

CLAY CITY MUNICIPAL CODE

A COMPILATION OF THE PROVISIONS OF
ORDINANCES ENACTED BY THE BOARD
OF TRUSTEES OF THE CIVIL TOWN OF
CLAY CITY, INDIANA, THROUGH
APRIL 7, 2020

Art. 1, Ch. 1

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CODE

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ARTICLE 1

IMPLEMENTARY AND GENERAL PROVISIONS

- Chapter 1: Citations, Definitions, and Construction of Terms and References
- Chapter 2: Implementation of Code
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- Chapter 4: General Code Enforcement Procedures

CHAPTER I

**CITATIONS, DEFINITIONS AND CONSTRUCTION
OF TERMS AND REFERENCES**

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CCMC 1-1-1 SHORT TITLE AND CITATIONS

Sec. 1: This ordinance is and may be cited as the “Clay City Municipal Code.” Individual articles, chapters, and sections may be more specifically cited by their respective article, chapter, and section numbers, in that order. For example, this section may be cited as CCMC 1-1-1, indicating “Article 1, Chapter 1, Section 1” of said Code. Unless otherwise indicated, any such citation shall be deemed to include all amendments, supplements, or supplementary ordinances as hereafter enacted and in effect at the time of the citation as they may affect the portion of the Code so cited.

CCMC 1-1-2 GENERAL MEANING AND DEFINITION OF WORDS AND TERMS

Sec. 2: In general, and except as otherwise stipulated or made clear from the context, all words and phrases used in this Code are intended to have their generally accepted and understood meanings; except that certain terms have gained a specialized or technical legal meaning, and when used in a technical legal context, shall be construed to have their generally accepted and understood legal meaning to the extent that any such legal meaning differs from the common meaning.

CCMC 1-1-3 CERTAIN COMMONLY USED TERMS SPECIFICALLY DEFINED

Sec 3: The following words and terms are commonly used in this Code, and unless they are specifically defined differently within the particular article, chapter, or section where they are encountered, or unless the context clearly indicates a different meaning, they may be taken to have the following meanings:

- a) “Town” (or “municipality”), when used in a governmental or corporate sense, refers to the Civil Town of Clay City, Indiana, and includes by representation its Board of Trustees or other officers and agencies which are empowered by law to exercise governmental or corporate authority for the municipal corporation with respect to any particular matter.

When used in a territorial or geographic sense, the term refers to that area

which is subject by law to the governmental or corporate jurisdiction of the municipal corporation with regard to the matter in question.

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- b) “Municipal corporation”, except where clearly referring to another entity or used in a general or generic sense, means the Town.
- c) “State” when used in either a governmental or geographic sense refers to the State of Indiana.
- d) “County” when used in either a governmental or geographic sense refers to Clay County, Indiana.
- e) “Town Board” refers to the Board of Trustees of the Town.
- f) “Person” refers to any natural person, corporation, firm, partnership, company, institution, business, trust, organization, cooperative, association, club or similar organization.
- g) “Law” means any provision of the United States or Indiana Constitutions, federal or state statute, any applicable and enforceable federal or state regulations or administrative law, any applicable local ordinance or enforceable regulation, and the common law.
- h) “Enforcement officer” means any officer, body, or other authority of the municipal corporation which is authorized hereunder or by general law to enforce the provisions of this Code.

CCMC 1-1-4

SYNTACTIC RULES FOR INTERPRETING CERTAIN TERMS

Sec. 4: Other construction or interpretation of terms or usages of words shall be governed by the following rules, except where clearly inapplicable by virtue of the context:

- a) Gender: All words having a masculine, feminine, or neuter connotation shall be construed to mutually entail and include each other.
- b) Singular/Plural: The use of a singular form shall be construed to include the plural form, and vice versa.

- c) Tense: The use of past, present or future tenses mutually entail and include each other.
- d) Official Titles: Where official titles are used, they refer and apply to any office or official body in the generic sense, and not merely to a particular

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person or persons occupying an office or constituting an official body at any particular point in time.

- e) Mandatory/Permissive Terms: “Shall” or “must” are generally mandatory and not merely authoritative, except where the context otherwise clearly indicates or implies that a person or body is intended to be afforded discretion in the exercise of a power, performance of a duty, etc. “May” is permissive and discretionary. However, the negation of all of the above terms is prohibitory.

CCMC 1-1-5

REFERENCES TO EXTERNAL LEGAL SOURCES

Sec 5: In many cases, provisions of this Code will refer to external legal sources for purposes of establishing authority or defining procedures on which the respective provision depends, etc. In general, these external legal citations are of common and generally understood form, and have their usual meaning for purposes of reference. These citations may include references to the Indiana Code (IC), the Indiana Acts (Act 19), the Indiana Administrative Code (IAC), the Indiana Register (IR), the United States Code (U.S.C.), the Code of Federal Regulations (CFR), etc. The references include implicitly any amendments or supplements to the external source so cited. In addition, any error or obsolescence in any such citation does not affect the code provision in which it is included to the extent that the intended or current external provision can otherwise be determined from the context, or to the extent that the code provision may logically and properly be applied and continue to operate independently of the erroneously cited or obsolete external provision.

CCMC 1-1-6

INCORPORATION OF MATERIAL BY REFERENCE

Sec 6: In some cases, separate documents or other materials which do not otherwise of

themselves and in their own right have the standing and force of law may be described or designated by title, adopted, and “incorporated by reference” into this Code. This incorporation bestows on the provisions of such documents or other materials the same force of law and extent of applicability within the jurisdiction of the municipal corporation as though their text had been fully set forth herein. Whenever material is incorporated by reference, two or more copies of such material will be on file in the office of the Clerk-Treasurer and available for public examination during the regular business hours of such office as required by IC 36-1-5-4. Citations to external legal sources, which already have force of Art. 1, Ch. 1

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law and are promulgated public documents in their own right, as described and for purposes provided under Section 5 above does not constitute incorporation by reference and the above requirement does not apply in such instances.

CCMC 1-1-7

MEANING AND STATUS OF DERIVATIONAL REFERENCES

Sec 7: Most chapters, or in some cases individual sections, in this Code are followed by a derivational reference in brackets ([]). These derivational references indicate that the respective chapter (or section) is composed of one or more provisions of a prior ordinance or resolution which had already been adopted and put into effect at the time this Code takes effect. These prior provisions may have been included in the Code and re-enacted either in verbatim form or in a substantively restated form (i.e., in a form which may be verbally rephrased or syntactically amended for purposes of clarity and simplicity, but which does not involve any change in the original provision in terms of substantive meaning, applicability, scope, etc.), in accordance with IC 36-1-5-6. Except where a more liberal construction is permitted under the provisions of Chapter 3, Section 1 hereafter, it is the legislative intent to preserve the original meaning and effect of such re-enacted or restated provisions, and for purposes of interpretation or resolution of any dispute over the meaning and/or applicability of any such re-enacted or restated provision, it shall be valid to refer to and rely upon the text and context of the original ordinance or resolution from which the respective code provision derives irrespective of any general repeal under Chapter 2, Section 2, or Section 3 of this article. However, derivational references are purely for general declaratory and reference purposes, and are not themselves substantive provisions of this Code, and any error or omission in a derivational reference in no way may be construed to invalidate any code provision to which such reference may pertain.

CCMC 1-1-8

CITATIONS TO PRIOR ORDINANCES OR RESOLUTIONS

Sec. 8: In the event that, either before or after the adoption of this Code, there is included in any official document or that any person otherwise has caused to cite or make reference to a prior ordinance or resolution of the municipal corporation or a provision thereof, which prior ordinance, resolution, or provisions so cited or referred to has been repealed under Chapter 2, Section 2 or 3 of this articular but has also been included in and re-enacted or restated as part of this Code, the citation or reference shall continue to be valid and shall be construed as a citation or reference to the respective re-enacted or restated provision as it appears in this Code.

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CCMC 1-1-9 STATUS OF TITLES AND HEADINGS

Sec. 9: The title and heading provided for any article, chapter, section or subsection of this Code are intended for guidance and reference purposes only, and are not substantive parts of the Code or individual provision to which they apply. A title or heading shall not be construed to limit, govern, or condition the scope or meaning of the substantive text included within the article, chapter, section or subsection to which the title or heading applies.

CCMC 1-1-10 STATUS AND PURPOSE OF COMPILER'S NOTES

Sec. 10: In some cases, a "Compiler's note" as so designated may be included in brackets at the end of a section, chapter or article in this Code. These inclusions are purely editorial annotations which are inserted by the compiler of the Code in instances where, in the compiler's opinion, some further explanation or commentary, additional external references, internal cross-references, etc., might be of particular help and value for purposes of clarification or otherwise assisting persons using the Code. These annotations are not substantive provisions of the Code, and do not per se have any effect on the meaning, scope, applicability, validity, or interpretation of the provision or portion of the Code to which they pertain.

CCMC 1-1-11 STATUS AND PURPOSE OF DISPOSITION TABLE

Sec. 11: At the end of this Code there is included a "disposition table." The purpose of

this table is purely to serve as an aid to users of the Code who may wish to locate within the Code the provisions of various prior ordinances or resolutions as they existed separately before the Code was compiled and adopted. The disposition table is not a substantive part of the Code, and any error or omission therein in no way affects the validity of any provision included in this Code.

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CHAPTER 2

IMPLEMENTATION OF CODE

- Section 1: Effective Date of Code
- Section 2: General Repeal of Prior Ordinances
- Section 3: General Repeal of Prior Resolutions Included and Re-Enacted in the Code
- Section 4: Savings; Certain Ordinances or Resolutions Saved from General Repeal
- Section 5: Savings; Continuation of Lawfully Pre-Established Offices, Other Official Entities, and Funds
- Section 6: Publication of Code

CCMC 1-2-1 EFFECTIVE DATE OF CODE

Sec. 1: This Code shall take effect on the 21st day of December, 1987.

CCMC 1-2-2 GENERAL REPEAL OF PRIOR ORDINANCES

Sec. 2: Except to the extent provided under Section 4 of this chapter, all prior ordinances of the municipal corporation are intended to be superseded and replaced by this Code, and are hereby repealed in their entirety as of the taking effect of this Code as provided under Section 1 above.

CCMC 1-2-3 GENERAL REPEAL OF PRIOR RESOLUTIONS INCLUDED AND RE-ENACTED IN THE CODE

Sec. 3: Except to the extent provided under Section 4 of this chapter, any prior resolutions or portions thereof which have been included in and re-enacted as part of this Code (as indicated in the derivation references and disposition table) are hereby repealed upon the taking effect of this Code as provided under Section 1 above. This section does not apply to nor affect any prior resolutions or portions thereof not so included and re-enacted to the extent that they may otherwise still be in effect and operative at the time the Code takes effect.

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CCMC 1-2-4 SAVINGS; CERTAIN ORDINANCES OR RESOLUTIONS
SAVED FROM GENERAL REPEAL

Sec. 4: Any portions or ordinances or resolutions in effect at the time this Code becomes effective, even if not expressly included and re-enacted herein, are not repealed under Section 2 or 3 of this chapter if and to the extent that they:

- a.) appropriate money or levy taxes for the current and ensuing fiscal year;
- b.) fix salaries and wages for the current or ensuing fiscal year of officers and employees of the municipal corporation or of any other entity for which the municipal corporation has the power to fix salaries and wages;
- c.) establish a cumulative fund and maximum tax rate;
- d.) authorize the issuance of and/or govern the repayment of unretired bonds of the municipal corporation or any subsidiary agency;
- e.) create a subsidiary or separate municipal corporation; or
- f.) are incorporated by reference into this Code.

All such provisions as above described shall remain in full effect until their natural expiration or until expressly repealed or amended by another ordinance.

CCMC 1-2-5 SAVINGS; CONTINUATION OF LAWFULLY PRE-
ESTABLISHED OFFICES, OTHER OFFICIAL ENTITIES, AND
FUNDS

Sec. 5: Certain public offices, other official entities of or subsidiary to the municipal corporation, or segregated accounting of such corporation or subsidiaries may have been established prior to the adoption of this code pursuant to statute or by other lawful means and actions of the appropriate authorities of the municipal corporation. However, the creation of all such offices, entities, or funds may not be expressly reflected in this Code by reason of not being set forth in the original ordinances and resolutions of which the Code is composed. In such case, there is not intent in the adoption of this Code to abolish any such offices, other

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entities, or funds which have otherwise been lawfully established and are in existence when the Code is adopted, and the same shall continue unless hereafter abolished by another ordinance.

CCMC 1-2-6 PUBLICATION OF CODE

Sec. 6: This Code is declared to be a public document, and the Clerk-Treasurer shall provide for the making of printed copies thereof in booklet form, and for the publication of such copies by the Town or by a private publisher so that any person who desires to obtain a copy for his own use and information may do so. The production of the printed Code in booklet form and publication thereof by making copies available for public acquisition and distribution as provided in this section is for the purpose of and shall be construed to fulfill all printing and publication requirements as provided by IC 36-1-5-5 and IC 36-5-1-10(b)(1). If the printed Code is published and made available by and through the Town, the Clerk-Treasurer shall establish and collect a charge for each copy, which charge shall be sufficient to recoup the costs to the Town incurred for the printing of the Code volume and administrative costs of publication. If the printed Code is published and made available by and through a private publisher, the private publisher may establish and charge a reasonable price for each copy of the Code ordered by a member of the public. In addition to such publication as provided above, at least one copy of the printed Code shall be filed and kept in the office of the Clerk-Treasurer, and the Clerk-Treasurer shall permit any person wishing to do so to examine the Code or make copies of any part thereof as provided by IC 5-14-3-3 and IC 5-14-3-8.

CHAPTER 3

GENERAL INTERPRETIVE PROVISIONS AND CODE ADMINISTRATION

- Section 1: Legislative Intent; Exercise of All Governmental
 And Corporate Powers
- Section 2: Legislative Intent; Concurrent Powers of Executive
 Officers and Agencies
- Section 3: Legislative Intent; Continuity

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- Section 4: Subordination of Code Provisions to Conflicting State or Federal Law
- Section 5: Resolution of Internal Conflicts
- Section 6: General Severability
- Section 7: Resolution of Purely Technical Errors
- Section 8: Amendments to Code; Procedure and Style of Amendatory Ordinances
- Section 9: Amendments to Code; Effectiveness of Amendments
- Section 10: Code Supplements; Publication of Supplements

CCMC 1-3-1 LEGISLATIVE INTENT; EXERCISE OF ALL GOVERNMENTAL AND CORPORATE POWERS

Sec 1: It is declared to be the legislative intent of the Board of Trustees in enacting this Code to invoke and exercise:

- a.) all powers expressly vested in them by the Constitution and laws of the state or the United States;
- b.) all general or residual powers conferred on them under the provisions of IC 36-1-3, IC 36-1-4, IC 36-7-2, IC 36-8-2, IC 36-9-2, IC 36-10-2, or by any other state or federal law; and
- c.) all implied powers ordinarily incumbent on a municipal corporation under common law, which are necessary or dispensable to the purposes for which the corporation is created.

CCMC 1-3-2 LEGISLATIVE INTENT; CONCURRENT POWERS OF EXECUTIVE OFFICERS AND AGENCIES

Sec 2: It is additionally the intent in the enactment of this Code that the several executive officers, departments, and similar agencies of the corporation be construed to have not only those powers and duties expressly conferred on them hereunder, or by law, but also such further powers and duties as are, under liberal construction, implicitly necessary or dispensable to them to carry out the provisions of this Code and the statutes governing their office.

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CCMC 1-3-3

LEGISLATIVE INTENT; CONTINUITY

Sec. 3: The enactment of this Code is not intended to reverse, annul, terminate, or render unlawful any official action performed, proceeding begun, contract or transaction made, or indebtedness or other obligation incurred either by or to the town, nor to affect any other official action either completed or in progress under authority of any prior ordinance or law in effect at the time this Code is adopted. This section applies notwithstanding any technical repeal under Chapter 2, Sections 2 and 3, of this Article.

CCMC 1-3-4

SUBORDINATION OF CODE PROVISIONS TO CONFLICTING STATE OR FEDERAL LAW

Sec. 4: In the event that any provision of this Code or a supplementary ordinance should now be or hereafter become in conflict with provisions of state or federal constitutions, statutes, or applicable administrative laws and regulations, the applicable state or federal provision shall take precedence and be applied. However, this rule applies only to the extent absolutely necessary to avoid or resolve the conflict, and such conflict may not be construed to annul or render inapplicable any provision of this Code to any greater degree. This section also may not be construed to prevent the municipal corporation from adopting and applying ordinances and regulations which are supplementary to or impose further or stricter standards and requirements than those existing under state or federal laws unless such laws expressly prohibit it from doing so.

CCMC 1-3-5

RESOLUTION OF INTERNAL CONFLICTS

Sec. 5: In the event that two provisions of this Code, or of any supplementary ordinance or resolution, are conflicting, mutually contradictory, or cannot consistently stand together and be coherently applied, either in general or with respect to any particular matter, then the most recently enacted provision shall prevail and be applied. In the case of any two such conflicting provisions which are re-enacted or restated provisions of any prior ordinances or resolutions, the most recently enacted provision is that provision which was formerly part of the most recently adopted prior ordinance or resolution, notwithstanding the fact that such prior ordinance or resolution per se may have been repealed under Chapter 2, Sections 2 or 3, of this Article.

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CCMC 1-3-6

GENERAL SEVERABILITY

Sec. 6: All articles, chapters, sections, subsections, paragraphs, sentences, phrases or words contained in this Code are severable from each other, and if any such article, chapter, section, subsection, paragraph, phrase, or word is found to be unconstitutional, legally invalid, inoperative, or erroneous or faulty in any way, or is repealed or deleted, such status or action shall not be construed or invalidate or affect any other portion of this Code insofar as that other portion can be applied and sensibly operate in the absence of the unconstitutional, invalid, inoperative, erroneous, faulty, repealed, or deleted portion of the Code.

CCMC 1-3-7

RESOLUTION OF PURELY TECHNICAL ERRORS

Sec. 7: In the event that any typographical or other purely technical errors, such as transliterations, misspelled words, omitted words, grammatical errors, etc., are found in this Code or any supplementary ordinance, such errors shall be deemed to invalidate any provision in which they appear when the correct meaning and intent cannot be reasonably inferred from the context or determined in the manner described under Chapter 1, Section 7 of this Article.

