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CH30 - 2021 Ordinances

CH30 30 .0 - 2021 Resolutions

RESOLUTIONS PASSED IN 2021

#1-2021

WHEREAS, the Lapel Town Council needs to set the amount for mileage reimbursement for employees for use of their personal vehicles for work related trips.

NOW THEREFORE BE IT RESOLVED, that the Lapel Town Council does hereby establish the mileage rate as:

.56 cents per mile effective date of January 01, 2021 per IRS Standard Mileage Rates.

DULY ADOPTED by the Council of the Town of Lapel on the 21st day of January, 2011 at which meeting a quorum was present.

#2-2021

A RESOLUTION OF THE TOWN OF LAPEL, INDIANA APPROVING THE PURCHASE OF AN AED AND CORRESPONDING EQUIPMENT FROM STRYKER AND RELATED EQUIPMENT FROM PENN CARE AND THE DONATION OF SAID AED AND ALL EQUIPMENT TO THE LAPEL STONEY CREEK TOWNSHIP FIRE TERRITORY

WHEREAS, the Lapel Stoney Creek Township Fire Territory ("Stoney Creek") is the fire department that services the Town of Lapel ("Town" or "Lapel"); and,

WHEREAS, the Town desires to utilize funds donated to the Town and held in the Cascadden Fund to purchase an AED and all corresponding and related equipment ("AED and Equipment") and donate it to Stoney Creek; and,

WHEREAS, the estimated cost of the AED and Equipment falls within the small purchasing guidelines as set forth in Indiana Code I.C. [5-22-8-2](#) as the total cost of the AED and Equipment is less than \$50,000; and,

WHEREAS, furthermore, Stryker is the sole source for the AED as set forth in Exhibit A attached hereto and incorporated herein; and,

WHEREAS, Indiana Code I.C. [5-22-10-13](#) allows a purchasing agent to "award a contract for a supply where there is only one (1) source for the supply and the purchasing agent determines in writing that there is only one (1) source for the supply."

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: That the recitals stated herein are hereby incorporated by reference.

Section 2: That the Town determines that Stryker is the sole source for the AED.

Section 3: That the Town further determines that the total purchase cost of the AED and Equipment falls within the small purchasing guidelines set forth in Indiana Code I.C. [5-22-8-2](#).

Section 4: That the Town authorizes the purchase of the AED and awards the contract to Stryker in the amount of approximately \$32,554.12.

Section 5: That the Town authorizes the purchase of related equipment from Penn Care in the amount of approximately \$1,205.00.

Section 6: That the AED and Equipment, as purchased by the Town from Stryker and Penn Care, shall be paid for from the Cascadden Fund.

Section 7: That the AED and Equipment, as purchased by the Town from Stryker and Penn Care, shall be donated to the Lapel Stoney Creek Township Fire Territor for the use and benefit of Stoney Creek which services the Town of Lapel.

Section 8: This Resolution shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

Approved by the Lapel Town Council this 18th day of February, 2021.

#3-2021

A RESOLUTION OF THE TOWN OF LAPEL, INDIANA APPROVING THE TOWN OF LAPEL COMPREHENSIVE PLAN

WHEREAS, Indiana Code I.C. [36-7-4-500](#) (500 Series - Comprehensive Plan) sets forth the statutory requirements for a comprehensive plan; and,

WHEREAS, the Town of Lapel ("Town" or "Lapel") determined it was necessary to amend its current comprehensive plan and adopt a new Comprehensive Plan for the Town of Lapel ("Lapel Comprehensive Plan"); and,

WHEREAS, the Town put together a steering committee who worked alongside the planning team to gather public input and develop the Lapel Comprehensive Plan; and,

WHEREAS, the Lapel Plan Commission held public hearings on the Lapel Comprehensive Plan on March 11th, 2021 and April 14th, 2021 pursuant to I.C. [36-7-4-507](#); and,

WHEREAS, following the public hearing, the Lapel Plan Commission voted to approve the Lapel Comprehensive Plan pursuant to I.C. [36-7-4-508](#); and,

WHEREAS, the Lapel Plan Commission has certified the comprehensive plan to the Lapel Town Council; and,

WHEREAS, the Lapel Town Council now desires to consider the comprehensive plan for approval.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: That the recitals stated herein are hereby incorporated by referenced.

Section 2: That the Lapel Comprehensive Plan is for the promotion of the public health, safety, morals, convenience, order or the general welfare and for the sake of efficiency and economy in the process of development as required by I.C. [36-7-4-501](#).

Section 3: That the Lapel Plan Commission has prepared the Lapel Comprehensive Plan in accordance with I.C. [36-7-4-500](#) Series.

Section 4: That the Lapel Comprehensive Plan is hereby approved and adopted.

Section 5: That upon approval of the Lapel Comprehensive Plan by the Lapel Town Council, pursuant to I.C. [36-7-4-509](#) the Clerk-Treasurer is required to place one copy of the Lapel Comprehensive Plan on file with the Madison County Recorder.

Section 6: That this Resolution and the Lapel Comprehensive Plan shall become effective upon the adoption and signature of the Town Council of the Town of Lapel.

Approved by the Lapel Town Council this 15th day of April 2021.

#4-2021

A RESOLUTION OF THE TOWN OF LAPEL, INDIANA ADOPTING A SMALL PURCHASING POLICY FOR THE TOWN OF LAPEL

WHEREAS, Indiana Code I.C. [5-22-8](#) sets forth the statutory requirements for small purchases for a governmental entity; and,

WHEREAS, small purchases are considered purchases under \$150,000; and,

WHEREAS, I.C. [5-22-8-2](#) states that if the purchasing agent expects that the purchase will be less than \$50,000, then the purchasing agent may make the purchase under the small purchase policies established by the purchasing agency or under rules adopted by the governmental body; and,

WHEREAS, if the purchase agent expects that the purchase will be more than \$50,000 but less than \$150,000 then the purchasing agent is required to follow the process set forth in I.C. [5-22-8-3](#), as may be amended from time to time; and,

WHEREAS, the Town of Lapel ("Town" or "Lapel") desires to adopt rules for the purchase of supplies under \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: That the recitals stated herein are hereby incorporated by referenced.

