MVH distributions received after January 1st, 2019 be spent on construction, reconstruction and preservation of highways as set forth in Indiana Code [8-14-1-5\(c\)](#); and,

WHEREAS, the Indiana State Board of Accounts has issued State Examiner Directive 2018-2 (“Directive 2018-2”), wherein municipalities are authorized and required to establish a sub-fund within their existing Motor Vehicle Fund to properly manage and account for the usage restrictions in accordance with Indiana Code [8-14-1-5](#).

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Lapel, Madison County, Indiana, that:

1. A sub-fund is hereby created within the Town of Lapel's Motor Vehicle Highways Fund entitled “Motor Vehicle Highway – Restricted (203)” (“MVH Restricted”)
2. Allocations to and expenditures from MVH Restricted will be in accordance with Indiana Code 8-14-1-5.
3. If the Town of Lapel elects to allocate more than fifty percent (50%) of the distributions it receives to MVH Restricted, the Lapel Town Council will pass an ordinance or resolution authorizing such additional allocations as set forth in Directive 2018-2.

Passed January 2019

Further Information

1-2019

Date Passed: 1/1/2019

CH28 28 .2 - Fire Protection Territory Equipment Replacement Fund

Ordinance Establishing Fire Protection Territory Equipment Replacement Fund

IC Code [36-8-19-8.5](#)

BE IT ORDAINED by the Lapel Town Council of Madison County, Indiana that a need now exists for the establishment of a Fire Protection Equipment Replacement Fund for the following purposes:

For all uses as set out in IC [36-8-19-8.5](#)

BE IT FURTHER ORDAINED that this Board will adhere to the provisions of Indiana Code [36-8-19-8.5](#). The proposed fund will not exceed \$0.0333 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2019 payable 2020.

BE IT FURTHER ORDAINED that proofs of publication of the public hearing held on the 21st day of March 2019 and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of said Lapel Town Council this 21st day of March 2019.

Further Information

2-2019

Date Passed: 3/21/2019

CH28 28 .3 - No Parking Zones Amendment

An Ordinance of the Town of Lapel Amending Chapter 4, Section 4-5, No Parking Zones, of the Town of Lapel Code of Ordinances

WHEREAS, Indiana Code (I.C.) authorizes a location authority to adopt traffic regulations by local ordinance with respect to highways under the local authority's jurisdiction, and,

WHEREAS, I.C. authorizes [9-2-1-3\(a\)\(1\)](#) authorizes a local authority to regulate the Standing or parking of vehicles; and,

WHEREAS, the Town Council of Lapel (“Lapel”) desires to regulate parking along Brookside Road, as more aptly set forth below.

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

1. The recitals are herein incorporated by reference.
2. There shall be no parking on the pavement along Brookside Road from Pendleton Avenue (SR13) to Bulldog Boulevard (CR 300 S), except that parallel parking shall be allowed in front of the Owens-Illinois office and shall consist of six (6) total parking spaces with two (2) handicap parking spaces and four (4) non-handicap parking spaces.
3. There shall be no parking within twenty (20) feet of the edge of the pavement along Brookside Road (CR950W) at the intersections of 5th, 6th, 7th, 8th and 9th streets; Provided however, parking in driveways of residence shall not violate this ordinance.
4. The Town of Lapel Code of Ordinances, Chapter 4, Section 4-5, shall be amended to reflect these provisions.
5. This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council, publication as required by law, and the posting of signs.

Adopted this 4th day of April 2019.

Further Information

3-2019

Date Passed: 4/4/2019

CH28 28 .4 - Road Weight Limit Amendment

An Ordinance of the Town of Lapel, Amending Chapter 4, Section 4-6, Road Weight Limits of the Town of Lapel Code of Ordinances.

WHEREAS, Indiana Code (I.C.) authorizes a local authority to adopt traffic regulations by local ordinance with respect to highways under the local authority’s jurisdiction; and,

WHEREAS, I.C. authorizes [9-20-1-3\(c\)](#) authorizes a local authority, by ordinance, to prohibit the operation of trucks or other commercial vehicles and impose limitations on the weight, size, or use of those vehicles on highways within the local authority’s jurisdiction; and,

WHEREAS, the Town Council of Lapel (“Lapel”) desires to impose weight limits on roads under Lapel’s jurisdiction as more aptly set forth below.