CCMC 1-3-8

AMENDMENTS TO CODE; PROCEDURE AND STYLE OF AMENDATORY ORDINANCES

Sec. 8: The legislative body of the municipal corporation may, by adopting an appropriate ordinance, add new articles, chapters, sections, or subsections to this Code, or amend or repeal any such existing provision. An amendatory or supplementary ordinance shall be adopted and promulgated in the same manner as any other ordinance as provided by statute, including IC 36-5-2-10(b) if the ordinance imposes or amends an existing penalty or forfeiture for violation, and also including compliance with any other special procedures as provided by statute or a provision of this Code and applicable by virtue of the particular subject matter of the amendment or addition. An amendatory or supplementary ordinance should be specifically styled and written as amendment to the Code, in a manner similar to that by which the General Assembly of the state styles acts amendatory to the Indiana Code, and should be written in the same format as this Code with appropriate article, chapter, and section titles and numbers, etc., as applicable to the nature of the change or addition being made. However, an ordinance hereafter adopted is not invalid if it fails to comply with the foregoing style and format requirements so long as it is otherwise properly and lawfully enacted and promulgated. The Code may not be amended by resolution or any other action except an ordinance.

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CCMC 1-3-9 AMENDMENTS TO CODE; EFFECTIVENESS OF AMENDMENTS

Sec. 9: Amendments or additions to this Code adopted in accordance with Section 8 above shall be deemed effective concurrently with the taking effect of the ordinance making the amendment or addition.

CCMC 1-3-10 CODE SUPPLEMENTS; PUBLICATION OF SUPPLEMENTS

Sec. 10: The legislative body of the municipal corporation shall from time to time, as it deems necessary or desirable, provide for the compilation of supplement volumes to this Code incorporating therein and reflecting any additions or amendments to the Code made after its original adoption in accordance with Section 8 above. Supplement volumes shall be published and promulgated in the same manner as the original Code as provided under Chapter 2, Section 6 of this Article.

CHAPTER 4

GENERAL CODE ENFORCEMENT PROCEDURES

- Section 1: General Enforcement Policies and Procedures; Applicability
- Section 2: Enforcement Generally Discretionary; Limitation Of Liability of Enforcement Officers and Municipal Corporation
- Section 3: Failures and Delays in Enforcement Not a Waiver of Rights and Powers
- Section 4: Statute of Limitations Applicable to Code Enforcement
- Section 5: Responsibility for Enforcement; Power to Issue Citations or Initiate Other Enforcement Actions
- Section 6: Violations; General Enforcement Procedure; Individual Violators

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- Section 7: Violations; General Enforcement Procedure; Individual Violators Who are Minors or Incompetent Persons
- Section 8: Violations; General Enforcement Procedure; Corporation or Organizational Violators
- Section 9: Violators; General Enforcement Procedure; Indirect Service of Process
- Section 10: Penal Violations; General Designation of Violations
- Section 11: Penal Violations; Form of Citation and Summons
- Section 12: Penal Violations; Signature by Accused of Notice to Appear; Time of Appearance
- Section 13: Penal Violations; Security Deposit Requirement For Non-Indiana Residents or Indiana Residents Refusing to Sign Promise to Appear; Offenses
- Section 14: Penal Violations; Security Deposit Requirement For Non-Indiana Residents Charged with Moving Traffic Violations; Exceptions per Reciprocal Interstate Agreements
- Section 15: Penal Violations; Security Deposit Requirements; Failure to Make Security Deposit
- Section 16: Penal Violations; Disposition of Issued Citations; Copy Provided to Accused
- Section 17: Penal Violations; Disposition of Issued Citations; Administrative Procedure in Cases Other than Moving Traffic Violations
- Section 18: Penal Violations; Disposition of Issued Citations In Moving Traffic Violation Cases
- Section 19: Penal Violations; Disposition by Municipal Clerk Of Citations Delivered Under Section 17
- Section 20: Penal Violations; Satisfaction of Complaint Directly with Municipal Corporation Without Judicial Process in Cases Other than Moving Traffic Violations
- Section 21: Penal Violations; Satisfaction of Complaint with Court of Jurisdiction Prior to Trial
- Section 22: Penal Violations; Appearance at Trial; Fines and Costs; Discharge of Security
- Section 23: Penal Violations; Criteria for Determining Applicable Fine Requested by Municipal Corporation

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- Section 24: Penal Violations; Delivery of Collected Fines and Municipal Prosecutor's Fee to Municipal Corporation; Disposition of Fines and Fees
- Section 25: Penal Violations; Designation of Court of Jurisdiction
- Section 26: Penal Violations; Designation of Municipal Prosecutor
- Section 27: Penal Violations; Option to Give Formal Warning In Lieu of Official Citation; Effect of Warning
- Section 28: Nonpenal Enforcement Procedures; Use of Non-penal Procedures as Additional or Alternative Method of Enforcement in Penal Violations
- Section 29: Enforcement Not Bar to Further Proceedings
- Section 30: Power to Prescribe Additional Procedures Relating To Code Enforcement

CCMC 1-4-1

GENERAL ENFORCEMENT POLICIES AND PROCEDURES; APPLICABILITY

Sec. 1: Many of the subsequent provisions of this Code constitute mandatory or prohibitory local laws which are intended to govern human behavior, regulate the condition of property, further public health and safety, etc., and will from time to time require enforcement under the statutory and general common law police powers of the municipal corporation. The purpose of this chapter is therefore to define, prescribe or otherwise set forth general policies, procedures and guidelines governing the enforcement and administration of such enforceable provisions. The provisions of this chapter apply in all instances except to the extent that a different manner, method, procedure, or policy controlling enforcement has been expressly prescribed with respect to the particular matter by a subsequent provision of this Code, by statute, by applicable state or federal administrative regulations, or by the rules of the court of jurisdiction. Furthermore, the provisions of this chapter govern and apply only to enforcement of and violations against the provisions of this Code or other ordinances of the municipal corporation, and in no way affect nor apply to infractions or other offenses against state law, which latter when subject to enforcement by the authorities of the municipal corporation shall be so enforced, administered, and prosecuted solely in the manner prescribed by statute or by state authorities having jurisdiction.

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**CCMC 1-4-2 ENFORCEMENT GENERALLY DISCRETIONARY;
LIMITATION OF LIABILITY OF ENFORCEMENT OFFICERS
AND MUNICIPAL CORPORATION**

Sec. 2: The municipal corporation and its enforcement officers are afforded discretion as to whether or not, and in what manner, to enforce any provision of this Code, provided that in the exercise of such discretion they shall not unfairly discriminate against or otherwise cause prejudice to the interests of any person to the favor of another person. The municipal corporation and its enforcement officers shall have immunity from any liability arising out of the enforcement of, or the failure or delay in the enforcement of, any provision of this code to the full extent provided by IC 34-4-16.5. However, the discretion granted under this section does not relieve an enforcement officer from the obligation to enforce any provision of this code when specifically ordered to do so by a superior authority.

**CCMC 1-4-3 FAILURES AND DELAYS IN ENFORCEMENT NOT A
WAIVER OF RIGHTS AND POWERS**

Sec. 3: Except as provided under Section 4 hereafter, the failure to enforce or any delay in the enforcement of any provisions of this Code, either in any particular instance or in general over a period of time, and whether intentional or unintentional, does not annul such provision nor constitute any general or particular waiver of the rights and powers of the municipal corporation to subsequently undertake the enforcement of the provision.

**CCMC 1-4-4 STATUTE OF LIMITATIONS APPLICABLE TO CODE
ENFORCEMENT**

Sec. 4: As provided by IC 34-4-32-1(c)(2), no proceeding to enforce a provision of this Code or to impose a penalty for the violation of such provision shall be initiated by the municipal corporation if more than two years have elapsed since the alleged act of violation or condition of noncompliance which was not a discreet act or condition, but extended or existed over a period of time, the limitation under this Section applies and is measured from the most recent date of occurrence and not from the date that the act or condition first began.

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CCMC 1-4-5 RESPONSIBILITY FOR ENFORCEMENT; POWER TO ISSUE CITATIONS OR INITIATE OTHER ENFORCEMENT ACTIONS

Sec. 5: Unless such power and responsibility is expressly conferred by a provision of this Code or by statute on another officer, body or agency, the general police department or police authorities of the municipal corporation have the duty to enforce the provisions of this Code, and all powers necessary to investigate instances or complaints of violations, determine probable liability for violations based on the investigation and the preponderance of the evidence available, issue and serve citations and summonses or other notices, and take such other actions as may be necessary as provided or permitted under this Code or other laws to ensure that any violating acts or conditions are prevented or alleviated, violators punished, etc. In cases where responsibility for enforcement is conferred on some other officer, body, or agency, such officer, body, or agency shall for that purpose have the same enforcement powers as the general police authorities of the municipal corporation described above, but may also call upon the general police authorities to assist in any way necessary to carry out such enforcement responsibilities.

CCMC 1-4-6 VIOLATIONS; GENERAL ENFORCEMENT PROCEDURE; INDIVIDUAL VIOLATORS

Sec 6: When an enforcement officer has determined or has probable cause to believe that a particular person has violated or is responsible for a violation of this Code, the enforcement officer may stop the person and detain him for a sufficient period of time as necessary to:

- a.) inform the person of the alleged violation;
- b.) obtain the person's name, address, and date of birth (or driver's license if in his possession) for purposes of identification;
- c.) issue and serve, subject to the provisions of Section 7 if applicable, to the person such citations, summonses, notices, or other process as may be pertinent in relation to the provision allegedly violated;
- d.) if applicable under Section 12 hereinafter, allow the person to sign a

notice to appear in court to answer the charges; and

- e.) if applicable under Section 13 or 14, hereinafter, allow the person to make a security deposit.

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A refusal by the person to provide the information requested under subsection (b) constitutes the commission of a Class C misdemeanor under state law (IC 34-4-32-3), and if the enforcement officer is a police officer having general powers of arrest he may immediately arrest the person on such charge, or may otherwise further detain the person until such police officer can be summoned.

CCMC 1-4-7 VIOLATIONS; GENERAL ENFORCEMENT PROCEDURE;
INDIVIDUAL VIOLATORS WHO ARE MINORS OR
INCOMPETENT PERSONS

Sec. 7: Persons are not exempt from complying with the provisions of this Code by virtue of minority or legal incompetency. However, if an enforcement officer believes that a person subject to Section 6 is legally incompetent or is a minor of too young an age or immature character to fully understand the nature of the charges alleged against him/or his other obligations and responsibilities in connection therewith, and if it is reasonably feasible to do so under the circumstances, the enforcement officer shall either summon or take the alleged violator before his parent or legal guardian, or similar competent representative, and cause such latter person to acknowledge or sign any citations, notices, or other legal process and make any required security deposits on behalf of the minor or legally incompetent person. Notwithstanding, any failure of an enforcement officer, or of a parent, guardian, or competent representative, to comply with or cooperate under this Section does not absolve the alleged violator from responsibility nor bar further prosecution.

CCMC 1-4-8 VIOLATIONS; GENERAL ENFORCEMENT PROCEDURE;
CORPORATE OR ORGANIZATIONAL VIOLATORS

Sec 8: When an enforcement officer has determined or has probable cause to believe that a person other than a natural individual, such as a corporation or other organization, has violated or is responsible for a violation of this Code, he may, for the purposes described under Section 6(a) and Section 6© through (e) above, stop and detain any director, trustee, officer, partner, attorney-in-fact, resident agent, or similar person who

under statute, the organizational documents of the affected entity, or under common law is made competent to accept legal process and execute the necessary notices or other procedures on behalf of the corporation, organization, or similar entity. The provisions of Section 6(b) do not apply in the case of violations described by this Section.

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CCMC 1-4-9 VIOLATIONS; GENERAL ENFORCEMENT PROCEDURE; INDIRECT SERVICE OF PROCESS

Sec. 9: In general, and unless otherwise expressly provided in this Code or by statute, it is not requisite that an enforcement officer directly confront an alleged violator and personally serve any citations, notices or other related process as provided under Section 6 or Section

8 above. If more convenient, any or all of such process may be served by registered or certified mail upon any person to whom it may be personally served under Section 6 or Section 8, addressed to such person's last known address. The service shall be complete and evidenced by the person's signature of the return postal acknowledgment of receipt. In addition, in the case of nonmoving traffic violations, it shall be acceptable and complete service for the enforcement officer to attach the citation in a visible place upon the offending vehicle, and such service shall be deemed to be upon the registered owner or lessee of the vehicle as determined by its license number whether or not such person is otherwise directly and personally named in the citation. The provisions of Section 12 concerning signature of the notice to appear, and of Section 13 and 14 concerning security deposit requirements do not apply when a citation is served under this Section.

CCMC 1-4-10 PENAL VIOLATIONS; GENERAL DESIGNATION OF VIOLATIONS

Sec. 10: Most enforceable provisions of this Code prescribe or provide for the imposition of a fine as penalty for violating the provision. Violations of such provisions are hereinafter in this chapter and elsewhere in this Code referred to and designated as "penal violations."

CCMC 1-4-11 PENAL VIOLATIONS; FORM OF CITATION AND SUMMONS

Sec. 11: Except as provided under Section 27 hereinafter, whenever a person is subject to a complaint for a penal violation under Section 6 or Section 8 above, he shall be served by the enforcement officer with a written citation and summons to appear in the court of

jurisdiction at a time and date of which he shall be notified. If the violation alleged is a traffic violation, the form of complaint and summons (Uniform Traffic Ticket) prescribed by IC 9-4-7-4(b) shall be used for this purpose, and in accordance with IC 34-4-32-1(e) the same form may be used for any other kind of penal violation complaint when no different form has been prescribed. The enforcement officer shall mark the form as a local ordinance violation in the Art. 1, Ch. 4

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space provided, and if the form has not been so preprinted shall also modify it to read "Judgment for the town" rather than "Judgment for the state" in the appropriate space. However, if a department or agency of the municipal corporation does not find that the form and tenor of the Uniform Traffic Ticket is very suitable for purposes of citing violations under its jurisdiction, it may, with the approval of the municipal prosecutor and the judge of the court of jurisdiction, prescribe and use a different form of complaint and summons.

CCMC 1-4-12 PENAL VIOLATIONS; SIGNATURE BY ACCUSED OF NOTICE TO APPEAR; TIME OF APPEARANCE

Sec. 12: The Uniform Traffic Ticket or any other form of complaint and summons for a penal violation prescribed and used under Section 11 above will include a notice and promise to appear in court to answer the charges. If permitted to do so by the court of jurisdiction and if feasible at the time, the enforcement officer shall fix a date and time for the appearance and include same in the complaint and summons when it is served. The date and time so fixed must allow the accused ample time to exercise his options under Section 17 or Section 20 of this chapter, if applicable. Otherwise, the notice shall be made to read, "when further notified," as concerns the date and time of appearance, and the clerk of the court of jurisdiction shall notify the accused by mail when the case is finally docketed. When personal service of the citation is made, the enforcement officer will ask the accused (or a representative designated under Section 7 or Section 8, if applicable) to sign the promise to appear as provided on the citation form. This signature is not required when indirect service is made in a manner provided under Section 9 above. In any event, if the accused (or representative) fails or refuses to sign the notice and promise to appear for any reason, the notice is still valid and the accused is nevertheless obligated to appear or to suffer the consequences of failure to appear as provided by law.

CCMC 1-4-13 PENAL VIOLATIONS; SECURITY DEPOSIT REQUIREMENT FOR NON-INDIANA RESIDENTS OR INDIANA RESIDENTS

REFUSING TO SIGN PROMISE TO APPEAR; OFFENSES
OTHER THAN MOVING TRAFFIC VIOLATIONS

Sec. 13: This Section applies only in cases where the penal violation alleged does not constitute a moving traffic violation. Whenever a person is given personal service of a citation and summons for a penal violation, and such person is not a resident of the state, or is a resident of the state but such person (or his representative as designated under Section

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7 or Section 8, if applicable) refuses to sign the promise to appear when required under Section 12, the enforcement officer before ceasing to detain the person may require that he post a security deposit as guaranty for appearance. The deposit, if required, shall be equal to the maximum fine to which the person would be liable, as determined in accordance with Section 23 of this chapter and as fixed under the provision being enforced, were the accused to appear and be convicted. The deposit may be tendered in any form which would be acceptable for payment of the fine itself under the provisions of Section 20, or the person may submit a surety bond running in favor of the municipal corporation in the amount of the deposit and issued by any company or person licensed to issue security bonds within the state. Payment of the deposit may be made to the Clerk of the municipal corporation if the clerk's office is then open for business, or otherwise may be deposited in a U.S. Postal Service receptacle in the presence of the enforcement officer, in a pre-stamped envelope to be supplied by the enforcement officer and addressed to the office of the clerk of the municipal corporation. The clerk or the enforcement officer shall give the accused a written receipt for the deposit, stating the amount, form, and purpose thereof. The clerk shall retain the security deposit in trust, in the manner of public trust funds, and the full amount shall be refunded to the accused or his representative (or the bond discharged if a surety bond is submitted) if the accused does make an appearance in court when scheduled, or sooner satisfies the complaint in accordance with Sections 20 or 21, or if the municipal court sooner withdraws the complaint. The deposit refund may be made without appropriation. However, if the accused fails to make an appearance, the security deposit shall be forfeited to the municipal corporation (or the clerk shall collect on the bond if a surety bond has been submitted), and such amount forfeited or collected shall be deemed a satisfaction of the complaint and deposited as though the fine had been collected under the provisions of Section 20. For purposes of this Section, a resident of the state is considered to be any individual person who at the time of citation maintains an actual domicile in Indiana, exclusive of transient or temporary lodgings; or any corporation, organization, or similar entity which at such time is licensed by the Secretary of State to operate in Indiana and maintains a resident agent for service of process, or

which maintains a permanent business office or other fixed place of business in the state.

CCMC 1-4-14 PENAL VIOLATIONS; SECURITY DEPOSIT REQUIREMENT FOR
NON-INDIANA RESIDENTS CHARGED WITH MOVING
TRAFFIC VIOLATIONS; EXCEPTIONS PER RECIPROCAL
INTERSTATE AGREEMENTS

Sec 14: This Section applies only to persons subject to citation under Section 6 for a penal violation constituting a moving traffic violation who are not residents of Indiana, whether

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or not such person has signed a promise to appear.