Section 2: That the following rules shall apply for the purchase of supplies under \$50,000.

- α. Less than \$1,000 - Department head consults with Clerk-Treasurer or his/her designee. Clerk-Treasurer or his/her designee can authorize the purchase if funds are available. Purchase should be made from a standard vendor if applicable and available. All requests and authorizations must be in writing on a form provided by the Clerk-Treasurer.
- β. \$1,000 - \$4,999 - Department head consults with Clerk-Treasurer and Council liaison. Council liaison can authorize purchase upon confirmation and approval from Clerk-Treasurer that the funds are available. Purchase should be made from a standard vendor if applicable and available. The Clerk-Treasurer or

Council liaison will notify the Town Council of the approved purchase. All requests and authorizations must be in writing on a form provided by the Clerk-Treasurer.

y. \$5,000 - \$49,999 - Solicit at least 3 quotes from person/companies known to deal in the type of supplies being sought and present quotes to Town Council. Town Council must authorize purchase.

Section 3: That if the purchase is expected to be more than \$50,000 but less than \$150,000, then the purchasing agent shall follow the process set forth in I.C. [5-22-8-3](#) as may be amended from time to time.

Section 4: That this Resolution applies only to the purchase of supplies and does not apply to public works projects or professional service contracts or any other purchases as specifically excluded pursuant to I.C. [5-22-8](#).

Section 5: That the purchasing agents for the Town are the Clerk-Treasurer or his/her designee and the Lapel Town Council, individually or collectively, as more specifically set forth in Section 2 above.

Section 6: That this Resolution shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

Approved by the Lapel Town Council this 17th day of June 2021.

#5-2021

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#6-2021

A RESOLUTION OF THE TOWN OF LAPEL, INDIANA AUTHORIZING THE TRANSFER OF FUNDS FROM THE CACADDEN ACCOUNT TO THE SIDEWALK REPAIRS ACCOUNT

WHEREAS, the Town of Lapel ("Town" or "Lapel") deems it necessary to transfer Seven Thousand Dollars (\$7,000) from the Cascadden Account to the Sidewalk Repairs Account in order to provide the matching funds for the sidewalk repair projects; and,

WHEREAS, the transfer is necessary to bring the Sidewalk Repairs Account positive.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: That the recitals stated herein are hereby incorporated by reference.

Section 2: That the transfer of Seven Thousand Dollars (\$7,000) from the Cascadden Account, Fund Number 446 001 240, to the Sidewalks Repairs Account, Fund Number 210 001 361, is approved.

Section 3: That this Resolution shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

Approved by the Lapel Town Council this 17th day of June 2021.

#7-2001

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE LAPEL TOWN COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L 88-2021 (HEA 1437), SEC. 5, amended I.C. [5-14-1.5-1](#) et seq. (Act), effective April 20, 2021 by amending I.C. [5-14-1.5-3.5](#) to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication.

WHEREAS, a member of the governing body may participate by any means of communication that:

- Allows all participating members of the governing body to simultaneously communicate with each other and,
- Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a members participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by I.C. [5-14-1.5-3.5\(d\)](#); and,

WHEREAS, the Town Council (Council) is the governing body of the Town of Lapel, Indiana:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF LAPEL, INDIANA:

Section 1. (a) The provisions of the Act, including definitions, apply to this resolution.

(b) This resolution shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any committee appointed directly by the Council or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than an meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one (1) members participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the members electronic participation is due to:

1. military service;
2. illness or other medical condition;
3. death of a relative; or
4. an emergency involving actual or threatend injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the members absence is due to:

1. military service;
2. illness or other medical condition;
3. death of a relative; or
4. an emergency involving actual or threatend injury to persons or property.

Section 4. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:

1. identify each member who
 - a. was physically present at the meetingl
 - b. participated in the meeting by electronic means of communication; and
 - c. was absent; and
2. identify the electronic means of communication by which:

- a. members participated in the meeting; and
- b. members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:

1. adopt a budget;
2. make a reduction in personnel;
3. initiate a referendum;
4. impose or increase a fee;
5. impose or increase a penalty;
6. exercise the Councils power of eminent domain; or
7. establish, impose, raise or renew a tax

Section 6. (a) if an emergency is declared by:

1. the governor under I.C. [10-14-3-122](#); or
2. the mayor under I.C. [10-14-3-29](#); members are not required to be physically present for a meeting until the emergency is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

1. At least a quorum of the members participate in the meeting by means of electronic communication or in person.
2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
3. The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 7. This resolution shall be effective from and after adoption by this Council and compliance with I.C. [36-4-6-14](#).

Resolved and adopted this 15th day of July, 2021.

#8-2021

A RESOLUTION OF THE TOWN OF LAPEL, INDIANA AUTHORIZING THE TRANSFER OF FUNDS FROM THE SEWER SAVINGS ACCOUNT TO THE SEWER OPERATING ACCOUNT

WHEREAS, the Town of Lapel ("Town" or "Lapel") deems it necessary to transfer Thirty Five Thousand Dollars (\$35,000) from the Sewer Savings Account to the Sewer Operating Account in order to cover a negative appropriation with positive unspent appropriations; and,

WHEREAS, the transfer is necessary to bring the Sewer Operating Account positive.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lapel, Madison County, Indiana, as follows:

Section 1: That the recitals stated herein are hereby incorporated by reference.

Section 2: That the transfer of Thirty Five Thousand Dollars (\$35,000) from the Sewer Savings Account, Fund Number 902 001 520, to the Sewer Operating Account, Fund Number 606 931, is approved.

Section 3: That this Resolution shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

Approved by the Lapel Town Council this 15th day of July 2021.