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

1. The recitals are herein incorporated by reference.
2. No truck or other commercial vehicle with a gross weight in excess of five (5) tons shall be permitted on Bulldog Boulevard, except for school buses.
3. No truck or other commercial vehicle with a gross weight in excess of five (5) tons shall be permitted on Brookside Road from 5th Street to Bulldog Boulevard, except for school buses.
4. The Town of Lapel Code of Ordinances, Chapter 4, Section 4-6 shall be amended to reflect these provisions.
5. This ordinance shall become effective upon the adoption and signature of the Lapel Town Council, publication as required by law, and the posting of signs.

Adopted this 4th day of April 2019

Further Information

4-2019

Date Passed: 4/4/2019

CH28 28 .5 - Road Weight Limit Amendment #2

An Ordinance of the Town of Lapel, Amending Chapter 4, Section 4-6, Road Weight Limits of the Town of Lapel Code of Ordinances.

WHEREAS, Indiana Code (I.C.) authorizes a local authority to adopt traffic regulations by local ordinance with respect to highways under the local authority's jurisdiction; and,

WHEREAS, I.C. authorizes [9-20-1-3\(c\)](#) authorizes a local authority, by ordinance, to prohibit the operation of trucks or other commercial vehicles and impose limitations on the weight, size, or use of those vehicles on highways within the local authority's jurisdiction; and,

WHEREAS, the Town Council of Lapel ("Lapel") desires to impose weight limits on roads under Lapel's jurisdiction as more aptly set forth below.

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

1. The recitals are herein incorporated by reference.
2. No truck or other commercial vehicle with a gross weight in excess of five (5) tons shall be permitted on the following roads:
 1. 300 South from 1000 West to SR13
 2. 400 South from 1000 West to SR13
 3. 500 South from 1000 West to SR13
 4. 650 South from 1000 West to SR13
 5. 700 South from 1000 West to SR13

3. These weight limits do not apply to school buses or agricultural equipment.
4. The Town of Lapel Code of Ordinances, Chapter 4, Section 4-6 shall be amended to reflect these provisions.
5. This ordinance shall become effective upon the adoption and signature of the Lapel Town Council, publication as required by law, and the posting of signs.

Adopted this 2nd day of May 2019

Further Information

5-2019

Date Passed: 5/2/2019

CH28 28 .6 - 2019 Salary Ordinance Amendment

Salary Ordinance – Effective January 1st 2019

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 1st, 2019 and ending December 31st, 2019 shall be as follows, to-wit:

Clerk/Treasurer

General Fund \$1.298

Gas Company \$8.224

Water Company \$8.224

Sewer Company \$8.224

Total \$25,970

Town Council Members

General Fund \$240

Gas Company \$1.520

Water Company \$1.520

Sewer Company \$1.520

Total \$4.800

Attorney

Annually \$4,600

Janitor

\$50/weekly

Checks will be issued as follows: Council-monthly, the next pay period following the Council meeting
Clerk/Treasurer weekly, Janitor-monthly, Town Attorney-semiannually, and all other employees weekly.

Specific salaries for Town of Lapel employees beginning January 1st, 2019 and ending December 31st, 2019 are:

Police Chief

Annually \$50,490

K9 Officer

Annually \$37,500

Officer

Annually \$37,500

Police Captain

Annually \$40,000

Part Time Officer

\$22.00/hour

Non-academy graduate

Annually \$33,000

Academy graduate

Annually \$34,500 (Less than 2 years experience)

Deputy Clerk

\$15.00 - \$24.00/hour Office Administration

Accounts Payable

\$15.00 - \$24.00/hour Office Administration

Accounts Payable

\$15.00 - \$24.00/hour Part Time Utility Clerk

Seasonal Labor 1

\$15.00 - \$24.00/hour Part Time General Maintenance

Seasonal Labor 2

\$15.00 - \$24.00/hour Part Time Seasonal Labor

Seasonal Labor 3

\$15.00 - \$24.00/hour Part Time Seasonal Labor

Wastewater Operator

\$15.00 - \$24.00/hour

Contract Employee

\$40.00/hour 5hr week Water Operator/Sewer Operator

Utility Superintendent

\$15.00 - \$24.00/hour

Gas Operator

\$15.00 - \$24.00/hour

Gas Assistant/Labor

\$15.00 - \$24.00/hour

Utility Labor

\$15.00 - \$24.00/hour

Code Enforcement

Annually \$47,940

Water Operator

\$15.00 - \$24.00/hour

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 two (2) days for grandparents.