- a.) Except as provided under subsection (b) and © hereinafter, the enforcement officer shall require a person to whom this Section applies to:
 - (1) make a security deposit in an amount and form as prescribed by IC 9-4-1-131(b);
 - (2) sign a security deposit agreement of a form prescribed and provided by the court of jurisdiction in accordance with IC 9-4-1-131©, a signed copy of which shall be given to the accused by the enforcement officer; and
 - (3) mail such security deposit and signed copy of the agreement to the clerk of the court of jurisdiction in the presence of the officer in a prestamped envelope to be supplied to the officer by the court in accordance with IC 9-4-1-131(e).
- b.) A person who is a resident of a state with which the State of Indiana has entered into a nonresident violator agreement under IC 9-5-1.1 may make a deposit as prescribed under subsection (a)(1) above, but may alternatively elect to deposit his driver's license with the enforcement officer as security. The requirements of subsection (a)(2) and (a)(3) as to the execution of the security deposit agreement and mailing same to the court of jurisdiction still apply in this instance. The accused's copy of the security deposit agreement serves as a temporary driver's license.

- c.) A person who is a resident of a state with which the State of Indiana has entered into an interstate driver's license compact under IC 9-5-1 is not required to make any security deposit.

Security deposits under this section shall be administered and subject to release, or to forfeiture, discharge, or other action, in the manner provided by IC 9-4-1-131.

**CCMC 1-4-15 PENAL VIOLATIONS; SECURITY DEPOSIT REQUIREMENTS;
FAILURE TO MAKE SECURITY DEPOSIT**

Sec. 15: If a person refuses or is unable to make a security deposit or to execute a security deposit agreement when required under Section 13 or Section 14, the enforcement officer may take the person directly before a judge of any court within the county which has jurisdiction over ordinance violation complaints for immediate arraignment and judgment, Art. 1, Ch. 4

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and may detain the accused for such further period of time as may be necessary to carry out the provisions of this Section.

**CCMC 1-4-16 PENAL VIOLATIONS; DISPOSITION OF ISSUED CITATIONS,
COPY PROVIDED TO ACCUSED**

Sec. 16: When issuing a citation for any penal violation, the enforcement officer shall give a signed copy of the citation to the person accused or his representative.

**CCMC 1-4-17 PENAL VIOLATIONS; DEPOSITION OF ISSUED CITATIONS;
ADMINISTRATIVE PROCEDURE IN CASES OTHER THAN
MOVING TRAFFIC VIOLATIONS**

Sec. 17: In cases other than moving traffic violations, the enforcement officer may retain one copy of the citation for his records or the records of his department, but shall deliver all other copies to the clerk of the municipal corporation for purposes of Section 20. In general, such delivery to the clerk shall be made as soon as possible. However, in a few instances, the provision being enforced may permit the accused a specific "grace period" in which to correct a violation before he is subject to penalties, or may permit him a specific period of time in which to file an appeal to an officer or body of the municipal corporation, in which case the citation shall not be turned over to the clerk until such period has elapsed and the violation has not been corrected nor appeal filed.

CCMC 1-4-18 PENAL VIOLATIONS; DISPOSITION OF ISSUED CITATIONS
IN MOVING TRAFFIC VIOLATIONS CASES

Sec. 18: In cases involving moving traffic violations, the enforcement officer may retain one copy for his records or the records of his department, but the enforcement officer or his department shall either directly and immediately file such other copies as may be required with the clerk of the court of jurisdiction, or shall deliver them to the municipal prosecutor to be so filed by him with the court. The municipal prosecutor shall determine which procedure should be observed, but in all events shall be notified when a complaint is filed with the court.

CCMC 1-4-19 PENAL VIOLATIONS; DISPOSITION BY MUNICIPAL CLERK
OF CITATIONS DELIVERED UNDER SECTION 17

Sec. 19: When the municipal clerk receives a citation pursuant to Section 17 above, the clerk shall retain the citation for the period of time indicated under Section 20 to see if the

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accused wishes to satisfy the complaint in the manner provided under such section. If, at the

end of such period, the complaint has not been satisfied, and has not been withdrawn by the municipal corporation, the clerk shall either directly file the complaint with the clerk of the court of jurisdiction, return the citation to the issuing enforcement officer to be so filed by him, or deliver same to the municipal prosecutor to be so filed by him. The municipal prosecutor shall determine which procedure should be observed, but in all events shall be notified when a complaint is filed with the court.

CCMC 1-4-20 PENAL VIOLATIONS; SATISFACTION OF COMPLAINT DIRECTLY
WITH MUNICIPAL CORPORATION WITHOUT JUDICIAL
PROCEEDINGS IN CASES OTHER THAN MOVING TRAFFIC
VIOLATIONS

Sec. 20: A person who has been cited for a penal violation other than an offense constituting a moving traffic violation may elect to satisfy the complaint by paying to the clerk of the municipal corporation the amount of the applicable fine, as determined in accordance with Section 23. If the applicable fine has not been noted on the citation, the appropriate amount may be determined by contacting the office of the clerk. Payment must be made within 5 business days after the complaint is referred to the clerk pursuant

to Section 17, after which time the complaint will have been filed with the clerk of the court of jurisdiction for prosecution. Payment may be made by bringing the accused's copy of the citation and the amount of the fine owed to the office of the clerk of the municipal corporation during the hours that it is open for business, or by mailing same to such office. Payment may be made by bank or personal check, traveler's check, or money order, made payable to the municipal corporation, or may be made in cash. A person satisfying a complaint in accordance with this section is not liable for court costs or municipal prosecutor's fees, but only for the amount of the fine requested. Upon receipt of payment, the clerk of the municipal corporation shall mark the accused's copy of the citation as "paid" and return same to the accused as a valid receipt of payment. Payment of the fine and satisfaction of the complaint under this section constitutes implicitly a waiver of trial and admission of guilt, whether or not the accused signs any further document to such effect, and also fulfills any promise to appear which the accused or a representative may have signed and releases any security deposit which he may have been required to make pursuant to Section 13. When such satisfaction is made, the complaint is settled and will not be filed with the court of jurisdiction.

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CCMC 1-4-21 PENAL VIOLATIONS; SATISFACTION OF COMPLAINT WITH COURT OF JURISDICTION PRIOR TO TRIAL

Sec. 21: This Section applies to offenses constituting moving traffic violations, disposition of which is subject to state procedures and may only be settled through a duly constituted court; and also applies in cases which could have been satisfied under Section 20 above but were not so satisfied prior to the deadline for filing the complaint with the court of jurisdiction. A person to whom this Section applies may, in most instances, satisfy the complaint by paying to the clerk of the court of jurisdiction, in person or by mail, the amount of applicable fine (as determined in accordance with Section 23), plus all court costs which would apply if the person were to appear for trial and be convicted. Payment must be received prior to the date and time fixed for trial. The exact procedures and requirements for satisfying a complaint in accordance with this Section are determined pursuant to statute and the judicial discretion of the court, and persons wishing to do so should contact the clerk or judge of the court in which appearance is scheduled for instructions on the foregoing matters, the amount of fine and costs owing, and acceptable forms of payment. Satisfaction of a complaint under this Section constitutes a waiver of trial and admission of guilt, fulfills any promise to appear which the accused or a representative may have signed, and releases any security deposit which he may have been required to make under the provisions of Section 13 or Section 14.

CCMC 1-4-22 PENAL VIOLATIONS; APPEARANCE AT TRIAL; FINES AND COSTS; DISCHARGE OF SECURITY

Sec. 22: Subject to any contrary rules or orders of the court of jurisdiction, if any penal violation complaint comes to trial, the municipal corporation may appear and be represented by the municipal prosecutor, by another attorney employed as legal counsel by the responsible enforcement authority, or by the enforcement authority who issued the citation. However, if the accused is convicted, the municipal corporation shall be entitled to collect its lawful portion of the municipal prosecutor's fee whether or not the municipal prosecutor actually makes a personal appearance at the trial. Also subject to any contrary rules or orders of the court, the accused may appear to answer the complaint in person, by attorney, by a personal representative described under Section 7 or Section 8, or may make a written appearance. Any such form of appearance fulfills any promise to appear which the accused or a representative may have signed, and releases any security deposit which he may have been required to make under the provisions of Section 13 or Section 14. However, if the accused fails to make any such appearance, the court shall have action against any security deposit which the accused may have been

required to make under Section 13 or 14. In the Art. 1, Ch. 4

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case of a security deposit made under Section 13 and held by the clerk of the municipal corporation, the court shall first apply the discharge of the security toward the penal fine awarded in the judgment to the municipal corporation. The remaining amount of such deposit, if any, may be applied to and distributed among the other applicable costs at the court's discretion. The discharge of the security deposit as provided above does not relieve the accused of liability for any further amounts of costs and judgments not covered by the liquidation of the security deposit. In the case of any cash or cashable security deposit described under Section 14, the amount of the deposit will ordinarily be adequate to cover all applicable fines and costs, and shall be dispersed by the court in the same manner as though the accused had appeared, been convicted, and paid same in the usual way.

CCMC 1-4-23 PENAL VIOLATIONS; CRITERIA FOR DETERMINING APPLICABLE FINE REQUESTED BY MUNICIPAL CORPORATION

Sec.23: The fine applicable for a penal violation of this Code or a supplementary ordinance shall be determined as follows:

- a) Fixed Fines: Some provisions of this Code or a supplementary ordinance may fix a specific invariable amount of penalty (e.g., \$25.00) for the violation of such provision. In such instances, the fixed amount so fixed shall be deemed the amount of penalty requested by the municipal corporation under IC 34-4-32-4(d) and for all other purposes.
- b) Defined Minimum and Maximum Fines: Most penal provisions of this Code or supplementary ordinances will define a definite minimum and maximum penalty to be applied to a penal violation (e.g., not less than \$25.00 nor more than \$50.00). In such instances, the amount of fine requested by the municipal corporation under IC 34-4-32-4(d) and for all other purposes in any particular case is to be determined as follows:
 - (1) if it is the accused's first offense, the amount is the minimum so fixed;
 - (2) if it is the accused's second offense (exclusive of similar offenses against statutes or offenses committed in other jurisdictions), the amount is the minimum amount fixed by the applicable provision plus one-half of the difference between the minimum and the

maximum amount so fixed (e.g., if the minimum fixed is \$25.00 and

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the maximum is \$50.00, the applicable requested fine for a second offense would be: $\$25.00 + [\$50.00 - \$25.00/2] = \37.50 ;

- (3) if it is the accused's third or subsequent offense (exclusive of similar offenses against statutes or offenses committed in other jurisdictions), the amount is the maximum amount so fixed.

For purposes of this Subsection, the court, police, or other records available shall be used to determine what order of offense has been committed in a particular case. If such available records do not show otherwise, and if the accused does not admit otherwise, it may be assumed to be the accused's first offense.

- c) Maximum Fine Only Defined: In a few cases, a penal provision of this Code or a supplementary ordinance may define only a maximum penalty, but no minimum penalty (e.g., not to exceed \$25.00). In such cases, if the maximum fine so fixed is \$5.00 or less, such maximum fine shall be deemed as the amount requested for purposes of IC 34-4-32-4(d) and for all other purposes in all cases. However, if the maximum amount exceeds \$5.00, then \$5.00 shall be deemed as the minimum amount ever to be requested, the maximum amount defined by the provision shall be deemed as the maximum amount ever applicable, and the principles described under subsection (b) above shall be used to determine the actual fine requested in any particular case.
- d) Minimum Fine Only Defined: In a very few cases, only a minimum fine may be prescribed for a penal violation of this Code or a supplementary ordinance (e.g., not less than \$50.00). In these instances, for purposes of IC 34-4-32-4(d) or any other purpose, such minimum fine shall be deemed the minimum amount ever to be requested, the maximum amount ever applicable shall be deemed to be the maximum amount which a municipal corporation is then permitted to impose for the respective violation under IC 36-1-3-8(10) or any other applicable statute, and the principles described under subsection (b) above shall be used to determine the actual fine requested in any particular case.
- e) No Specific Fine Defined: In very rare instances, a provision may be

included in this Code or a supplemental ordinance which is clearly suitable

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and intended to be enforced as a penal violation, but for which, through legislative inadvertence or otherwise, no fine has been defined at all. In these cases, subject to full judicial discretion as hereinafter provided, for purposes of IC 34-4-32-4(d) and for all other purposes, the maximum amount of fine which a municipal corporation may impose under IC 36-1-3-8(10) shall be deemed as the fixed fine to be applied in accordance with subsection (a) of this Section.

The provisions of this Section govern and may be relied upon as a determination of the fine requested by the municipal corporation in any particular instance of a penal violation whether or not such applicable requested fine has been specifically stated on any citation or other document submitted to an accused person or his representative, to a court, or to any other person or officer who may be concerned in the determination of the requested fine. However, except as provided by IC 34-4-32-4, the judge of any court of jurisdiction is not hereby denied the discretionary power to impose a different penalty as in the judge's opinion may be warranted, either through direct judgment in a particular case or through adoption of a standard schedule of judgments applicable pursuant to the intent of Section 21, but no other officer has the authority to amend a fine as determined under this Section.

CCMC 1-4-24 PENAL VIOLATIONS; DELIVERY OF COLLECTED FINES AND MUNICIPAL PROSECUTOR'S FEE TO MUNICIPAL CORPORATION; DISPOSITION OF FINES AND FEES

Sec. 24: All fines collected, and all municipal prosecutor's fees in the amount provided by law, collected under Section 20, 21 or 22 (including forfeitures of security deposits), are the property of the municipal corporation, and shall be turned over to the fiscal officer of the municipal corporation in accordance with IC 33-18-12 (Acts 1986, P.L. 192). Unless a statute or a provision of this Code or a supplementary ordinance prescribes that such amounts be deposited in another fund, they shall be deposited in the General Fund of the municipal corporation and treated as other general revenues.

CCMC 1-4-25 PENAL VIOLATIONS; DESIGNATION OF COURT OF JURISDICTION

Sec. 25: In all cases of penal violations of this Code or a supplementary ordinance, the

court in which the action should be filed may be determined as follows:

- a) if the municipal corporation has created and operates its own municipal court under the provisions of IC 33-10.1-1, then such court will have primary jurisdiction;

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- b) if subsection (a) does not apply, but the General Assembly has established a County Court in and for the county under the provisions of IC 33-10.5-1, then such court shall have primary jurisdiction;
- c) if neither subsection (a) or (b) apply, then the small claims and misdemeanor, or minor offenses, division or docket (as it may be styled) which has been established within the Circuit or Superior Court in and for the county shall have jurisdiction.

However, this Section is intended as an administrative guide only, and it not intended to deny any of the above named courts any concurrent jurisdiction over ordinance violation cases which they may have by law, nor to prevent the original filing of a complaint, or transference of an action, in or to any such court having such concurrent jurisdiction whenever it seems more suitable or expeditious to do so.

CCMC 1-4-26 PENAL VIOLATIONS; DESIGNATION OF MUNICIPAL PROSECUTOR

Sec. 26: Unless other officer is designated, the attorney retained as general legal counsel for the municipal corporation shall serve as and have all of the powers and duties of the municipal prosecutor as herein referred to. However, the legislative body of the municipal corporation may enter into an agreement under IC 36-1-7 empowering, designating, and appointing the Prosecuting Attorney for the judicial circuit in which municipal corporation is located (i.e., the "County Prosecutor") to serve as municipal prosecutor, or may in accordance with IC 36-1-3 establish by ordinance a separate office of municipal prosecutor (or similar title) and provide therein for the appointment of a different attorney as municipal prosecutor.

CCMC 1-4-27 PENAL VIOLATIONS; OPTION TO GIVE FORMAL WARNING IN LIEU OF OFFICIAL CITATION; EFFECT OF WARNING

Sec. 27: When an enforcement officer believes that a person has committed a penal

violation of this Code or a supplementary ordinance, but further believes that the person was honestly unaware of the violation, or will voluntarily cease the offending act or remedy the offending condition without the need to impose penalties or take any other formal action for enforcement, the enforcement officer may issue and serve to the person a warning citation. A warning citation does not require the person to pay a fine, make a security deposit, sign a Art. 1, Ch. 4

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notice to appear, or take any other action except to cease such at or correct such condition. A warning citation will not be filed with the court of jurisdiction, and does not create a presumption of guilt for purposes of Section 23. However, when the provision to which the warning pertains expressly provides that a violator be given a “grace period” of a specified time to correct a condition or desist from an action of violation before being subject to penalties or other action, the date of the warning citation shall be considered as the beginning of such grace period. The same form of citation as would otherwise be used may be used for a warning citation, but all copies thereof must be clearly marked “Warning Only.”

CCMC 1-4-28 NONPENAL ENFORCEMENT PROCEDURES; USE OF NONPENAL PROCEDURES AS ADDITIONAL OR ALTERNATIVE METHOD OF ENFORCEMENT IN PENAL VIOLATIONS

Sec. 28: Some provisions of this Code or a supplementary ordinance may provide for enforcement by nonpenal methods, such as direct corrective action by the municipal corporation with costs incurred to be paid by the violator, injunctive relief, etc., including but not limited to reliance on procedures prescribed under IC 36-1-6-2, IC 26-1-6-4, or other statutes, as applicable. The municipal corporation also reserves the right to invoke such procedures, as they may be applicable and suitable, with respect to the enforcement of any penal provision either as an additional method of enforcement or as an alternative method of enforcement in lieu of seeking payment of a fine. This Section applies regardless of whether the respective penal provision involved in any particular case makes any expressed reference to the use of such procedures.

CCMC 1-4-29 ENFORCEMENT NOT BAR TO FURTHER PROCEEDINGS

Sec. 29: The enforcement of any provision of this Code or a supplementary ordinance by any method of enforcement does not relieve the violator of liability for and does not bar any further actions at law by the municipal corporation nor any other person to recover damages for injury to persons or property, etc., that may concurrently have arisen in connection with any violation, nor vice versa.

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**CCMC 1-4-30 POWER TO PRESCRIBE ADDITIONAL PROCEDURES RELATING
TO CODE ENFORCEMENT**

Sec. 30: To the extent not prohibited or pre-empted herein or by law, enforcement officers, the municipal prosecutor, the legislative body or clerk of the municipal corporation, a court of jurisdiction, or other responsible officers may prescribe any further procedures, notices, forms, etc., as may be necessary or desirable to facilitate enforcement and the carrying out of their responsibilities under this Code or supplementary ordinances.