CH30 30 .1 - An Ordinance for Additional Appropriations for Fiscal Year 2021

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget;

THEREFORE be it ordained by the Town Council of the Town of Lapel, Madison County, Indiana that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

- General Police Fund
- Major Budget Classification: 10000: Personal Services, requested \$1,968 approved by Town Council \$1,968.
- Total: \$1,968 / \$1,968

CH30 30 .2 - Salary Ordinance for 2021

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, 2021 and ending December 31st, 2021 shall be as follows, to-wit:

Clerk/Treasurer

- General Fund \$1,298
- Gas Company \$8,657

- Water Company \$8,657
- Sewer Company \$8,658
- Total **\$27,270**

Town Council Members

- General Fund \$290
- Gas Company \$1,836.67
- Water Company \$1,836.67
- Sewer Company \$1,836.66
- Total **\$5,800**

Town Council Vice President

- General Fund \$300
- Gas Company \$1,900.00
- Water Company \$1,900.00
- Sewer Company \$1,900.00
- Total **\$6,000**

Town Council President

- General Fund \$350
- Gas Company \$2,216.67
- Water Company \$2,216.67
- Sewer Company \$2,216.67
- Total \$8,000

Attorney

- Annually \$4,600

Janitor on Contract

- \$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-semi-annually, and all other employees weekly.

Specific salaries for Town of Lapel employees beginning January 1st, 2021 and ending December 31st, 2021 are:

- **Police Chief** \$52,520 annually / \$25.25/hour
- **Police Captain** \$43,818.29 annually / \$21.12/hour
- **1st Class Patrolman** \$39,208 annually / \$18.85/hour
- **2nd Class Patrolman** \$38,126.40 annually / \$18.33/hour

- **3rd Class Patrolman** \$37,065.60 annually / \$17.82/hour
- **Part Time Officer** \$22/hour
- **Deputy Clerk** \$23.58/hour Office Administration
- **Accounts Payable** \$18.71/hour Office Administration
- **Seasonal Labor 1** \$12.50/hour Part Time General Maintenance
- **Seasonal Labor 2** \$16.48/hour Part Time Seasonal Labor
- **Seasonal Labor 3** \$11.00/hour Part Time Seasonal Labor
- **Wastewater Operator** \$21.22/hour
- **Contract Employee** \$40.00hr/5hr week Water Operator/Sewer Operator
- **Utility Director** \$61,800 annually
- **Gas Operator** \$20.602/hour
- **Gas Assistant/Labor** \$16.23/hour
- **Utility Labor** \$15.00-\$15.15/hour
- **Code Enforcement** \$50,859.34 annually
- **Water Operator** \$16.71/hour
- **Full time/Part time Office Employee** \$16.54/hour

Section - Bereavment Days

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, and immediate grandparents; **one** day (1) for brother-in-law, sister-in-law and immediate aunts/uncles.

Aunts/Uncles and immediate grandparents amended 11/21/2019.

Section - 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. Holidays are paid at the employee's current pay rate. **As of January 1st 2020, Holidays will not be used in overtime calculations, or any special forms of compensation such as incentives, commissions, bonuses or shift differentials.**

Vacation/Personal Days for Full-Time Employees

The amount of paid vacation benefits an employee earns each year increases with the length of his or her employment. Once employees enter an eligible employment classification, they earn vacation benefits according to the schedule below.

- 90-days through December 31st of the employee's first year / 40-hours pro-rated based upon the number of months left in the year / Five-days pro-rated based upon the number of months left in the year.
- On January 1st of the employee's first year to the December 31st prior to the employee's second anniversary / 40-hours / Five-days.

- On January 1st prior to the employee's second anniversary to December 31st prior to the employee's fifth anniversary / 80-hours / Ten-days.
- On January 1st prior to the employee's fifth anniversary to December 31st prior to the employee's tenth anniversary / 120-hours / Fifteen-days.
- On January 1st prior to the employee's tenth anniversary and all subsequent years / 160-hours / Twenty-days.

Vacation benefits may be used in minimum increments of one hour. New employees are not entitled to paid vacation benefits during their first 90 days of employment. After 90 days of employment, employees will be eligible to use a pro-rated amount of vacation benefits for the remainder of the calendar year. Requests for vacation benefits will be honored on a "first come/first serve" basis. Employees should request approval from their Supervisors in writing at least 24 hours in advance of the requested time off. Approval of vacation benefits requests is the responsibility of a Supervisor and is subject to the operational needs of the Town. The Town reserves the right to deny vacation benefits requests when such vacation benefits would interfere with busy times, limited staff, or other circumstances which jeopardize the operations of the Town. All vacation benefits must be exhausted before an employee requests the use of unpaid time off.

Personal Days

The Town of Lapel provides paid personal days to all eligible employees for periods of temporary absence due to illness, injuries, or personal pursuits. Employees in the following employment classification(s) are eligible to earn and use personal days as described in this policy:

*Regular full time employees

Eligible employees receive eight personal days (64 hours) per calendar year which are available to employees on January 1st of each year. New employees are not entitled to paid personal days during their first 90 days of employment. After 90 days of employment, employees will be eligible to use a pro-rated amount of personal days for the remainder of the calendar year.

Employees should request approval from their Supervisors prior to the start of their shift. If a Supervisor cannot be reached, the employee should contact Town Hall prior to the start of their shift and leave a voicemail. Approval of personal day requests is the responsibility of a Supervisor and is subject to the operational needs of the Town. The Town reserves the right to deny personal day requests when such personal days would interfere with busy times, limited staff, or other circumstances which jeopardize the operations of the Town.

Effective with the implementation of the handbook, personal days may not be carried over year to year.

All earned but unused personal days will be paid out on the last pay period in 2019. Beginning in 2020, earned but unused personal days will be forfeited at the end of the calendar year. Upon involuntary termination of employment, employees will not be paid for all earned but unused personal days. Upon voluntary termination of employment, employees who provide a minimum of two weeks' notice and work thru the final day of employment according to their notice will be paid for all earned but unused personal days.