Paid Legal Holidays

All full-time employees are entitled to the following: New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving (Thursday & Friday), Christmas Eve and Christmas Day.

Vacation/Personal Days for Full-Time Employees

All new employees will be under a probationary period for the first 90 days 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 personal leave benefits. After six (6) months on the job the employee will receive two (2) paid vacation days, and two (2) paid personal days for the remainder of the first year of service. All full-time employees will be eligible to carry over three (3) vacation/personal days into the new year but those three (3) days must be used by March 31st.

All eligible employees will receive eight (8) Personal Days per calendar year. **Absences may be subject to investigation.** A physician's statement of "fitness for 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 for duty" statement at any time. Personal Days, if not used within the calendar year, can be accumulated up to 30 days. Employees will be paid unused personal days upon termination of employment.

Vacations

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

As of January 1st of the current year the full-time employee will be eligible for the following vacation schedule:

Years of Employment – Weeks of Paid Vacation

One – One

Two thru Four – Two

Five thru Nine – Three

Ten or more – Four

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 week in advance with supervisor. Vacations cannot be held over until the next year. Unused vacation days will be paid upon termination of employment. Vacations days must be used before unpaid days off are granted.

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 a 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 overtime whenever possible.

Meeting Attendance Payment

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

Office Hours and Utility/Street Department Hours

Town Hall office hours are Monday-Friday 8am to 4pm. The Utility/Street Department hours are 7am to 3:30pm.

Police Officers

The workweek consists of seven (7) days from Sunday to Saturday. 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 ½ x hourly pay = overtime pay. Overtime must be approved by the Town Marshall or the Town Council.

The salary of a Lapel Police Officer, without academy certification is \$30,000 per year. The salary of a Lapel Police Officer with less than two (2) years of experience, with an academy certification is \$33,000 per year.

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 of the Town of Lapel.

Non-academy graduates will be in a probationary status until one year from graduation date.

Academy graduates will be on a probationary period of one year from hire date.

New hire without academy certification will be sent to the academy within one year of hire date.

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 the 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.

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 carrier will be permitted to waive coverage. Employees are required to complete the appropriate form to waive their election and provide verification of coverage.

Options – Forms

Health Life & 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.

Utility Certificates

When a Lapel Utility employee acquires a Class 1 operator's certification for waste or wastewater, their salary will be increased 75 cents per hour.

When a Lapel Utility employee acquires a Class 2 operator's certification for waste or wastewater, their salary will increase 75 cents per hour.

If a Lapel Utility employee receives an initial gas operator's certification, their salary will be increased 50 cents per hour.

Special Pay/Year End

Employees with 1 to 5 years of service will receive \$100.00, employees with more than 5 years' service will receive \$250.00 at year end.

Further Information

6-2019

Date Passed: 5/2/2019

CH28 28 .7 - Regulating Payment Methods

Ordinance Regulating Payment Methods to Town of Lapel Clerk-Treasurer and Other Town Agencies

WHEREAS, as fiscal officer for the Town of Lapel (the "Town"), the Lapel Clerk-Treasurer is authorized to receive payments from parties for utility services and for other financial transactions; and,

WHEREAS, Indiana Code [36-1-8-11](#) authorizes the Town to determine which financial instruments will be accepted by the Clerk-Treasurer or other agents of the Town; and,

WHEREAS, the Town Council hereby determines that the receipt of large amounts of unrolled coinage unduly burdens the Town and creates excessive labor cast which must be borne by the citizens of Lapel; and,

WHEREAS, in order to increase efficiency of Town government operations, the Town Council deems it proper and desirable to prohibit payment of large amounts of unrolled coinage to the Clerk-Treasurer's office or other Town agent.