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CLAY CITY MUNICIPAL CODE**ARTICLE 2****PUBLIC SERVICES AND UTILITIES**

- Chapter 1: Cable Television Franchise
- Chapter 2: Sewage Works Construction and Finance: EPA
Construction Grant and Industrial Cost Recovery System
- Chapter 3: Sewage Works Construction and Finance; 1976
Revenue Bonds
- Chapter 4: Connection to and Use of Municipal Sewage System
- Chapter 5: Sewage Service Rates and Charges
- Chapter 6: Waterworks Construction and Finance: Waterworks
Revenue Bonds of 1949
- Chapter 7: Waterworks Construction and Finance: Waterworks
Revenue Bonds of 1983
- Chapter 8: Waterworks Construction and Finance: Inter-local
Agreement with Clay Community Schools Corporation
- Chapter 9: Waterworks Construction and Finance: Application
For Indiana Department of Natural Resources Loan
To Construct Water Well
- Chapter 10: Waterworks Rules and Regulations
- Chapter 11: Water Service Rates and Charges
- Chapter 12: Electric Service Contracts
- Chapter 13: Indiana Utilities Regulatory Commission

CHAPTER 1**CABLE TELEVISION FRANCHISE**

- Section 1: Short Title
- Section 2: Definitions
- Section 3: Grant of Franchise; Territorial Scope

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- Section 4: Term of Franchise; Formal Acceptance Required
- Section 5: General Franchise Conditions; General Compliance and Waiver of Adverse Claims
- Section 6: General Franchise Conditions Subject to Further Regulations
- Section 7: General Franchise Conditions; Franchise Not in Lieu of Other Licenses and Permits
- Section 8: General Franchise Conditions; Preferential or Discriminatory Practice Prohibited
- Section 9: Technical Requirements of CATV System; Carriage Of Signals
- Section 10: Technical Requirements of CATV System; Signal Quality Requirements
- Section 11: Operation and Maintenance of CATV System; General Safety Requirements and Code Compliance; Noninterference with Public Installations and Utilities
- Section 12: Operation and Maintenance of CATV System; Requirements for Use of Public Ways; Minimum Interference with Adjoining Properties
- Section 13: Operation and Maintenance of CATV System; Alteration of Facilities to Accommodate Grade Changes
- Section 14: Operation and Maintenance of CATV System; Temporary Removal of Wires to Accommodate the Moving of Buildings
- Section 15: Operation and Maintenance of CATV System; Underground Location of Facilities May Be Required in Some Areas
- Section 16: Operation and Maintenance of CATV System; Power of Grantee to Trim Trees
- Section 17: Operation and Maintenance of CATV System; Minimization of Service Interruptions and Maintenance of Prompt Repair Services
- Section 18: Operation and Maintenance of CATV System; Removal of Facilities Upon Termination of Service or Franchise
- Section 19: Operation and Maintenance of CATV System; Rights of Town to Make Auxiliary Use of Grantee's Poles

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- Section 20: Operation and Maintenance of CATV System;
Rights of Town to Supervise or Inspect
Work Performed by Grantee
- Section 21: Operation and Maintenance of CATV System;
Rights of Town to Make Emergency Use of
System
- Section 22: Business and Administrative Requirements;
Indemnification of Town Against Consequential
Damages, Claims and Related Expenses
- Section 23: Business and Administrative Requirements;
Specific Liability and Workmen's Compensation
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- Section 24: Business and Administrative Requirements;
Rights of Town to Intervene in Suits
- Section 25: Business and Administrative Requirements;
Filing of Communications with Regulatory
Agencies
- Section 26: Business and Administrative Requirements;
Filing of Maps and Plats of Installation
- Section 27: Business and Administrative Requirements;
Filing of Shareholders and Bondholders
- Section 28: Business and Administrative Requirements;
Filing of Certain Financial Reports
- Section 29: Franchise Fee
- Section 30: Franchise Administration; Amendments to
Franchise
- Section 31: Franchise Administration; Renewal of Franchise
- Section 32: Franchise Administration; Transfer of Franchise
- Section 33: Franchise Administration; Forfeiture of
Franchise; Causes; Hearing

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Sec. 1 - 3

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CCMC 2-1-1 SHORT TITLE

Sec. 1: This chapter shall be known and may be cited as the Galaxy Cablevision, Inc. Franchise Ordinance.

CCMC 2-1-2 DEFINITIONS

Sec. 2: For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

- a.) “Community Antenna Television System,” hereinafter referred to as “CATV system” or “system,” means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily to receive television or radio signals directly or indirectly off-the-air and transmit them to subscribers for a fee; but does not include the operation of a pay TV system.
- b.) “Grantee” is Galaxy Cablevision, Inc., a corporation, or anyone who succeeds said corporation in accordance with the provisions of this franchise.

CCMC 2-1-3 GRANT OF FRANCHISE; TERRITORIAL SCOPE

Sec. 3: There is hereby granted by the town to the grantee the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the town, poles, wires, cables, underground conduits, manhole, and other television conductors and fixtures necessary for the maintenance and operation in the town of a CATV system for the interception, sale and distribution of television and radio signals. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the town reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of this license and permit. This license and permit is related to the present territorial limits of town and to any area henceforth added thereto during the term of this license and permit.

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 Sec. 4 - 7

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CCMC 2-1-4 TERM OF FRANCHISE; FORMAL ACCEPTANCE REQUIRED

Sec. 4: This license and permit and the rights, privileges and authority hereby granted shall take effect and be in force from and after January 16, 19894 for a term of 15 years, provided that within 5 days subsequent to such date the grantee shall file with the Town Clerk its unconditional acceptance of this license and permit and promise to comply with and abide by all its provisions, terms, and conditions. Such acceptance and promise shall be in writing duly executed and sworn to, by or on behalf of the grantee before a Notary Public or other officer authorized by law to administer oaths. Should the grantee fail to comply with this Section, it shall acquire no rights, privileges or authority under this license and permit whatever.

CCMC 2-1-5 GENERAL FRANCHISE CONDITIONS; GENERAL COMPLIANCE AND WAIVER OF ADVERSE CLAIMS

Sec. 5: The grantee agrees to abide by all provisions of this license and permit, and further agrees that it will not at any future time set up as against the town or the Town Board the claim that the provisions of the license and permit are unreasonable, arbitrary or void.

CCMC 2-1-6 GENERAL FRANCHISE CONDITIONS; SUBJECTION TO FURTHER REGULATIONS

Sec. 6: The grantee shall, at all times during the life of this license and permit, be subject to all lawful exercise of police power by the Town and to such reasonable regulations as the Town shall hereafter provide. The right is hereby reserved to the Town or the Town Board to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of police power; provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

CCMC 2-1-7 GENERAL FRANCHISE CONDITIONS; FRANCHISE NOT IN LIEU OF OTHER LICENSES AND PERMITS

Sec. 7: This license and permit authorizes only the operation of a CATV system as provided for herein, and does not take the place of any other license or permit which might be required by law of the grantee.

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Sec. 8 - 10

CLAY CITY MUNICIPAL CODE

CCMC 2-1-8 GENERAL FRANCHISE CONDITIONS; PREFERENTIAL OR
DISCRIMINATORY PRACTICES PROHIBITED

Sec. 8: The grantee shall not, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any undue preference or advance to any person, nor subject any person to any prejudice or disadvantage.

CCMC 2-1-9 TECHNICAL REQUIREMENTS OF CATV SYSTEM;
CARRIAGE OF SIGNALS

Sec. 9: The grantee shall receive and distribute television and radio signals which are disseminated to the general public without charge by broadcasting stations licensed by the Federal Communications Commission. All FCC regulations shall be complied with by the grantee. The facilities used by the grantee shall be capable of distributing color TV signals, and when the signals the grantee distributes are received in color, they shall be distributed in color when technically feasible. The grantee's distribution system shall be capable of carrying at least 20 television channels.

CCMC 2-1-10 TECHNICAL REQUIREMENTS OF CATV SYSTEM;
SIGNAL QUALITY REQUIREMENTS

Sec. 10: The grantee shall:

- a.) produce a picture whether in black and white or in color, that is undistorted from ghost images and accompanied with proper sound on typical standard production TV sets in good repair, and as good as the state of the art allows;
- b.) transmit a signal of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems;
- c.) limit failures to a minimum by locating and correcting malfunctions promptly;

- d.) demonstrate by instruments and otherwise to subscribers that a signal of adequate strength and quality is being delivered.

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Sec. 11 - 12

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CCMC 2-1-11 OPERATION AND MAINTENANCE OF CATV SYSTEM; GENERAL SAFETY REQUIREMENTS AND CODE COMPLIANCE; NONINTERFERENCE WITH PUBLIC INSTALLATIONS AND UTILITIES

Sec. 11: The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public. The grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters, and in such manner that they will not interfere with any installation of the Town or of a public utility serving the Town. All structures and all lines, equipment, and connections in, over, under and upon the streets, sidewalks, alleys, and public ways or places of the town, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good repair.

CCMC 2-1-12 OPERATION AND MAINTENANCE OF CATV SYSTEM; REQUIREMENTS FOR USE OF PUBLIC WAYS; MINIMUM INTERFERENCE WITH ADJOINING PROPERTIES

Sec. 12: All transmissions and distribution structures, lines, and equipment erected by the grantee within the Town shall be so located so as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys, or other public ways and places. In case of disturbance of any street, sidewalk, alley, public way or paved area, the grantee shall, at its own cost and expense and in a manner approved by the Town Board, replace and restore such street, sidewalk, alley, public way or paved area in as good a condition as before the work involving such disturbance was done. Any poles or other fixtures placed in any public way by the licensee shall be placed in such manner as not to interfere with the usual travel on such public way.

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 Sec. 13 - 16

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CCMC 2-1-13 OPERATION AND MAINTENANCE OF CATV SYSTEM; ALTERATION OF FACILITIES TO ACCOMMODATE GRADE CHANGES

Sec. 13: If at any time during the period of this license and permit, the Town shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, the grantee, upon reasonable notice by the Town, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

CCMC 2-1-14 OPERATION AND MAINTENANCE OF CATV SYSTEM; TEMPORARY REMOVAL OF WIRES TO ACCOMMODATE THE MOVING OF BUILDINGS

Sec. 14: The grantee shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than 48 hours advance notice to arrange for such temporary wire changes.

CCMC 2-1-15 OPERATION AND MAINTENANCE OF CATV SYSTEM; UNDERGROUND LOCATION OF FACILITIES MAY BE REQUIRED IN SOME AREAS

Sec. 15: In all sections of the Town where the cables, wires, or other like facilities of public utilities are placed underground, the grantee shall place its wires, or other like facilities underground to the minimum extent that existing technology reasonably permits the grantee to do so.

CCMC 2-1-16 OPERATION AND MAINTENANCE OF CATV SYSTEM; POWER OF GRANTEE TO TRIM TREES

Sec. 16: The grantee shall have the authority to trim trees overhanging streets, alleys, sidewalks, and public ways and places of the Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that at the option of the Town, such trimming may be done by it or under its supervision and direction at the expense of the grantee.

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 Sec. 17 - 20

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CCMC 2-1-17 OPERATION AND MAINTENANCE OF CATV SYSTEM; MINIMIZATION OF SERVICE INTERRUPTIONS AND MAINTENANCE OF PROMPT REPAIR SERVICES

Sec. 17: The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be preceded by notice and shall occur during the periods of minimum use of the system.

CCMC 2-1-18 OPERATION AND MAINTENANCE OF CATV SYSTEM; REMOVAL OF FACILITIES UPON TERMINATION OF SERVICE OR FRANCHISE

Sec. 18: Upon termination of service to any subscriber, the grantee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his request. At the expiration of the term for which the license and permit is granted, or upon its termination and cancellation, as provided for herein, the Town shall have the right to require the grantee to remove at its own expense all portions of the CATV system from all public ways within the Town.

CCMC 2-1-19 OPERATION AND MAINTENANCE OF CATV SYSTEM; RIGHTS OF TOWN TO MAKE AUXILIARY USE OF GRANTEE'S POLES

Sec. 19: The Town shall have the right, during the life of this license and permit, to install and maintain free of charge upon the poles of the grantee any wire and pole fixtures necessary for any municipal use on the condition that such wire and pole fixtures do not interfere with the CATV operations of the grantee.

CCMC 2-1-20 OPERATION AND MAINTENANCE OF CATV SYSTEM; RIGHTS OF TOWN TO INSPECT WORK PERFORMED BY GRANTEE

Sec. 20: The Town shall have the right to supervise all construction or installation work performed subject to the provisions of the license and permit and make such inspections as it shall find necessary to insure compliance with terms of this license and permit and

other pertinent provisions of law.

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Sec. 21 - 23

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CCMC 2-1-21 OPERATION AND MAINTENANCE OF CATV SYSTEM; RIGHTS OF TOWN TO MAKE EMERGENCY USE OF SYSTEM

Sec. 21: In the case of any emergency or disaster, the grantee shall make its facilities available to the town for emergency use.

CCMC 2-1-22 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; INDEMNIFICATION OF TOWN AGAINST CONSEQUENTIAL DAMAGES, CLAIMS AND RELATED EXPENSES

Sec. 22: The grantee shall pay, and by its acceptance of this license and permit the grantee specifically agrees that it will pay:

- a.) all damages and penalties which the Town may legally be required to pay as a result of granting this license and permit, which shall include, but shall not be limited to, damages arising out of copyright infringement, installation, operation or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this license and permit; and
- b.) all expenses incurred by the Town in defending itself with regard to all damages and penalties mentioned in subsection (a) above, which shall include all out-of-pocket expenses, such as attorney fees, and shall also include the reasonable value of any services rendered by the town attorney or his assistants or any employees of the Town.

CCMC 2-1-23 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; SPECIFIC LIABILITY AND WORKMEN'S COMPENSATION COVERAGE

Sec. 23: The grantee shall maintain, and by its acceptance of this license and permit specifically agrees that it will maintain through the term of this license and permit, liability insurance insuring the town and the grantee with regard to all damages mentioned in Section 22(a) above in the minimum amounts of:

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- a.) \$100,000 for bodily injury or death to any one person, within the limit, however, of \$300,000.00 for bodily injury or death resulting from any one accident;
- b.) \$100,000 for property damage resulting from any one accident;
- c.) \$100,000 for infringement of copyrights; and
- d.) \$100,000 for all other types of liability.

In addition, the grantee shall maintain Workman's Compensation coverage for the protection of its employees.

CCMC 2-1-24 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; RIGHTS OF TOWN TO INTERVENE IN SUITS

Sec. 24: The grantee agrees not to impose intervention by the Town in any suit or proceeding to which the grantee is a party.

CCMC 2-1-25 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; FILING OF COMMUNICATIONS WITH REGULATORY AGENCIES

Sec. 25: Copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other agency having jurisdiction in respect to any matters affecting CATV operation authorized pursuant to this license and permit, shall also be submitted simultaneously to the Town Board, if requested by the Town.

CCMC 2-1-26 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; FILING OF MAPS AND PLATS OF INSTALLATION

Sec. 26: The grantee shall file with the Town Clerk true and accurate maps or plats of all existing and proposed installations.

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Sec. 27 - 30

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CCMC 2-1-27 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; FILING OF SHAREHOLDERS AND BONDHOLDERS

Sec. 27: The grantee shall keep on file with the Town Clerk a current list of its shareholders and bondholders.

CCMC 2-1-28 BUSINESS AND ADMINISTRATIVE REQUIREMENTS; FILING OF CERTAIN FINANCIAL REPORTS

Sec. 28: The Town shall be furnished with a statement compiled by a certified public accountant reflecting and showing the gross income of the service charges paid by users, and the Town shall have the rights to examine such of the company's records relative to the gross income received by the company for service charges paid by users.

CCMC 2-1-29 FRANCHISE FEE

Sec. 29: The grantee shall pay to the Town annually an amount equal to 3% of the annual gross basic service charge paid by the users within the Town during the year, for the use of the streets and other facilities of the Town in the operation of the CATV system and for the municipal supervision thereof. This annual payment shall be made to the Town within 60 days subsequent to the system's annual accounting period. This payment shall be in addition to any other tax or payment owed to the Town by the grantee, including any payment for ad valorem taxes, if any.

CCMC 2-1-30 FRANCHISE ADMINISTRATION, AMENDMENTS TO FRANCHISE

Sec. 30: It shall be the policy of the Town liberally to amend this license and permit upon application of the grantee when necessary to enable the grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity to more effectively, efficiently, or economically serve its customers. However, this Section shall not be construed to require the Town to make any amendment or prohibit it from unilaterally changing its policy stated herein.

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Sec. 31 - 33

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CCMC 2-1-31 FRANCHISE ADMINISTRATION; RENEWAL OF FRANCHISE

Sec. 31: The grantee shall have the right of renewal of this license and permit upon such term as the Town and grantee may agree upon, subject to such state or federal regulations as may be in effect as of the time of renewal.

CCMC 2-1-32 FRANCHISE ADMINISTRATION; TRANSFER OF FRANCHISE

Sec. 32: Except for a mortgage or assignment to secure a loan to construct and operate said system in Clay City, Indiana, the grantee shall not sell, lease, sublet or transfer its system and the privileges granted herein without first notifying the Town Board.

CCMC 2-1-33 FRANCHISE ADMINISTRATION; FORFEITURE OF FRANCHISE; CAUSES; HEARING

Sec. 33: In addition to all other rights and powers pertaining to the Town by virtue of this license and permit or otherwise, the Town reserves the right to terminate and cancel this license and permit and all rights and privileges of the grantee hereunder in the event that the grantee:

- a.) violates any provision of this license and permit or any rule, order or determination of the Town or Town Board made pursuant to this license and permit, except where such violation, other than Section 24, or subsection (b) below, is without fault or through excusable neglect;
- b.) becomes insolvent, unable or unwilling to pay debts, or is adjudged as bankrupt;
- c.) attempts to evade any of the provisions of this license and permit or practices any fraud or deceit upon the Town; or
- d.) fails to complete construction and commence operation under this license and permit according to provisions in Section 4.

Such termination and cancellation shall be duly adopted after 30 days notice to the grantee and shall in no way affect any of the Town's rights under this license and permit or any provisions of law. In the event that such termination and cancellation depends

upon a
 Art. 2
 Ch. 1, Sec. 33;
 Ch. 2, Sec. 1

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finding of fact, such findings of fact as made by the Town Board or its representative shall be conclusive. However, before this license and permit may be terminated and cancelled under this Section, the grantee must be provided an opportunity to be heard before the Town Board.

[This chapter was formerly Ord. 84-1, 1/16/84.]

CHAPTER 2

SEWAGE WORKS CONSTRUCTION AND FINANCE: EPA CONSTRUCTION GRANT AND INDUSTRIAL COST RECOVERY SYSTEM

Section 1:	Short Title
Section 2:	Definitions
Section 3:	Treatment Works Cost Allocation Determined
Section 4:	User Classes Determined; Reclassification of Certain Industrial Users
Section 5:	Industrial Cost Recovery Charge to be Imposed on Industrial Users;
	Prorated Recovery Period; Optional Formulas for Determining Recovery Amount
Section 6:	Billing and Payment Procedure for Industrial Cost Recovery Charges
Section 7:	Deposit and Disposition of Industrial Cost Recovery Receipts
Section 8:	Industrial Cost Recovery Amounts Retained by Town; Allocation and Use of Trust Account and Discretionary Account
Section 9:	Industrial Cost Recovery Amounts Payable to U.S. Treasury

CCMC 2-2-1

SHORT TITLE

Sec. 1: This Chapter shall be known, cited and referred to as the Industrial Cost Recovery Ordinance of the Town of Clay City, Indiana.