Personal days are paid at the employee's current pay rate at the time of the personal day. Paid time off for personal days will be used in overtime calculations, and any special forms of compensation such as incentives, commissions, bonuses, or shift differentials thru December 31st, 2019. **As of January 1, 2020, personal days will not be used in overtime calculations, or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.**

Section Overtime

Overtime compensation will be paid to nonexempt employees in accordance with federal and state wage and hour restrictions, which includes any time worked over 40 hours in a standard workweek. Paid time off (vacations, holidays, personal days and bereavement leave) will be used in overtime calculations and any special forms of compensation such as incentives, commissions, bonuses, or shift differentials thru December 31st, 2019.

As of January 1st, 2020 vacation time used, personal time used and holidays will not count toward the calculation of overtime.

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.

"ON CALL" Employees: The employees who are assigned to utilities duties on weekends that is is considered part of the essential duties and responsibilities of their job and is not considered an emergency will be paid at their straight time rate for all hours worked. Overtime will be paid to nonexempt employees in accordance with federal and state wage and hour laws, for any time worked over 40 hours in a standard workweek.

The definition of "on call" is being designated to be available to answer emergency calls from the Town during nonscheduled hours. Employees in an "on call" status are required to respond to an "on call" emergency within 30 minutes. Employees will be paid for a minimum of two hours of pay, regardless of the amount of time worked. Employees will receive premium pay at a rate of time and one half for all hours worked when in an employee is "on call". Premium pay will not be included in overtime calculations.

Section - 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.

Section - 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.

Section - Police Officers

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.

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.

Section - Educational 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 carrier 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 Certificates.

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

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

If a Lapel Utility employee receives an initial gas operators certification, their salary will be increased by **50** cents per hour.

If a Lapel Utility employee receives their CDL, their salary will increase \$1.00 per hour. Per Council only four Utility employees are eligible to obtain a CDL at a time.

Section - Special Pay/Year End

Employees with 1 to 5 years of service will receive \$100.00, employees with more than 5 year' of service will receive \$250.00 at year end. Special/Year End Pay will be paid to the employees the first pay of December.

CH30 30 .3 - An Ordinance for Additional Appropriations for Fiscal Year 2021

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget;

THEREFORE be it ordained by the Town Council of the Town of Lapel, Madison County, Indiana that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

- Park Fund
- Major Budget Classification: 30000: Other Services and Changes, requested \$6,000 approved by Town Council \$6,000.
- Total: \$6,000 / \$6,000

CH30 30 .4 - An Ordinance Prohibiting Certain Traffic in and Around 875 West and 650 South in Lapel

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, PROHIBITING CERTAIN TRAFFIC IN AND AROUND THE AREA OF 875 WEST AND 650 SOUTH IN LAPEL, MADISON COUNTY, INDIANA

WHEREAS, the Town of Lapel has experienced the degradation of the condition of municipal streets in or around the location of 875 West 650 South; and

WHEREAS, this degradation in the condition of the Town roads creates a safety hazard to vehicular and pedestrian traffic in the area; and

WHEREAS, the streets in this area were not designed for semi-tractor trailer and other vehicular traffic in excess of 16,000 pounds; and

WHEREAS, to eliminate the threat to human safety and personal property, the Town Council hereby deems it necessary to institute a weight limit in and around County Road 875 West and 650 South.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF LAPEL THAT all semi-tractor trailers and all other vehicular traffic in excess of sixteen thousand (16,000) pounds is prohibited at or around Country Roads 875 West and 650 South, to include an area from Country Road 650 South to the East of State Road 13; and County Road 875 West, to the south of State Road 38, between 650 South and State Road 38.

CH30 30 .5 - Amending Ordinance NO. 9-1982, CHAPTER 4, SECTION 4.2

AN ORDINANCE OF THE TOWN OF LAPEL, INDIANA AMENDING ORDINANCE NO. 9-1982, CHAPTER 4, SECTION 4.2 OF THE CODE OF ORDINANCES, FOR TRAFFIC ACCIDENT REPORT FEES

WHEREAS, Indiana Code (I.C.) [9-26-9-3](#) allows the fiscal body to establish a fee by ordinance which the police department under its jurisdiction may charge for accident reports; and,

WHEREAS, I.C. [9-26-9-3](#) requires that the fee be at least \$5.00; and,

WHEREAS, the Town of Lapel ("Town" or "Lapel") passed Ordinance No. 9-1982 on December 22nd, 1982, as codified in the Town's Code of Ordinances under Chapter 4, Section 4.2, establishing a fee of \$3.00 for copies of accident reports; and,

WHEREAS, the Town now desires to amend Ordinance 9-1982 as codified in Chapter 4, Section 4.2, and set the fee for \$8.00 for the production and distribution of accident reports as permitted by I.C. [9-26-0-3](#) and authorize the Lapel Police Department to collect such fee; and,

WHEREAS, pursuant to I.C. [9-26-9-3](#) any fee collected by the Lapel Police Department must be deposited in the local law enforcement continuing education fund as established by I.C. [5-2-8-2](#).

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

Section 1: That the recitals stated herein are hereby incorporated by referenced.

Section 2: That Ordinance No. 9-1982, Chapter 4, Section 4.2 of the Town's Code of Ordinances, is hereby amended to change the previously established fee of \$3.00 for accident reports to \$8.00 per report.

Section 3: The Lapel Police Department is authorized to collect such fee.

Section 4: All fees for accident reports shall be deposited in the law enforcement continuing education fund as established by the Town pursuant to I.C. [5-2-8-2](#)

Section 5: This Ordinance shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

CH30 30 .6 - Establishing a Fee for the Inspection of Vehicles

AN ORDINANCE OF THE TOWN OF LAPEL, INDIANA ESTABLISHING A FEE FOR THE INSPECTION OF VEHICLES

WHEREAS, Indiana Code (I.C.) [9-17-12\(e\)](#) allows a unit of government to establish a fee by ordinance for the inspection of a vehicle performed pursuant to [9-17-12](#) by a police officer employed by that unit; and,

WHEREAS, I.C. [9-17-12\(e\)](#) requires that the fee may not exceed \$5.00; and,

WHEREAS, pursuant to I.C. [9-17-12\(e\)](#) any fee collected by the Lapel Police Department must be deposited in the local law enforcement continuing education fund as established by I.C. [5-2-8-2](#).