NOW THEREFORE BE IT ORDAINED THAT payments made in the form of large amounts of unrolled coinage to the Town of Lapel's Clerk-Treasurer or other Town agent shall not be accepted; and,

BE IT FURTHER ORDAINED THAT, for the purposes of this Ordinance, the Clerk-Treasurer or other Town Executive shall not accept an amount of unrolled coinage which exceeds the following number of the specified coin.

Coin - Maximum Acceptable Number of Unrolled Coins

Penny (1 cent) - Forty-Nine (49)

Nickle (5 cents) - Thirty-Nine (39)

Dime (10 cents) - Forty-Nine (49)

Quarter (25 cents) - Thirty-Nine (39)

Half-Dollar (50 cents) – Nineteen (19)

Dollar – Twenty-four (24); and,

BE IT FURTHER ORDAINED that any payment of coinage, either unrolled or rolled, shall not be considered complete and properly remitted until the coinage is counted and accepted by the Clerk-Treasurer or other agent of the Town of Lapel, which count can only be completed in the physical presence of the payor of the coinage.

So ordained 2nd day of May 2019.

Further Information

7-2019

Date Passed: 5/2/2019

CH28 28 .8 - Vacating a Certain Alley

An Ordinance Vacating a Certain Alley in Lapel, Madison County, Indiana

WHEREAS I.C. [36-7-3-12](#) authorizes property owners inside a municipality who desire to vacate all or a part of a public way contiguous to their property to file a petition for vacation with the legislative body of the municipality, and;

WHEREAS, a petition to vacate a public way was filed on the 9th day of July, 2019, with the Town Council of the Town of Lapel, Madison County, Indiana by SHIRLEY ANN WHISMAN, JAMES ROBERT WHISMAN and TIMOTHY KEITH WHISMAN, and;

WHEREAS, the petition sought the vacation of a certain alley which appears of record in Play Book 2, Page 37 and Plat Book 3, Page 41, Records of Madison County, Indiana, and;

WHEREAS, notice of the filing of a petition to vacate the public way was given pursuant to the appropriate Indiana Codes, and the legislative body of Madison County, State of Indiana, to-wit: the Town Council of the Town of Lapel, Madison County conducted a public hearing on the 1st day of August, 2019, which hearing was on said petition to vacate the alley.

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

Section I. The recitals stated herein are hereby incorporated by reference.

Section II. A certain alley in Play Book 2, Page 37 and Plat Book 3, Page 41 of the Records of Madison County and specifically described as follows:

A parcel of ground being a 12.00 foot alley lying between Lot 6 and 7 in the Replat of Weight's 1st, 2nd, and 3rd Addition to the Town of Lapel, the plat of which is recorded in Plat Book 6, Page 3 in the Office of the Recorder of Madison County, Indiana, being more particularly described as follows:

BEGINNING at the Northwest corner of said Lot 6; thence South along the West line of said Lot 6, a distance of 132.00 feet to the Southwest corner of said Lot 6; thence West, a distance of 12.00 feet to the Southeast corner of said Lot 7; thence North along the East line of said Lot 7, a distance of 132.00 feet to the Northeast corner of said Lot 7; thence East, a distance of 12.00 feet to the POINT OF BEGINNING. Contains 0.036 Acres, more or less.

Is hereby vacated; and title to said real estate shall devolve to and is hereby vested in SHIRLEY ANN WHISMAN, JAMES ROBERT WHISMAN, TIMOTHY KEITH WHISMAN and ROBERT W. SEDWICK and WILMA L. SEDWICK

Section III. A certified copy of this Ordinance shall be furnished to the Auditor of Madison County, Indiana as well as the Recorder of Madison County, Indiana.

Section IV. This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Lapel, Madison County, Indiana.

ALL OF WHICH PASSED AND ADOPTED by the Town Council of the Town of Lapel, Madison County, Indiana, this 1st day of August 2019.

Further Information

8-2019

Date Passed: 8/1/2019