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Sec. 2

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CCMC 2-2-2 DEFINITIONS

Sec. 2: For purposes of this Chapter, the following terms have the indicated meanings:

- a.) “Facilities constructed” shall mean the portions of sewers, wastewater treatment plant and non-construction costs under Step 3 eligible for federal grant participation defined by the plans and specifications prepared by J.B. Wilson & Associates, Consulting Engineers of Indianapolis, Indiana (said plans and specifications as approved by the Stream Pollution Control Board of the State of Indiana on January 15, 1974, incorporated as a part hereof) including all change orders to said plans and specifications up to the final acceptance of the facilities constructed by the Town of Clay City. Facilities constructed under EPA Project No. C180484 shall be defined particularly by the plans and specifications prepared for this project by J.D. Wilson & Associates, Consulting Engineers of Indianapolis, Indiana, as approved by the Stream Pollution Control Board of the State of Indiana on January 15, 1974, which are made a part of this subsection by reference, together with any change orders thereto up to the final acceptance of this project by the Town of Clay City, Indiana. Facilities constructed under EPA Project No. C180484 shall further mean as detailed in “Schedule A” hereto attached as part of this subsection.
- b.) “Federal grant” and “Environmental Protection Agency (EPA) Project No. C180484: shall mean a federal grant in the amount of \$918,000 awarded to the Town of Clay City, Indiana, under EPA Project No. C180484 for application on the cost of constructing eligible portions of sewers, wastewater treatment plant and supportive non-construction costs of Step 3.
- c.) “Recovery period” shall mean that period of time during which the federal grant amounts awarded to the Town of Clay City, Indiana under EPA Project No. C180484 allocable to the collection and treatment of wastes from industrial users is recovered from the users of such works; and said recovery period for EPA Project No. C180484 is hereby set at 30 years commencing September 1, 1977.

- d.) “Recovered amounts” shall mean the federal grant amount, awarded to the Town of Clay City, Indiana under EPA Project No. C180484, allocable to the collection and treatment from such users by the Town of Clay City, Indiana during the recovery period. Specifically, the Board of Trustees now

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SCHEDULE A

Facilities Constructed Under EPA Project No. C180484

	<u>Project Costs</u>	<u>Total Project Costs Eligible for Grant Participation</u>
Construction Costs		
Division I - Collection System	\$ 804,625	\$ 684,000
Division II - Wastewater Treatment Plant	<u>428,600</u>	<u>428,600</u>
Total	\$ 1,233,225	\$ 1,113,000
Engineering	75,000	75,000
Inspection	32,000	32,000
Contingencies	<u>64,775</u>	<u> </u>
Total	<u>\$ 1,405,000</u>	<u>\$ 1,220,000</u>
Other Project Costs		
Land	\$ 20,000	\$ -0-
Other Technical Services	8,000	8,000
Legal	13,234	2,222
Bond Counsel	888	
Accounting	7,100	2,000
Interest During Construction (12 mos. at 5%)	22,000	
Administrative	<u>8,778</u>	<u>8,778</u>
Total	<u>\$ 80,000</u>	<u>21,000</u>
Total Project and Eligible Project Costs	\$ 1,485,000	\$ 1,241,000
Less - Federal Grant	(918,000)	=====

Less - State Grant	(123,000)
Sewage Works Revenue Bonds	
(Local Share)	<u>\$ 444,000</u>

This schedule shall be modified by the Board of Trustees by addendum to reflect all change orders to the plans and specifications up to final acceptance of this project by the Town of Clay City.

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SCHEDULE B

Facilities Constructed Under EPA Project No. C180484: Allocation of Facilities Constructed

Facilities Constructed (Eligible Costs)	<u>Amount</u>	<u>Allocation</u>		
		<u>Flow</u>	<u>BOD</u>	<u>SS</u>
Wastewater Treatment Plant	\$ 428,600	\$ 171,440	\$ 128,580	\$ 128,580
Sewers	<u>684,400</u>	<u>684,400</u>		Total
	\$1,113,000	\$ 855,840	\$ 128,580	\$ 128,580
 Percent A	 100% =====	 77% ====	 11.5% =====	 11.5% =====
 Federal Grant Amount (Allocated by Percent A)	 \$ 918,000	 \$ 706,860	 \$ 105,570	 \$ 105,570
Divided by Recovery Period	-----30 years-----			
 Annual Recovery Amount	 <u>\$ 30,600</u>	 <u>\$ 23,562</u>	 <u>\$ 3,519</u>	 <u>\$ 3,519</u>

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determines that the recovered amounts for EPA Project No. C180484 shall be \$918,000, and that the annual amount subject to recovery during the recovery period shall be \$30,600.

- e.) “Retained amounts” shall mean 50% of recovered amounts of EPA Project No. C180484 to be retained by the Town of Clay City and used as provided in Section 8.
- f.) “Annual design capacity” of the treatment works is:
 - (1) Flow = 43,800,000 gallons
 - (2) BOD = 62,050 lbs.
 - (3) SS = 62,050 lbs.

[Compiler’s note: “BOD” is biochemical oxygen demand; “SS” is suspended solids; see definitions under Chapters 4 and 5 subsequently.]

CCMC 2-2-3 TREATMENT WORKS COST ALLOCATION DETERMINATION

Sec. 3: The costs of the treatment works are allocated as shown in “Schedule B” hereto attached as part of this Section.

CCMC 2-2-4 USER CLASSES DETERMINED; RECLASSIFICATION OF CERTAIN INDUSTRIAL USERS

Sec. 4: Each recipient of municipal wastewater treatment services shall be either in the industrial class or the non-industrial class (including domestic, commercial, institutional and governmental), as follows:

- a.) Industrial Class shall include any user as determined by the Board of Trustees, identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

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Sec. 4 - 5

- (1) Division A: agriculture, forestry, fishing;

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- (2) Division B: mining;

- (3) Division D: manufacturing;

- (4) Division E: transportation, communications, electric, gas and sanitary services;

- (5) Division I: services.

b.) Non-Industrial Class shall include all users whose wastes are segregated domestic waste or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity as determined by the Board of Trustees.

However, any industrial user may be placed in the non-industrial class by the Board of Trustees and thereby excluded from the industrial cost recovery system where wastes are domestic in character.

CCMC 2-2-5 INDUSTRIAL COST RECOVERY CHARGE TO BE IMPOSED
ON INDUSTRIAL USERS; PRORATED RECOVERY PERIOD;
OPTIONAL FORMULAS FOR DETERMINING RECOVERY
AMOUNT

Sec. 5: Prior to September 1, 1977, the Board of Trustees shall place all users of the treatment works in the industrial or non-industrial user classes, and the Board of Trustees shall, and hereby agrees, to recover from any present or future industrial user of the treatment works during the recovery period the grant amount allocable to the treatment of wastes from such industrial users in the manner hereinafter set forth. The recovery period for each industrial user shall be 30 years less the period of time elapsed from September 1, 1977. Before extending service to any user determined by the Board of Trustees to be placed in the industrial class, the Board of Trustees shall require that each prospective industrial user shall submit a signed letter addressed to the Board of Trustees, Town of Clay City, Indiana, stating the following:

- a.) intent of the prospective industrial user to pay that portion of the federal grant amount allocable to the treatment of its wastes;

- b.) the industrial user's intended period of use of the treatment works; and

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Sec. 5

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SCHEDULE C

Optional Industrial Cost Recovery Formulas

FORMULA 1: FLOW (To be used only if strength of wastes not in excess of domestic wastes):

$$\frac{\text{Industrial User Annual Flow in Gallons}}{43,800,000 \text{ Gallons}^*} \times (\$30,600)^{**} = \$ \underline{\hspace{2cm}}$$

FORMULA 2: FLOW AND STRENGTH (To be used if strength of waste is in excess of domestic wastes):

$$\frac{\text{Industrial User Annual Flow in Gallons}}{43,800,000 \text{ Gallons}^*} \times (\$23,562)^{**} +$$

$$\frac{\text{Industrial User Annual BOD Loading in lbs. (not less than 200 milligrams per liter)}}{62,050 \text{ lbs.}^*} \times (\$3,519)^{**} +$$

$$\frac{\text{Industrial User Annual SS Loading in lbs. (not less than 250 milligrams per liter)}}{62,050 \text{ lbs.}^*} \times (\$3,519)^{**} =$$

\$

Biochemical oxygen demand

Suspended solids

*[Compiler's note: See CCMC 2-2-2(f) for derivation of these figures.]

*[Compiler's note: See Schedule B for derivation of these figures.]

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- c.) the user's intended maximum use of the treatment facilities including volume, delivery flow rate, strength, including BOD and suspended solids, loading and nature of discharge.

The Board of Trustees shall determine the annual recovery amounts from each industrial user in accordance with one of the formulas shown in "Schedule C" hereto attached as part of this Section. However, the Board of Trustees may change the recovered amounts of any industrial user to reflect modification in the cost of facilities constructed as hereinbefore provided in Schedule A, or to reflect any change in the volume and/or strength of BOD and/or suspended solid loading of an industrial user's waste.

CCMC 2-2-6 BILLING AND PAYMENT PROCEDURE FOR INDUSTRIAL COST RECOVERY CHARGES

Sec 6: The annual industrial user recovery amount may be divided by the annual number of billing periods (e.g., 12 months) and billed with the sewer charge provided that the recovery amount is set forth as a separate item on the industrial user's bill. In any event, the industrial user shall pay the recovery amount at least once per annum. Recovery amounts shall be due and payable on or before the due dates shown on the bills, and any recovered amounts not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent and shall be collectible as set forth in Chapter 5 of this Article.

CCMC 2-2-7 DEPOSIT AND DISPOSITION OF INDUSTRIAL COST RECOVERY RECEIPTS

Sec. 7: All recovered amounts pursuant to Section 5 shall be deposited in the bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Town of Clay City EPA Project No. C180484 Recovered Amounts Fund." All such recovered amounts deposited in said fund shall be credited as follows:

- a.) Trust account: 40% of recovered amounts;
- b.) Discretionary account: 10% of recovered amounts;
- c.) U.S. Treasury account: 50% of recovered amounts.

Amounts deposited to this fund and credited to these accounts may be expended by the

Town of Clay
City only in
the manner set
forth in
Section 8 or
Section 9.

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CCMC 2-2-8 INDUSTRIAL COST RECOVERY AMOUNTS RETAINED BY
TOWN; ALLOCATION AND USE OF TRUST ACCOUNT AND
DISCRETIONARY ACCOUNT

Sec. 8: The 50% of recovered amounts pursuant to Section 5 which are retained amounts by the Town of Clay City shall be used as follows:

- a.) Trust Account: These amounts shall be used by the Town of Clay City solely for eligible costs of future reconstruction and expansion of treatment works, and no amount of the Trust Account shall be expended by the Town of Clay City without prior written approval of the Regional Administrator, Region V, Environmental Protection Agency. However, pending use, the Town of Clay City shall invest its retained amounts credited to the trust account in obligations of the U.S. Government, or obligations guaranteed as to the principal and interest by the U.S. Government or any agency thereof, or in accounts fully collateralized by obligations or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

[Compiler's note: I.C. 5-13-1 may further limit the above investments. Many federal agency obligations are not fully guaranteed by the U.S. Treasury and are not authorized investments for public funds under Indiana law.]

- b.) Discretionary Account: These amounts, including any interest earned thereon, may be used by the Town of Clay City in any manner and for any purpose deemed necessary by the Board of Trustees.

CCMC 2-2-9 INDUSTRIAL COST RECOVERY AMOUNTS PAYABLE TO
U.S. TREASURY

Sec. 9: The Town of Clay City shall, at least once per year, pay to the U.S. Treasury an amount equal to the remaining 50% of recovered amounts together with all interest earned thereon.

[This chapter was formerly Ord. R-76-4, 4/12/76]

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CHAPTER 3

SEWAGE WORKS CONSTRUCTION AND FINANCE: 1976 REVENUE BONDS

- Section 1: Authority to Establish and Construct Sewage Works; Supervision Of Construction
- Section 2: Authority to Issue Sewage Works Revenue Bonds; Character Of Bonds; Interest and Maturity; Pledge of Sewage Works Revenue
- Section 3: Authorization to Prepare and Tender Bonds For Sale; Procedure; Disposition of Bond Sale Proceeds; Acceptance Of FmHA Proposal
- Section 4: Option to Receive Fully Registered Bonds in Lieu of Coupon Bonds; Procedure and Effect of Registration; Reconversion to Bearer Form
- Section 5: Option to Register Coupon Bonds as to Principal Only; Procedure and Effect of Registration; Reconversion to Bearer Form
- Section 6: Incorporation by Reference and Savings of Certain Technical Sections Concerning Form and Tenor of Coupon and Fully Registered Bonds
- Section 7: Establishment of Operating Revenues; General Segregation And Dedication of Sewage Works Revenues; Restriction on Use for Other Purposes While Bonds Outstanding
- Section 8: Sewage Works Operation and Maintenance Fund Established; Minimum Monthly Deposit of Revenues; Use of Moneys
- Section 9: Sewage Works Sinking Fund, Bond and Interest Account; And Debt Service Reserve Account Created; Dedication Of Revenues
- Section 10: Sinking Fund Bond and Interest Account; Minimum Monthly Deposits; Payments to Bondholders and Fiscal Agency Charges
- Section 11: Sinking Fund Debt Service Reserve Account; Minimum Monthly Deposits; Purpose of Account and Use of Moneys
- Section 12: Sewage Works Improvement Fund Created; Deposit of

Remaining Revenues; Transfers to Sinking Fund if Required

Section 13: Administration of Sinking Fund, Operation and Maintenance Fund, and Improvement Fund; Segregation of Bank Accounts; Investment of Moneys

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Section 14: Rights and Safeguarding of Bondholders; Financial Recordkeeping and Reporting Requirements; Audit Rights of Bondholders

Section 15: Rights and Safeguards of Bondholders; General Covenants and Stipulations while Bonds Outstanding

Section 16: Rights and Safeguards of Bondholders; Special Covenants And Stipulations when Farmers Home Administration Is a Bondholder

Section 17: Rights and Safeguards of Bondholders; Consent to Amendments and Changes in Stipulations Governing Bonds; Limitations

Section 18: Redemption of Coupon or Fully Registered Bonds Prior To Maturity; Notice and Procedure; Cessation of Interest

Section 19: Reserved Right to Issue Additional Parity Bonds under Certain Circumstances; Requirements and Conditions

Section 20: Sewage Works Fiscal Year Established

CCMC 2-3-1

AUTHORITY TO ESTABLISH AND CONSTRUCT SEWAGE WORKS; SUPERVISION OF CONSTRUCTION

Sec. 1: The Town of Clay City shall establish, construct, equip, own, operate and maintain sewage works, together with such equipment and appurtenances as may be necessary or useful and convenient for the collection, treatment, purification and disposal in a sanitary manner of the sewage and industrial wastes of said Town, including the necessary lands, rights-of-way, or other property therefor within or without the corporate limits of the Town, under and pursuant to IC 1971, 19-2-5 (the Act), and all acts supplemental thereto. The terms "sewage treatment works," "works," and other like terms where used in this Chapter shall be construed to mean and include all such structures and property. Said sewage works, consisting of lands, easements, rights-of-way, interceptor and collection sewers, sewage treatment facilities including an extended aeration plant and other equipment, accessories and appurtenances, shall be acquired and

constructed in accordance with the plans, specifications and estimates heretofore prepared by J. B. Wilson & Associates, Inc., consulting engineers of Indianapolis, Indiana, which are now on file in the Office of the Clerk-Treasurer of th Town of Clay City, Indiana, and are hereby adopted and approved, and by reference made a part of this Section as fully as if the same were attached hereto or incorporated herein. The estimated cost of construction of said works shall not exceed the sum of \$1,485,000.00; and Art. 2, Ch. 3

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said works shall be constructed and the bonds herein authorized shall be issued pursuant to and in accordance with the provisions of the Act, and all acts supplemental thereto. The Board of Trustees hereby declares that the period of usefulness of said sewage works to be constructed pursuant to this Chapter shall be at least 40 years from the date of completion. The works shall be constructed under the supervision and subject to the approval of J. B. Wilson & Associates, Inc, or such other competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.

CCMC 2-3-2

AUTHORITY TO ISSUE SEWAGE WORKS REVENUE BONDS; CHARACTER OF BONDS; INTEREST AND MATURITY; PLEDGE OF SEWAGE WORKS REVENUES

Sec. 2: The Town of Clay City shall issue its sewage works revenue bonds in the amount of \$444,000.00 for the purpose of procuring funds to be applied on the cost of constructing a sewage works, as defined in Section 1 of the Act. Except as is provided in Section 4 hereof, said bonds shall be issued in the denomination of \$1,000.00 each, numbered consecutively from C-1 up, dated as of the date or dates of delivery of said bonds, and shall bear interest at a rate or rates not exceeding 5% per annum, payable annually on January 1 in each year, beginning on January 1, 1977. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due in the United States of America, at the First Bank and Trust Company of Clay County, in the Town of Clay City, Indiana, or, at the option of the holder, at such bank in the City of Indianapolis, Indiana, as may be designated by the original purchaser, other than an agency of the United States, who purchases the issue, subject to approval by the Town, and such bonds shall mature serially in numerical order on January 1 in the years and amounts as follows:

<u>Bond Numbers</u>	<u>Amount</u>	<u>Year of Maturity</u>
C1 to C8	\$ 4,000.00	1979 and 1980

C9 to C28	\$ 5,000.00	1981 through 1984
C29 to C52	\$ 6,000.00	1985 through 1988
C53 to C73	\$ 7,000.00	1989 through 1991
C74 to C89	\$ 8,000.00	1992 through 1993
C90 to C116	\$ 9,000.00	1994 through 1996
C117 to C136	\$ 10,000.00	1997 and 1998
C137 to C158	\$ 11,000.00	1999 and 2000

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C159 to C170	\$ 12,000.00	2001
C171 to C196	\$ 13,000.00	2002 and 2003
C197 to C210	\$ 14,000.00	2004
C211 to C240	\$ 15,000.00	2005 and 2006
C241 to C256	\$ 16,000.00	2007
C257 to C273	\$ 17,000.00	2008
C274 to C291	\$ 18,000.00	2009
C292 to C310	\$ 19,000.00	2010
C211 to C330	\$ 20,000.00	2011
C331 to C351	\$ 21,000.00	2012
C352 to C373	\$ 22,000.00	2013
C374 to C396	\$ 23,000.00	2014
C397 to C444	\$ 24,000.00	2015 and 2016

Said bonds shall be signed in the name of the Town of Clay City, Indiana, by the President of the Board of Trustees and attested by the Clerk-Treasurer, who shall affix the seal of said Town to each of said bonds. Any interest coupons attached to said bonds shall be executed by placing thereon the facsimile signature of the Clerk-Treasurer, and said official, by the signing of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Subject to the provisions for registration, said bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana. The coupon bonds shall be negotiable by delivery unless registered as to principal. All bonds of this issue, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town, including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. The Town shall not be obligated to pay such bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the

Constitution of the State of Indiana.