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

Section 1: That the recitals stated herein are hereby incorporated by referenced.

Section 2: That a fee of \$5.00 is hereby established for any vehicle inspection performed pursuant to I.C. [9-17-12](#) by a Lapel Police Department police officer.

Section 3: That the Lapel Police Department is authorized to collect such fee.

Section 4: That all fees for vehicle inspections shall be deposited in the law enforcement continuing education fund as established by the Town pursuant to I.C. [5-2-8-2](#).

Section 5: That all prior ordinances that may exist that are in conflict with this Ordinance are hereby repealed in their entirety.

Section 6: That this Ordinance shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as may be required by law.

CH30 30 .7 - Regulation of Golf Carts and Alternative Transportation in the Town of Lapel

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, AMENDING PRIOR ORDINANCES REGARDING THE REGULATION OF GOLF CARTS AND ALTERNATIVE TRANSPORTATION IN THE TOWN OF LAPEL AND ESTABLISHING NEW REGULATIONS FOR THE OPERATION OF GOLF CARTS AND MOTORIZED CARTS

WHEREAS, the Town of Lapel ("Town" or "Lapel") have passed prior ordinances regulating the use of golf carts and alternative transportation in the Town of Lapel; and,

WHEREAS, the Town now desires to repeal in part and amend in part those prior ordinances; and,

WHEREAS, I.C. [9-21-1](#) provides regulations for the use of golf carts; and,

WHEREAS, I.C. [9-21-1-3](#)(a)(14) allows a local authority to regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways under the local authority's jurisdiction; and,

WHEREAS, I.C. [9-21-1-3.3](#) specifically authorizes a town, if it chooses, to adopt an ordinance providing traffic regulations concerning the use of golf carts on a highway under the town's jurisdiction as long as certain statutory requirements as contained in I.C. [9-21-1-3.3](#) are met.

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

1. **PRIOR ORDINANCES REPEALED:** Ordinance no 4, 2003, Ordinance No 5, 2009, Ordinance No 5, 2011, Ordinance No 5, 2016 are hereby repealed in their entirety and replaced as follows.

2. **DEFINITIONS:** For purposes of this Ordinance, the following terms apply:

- a. "Golf Cart" as defined in I.C. [9-13-2-69.7](#), as may be amended from time to time, means "a four (4) wheeled motor vehicle originally and specifically designed and intended to transport one (1) or more individuals and golf clubs for the purpose of playing the game of golf on a golf course."
- b. "Motorized Cart" as defined in I.C. [14-19-1-0.5](#), as may be amended from time to time, means, "a conveyance that is (1) motor driven, either by gas or electricity; (2) used to carry passengers or equipment; and (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a : (A) passenger motor vehicle (as defined in I.C [9-13-2-123](#)); (B) recreational vehicle (as defined in I.C. [9-13-2-150](#)) or (C) truck as defined in I.C. [9-13-2-188](#)). A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle. The term does not include: (1) an electric personal assistive mobility device (as defined in I.C. [9-13-2-49.3](#)); (2) a motorcycle (as defined in I.C. [9-13-2-108](#)); (3) a motor drive cycle (as defined in I.C. [9-13-2-104.1](#)); (4) an off-road vehicle; or (5) an electric foot scooter (as defined in I.C. [9-13-2-49.4](#))."

3. **REGISTRATIONS AND INSPECTION:**

- a. Any owner of a Golf Cart or Motorized Cart desiring to operate the same on Town streets must annually register the Golf Cart with the Lapel Police Department ("LPD" or "Police Department").
- b. The Lapel Police Department is charged with the responsibility of inspecting and registering Golf Carts and Motorized Carts to ensure the Golf Cart or Motorized Cart is in compliance with State law and the requirements set forth in this Ordinance. The Police Department shall also maintain records of the inspection and registration for Golf Carts and Motorized Carts.
- c. Inspections must be completed annually and will expire on June 30th of every calendar year.
- d. Inspections can be conducted by contacting the Lapel Police Department for an appointment.

- e. Upon registration and inspection of the Golf Cart or Motorized Carts, the owner of said Golf Cart or Motorized Cart shall receive an inspection sticker if the Golf Cart or Motorized Cart passes inspection. The inspection sticker shall be placed and displayed at all times on the outside of the windshield on the lower passenger side of the Golf Cart or Motorized Cart.
 - f. Inspection stickers shall not be transferred to another person.
 - g. The cost of the registration and inspection fee is \$50.00 per Golf Cart or Motorized Cart.
 - h. All fees from the registration and inspections of Golf Cart and Motorized Carts shall be deposited in the Law Enforcement Continuing Education fund.
4. **INSURANCE:** The owner of any registered Golf Cart or Motorized Cart on any Town roadway or highway shall maintain recreational vehicle insurance with a minimum amount of twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual, fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident, and twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.
5. **LICENSE REQUIREMENT:** Pursuant to I.C. [9-24-1-7\(b\)](#), an operator of a Golf Cart or Motorized Cart that is characterized as a Golf Cart pursuant to I.C. [14-19-1-0.5](#) must have a valid driver's license.
6. **DESIGNATED ROADS:**
- a. Golf Carts and Motorized Carts are prohibited from operating on any State highway, including but not limited to, Pendleton Avenue and State Road 13.
 - b. The Lapel Town Council may prohibit the use of Golf Carts and Motorized Carts on roads, street, highways that are under the jurisdiction of the Town of Lapel if the operation of Golf Carts and Motorized Carts poses a danger. This Ordinance shall be amended from time to time to include those roads deemed unsuitable for their use.
7. **PASSENGERS:** The number of persons permitted is three (3) per row of seats.
8. **RULES AND REGULATIONS:** The operator of a Golf Cart and Motorized Carts shall adhere to and follow all traffic rules and regulations as set forth in the Indiana Code, and, in addition thereto, the following:
- a. The operator of the Golf Cart or Motorized Cart shall drive the Golf Cart or Motorized Cart as close to the curb/edge of the street/road when possible and must yield to other vehicles on the road;
 - b. Golf Carts and Motorized Carts shall not be operated on sidewalks, walking paths, or in any Town park;
 - c. Golf Carts and Motorized Carts must be equipped with all of the following:
 - i. Headlights and taillights
 - ii. Turn signals
 - iii. Brake lights
 - iv. Windshield that extends above the height of the operator
 - v. Rearview mirrors
 - vi. adequate brakes
 - d. No children under three (3) years of age shall be permitted to ride in or on a Golf Cart or Motorized Cart;
 - e. The maximum speed by which Golf Carts and Motorized Carts may operate is the lesser of thirty (30) miles per hour or the posted speed limit;