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CCMC 2-3-3

AUTHORIZATION TO PREPARE AND TENDER BONDS FOR SALE; PROCEDURE; DISPOSITION OF BOND SALE PROCEEDS; ACCEPTANCE OF FmHA PROPOSAL

Sec. 3: The Clerk-Treasurer is hereby authorized and directed to have said bonds and coupons prepared, and the President of the Board of Trustees and the Clerk-Treasurer are hereby authorize and directed to execute said bonds and any interest coupons to be attached thereto in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver said bonds to the purchasers thereof after sale made in accordance with the provisions of this Chapter. At the time of said delivery, the Clerk-Treasurer shall collect the full amount which the purchaser, or purchasers, have agreed to pay therefor, which shall not be less than the face value of said bonds; provided that if the best bid received is from an agency of the United States of America, the Clerk-Treasurer is authorized to receive payment for the bond or bonds in installments over a period corresponding to the construction period. The bonds herein authorized, when fully paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the revenues for the sewage works to be set aside into the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said sewage works hereinbefore referred to, and the expenses necessarily incurred in connection therewith. Any premium received at the time of delivery of the bonds together with such amount of the proceeds of the bonds as shall equal the accruing interest on the bonds for the period of construction shall be deposited in the Sewage Works Sinking Fund hereinafter created and credited to the Bond and Interest Account thereof. The remaining proceeds from the sale of said bonds shall be deposited in the First Bank and Trust Company, in the Town of Clay City, Indiana, in a special account or accounts, separate and apart from other bank accounts of the town, to be designated as "Town of Clay City, Sewage Works Construction Account." All moneys deposited to the credit of said Sewage Works Construction Account shall be deposited, held, secured or invested in direct obligations of the United States of America, in accordance with laws of the State of Indiana relating to depositing, holding, securing or investing of public funds, including particularly IC 5-13-1, as it may be supplemented. Any income from such investment shall become a part of the Sewage Works Construction Account. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the works, as defined in the Act or as otherwise required by said Act. Any balance or balances remaining unexpended in such special account or accounts of the Sewage Works Construction Account, after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall, within 60 days after completion of the project, be deposited in the Sewage Works Sinking Fund, credited to the Debt Service Reserve Account thereof, and shall be used solely for

the purposes of said fund. Art. 2, Ch. 3

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Based upon the proposal of the Farmers Home Administration, the bonds will be issued and delivered to the Farmers Home Administration at an interest rate of 5% per annum. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts or things which may be necessary to carry out the provisions of this Chapter.

CCMC 2-3-4

OPTION TO RECEIVE FULLY REGISTERED BONDS IN LIEU OF COUPON BONDS; PROCEDURE AND EFFECT OF REGISTRATION; RECONVERSION TO BEARER FORM

Sec. 4: Notwithstanding the provisions of Section 2 hereof, at the option of an original purchaser of the bonds, fully registered bonds without coupons, dated as of the date or dates of delivery shall be issued in lieu of coupon bonds in the denomination of \$1,000.00 each, or in denominations equal to the total principal maturing on each January 1, or in a denomination equal to the aggregate principal amount of the issue. Any fully registered bonds shall be numbered consecutively from R-1 up. Principal of said fully registered bonds shall, subject to prior prepayment as hereinafter provided, fall due on such dates and in such amounts as correspond to the amounts and dates of maturities set forth in Section 2. Interest on unpaid installments of principal of fully registered bonds shall be payable annually on the first day of January in each year until the principal amount thereof has been paid. Both principal and interest shall be payable to the holder appearing as registered owner thereof on said bond and on the registration record of the Town, by check or draft, mailed or delivered to such registered owner at the address as it appears on the registration books of the Town unless otherwise directed in writing by the registered owner, provided, that at the time of final payment, said fully registered bond or bonds must be delivered to the Town. The party in whose name said bonds shall be registered shall be deemed the absolute owner for all purposes and payments to such owner shall completely discharge the town's obligations. Fully registered bonds may be transferred upon proper execution of an assignment by the registered owner and presentation of the bond and the executed assignment to the Clerk-Treasurer of the Town for notation of the transfer upon the bond and upon the registration records of the Town. Any prepayments of principal shall also be noted on the prepayment record attached to such bonds when presented for such prepayments as hereinafter provided. Upon surrender of a fully registered bond at the Office of the Clerk-Treasurer of the Town, or at such other place as may be agreed upon by and between the Town and the registered owner, together with a request for exchange duly executed by the registered owner, or his attorney, in such form as shall be satisfactory to the Town, such bond may, at the option and expense of the registered owner thereof, be exchanged for coupon bonds in an

aggregate Art.

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amount equal to the then unpaid principal amount and with maturities corresponding to the unpaid principal installments of the fully registered bond, in the denomination of \$1,000.00 each, bearing the same rate of interest payable annually on January 1, with coupons attached representing all unpaid interest due or to become due thereon. On the surrender of such fully registered bond without coupons and the filing of a request for exchange, the Town shall execute and deliver such coupon bonds in accordance with the request for exchange and in the form of bond substantially as provided pursuant to Section 6 hereof. Said coupon bonds shall be issued within 60 days from the date of the filing of the request for such exchange. Any fully registered bond surrendered for exchange shall, upon delivery of the coupon bonds, be forthwith cancelled by the Town.

CCMC 2-3-5 OPTION TO REGISTER COUPON BONDS AS TO PRINCIPAL ONLY; PROCEDURE AND EFFECT OF REGISTRATION; RECONVERSION TO BEARER FORM

Sec. 5: Upon presentation of any of the coupon bonds at the office of the Clerk-Treasurer, said Clerk-Treasurer shall register said bonds as to principal. Registration shall occur at no charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on such bond, but coupon bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of a coupon bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

CCMC 2-3-6 INCORPORATION BY REFERENCE AND SAVINGS OF CERTAIN TECHNICAL SECTIONS CONCERNING FORM AND TENOR OF COUPON AND FULLY REGISTERED BONDS

Sec. 6: The provisions of original ordinance R-76-1, Sections 5 and 6, specifying the exact form and tenor of coupon bonds authorized under Section 2 and fully registered bonds authorized under Section 4 are herein incorporated by reference and are saved

from any general repeal under CCMC 1-2-2. Copies of said original ordinance are on file in the office of the Clerk-Treasurer and available for public inspection. This Section is effective so long as any of said bonds remain outstanding.

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CCMC 2-3-7 ESTABLISHMENT OF OPERATING REVENUES; GENERAL
SEGREGATION AND DEDICATION OF SEWAGE WORKS
REVENUES; RESTRICTION ON USE FOR OTHER
PURPOSES WHILE BONDS OUTSTANDING

Sec. 7: The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said works, to be paid by the owner of each and every lot, parcel or real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the Town, or that in any way uses or is served by such works, that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation repair, replacement and maintenance of the works, and for the payment of the sums required to be paid into the Sewage Works Sinking Fund by this Chapter and by the Act. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, and said requirements of the Sewage Works Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof as the charges accrue. As soon as the sewage works becomes revenue producing, all revenues derived from the operation of the sewage works and from the collection of sewage rates and charges shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the sewage works shall be transferred to the general fund of the Town or be used for any purpose not connected with the sewage works so long as any bonds payable from the revenues of the sewage works are outstanding.

CCMC 2-3-8 SEWAGE WORKS OPERATION AND MAINTENANCE FUND
ESTABLISHED; MINIMUM MONTHLY DEPOSIT OF
REVENUES; USE OF MONEYS

Sec. 8: There is hereby created a fund to be known as the “Operation and Maintenance Fund,” to which there shall be credited as of the last day of each calendar month a sufficient amount of the revenues of the sewage works so that the balance in said fund shall be sufficient to pay the expenses of the operation, repair and maintenance for the then next

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succeeding calendar months. The moneys credited to this fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis, but none of the moneys in such fund shall be used for depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal or interest on the outstanding bonds.

CCMC 2-3-9 SEWAGE WORKS SINKING FUND, BOND AND INTEREST
ACCOUNT, AND DEBT SERVICE RESERVE ACCOUNT
CREATED; DEDICATION OF REVENUES

Sec. 9: There is hereby created a sinking fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest coupons, which fund shall be designated the “Sewage Works Sinking Fund.” There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the net revenues of said sewage works (defined as gross revenues of the sewage works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby created in said Sewage Works Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account hereinafter created, equal the principal of and interest on all of the then outstanding bonds to the final maturity.

CCMC 2-3-10 SINKING FUND BOND AND INTEREST ACCOUNT; MINIMUM
MONTHLY DEPOSITS; PAYMENTS TO BONDHOLDERS
AND
FISCAL AGENCY CHARGES

Sec. 10: As soon as the sewage works becomes revenue producing, there shall be credited on the first day of each calendar month to the Bond and Interest Account an amount equal to the sum of 1/10th of the interest on all then outstanding bonds payable on the then next succeeding interest payment date, and 1/10th of the amount of principal payable on then outstanding bonds which will be payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding respective principal and interest payment dates shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying Art. 2, Ch. 3

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principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sewage Works Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

CCMC 2-3-11 SINKING FUND DEBT SERVICE RESERVE ACCOUNT; MINIMUM MONTHLY DEPOSITS; PURPOSE OF ACCOUNT AND USE OF MONEYS

Sec. 11: On the first day of each calendar month, after making the credits to the Bond and Interest Account, there shall be credited from available net revenues to the Debt Service Reserve Account the sum of \$446.00, or such higher amount as may be fixed from time to time by the Board of Trustees. Said credits to the Debt Service Reserve Account shall continue until the balance therein shall equal not less than the maximum annual principal and interest requirements of the then outstanding bonds payable from the Sewage Works Sinking Fund. The Debt Service Reserve Account shall constitute the margin for safety and as a protection against default in the payment of principal of and interest on the bonds, and the moneys in the Debt Service Reserve shall be used to pay current principal and interest on the bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in credits to the Debt Service Reserve Account shall be promptly made up from the next available net revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds, then such depletion of the balance in the Debt Service Reserve Account shall be made up from the next available net revenues after the credits into the Bond and Interest Account hereinbefore provided for. Any moneys in the Debt Service Reserve Account in excess of the maximum annual principal and interest requirements of the then outstanding bonds may be used for the redemption of coupon

bonds or prepayment of installments of principal on fully registered bonds which are then callable or prepayable, or for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding par and accrued interest, or may be transferred to the Sewage Works Improvement Fund.

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CCMC 2-3-12 SEWAGE WORKS IMPROVEMENT FUND CREATED; DEPOSIT OF REMAINING REVENUES; TRANSFERS TO SINKING FUND IF REQUIRED

Sec. 12: After meeting the requirements of the Operation and Maintenance Fund and the Sewage Works Sinking Fund, any excess revenues may be transferred or credited to a fund designated the "Sewage Works Improvement Fund," and said fund shall be used for improvements, replacements, additions and extensions of the sewage works. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sewage Works Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Debt Service Reserve Account of the Sewage Works Sinking Fund.

CCMC 2-3-13 ADMINISTRATION OF SINKING FUND, OPERATION AND MAINTENANCE FUND, AND IMPROVEMENT FUND; SEGREGATION OF BANK ACCOUNTS; INVESTMENT OF MONEYS

Sec. 13: The Sewage Works Sinking Fund shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the Town. The Operation and Maintenance Fund and the Sewage Works Improvement Fund may be maintained in a single bank account, or accounts, but such account, or accounts, shall likewise be maintained separately and apart from all other bank accounts of the Town and apart from the Sewage Works Sinking Fund bank account or accounts. All moneys deposited in said bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana, provided that moneys herein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13-1, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this Chapter.

CCMC 2-3-14 RIGHTS AND SAFEGUARDING OF BONDHOLDERS; FINANCIAL RECORDKEEPING AND REPORTING REQUIREMENTS; AUDIT RIGHTS OF BONDHOLDERS

Sec. 14: The Town shall keep property books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made

showing all revenues collected from said works and all disbursements made on account of the Art. 2, Ch. 3

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works, also all transactions relating to said works. There shall be prepared and furnished to the original purchasers of the bonds, and, upon written request, to any subsequent holder of the bonds, not more than 90 days after the close of each fiscal year, complete operating income and expense statements of the works, covering the proceeding fiscal year and the balances in the several funds and accounts created by this chapter. Copies of all such statements and reports together with all audits of the sewage works made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on file in the Office of the Clerk-Treasurer. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and data of the town relating to the sewage works. Such inspections may be made by representatives duly authorized by written instrument.

CCMC 2-3-15 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; GENERAL COVENANTS AND STIPULATIONS WHILE BONDS OUTSTANDING

Sec. 15: For the purpose of further safeguarding the interests of the holders of the bonds herein authorized, it is specifically provided as follows so long as any of the bonds are outstanding:

- a.) All contracts let by the Town in connection with the construction of said sewage works shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.
- b.) The Town shall at all times maintain its sewage works in good condition and operate the same in an efficient manner and at a reasonable cost.
- c.) The Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private

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companies engaged in a similar type of business. All insurance shall be

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placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or if not used for the purpose, shall be deposited in the Sewage Works Sinking Fund and credited to the Debt Service Reserve Account.

- d.) So long as any of the bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable for use in the sewage works.
- e.) Except as provided in Section 19, as long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized have been duly called for redemption and sufficient funds to effect the redemption and retirement have been deposited at the place of redemption on the date fixed for redemption in accordance with the terms and conditions of said bonds of this chapter.
- f.) The Town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said sewage works.
- g.) The provisions of this chapter shall constitute a contract by an between the Town and the holders of the sewage works revenue bonds herein authorized, and after the issuance of said bonds, this chapter shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Board of Trustees adopt any law, ordinance or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

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- h.) The provisions of this chapter shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes therein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this chapter and of the governing Act. The provisions of this chapter shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Sewage Works Sinking Fund for the uses and purposes of said fund as in this chapter set forth. The holders of said bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said sewage works, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any of the provisions of this chapter or the governing Act.

CCMC 2-3-16 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; SPECIAL COVENANTS AND STIPULATIONS WHEN FARMERS HOME ADMINISTRATION IS A BONDHOLDER

Sec. 16: So long as in the United States of America, acting through the Farmers Home Administration, is the holder of any of the bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the bonds authorized by this chapter, that:

- a.) The Clerk-Treasurer shall maintain a fidelity bond in an amount not less than \$10,000.00 which shall name the Farmers Home Administration as a co-obligee.
- b.) All disbursements and payments from the Construction Account established by Section 3 hereof shall be countersigned by such official as shall be designated in writing by the Farmers Home Administration.
- c.) The Town, to the extent permitted by state law, shall make such periodic reports on the sewage works and its funds and accounts as shall be specified by the Farmers Home Administration.
- d.) To the extent permitted by law, the Town shall comply with the terms and conditions of the Farmers Home Administration Loan Agreement, dated

March 18, 1976.

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CCMC 2-3-17 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; CONSENT TO AMENDMENTS AND CHANGES IN STIPULATIONS GOVERNING BONDS; LIMITATIONS

Sec. 17: Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than 75% in aggregate principal amount of the bonds issued pursuant to this chapter and then outstanding shall have the right, from time to time, anything contained in this chapter to the contrary notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or conditions contained in this chapter or in any supplemental ordinances; provided, however, that nothing herein contained shall permit or be construed as permitting:

- a.) An extension of the maturity of the principal of or interest on any bond issued pursuant to this chapter; or
- b.) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or
- c.) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this chapter; or
- d.) A preference or priority of any bond or bonds issued pursuant to this chapter over any other bond or bonds issued pursuant to the provisions of this chapter; or
- e.) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than 75% in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance must have consented to and approved the adoption thereof by written instrument to be maintained on file in the Office of the Clerk-Treasurer of the Town. No holder of any bond issued pursuant to this chapter shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this chapter shall be, and shall be deemed, modified and amended in accordance therewith, and the respective

rights, duties and obligations under this chapter of the Town and all holders of bonds issued pursuant to the provisions of this chapter then Art. 2, Ch. 3

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outstanding, shall thereafter be determined exercised and enforced in accordance with this chapter, subject in all respects to such modifications and amendments.

Notwithstanding anything contained in the foregoing provisions of this chapter, the rights and obligations of the town and of the holders of the bonds authorized by this chapter and the terms and provisions of the bonds and this chapter, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the holders of all the bonds issued pursuant to this chapter then outstanding.

CCMC 2-3-18 REDEMPTION OF COUPON OR FULLY REGISTERED BONDS PRIOR TO MATURITY; NOTICE AND PROCEDURE; CESSATION OF INTEREST

Sec. 18: The coupon bonds, and installments of principal of fully registered bonds, of the issue authorized under Section 2 maturing on January 1, 1987, and thereafter, shall be redeemable at the option of the Town from any funds regardless of source, in whole, or from time to time in part, on January 1, 1986, or any interest payment date thereafter, at the principal amount thereof and accrued interest to the date fixed for redemption, without any premium. Redemptions of coupon bonds, or prepayments of installments of principal of fully registered bonds, shall be made in inverse chronological order of maturities outstanding at the time of redemption or prepayment, and in inverse numerical order for coupon bonds if less than an entire maturity is called. Notice of redemption of coupon bonds shall be published at least one time in a newspaper published in Clay County and in general circulation in the Town of Clay City, not less than 30 days prior to the date fixed for redemption. Said notice of redemption of coupon bonds shall also be published in The Indianapolis Commercial, or in the event of suspension of publication of such newspaper then in another newspaper or financial journal published in the City of Indianapolis, Indiana, by two insertions, the first to be at least 30 days prior to the date fixed for redemption and the second to be not more than 30 nor less than 15 days prior to the date fixed for redemption. Notice shall be given by registered mail, postmarked at least 30 days prior to the date of redemption or prepayment, to the registered holder at his address as shown on the registration record of the Town in the event of redemption of a registered coupon bond or prepayment of principal on a fully registered bond. The notice shall specify the date and place of redemption or prepayment, the serial numbers of the bonds called for redemption or subject to prepayment, and identification of installments of principal to be prepaid. The place of redemption of coupon bonds may be any bank where principal of bonds of this issue is payable. The place of prepayment of installments of principal on fully registered bonds shall be the Office of the Clerk-

Treasurer of the Town who shall record the prepayments on the bonds. Interest on the bond so called for redemption, or on installments of principal to Art. 2, Ch. 3

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be prepaid, shall cease on the date fixed in such notice if sufficient funds are available at the place of redemption or prepayment to pay the price on the date so named, including interest to said date. If any unmatured coupon bond and coupon or coupons so called for redemption, or any fully registered bond called for prepayment, shall not be presented on the date and at the place designated, the Town may place in trust at the bank constituting the place of redemption, or in the case of fully registered bonds called for prepayment, the Town shall hold in trust in the Town's depository bank, sufficient funds to effect such redemption or prepayment in full, and thereafter the holder of such bond and coupon or coupons shall be entitled to payment only from such trust funds and the redemption or prepayment thereof shall be deemed to have been effected and the bonds no longer outstanding.

CCMC 2-3-19 RESERVED RIGHT TO ISSUE ADDITIONAL PARITY BONDS UNDER CERTAIN CIRCUMSTANCES; REQUIREMENTS AND CONDITIONS

Sec. 19: The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of its sewage works, ranking on a parity with the bonds authorized by this chapter to complete the planned project, according to the plans and specifications upon certification of the engineer of the amount necessary without any further conditions, or for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, subject to the following conditions:

- a.) The interest on and principal of all bonds payable from the revenues of the sewage works shall have been paid to date in accordance with the terms thereof and the amounts required to be paid into the Sewage Works Sinking Fund and the accounts thereof shall have been paid.
- b.) The net revenues of the sewage works in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this chapter shall not be less than 120% of the maximum annual interest and principal requirements of the then outstanding bonds and the proposed additional parity bonds to the final maturity of the then outstanding bonds. For purposes of this subsection, the records of the sewage works shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that

purpose. In computing the maximum annual interest and principal requirements pursuant to this subsection, the interest on and principal of the refunding bonds shall be

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substituted for the interest on and principal of the bonds being refunded.

- c.) The interest on the additional parity bonds shall be payable annually on January 1, and the principal shall be payable annually on January 1 in the years in which principal and interest are payable.

Parity bonds may also be issued to refund less than all of the then outstanding bonds issued pursuant to this chapter or ranking on a parity therewith, but any such refunding bonds shall be subject to the conditions in this section unless the bonds being refunded mature within 3 months of the date of such refunding and no other funds are available to pay such maturing bonds.

CCMC 2-3-20 SEWAGE WORKS FISCAL YEAR ESTABLISHED

Sec. 20: The fiscal year of the sewage works shall be from January 1 to December 31, both inclusive.

[This chapter was formerly Ord. R-76-1, 2/18/76.]

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CLAY CITY MUNICIPAL CODE**CHAPTER 4****CONNECTION TO AND USE OF MUNICIPAL
SEWAGE SYSTEM**

- Section 1: Definitions
- Section 2: Territorial Applicability
- Section 3: Connection of Properties in Town to Available Public Sewer
Required
- Section 4: Connection (Tap) Permit Required to Connect Building Sewer to
Public Sewer; Classes of Permits; Permit Fee; Supervision by
Town
- Section 5: Conditions and Requirements for Granting Connection Permits
- Section 6: Extension and Use of Sewers and Sewer Service to Out-of-Town
Properties Restricted; Conditions for Exceptions
- Section 7: Requirements for Building Sewer Installation and Connection;
Safeguarding for Excavations
- Section 8: Requirements for Building Sewer Installation and Connection;
General Design and Construction Standards for Building Sewers
- Section 9: Requirements for Building Sewer Installation and Connection;
Use of Independent Building Sewers Required; Exceptions
- Section 10: Requirements for Building Sewer Installation and Connection;
Requirements for Reuse of Old Sewers
- Section 11: Requirements for Building Sewer Installation and Connection;
Inspection Prior to Connection; Supervision of Connection;
Connection Specifications
- Section 12: Requirements for Building Sewer Installation and Connection;
Restoration of Public Property After Completion
- Section 13: Admissibility of Wastes; Discharge of Certain Unpolluted Waters
to Sanitary Sewers Prohibited; Use of Storm or Combined Sewers
- Section 14: Admissibility of Wastes; Discharge of Certain Substances,
Quantities,
or Character of Wastes to Public Sewers Prohibited; Liability for
Damage

- Section 15: Admissibility of Wastes; Prohibited Discharge May Be Accepted by Special Agreement; Conditions
- Section 16: Admissibility of Wastes; Wastes in Excess of Certain Strength or Character Require Approval of Superintendent; Pretreatment Requirements and Facilities

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- Section 17: Admissibility of Wastes; Grease and Sand Traps May Be Required In Some Circumstances
- Section 18: Industrial Wastes; Data Submission Required; Time Schedule
- Section 19: Industrial Wastes; Installation of Control Manholes and Measuring Devices by User May Be Required
- Section 20: Industrial Wastes; Periodic Sampling and Analysis of Wastes Discharged by Industrial Users; Use of Representative Analysis
- Section 21: Industrial Wastes; Availability of Data to EPA
- Section 22: Access to Private Property for Inspection Sampling, Etc.; Observance of Safety Rules; Limitations as to Industrial Processes
- Section 23: Access to Private Property Containing Sewer Easements for Inspection, Maintenance, Etc.;
- Section 24: Tampering With or Damaging Sewage Works Prohibited; Enforcement and Penalties
- Section 25: Other Violations; Notice; Time Limit for Compliance
- Section 26: Violations; Failure to Comply with Notice; Penalties
- Section 27: Violations; Liability to Town for Consequential Damages and Expenses
- Section 28: Power of Town Board to Make Further Rules and Regulations
- Section 29: Amendments to Chapter

CCMC 2-4-1 DEFINITIONS

Sec. 1: Unless the context specifically indicates otherwise, the meanings of the following terms as used in this chapter or as used in the rules and regulations adopted by the Board of Trustees to implement the provisions of this chapter shall be as follows:

- (1) “Biochemical Oxygen Demand” (or BOD) of sewage, sewage effluent,

polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stability of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for 5 days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard methods."

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- (2) “Building (or house) drain” shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately 3 feet outside the foundation wall of the building.
- (3) “Building (or house) sewer” shall mean the pipe which is connected to the building (or house) drain at a point approximately 3 feet outside the foundation wall of the building and which conveys the building’s discharge from that point to the public sewer or other place of disposal.
- (4) “Chemical Oxygen Demand” or (COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods.”
- (5) “Effluent” shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- (6) “Garbage” shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
- (7) “Ground garbage” shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
- (8) “Industrial wastes” shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person, and shall further mean any waste from an industrial user as defined in CCMC 2-2-4.
- (9) “Influent” shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

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- (10) “Outlet” shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any water course, pond, ditch, lake or other body or surface or ground water.
- (11) “pH” shall mean the logarithm (to the base of 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
- (12) “Receiving stream” shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
- (13) “Residential property unit” shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
- (14) “Sanitary sewage” shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
- (15) “Sewage” shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination together with such ground, surface and storm waters as may be present.
- (16) “Wastewater treatment plant” shall mean the arrangement of devices, structures and equipment used for treatment and disposing of sewage and sludge.
- (17) “Sewage works” shall mean any facilities for collecting, transporting, pumping, treatment and disposing of sewage and sludge, namely the sewerage system and wastewater treatment plant.
- (18) “Sewer” shall mean a pipe or conduit for carrying sewage or other waste liquids.
- (19) “Combined sewer” shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.

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- (20) “Public sewer” shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- (21) “Sanitary sewer” shall mean a sewer which carries sewage and in which storm surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- (22) “Storm sewer” shall mean a sewer which carries storm, surface and ground water drainage but excludes sewage.
- (23) “Sewer Engineer” or “Water Pollution Control Engineer” shall mean the duly authorized representative of the Town. The individual designated may be the Town Engineer, Superintendent of the wastewater treatment plant, consulting civil or environmental engineer to the Town, or some similar, knowledgeable and technically qualified person.
- (24) “Sewerage system” shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the wastewater treatment plant.
- (25) “Standard Methods” shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for Examination of Water and Wastewater,” published jointly by the American Public Health Association, the American Water works Association and the Water Pollution Control Federation and is set forth in 40 CFR 136.
- (26) “Superintendent” shall mean the Superintendent of the Wastewater Treatment Plant of the Town of Clay City or his duly authorized representative;
- (27) “Suspended Solids” (SS) shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in “Standard Methods.”
- (28) “Watercourse” shall mean a channel in which a flow of water occurs either continuously or intermittently.

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- (29) “Compatible pollutant” shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the publicly owned treatment works was designated to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (30) “Incompatible pollutant” shall mean any pollutant which is not a compatible pollutant as defined in (29).
- (31) “Major contributing industry” shall mean an industrial user of the publicly owned treatment works that has a flow of 50,000 gallons or more per average work day; has a flow greater than 5% of the flow carried by the municipal system receiving the waste; has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; or is found by the permit issuance authority, in connection with the issuance of an NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
- (32) “Service area” shall mean that area which presently or in the future contributes sewage to the wastewater treatment plant.
- (33) “Inflow” shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
- (34) “Infiltration” shall mean the water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls.
- (35) “NPDES permit” shall mean the National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants.

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- (36) “Unsanitary manner” means in such a way as to befoul public premises or adjoining private property, pollute runoff or ground waters, create a hazard to human health, attract or induce breeding of noxious insects or vermin, or constitute a nuisance as defined by CCMC 3-4-2.
- (37) “User classes” refers to the industrial or nonindustrial classes defined and determined under CCMC 2-2-4.

CCMC 2-4-2 TERRITORIAL APPLICABILITY

Sec. 2: The terms of this chapter shall apply to the entire service area from which sewage is received and treated at the wastewater treatment plant.

CCMC 2-4-3 CONNECTION OF PROPERTIES IN TOWN TO AVAILABLE PUBLIC SEWER REQUIRED

Sec. 3: The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

CCMC 2-4-4 CONNECTION (TAP) PERMIT REQUIRED TO CONNECT BUILDING SEWER TO PUBLIC SEWER; CLASSES OF PERMITS; PERMIT FEE; SUPERVISION BY TOWN

Sec. 4: No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Clerk-Treasurer. There shall be two classes of building sewer permits, one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Art. 2,

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Superintendent. A permit and inspection fee of \$5.00 for a residential or commercial building sewer permit and \$15.00 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

CCMC 2-4-5

CONDITIONS AND REQUIREMENTS FOR GRANTING CONNECTION PERMITS

Sec. 5: The following conditions and requirements apply to connection permits applied for and granted under Section 4:

- a.) No owner or occupant of any real property shall tap or drain, either directly or indirectly, into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligations to pay all assessments, reimbursements or pro rata shares of sewer extension costs lain against that property for public sewers installed to serve it. A tap permit given in error or sewerage services billed to a property in error shall not operate to nullify any such obligation that has been duly recorded
- b.) The Board of Trustees shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have 30 days after notice to comply with any such requirements.
- c.) The Board of Trustees shall not authorize any tap permit which will cause excess flow, BOD and/or suspended solid loading of the wastewater treatment plant, force mains, lift stations or sewers.
- d.) The Town shall not approve any new connection into the sanitary sewers which will cause overloading.
- e.) The Town shall prohibit any new connections from inflow sources into the sanitary sewer portions of the sewerage system, and shall enure that new sewers and connections to the sanitary sewers are properly designed and connected.

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- f.) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The Town of Clay City shall hire a qualified contractor to provide the service of installing and connecting said sewer to the owner's property. The Town may require that the owner pre-pay the installation cost to be held in escrow until the completion of said installation and connection. Thereafter, the Town shall be responsible for taking said escrow monies and paying the contractor for said service.

CCMC 2-4-6 EXTENSION AND USE OF SEWERS AND SEWER SERVICE
TO OUT-OF-TOWN PROPERTIES RESTRICTED;
CONDITIONS
FOR EXCEPTIONS

Sec.6: The installation, construction or extension of sewers by the Town outside the corporate limits of the Town and the connection or extensions of sewers into the Town's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Board of Trustees by duly enacted ordinance. However, the Board of Trustees shall have the authority to permit a property located outside the corporate limits of the Town to connect to an existing sewer which is part of the Town's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in Section 5.

CCMC 2-4-7 REQUIREMENTS FOR BUILDING SEWER INSTALLATION
AND CONNECTION; SAFEGUARDING OF EXCAVATIONS

Sec. 7: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

CCMC 2-4-8 REQUIREMENTS FOR BUILDING SEWER INSTALLATION
AND CONNECTION; GENERAL DESIGN AND
CONSTRUCTION STANDARDS FOR BUILDING SEWERS

Sec. 8: The size, slope, alignment and materials of construction of a building sewer,

and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Art. 2, Ch. 4

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the A.S.T.M. And W.P.C.F. Manual of Practice No. 9 shall apply. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

CCMC 2-4-9 REQUIREMENTS FOR BUILDING SEWER INSTALLATION AND CONNECTION; USE OF INDEPENDENT BUILDING SEWERS REQUIRED; EXCEPTIONS

Sec. 9: A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

CCMC 2-4-10 REQUIREMENTS FOR BUILDING SEWER INSTALLATION AND CONNECTION; REQUIREMENTS FOR REUSE OF OLD SEWERS

Sec. 10: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter.

CCMC 2-4-11 REQUIREMENTS FOR BUILDING SEWER INSTALLATION AND CONNECTION; INSPECTION PRIOR TO CONNECTION; SUPERVISION OF CONNECTION; CONNECTION SPECIFICATIONS

Sec. 11: The applicant for the sewer connection permit shall notify the Inspector when the building sewer or other drain is ready for inspection and connection to the public sewer or storm drain. All connections made with any sewer of the Town shall be made under the direct supervision of the Inspector or his representative, and the connections shall be made in the manner the Inspector shall designate and in no other manner. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C. Manual of Practice No. 9. Art. 2, Ch. 4

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All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by Superintendent before installation. In the case of a connection to a public sanitary or combined sewer, the connection shall be performed by employees or agents of the Town. No backfilling or other concealment of the building sewer system or other drain may be performed until the inspection required under this section has been performed and all work approved by the Inspector or representative.

CCMC 2-4-12 REQUIREMENTS FOR BUILDING SEWER INSTALLATION AND CONNECTION; RESTORATION OF PUBLIC PROPERTY AFTER COMPLETION

Sec. 12: Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

CCMC 2-4-13 ADMISSIBILITY OF WASTES; DISCHARGE OF CERTAIN UNPOLLUTED WATERS TO SANITARY SEWERS PROHIBITED; USE OF STORM OR COMBINED SEWERS

Sec. 13: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling

water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the said Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the said Superintendent, to a storm sewer, combined sewer, or natural outlet.

CCMC 2-4-14 ADMISSIBILITY OF WASTES; DISCHARGE OF CERTAIN
SUBSTANCES, QUANTITIES, OR CHARACTER OF WASTES
TO PUBLIC SEWERS PROHIBITED; LIABILITY FOR
DAMAGE

Sec. 14: Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters:

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- a.) Any liquid or vapor having a temperature higher than 160° Fahrenheit;
- b.) Any waters or wastes containing more than 50 milligrams per liter of fats, oils, greases or waxes;
- c.) Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas;
- d.) Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair;
- e.) Any garbage that has not been properly ground;
- f.) Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system of the wastewater treatment plant;
- g.) Any waters or wastes containing phenols in excess of 0.50 milligrams per liter;

- h.) Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the sewage works;
- l.) Any copper in excess of 1.0 milligram per liter;
- j.) Any zinc in excess of 5.0 milligrams per liter in any wastes discharged into any public sewer;
- k.) Any chromium (hexavalent) in excess of 1.0 milligrams per liter in any wastes discharged into a public sewer;
- l.) Any chromium (trivalent) in excess of 2.0 milligrams per liter in any wastes discharged into a public sewer;
- m.) Total chromium in excess of 3.0 milligrams per liter;

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- n.) Any nickel in excess of 1.0 milligrams per liter;
- o.) Any lead in excess of 1.0 milligrams per liter;
- p.) Any cadmium in excess of 0.02 milligrams per liter;
- q.) Any cyanides, as CN ions, in excess of 1.0 milligrams per liter;
- r.) Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;
- s.) Any toxic radioactive isotopes, without a special permit; however the radioactive isotopes I 131 and P 32 used in hospitals are not prohibited; if they are properly diluted before being discharged into the sewerage system;
- t.) Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the wastewater treatment plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by the federal, interstate, state or other competent authority having jurisdiction;
- u.) Any waters or wastes containing iron or any other toxic ions, compounds

or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Trustees, but in no event shall the limits exceed those set forth in Appendix C of the “Federal Guidelines for Pretreatment of Pollutants Introduced Into Publicly Owned Treatment Works” published October, 1973, or exceed the limits and restrictions set forth in the Town of Clay City’s NPDES Permit No. 0029734 incorporated herein by reference;

- v.) Any waters or wastes that for a duration of 5 minutes or more, have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the customer’s sewage discharged during a 24-hour period of normal operation; or
- w.) Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the wastewater treatment plant, its pumping stations or other facilities.

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All or certain industrial wastes may be excluded when conditions are such that NPDES permit restrictions cannot be met. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the Town in cleaning out, repairing or rebuilding the sewer. In addition, surcharges shall be imposed by the Town for any pollutant discharged in excess of the limits set forth herein.

CCMC 2-4-15 ADMISSIBILITY OF WASTES; PROHIBITED DISCHARGES MAY BE ACCEPTED BY SPECIAL AGREEMENT; CONDITIONS

Sec. 15: No statement contained in Section 14 shall be construed as prohibiting any special agreement or arrangement between the Town and any person whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment either with or without pretreatment, provided there is no impairment of the function of the sewage works by reason of the admission of such wastes and no extra costs are incurred by the Town without recompense by the person.

CCMC 2-4-16 ADMISSIBILITY OF WASTES; WASTES IN EXCESS OF

CERTAIN STRENGTH OR CHARACTER REQUIRE
APPROVAL OF SUPERINTENDENT; PRETREATMENT
REQUIREMENTS AND FACILITIES

Sec. 16: Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:

- a.) A BOD greater than 200 milligrams per liter; and
- b.) A suspended solid content greater than 250 milligrams per liter; or
- c.) Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the sewage works or to health, whether by themselves or through interacting with other wastes in the public sewers.