9. **HOURS OF OPERATION:** The hours of operation allowed for Golf Carts and Motorized Carts are from 6:00am to 11:00pm. Golf Carts and Motorized Carts must have lighted headlights and taillights one (1) hour after sunrise and one (1) hour prior to sunset.

10. **EXCLUSIONS:**

- a. This Ordinance shall not apply to any Golf Carts or Motorized Carts owned by the Town and used by the Town for official Town business.
- b. This Ordinance shall not apply to Golf Carts or Motorized Carts being operated in a parade or other function sanctioned and authorized by the Town.
- c. This Ordinance does not rescind, repeal, or otherwise amend Ordinance 4, 2011 regarding the procedures for the use of golf carts during the Lapel Village Fair. Ordinance 4, 2011 remains in full force and effect.

11. **VIOLATIONS/PENALTIES:**

- a. Any person who violates this Ordinance shall be fined up to and in an amount not to exceed \$250.00.
- b. Monies collected for a violation of this Ordinance shall be deposited into the Town's general fund pursuant to Indiana Code I.C. [9-21-1-3.3](#).

12. **CONFLICT WITH STATE LAW:** No provision of this Ordinance is intended to conflict with or supersede state law.

13. **SEVERABILITY/VALIDITY:** If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining provisions shall be considered valid.

14. **EFFECTIVE DATE:** This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council and the posting of signs and publication as required by law.

CH30 30 .8 - Establishing new Regulations for the Operation of Off Road Vehicles

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, AMENDING PRIOR ORDINANCE REGARDING THE REGULATION OF GOLF CARTS AND ALTERNATIVE TRANSPORTATION IN THE TOWN OF LAPEL AND ESTABLISHING NEW REGULATIONS FOR THE OPERATION OF OFF ROAD VEHICLES AS DEFINED BY I.C. [14-8-2-185](#)

WHEREAS, the Town of Lapel ("Town" or "Lapel") have passed prior ordinances regulating the use of golf carts and alternative transportation in the Town of Lapel; and,

WHEREAS, while those prior ordinances did not specifically address the use of Off Road Vehicles as defined by I.C. [14-8-2-185](#), the Town now desires to repeal in part and amend in part those prior ordinances that could have been construed to apply to Off Road Vehicles and pass a new ordinance that applies only to Off Road Vehicles; and,

WHEREAS, I.C. [9-21-1-3\(a\)\(14\)](#) allows a local authority to regulate or prohibit the operation of low speed vehicles, golf carts, or off-road vehicles on highways under the local authority's jurisdiction; and,

WHEREAS, I.C. [14-16-1-22](#) permits counties, cities, and towns to pass ordinances regulating the operation of off-road vehicles provided that such ordinances meet substantially the minimum requirements of I.C. [14-16-1](#).

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

1. **RECITALS:** The recitals stated herein are hereby incorporated by reference.
2. **PRIOR ORDINANCES REPEALED:** Ordinance No 4, 2003, Ordinance No 5, 2009, Ordinance No 5, 2011, Ordinance No 5, 2016 are hereby repealed in their entirety and replaced as follows.
3. **DEFINITIONS:** All definitions contained herein shall have the same meaning as set forth in I.C. [14-16-1](#) except as indicated herein.
 - a. "Alcoholic Beverage": The term "alcoholic beverage" as defined in I.C. [14-16-1-1.5](#) "has the meaning set forth in I.C.
 - b. "Operate": The term "operate" as defined in I.C. [\[\[14-16-1-4" target="ic">7.1-1-3-5."](#)
 - c. "Operate": The term "operate" as defined in I.C. [\[\[14-16-1-4](#) means "to (1) ride in or on; and (2) be in actual physical control of the operation of; a vehicle."
 - d. "Operator": The term "operator" as defined in I.C. [14-16-1-5](#) means "an individual who: (1) operates; or (2) in in actual physical control of; an off-road vehicle or a snowmobile."
 - e. "Owner": The term "owner" as defined in I.C. [14-16-1-6](#) means "a person, othat than a lienholder, who: (1) has the property in or title to: and (2) is entitled to the use or possession of: an off-road vehicle or a snowmobile."
 - f. "Vehicle": The term "vehicle" as defined in I.C. [14-16-1-7](#) means "an off-road vehicle or snowmobile."
 - i. Off Road Vehicle is more precisely defined in IC [14-8-2-185](#);
 - ii. For purposes of this Ordinance, the term "Vehicle" shall include Vehicles with four or more tires that has side-by-side seating. The term Vehicle does not include snowmobiles, quads, and three wheelers. Snowmobiles, quads, and three wheelers are specifically excluded from the provisions of this Ordinance and are prohibited from operation in the Town.

4. REGISTRATION

- a. All Vehicles must be registered pursuant to I.C. [9-18.1-14-1](#)
- b. In addition, any owner of a Vehicle desiring to operate the same on Town streets must annually register the Off-Road Vehicle with the Lapel Police Department ("LPD" or "Police Department").
- c. The Lapel Police Department is charged with the responsibility of inspecting and registering the Vehicle to ensure the Vehicle is in compliance with State law and the requirements set forth in this Ordinance. The Police Department shall also maintain records of the inspection and registration for the Vehicle.
- d. Inspections must be completed annually and will expire on June 30th of every calendar year.
- e. Inspections can be conducted by contacting the Lapel Police Department for an appointment.
- f. Upon registration and inspection of the Vehicle, the owner of said Vehicle shall receive an inspection sticker if the Vehicle passes inspection. The inspection sticker shall be placed and

displayed at all times on the outside of the windshield on the lower passenger side of the Vehicle

g. Inspection stickers shall not be transferred to another person.

h. The cost of the registration and inspection fee is \$50.00 per Vehicle.

i. All fees from the registration and inspections of Vehicle shall be deposited in the Law Enforcement Continuing Education fund.

5. **INSURANCE:** The owner of any registered Vehicle who operates the Vehicle on any Town roadway or highway shall maintain recreational vehicle insurance with a minimum amount of twenty-five thousand dollars (\$25,000) for bodily injury to or the death of one (1) individual, fifty thousand dollars (\$50,000) for bodily injury to or the death of two (2) or more individuals in any one (1) accident, and twenty-five thousand dollars (\$25,000) for damage to or the destruction of property in one (1) accident.

6. **AGE REQUIREMENT:** No children under three (3) years of age shall be permitted to ride in a Vehicle.

7. **LICENSE REQUIREMENT:** The operation of a Vehicle on a public highway in Indiana without a valid motor vehicle driver's license is prohibited by I.C. [14-16-1-20](#)(c).

8. **LIGHTS:** Pursuant to I.C. [14-16-1-21](#)(a) A Vehicle may not be operated between sunset and sunrise unless the Vehicle has at least one (1) headlight and one (1) taillight.

9. **BRAKES:** Pursuant to I.C. [14-16-1-21](#)(b), a Vehicle may not be operated at any time unless the vehicle has adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour

10. **HELMETS:**

a. Pursuant to I.C. [14-16-1-33](#), a person who is: (1) the owner of an off-road vehicle; (2) in possession of an off-road vehicle; or (3) entitled to the possession of an off-road vehicle, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise; may not knowingly authorize or permit an individual less than eighteen (18) years of age to operate the off-road vehicle in violation of I.C. [9-18.1-14-11](#).

b. Pursuant to I.C. [9-18.1-14-11](#), an individual less than eighteen (18) years of age who is operating or riding on an off-road vehicle shall wear a helmet that meets the standards established by the United States Department of Transportation under 49 CFT 571.218 as in effect January 1, 1979. (b) An individual who violates this section commits a Class C infraction.

11. **DESIGNATED ROADS AND STATE HIGHWAYS:**

a. Vehicles may not be operated on state highways except as provided herein or pursuant to I.C. [14-16-1-20](#).

b. Vehicles may be operated on roadways within the Town.

c. The Lapel Town Council may prohibit the use of Vehicles on roads, street, highways that are under the jurisdiction of the Town of Lapel if the operation of Vehicles poses a danger. This Ordinance shall be amended from time to time to include those roads deemed unsuitable for their use.

12. **PASSENGERS:** The maximum number of persons in a Vehicle will be limited by the requirements set by the manufacturer. Each occupant must be in a seat and must wear a seatbelt.

13. **SIDEWALKS, PARKS AND WALKING PATHS:** Vehicles shall not be operated on sidewalks, walking paths, or in any Town park.

14. **RESTRICTIONS AND EXCEPTIONS:**

a. Pursuant to I.C. [14-16-1-23\(a\)](#), an individual shall not operate a vehicle under any of the following conditions:

- i. At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.
 - i. For purposes of this Ordinance, the Town hereby limits the speed at which a Vehicle may be operated at thirty (30) miles an hour or the posted speed limit, whichever is less.
- ii. While:
 - i. under the influence of an alcoholic beverage; or
 - ii. unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant durg.
- iii. During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.
- iv. In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.
- v. On the frozen surface of public waters within:
 - i. one hundred (100) feet of an individual not in or upon a vehicle; or
 - ii. one hundred (100) feet of a fishing shanty or shelter; except at a speed of not more than five (5) miles per hour.
- vi. Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- vii. Within one hundred (100) feet of a dwelling between midnight and 6:00am, except on the individuals own property or property under the individuals control or as an invited guest.
- viii. On any property without the consent of the landowner or tenant.
- ix. While transporting on or in the vehicle a firearm, unless the firearm is:
 - i. unloaded; and
 - ii. securely encased or equipped with and made inoperative by a manufactured key locked trigger housing mechanism.
- x. On or across a cemetery or burial ground.
- xi. Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.
- xii. On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.
- xiii. In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.
- xiv. An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

b. The exceptions, as contained in I.C. [14-16-1-23\(b\)](#), apply herein.

15. HOURS OF OPERATION: The hours of operation allowed for Vehicles are from 6:00am to 11:00pm.

16. EXCLUSIONS:

- a. This Ordinance shall not apply to any Vehicles owned by the Town and used by the Town for official Town business.
- b. This Ordinance shall not apply to Vehicles being operated in a parade or other function sanctioned and authorized by the Town.
- c. This Ordinance does not rescind, repeal, or otherwise amend Ordinance 4, 2011 regarding the procedures for the use of golf carts during the Lapel Village Fair. Ordinance 4, 2011 remains in full force and effect.

17. VIOLATIONS/PENALTIES:

- a. Any person who violates this Ordinance shall be fined up to an in an amount not to exceed \$250.00
- b. Monites collected for a violation of this Ordinance shall be deposited into the Town's general fund pursuant to Indiana Code I.C. [9-21-1-3.3](#).

18. CONFLICT WITH STATE LAW: No provision of this Ordinance is intended to conflict with or supersede state law.

19. SEVERABILITY/VALIDITY: If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining provisions shall be considered valid.

20. EFFECTIVE DATE: This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council, the posting of signs giving notice, and publication as required by law.

CH30 30 .9 - Establishing the ARP Coronavirus Local Fiscal Recovery Grant Fund

AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY, INDIANA, TO ESTABLISH THE ARP CORONAVIRUS LOCAL FISCAL RECOVERY GRANT FUND.

SUMMARY

This Ordinance calls for the Common Council of the Town of Lapel, Madison County, Indiana, to establish the ARP Coronavirus Local Fiscal Recovery Grant Fund (Fund #176) pursuant to I.C. [5-11](#). The sources of funding for the newly established fund will include monies allocated to the Town from the American Rescue Plan Act of 2021 (ARPA). The monies within this fund shall be used for eligible purposes of the ARPA.

Funds receipted into this Fund will require an additional appropriation approved by the Town Council. The fiscal officer will review the requested use of monies along with the City Attorney and financial advisory for compliance with ARPA requirements. The fiscal officer will also maintain detailed accounting records of the fund to provide future audits of the ARP fund.

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

Section I:

The Town Council of Lapel, Madison County, Indiana, ("Town" or "Lapel") recognizes that a need now exists for the establishment of the ARP Coronavirus Local Fiscal Recovery Grant Fund (Fund #176) pursuant to I.C. [5-11](#).

Section II:

The sources of funding for the newly established fund will include monies allocated to the Town from the American Rescue Plan Act of 2021 (ARPA). The monies within this fund shall be used for eligible purposes of the ARPA.

The Town anticipates using the monies for the following uses as described in Section 603(c) of ARPA:

1. Section 603(c)(1)(C) - "for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government or country prior to the emergency,"
2. Section 603(c)(1)(D) - "to make necessary investments in water, sewer, or broadband infrastructure."

The Town will develop a plan that details the uses of the monies received and that complies with Section 603 of ARPA.

Section III:

Funds received in this Fund will require an additional appropriation (Common Council approval) and the fiscal officer will review the requested use of monies along with the City Attorney and financial advisor for compliance with the ARPA requirements. The fiscal officer will also maintain detailed accounting records of the fund to provide for future audits of the ARP fund.

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect from and after its passage by the Lapel Town Council.

CH30 30 .10 - Establishing Days and Hours of Use of Fireworks

AN ORDINANCE OF THE TOWN OF LAPEL, INDIANA ESTABLISHING DAYS AND HOURS OF USE OF FIREWORKS WITHIN THE TOWN OF LAPEL.

WHEREAS, Indiana Code I.C. [22-11-14](#) pertains to the regulation of fireworks; and,

WHEREAS, I.C. [22-11-14-10.5](#) allows a county or municipality to regulate the "use" of consumer fireworks in the unincorporated areas of a county or within the corporate limits of a municipality through the adoption of an ordinance; and,

WHEREAS, the term "use" is defined in I.C. [22-11-14-10.5\(a\)](#) to mean when consumer fireworks may be used, ignited or discharged; and,

WHEREAS, I.C. [22-11-14-10.5\(c\)](#) allows a country or municipality to limit the use of consumer fireworks by an ordinance, which said ordinance may not be more lenient than a rule adopted by a state agency concerning the use of fireworks and the county or municipality is prohibited from limiting the use of consumer fireworks during specified time periods as set forth in I.C. [22-11-14-10.5\(c\)\(3\)](#); and,

WHEREAS, the term "consumer fireworks" is defined in I.C. [22-11-14-1](#); and,

WHEREAS, the Town of Lapel ("Town" or "Lapel") desires to establish operating hours for the use of consumer fireworks within the Town.

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

Section 1: Recitals: The recitals stated herein are hereby incorporated by reference.

Section 2: Operating Hours: The use of consumer fireworks, as defined in I.C. [22-11-14-1](#), in the Town of Lapel is hereby allowed only during the following dates and times as set forth below:

- a. Between the hours of 5:00pm and two (2) hours after sunset on June 29th, June 30th, July 1st, July 2nd, July 3rd, July 5th, July 6th, July 7th, July 8th and July 9th;
- b. Between the hours of 10:00am and 12:00 midnight on July 4th; and
- c. Between the hours of 10:00am on December 31st and 1:00am on January 1st.

Section 3: Locations: Pursuant to I.C. [22-11-14-6\(b\)](#), "A person who ignites, discharges, or uses consumer fireworks at a site other than: (1) a special discharge location; (2) the property of the person; or (3) the property of another who has given permission to use the consumer fireworks; commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgement that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor." I.C. [22-11-14-6\(b\)](#).

The public right of way or street is not considered a special discharge location and thus the igniting, discharging, or use of consumer fireworks in the public right of way or street is strictly prohibited.

Section 4: Penalties for Violations: Any person who violates this Ordinance will be fined not more than \$500.00 for each day a violation occurs or continues.

Section 5: Conflict with State Law: No provision of this Ordinance is intended to conflict with or supersede state law.

Section 6: Severability/Validity: If any provision of this Ordinance shall be held to be invalid or unenforceable, that determination shall not affect the remaining provisions of this Ordinance and such remaining provisions shall be considered valid.

Section 7: Effective Date: This Ordinance shall become effective upon the adoption and signature of the Town Council of the Town of Lapel and publication as required by law.

CH30 30 .11 - Creating a Non-Reverting Fund for the CDBG

AN ORDINANCE OF THE TOWN OF LAPEL CREATING A NON-REVERTING FUND FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AWARD

WHEREAS, the Town of Lapel ("Lapel" or "Town") was awarded a Community Development Block Grant ("CDBG Award") in December 2020 for the Wastewater/Drinking Water Program; and,

WHEREAS, the project that the CDBG Award will fund and enable the Town to complete includes installing 10,550 linear feet of water main, complete well improvements, and water treatment and storage improvements ("Project"); and,

WHEREAS, the Project must be completed by July 18, 2022; and,

WHEREAS, the Town desires to create a non-reverting fund for the CDBG Award; and,

WHEREAS, the CDBG Award will be given the fund number of 412 until and unless otherwise directed by the State Board of Accounts; and,

WHEREAS, the said CDBG Award shall remain in the non-reverting fund at the end of each fiscal year.

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

1. That the recitals stated herein are hereby incorporated by reference.
2. That a non-reverting fund is hereby created for the CDBG Award.
3. That this Ordinance shall be effective immediately upon passage by the Lapel Town Council.