When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents Art. 2, Ch. 4

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which would be harmful to the structures, processes or operations of the sewage works or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers. Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the Town for examination and approval and no construction of such facilities shall begin until the Town, through its Board of Trustees, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. Plans, specifications and other pertinent information shall also be submitted to the Stream Pollution Control Board* for approval in accordance with Stream Pollution Control Board Resolution No. 15. When such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the Town. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe

*[Compiler's note: By the time of this codification, the "Stream Pollution Control Board"

referred to above has been consolidated, along with several other environmentally-related state agencies, into the “Indiana Environmental Management Board.”]

CCMC 2-4-17 ADMISSIBILITY OF WASTES; GREASE AND SAND TRAPS MAY BE REQUIRED IN SOME CIRCUMSTANCES

Sec. 17: Whenever the Board of Trustees determines that interceptors or traps are needed to protect the sewerage system or the operations of the wastewater treatment plant from grease, oil, sand or similar substances occurring in a customer’s sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall be subject to the Town’s approval as to construction, location and installation.

CCMC 2-4-18 INDUSTRIAL WASTES; DATA SUBMISSION REQUIRED; TIME SCHEDULE

Sec. 18: Any person who discharges industrial wastes into the Town’s sewerage system, either directly or indirectly, shall, upon written request of the Board of Trustees, fill out and Art. 2, Ch. 4

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file with the Town within 90 days an industrial wastes questionnaire to be furnished by the Town, in which he shall set out the quantity and characteristics of the wastes discharged into the Town’s sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharge industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed 90 days, may be granted by the Board of Trustees upon presentation of a proper application.

CCMC 2-4-19 INDUSTRIAL WASTES; INSTALLATION OF CONTROL MANHOLES AND MEASURING DEVICES BY USER MAY BE REQUIRED

Sec. 19: Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Trustees, upon the recommendation of the

Superintendent, to construct and maintain at his own expense one or more control manholes at a specific location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the Town. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume-measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Trustees, upon the recommendation of the Superintendent or the Sewer Engineer, before construction is begun.

CCMC 2-4-20 INDUSTRIAL WASTES; PERIODIC SAMPLING AND ANALYSIS OF WASTES DISCHARGED BY INDUSTRIAL USERS; USE OF REPRESENTATIVE ANALYSIS

Sec. 20: In addition to the requirements of CCM 2-2-5, any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary (but at least once a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. The sampling period shall be for a period of 7 consecutive days, Art. 2, Ch. 4

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but may be of longer duration at the discretion of the Town. In periods when the sampling program extends to a greater number of consecutive days than 7, the Town shall have the prerogative of selecting the 7 consecutive days of its choice. Every care shall be exercised in collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected. The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Trustees. Access to sampling facilities shall be granted at all times to the Superintendent or his duly authorized representative. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods." However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user provided they meet federal requirements as set forth in 40 CFR 136. The Town may make, without charge to the user, the initial analysis of the user's wastes as well as other initial tests the Superintendent may deem advisable. Regular periodic check analyses and analyses made by the Town at the request of the user shall be charged to the user according to the

standard work order billing practice. All such analyses shall be binding in determining strength of wastes surcharges and other matters dependent upon the character and concentration of wastes. Until an adequate analysis of a representative sample of user's wastes have been obtained, the Town shall, for the purpose of this chapter, make a determination of the character and concentration of the user's wastes by using data based on analyses of similar processes or data for his type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the Town, shall continue at the Town's pleasure or until an adequate analysis has been made.

CCMC 2-4-21 INDUSTRIAL WASTES; AVAILABILITY OF DATA TO EPA

Sec. 21: All data collected pertaining to industrial wastes, including records kept by each industrial user, shall be subject to audit and review by the Environmental Protection Agency.

CCMC 2-4-22 ACCESS TO PRIVATE PROPERTY FOR INSPECTION, SAMPLING, ETC.; OBSERVANCE OF SAFETY RULES; LIMITATIONS AS TO INDUSTRIAL PROCESSES

Sec. 22: The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the Art. 2, Ch. 4

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provisions of this chapter. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. While performing the necessary work on private properties referred to above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

CCMC 2-4-23 ACCESS TO PRIVATE PROPERTY CONTAINING SEWER
EASEMENTS FOR INSPECTION, MAINTENANCE, ETC.

Sec. 23: The Superintendent and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done fully in accordance with the terms of the duly negotiated easement pertaining to the private property involved.

CCMC 2-4-24 TAMPERING WITH OR DAMAGING SEWAGE WORKS
PROHIBITED; ENFORCEMENT AND PENALTIES

Sec. 24: No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate citation for violating this section, or, if any such act shall also constitute a violation of any of the general civil or criminal laws of the state, then the perpetrator shall be subject to immediate citation or arrest, prosecution, and penalties as provided by statute.

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CCMC 2-4-25 OTHER VIOLATIONS; NOTICE; TIME LIMIT FOR COMPLIANCE

Sec. 25: Any person found to be violating any provision of this chapter, except Section 24, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.

CCMC 2-4-26 VIOLATIONS; FAILURE TO COMPLY WITH NOTICE; PENALTIES

Sec. 26: Any person who shall continue any violation beyond the time limit provided for in Section 25, on conviction thereof, shall be fined in an amount not less than \$25.00 nor more than \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

CCMC 2-4-27 VIOLATIONS; LIABILITY TO TOWN FOR CONSEQUENTIAL DAMAGES AND EXPENSES

Sec. 27: Any person violating any of the provisions of this chapter, in addition to any other penalties herein provided, shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

CCMC 2-4-28 POWER OF TOWN BOARD TO MAKE FURTHER RULES AND REGULATIONS

Sec. 28: The Board of Trustees shall, in accordance with the statutes of Indiana, make and enforce whatever by-laws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Town's sewage works, for the construction and use of the building sewers and connections to the sewerage system, and, in general, for the implementation of the provisions of this chapter.

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CCMC 2-4-29 AMENDMENTS TO CHAPTER

Sec. 29: The Town of Clay City reserves the right to amend this chapter, including the user charges and/or surcharges herein established, in part or in whole, as provided and permitted by the statutes of the State of Indiana, whenever it may deem it necessary.

[Compiler's note: Despite the above reference to "user charges and/or surcharges," these were never established in the original Ordinance S-76-3 from which this chapter derives. For these matters, see Chapter 3 previously and Chapter 5 subsequently in this article.]

[This chapter was formerly Ord. S-76-3, 4/12/76, as amended by Ord. C2-1987.]

CHAPTER 5

SEWAGE SERVICE RATES AND CHARGES

- Section 1: Definitions
- Section 2: General Method of Computing Initial User Charges and Debt
Service Charges
- Section 3: General Character and Applicability of Sewage Rates and Charges
- Section 4: Sewer Charges Based on Volumetric Water Usage; Methods of
Determining Water Usage and Sewage Discharge;
- Section 5: Distribution of Charges Where Multiple Dwelling Units are Served
by Single Water Meter; Minimum Monthly Charge per Unit
- Section 6: Minimum Monthly Service Charge Applicable to Unmetered
Residential Users
- Section 7: Strength-of-Wastes Surcharge; Liability for Charge; Method and
Rates for Computing Surcharge
- Section 8: Annual Review and Adjustment of Basic Sewer Charges and
Surcharges; Duties of Board of Trustees and Clerk-Treasurer

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CCMC 2-5-1 DEFINITIONS

Sec. 1: Unless the context specifically indicates otherwise, the meanings of terms used in this chapter or in the rules and regulations adopted by the Town Board to implement this chapter shall be as follows:

a.) “Operation and maintenance expenses” shall mean all annual expenses including replacement related directly to operating and maintaining the sewage works as identified in “Uniform System of Accounts for Wastewater Utilities” or as prescribed by the State Board of Accounts under general headings, “Plant Operation and Maintenance,” “Sewer Operation and Maintenance,” “Customer Accounts,” “Administrative and General,” “Insurance and Taxes.”

b.) “Equipment” shall mean all movable, non-fixed items necessary to the wastewater treatment process.

c.) “Real property” shall mean all non-movable fixed in place items such as structures and buildings, housing equipment or otherwise used in the wastewater treatment plant process.

d.) “Service life” shall mean the period of time during which a component of a wastewater treatment works will be capable of performing a function; and the maximum life of components constructed under EPA Project No. C180484 are hereby set as follows:

- | | | | |
|-----|---------------------|---|----------------------------------|
| (1) | Real Property | - | 50 years commencing from 9/1/77; |
| (2) | Process Equipment | - | 30 years commencing from 9/1/77; |
| (3) | Auxiliary Equipment | - | 15 years commencing from 9/1/77; |

e.) “Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

f.) “Sewer charges” shall be comprised of the user charges and a separate amount of debt service.

g.) “User charges” shall mean a system of charges levied on users of a treatment works for the cost of operation and maintenance (including replacement) of such works.

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h.) “Debt service” is an amount paid by each user sufficient to pay principal and interest on any revenue bonds, payable from the revenues of the sewage works, proportional to the equipment and real property necessary for wastewater treatment for each user.

l.) “Surcharge” shall mean a charge for sewerage services in addition to the basic user and debt service charges.

j.) “Strength-of-wastes surcharge” shall mean the extra user charges for sewerage service assessed users whose sewage is of such a nature that it imposes upon the sewage works a burden greater than that covered by the basic user charge.

k.) “Dwelling Unit” shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

l.) “Delinquent sewer payment”: A sewer bill is considered delinquent if all rates and charges lawfully and properly included and stated in such bill pursuant to this chapter (including subsequent amendments) are not paid in full by the due date stated on the bill.

In addition to the above words and terms, other words and terms of a special or technical character as used in this chapter shall have the same meanings as defined therefore under the provisions of CCMC 2-4-1 previously in this article.

CCMC 2-5-2 GENERAL METHOD OF COMPUTING INITIAL USER CHARGES AND DEBT SERVICE CHARGES

Sec. 2: The method of computing the initial user charge and debt service charge is contained in a report prepared by McCullough & Associates, Public Accountants, Indianapolis, Indiana, and is incorporated as a part hereof.

CCMC 2-5-3 GENERAL CHARACTER AND APPLICABILITY OF SEWER RATES AND CHARGES

Sec. 3: For the use of and the service rendered by the sewage works, sewer charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is or could be connected to the Town’s sewerage system or otherwise discharge

sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewerage system of the Town, which sewer charges shall be payable and shall be in an

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amount determinable as hereinafter provided. For the service rendered to the Town, the Town shall be subject to the same sewer charges herein provided or to sewer charges established in harmony therewith.

CCMC 2-5-4 SEWER CHARGES BASED ON VOLUMETRIC WATER
USAGE; METHODS OF DETERMINING WATER USAGE
AND SEWER DISCHARGE; EXEMPTION OF WATER
UNABLE TO ENTER SEWERAGE SYSTEM

Sec. 4: Except as hereinafter otherwise provided, the sewer charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the Town's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters therein used by the municipal water utility, as follows:

Flow Charge

Consumption
Per Month, Per 1, 0000 Gallons

All Users	\$ 14.33
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plus;

Base Charge, Per Month

All Users	\$ 29.84
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Where the property obtains any part or all of the water used from sources other than the municipal water utility, the owner or the tenant may be required by the Town to install and maintain at his own expense a meter or meters acceptable to the Town for the purpose of measuring the quantity of water obtained from these other sources, or the Town may determine the quantity of such water by whatever means and methods it may find practicable. Where a metered water supply is used for fire protection as well as for

other uses, the Town may, at its discretion, make adjustments in the minimum charge and in the sewer charge as may be equitable. The Town may require a user to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. Any non-residential user whose monthly water consumption is 2,000 gallons or more shall install a meter. The Town shall inspect and approve such installations and no such service, once installed, shall be removed without the Town's approval. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 20,000 gallons per month, the person having charge of the property may request permission from the Town to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewer-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the Town reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case, the user charge shall be applied to the quantity of water that can or actually does enter the public sewers.

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system if these volumes cannot otherwise be determined from the metered-water consumption records. Any non-residential user whose monthly water consumption is 2,000 gallons or more shall install a meter. The Town shall inspect and approve such installations and no such service, once installed, shall be removed without the Town's approval. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 20,000 gallons per month, the person having charge of the property may request permission from the Town to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewer-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the Town reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case, the user charge shall be applied to the quantity of water that can or actually does enter the public sewers.

CCMC 2-5-5 DISTRIBUTION OF CHARGES WHERE MULTIPLE DWELLING UNITS ARE SERVED BY SINGLE WATER METER; MINIMUM MONTHLY CHARGE PER UNIT

Sec. 5: In the event two or more dwelling units such as trailers, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out in Section 4, except that the minimum bill shall not be less than the number of such dwelling units times the minimum sewer charge per month for metered users as outlined in Section 6. In the case of trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park, plus any other dwelling units served through the meter.

CCMC 2-5-6 MINIMUM MONTHLY SEWER CHARGE APPLICABLE TO UNMETERED RESIDENTIAL USERS

Sec. 6: The minimum sewer charge for any residential user who is not a metered water customer shall be:

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	<u>Phase I</u>	<u>Phase II</u>
Metered Water Users (1,000 Gallons)	\$ 16.17	\$ 18.92
Unmetered Residential Users (4,200 Gallons)	\$ 55.37	\$ 64.78

CCMC 2-5-7 STRENGTH-OF-WASTES SURCHARGE; LIABILITY FOR CHARGE; METHOD AND RATES FOR COMPUTING SURCHARGE

Sec. 7: Each industrial or non-industrial user who discharges wastes into the sewerage system shall be subject to a surcharge, in addition to the regular sewer charges, based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:

- a.) A biochemical oxygen demand of 200 milligrams per liter, or where BOD cannot be determined, then in lieu of BOD, a chemical oxygen demand of 400 milligrams per liter; and/or
- b.) A suspended solids content of 250 milligrams per liter.

The excess pounds of BOD (or COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321, and then multiplying this product by the difference between the concentrations measured in milligrams per liter of the BOD (or COD) and of the suspended solids, respectively, in the customer's sewage and the allowed concentrations set out in subsections (a) and (b) above. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out below:

Excess Constituent

Rate of Surcharge

BOD (or COD) where BOD cannot be determined)	\$0.34 per pound
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Suspended solids	\$0.27 per pound
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CCMC 2-5-8 ANNUAL REVIEW AND ADJUSTMENT OF BASIC SEWER CHARGES AND SURCHARGES; DUTIES OF BOARD OF TRUSTEES AND CLERK-TREASURER

Sec. 8: Phase I rates and charges shall take effect upon adoption of this Ordinance. Phase II rates and charges shall take effect January 1, 2008.

[This chapter was formerly Ord. R-76-2, 7/1/76, revised 7/1/85, Secs. 1-5 and Sec. 7; and Ord. C1-1987, 6/1/87.]

CHAPTER 6

WATERWORKS CONSTRUCTION AND FINANCE; WATERWORKS REVENUE BONDS OF 1949

- Section 1: Authority to Issue Waterworks Revenue Bonds; Character of Bonds; Interest and Maturity; Limitation of Obligation
- Section 2: Option to Register Bonds as to Principal; Procedure; Transfer or Reconversion to Bearer Form
- Section 3: Incorporation by Reference and Savings of Certain Technical Sections Concerning Form and Tenor of Bearer and Registered Bonds
- Section 4: Disposition of Bond Sale Proceeds; Initial Deposit to Water Works System Revenue Bond Account
- Section 5: Obligation to Establish Sufficient Rates and Charges to Maintain and Operate Water System and Pay Bond Amounts

- Section 6: Water Works System Revenue Bond Account (Sinking Fund) Created; Minimum Annual Deposits and Monthly Installments
- Section 7: Water Works System Revenue Bond Account; Failure to Make Required Minimum Annual Deposits or Monthly Installments; Procedure and Obligations
- Section 8: Water Works System Revenue Bond Account; Depository

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- Section 9: Requirements; Securing of Larger Deposits; Investments
Water Works System Revenue Bond Account; Restricted Use of Moneys
- Section 10: Depreciation Fund Established; Proportion of Revenues Dedicated to Fund; Use of Moneys; Investments
- Section 11: Remainder of Waterworks Revenues Dedicated to Operation and Maintenance Costs
- Section 12: Rights and Protections of Bondholders; Financial Record Requirements; Audit Rights of Bondholders
- Section 13: Rights and Protections of Bondholders; Continuous Operation and Maintenance of System and Collection of Rates and Charges; Performance of General Duties
- Section 14: Rights and Protections of Bondholders; Pledge Not to Dispose of or Encumber Waterworks System
- Section 15: Rights and Protections of Bondholders; Insurance Requirements on Waterworks System
- Section 16: Rights and Protections of Bondholders; Nonpriority of Bonds in Issue; Subordination of Subsequent Bond Issues
- Section 17: Rights and Protections of Bondholders; Legal Actions and Remedies; Appointment of Receivers
- Section 18: Rights and Protections of Bondholders; Contractual Character; Restriction on Amendments

CCMC 2-6-1

**AUTHORITY TO ISSUE WATERWORKS REVENUE BONDS;
CHARACTER OF BONDS; INTEREST AND MATURITY;
LIMITATION OF OBLIGATION**

Sec. 1: There are hereby authorized to be issued 175 negotiable coupon bonds of the Town of Clay City in the aggregate principal amount of \$175,000.00, each of which shall be designated as a "Waterworks Revenue Bond" for the purpose of paying the cost of establishing and constructing a municipal waterworks plant and system in the Town.

Said Waterworks Revenue Bonds shall be numbered consecutively 1 to 175, both inclusive, of the denomination of \$1,000.00 each. All of said bonds shall be dated February 1, 1949, and shall become due and payable in numerical order on February 1 of each of the respective years as follows:

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<u>AMOUNT</u>	<u>YEARS DUE</u>
\$1,000.00	1952 to 1954, inclusive
\$2,000.00	1955 to 1959, inclusive
\$3,000.00	1960 to 1962, inclusive
\$4,000.00	1963 to 1968, inclusive
\$5,000.00	1969 to 1972, inclusive
\$6,000.00	1973 to 1983, inclusive
\$7,000.00	1984 to 1988, inclusive
\$8,000.00	1989

Such bonds shall bear interest at the rate of 4% per annum, payable August 1, 1949, and semi-annually thereafter on the first days of February and August in each year. Interest on said bonds shall be evidenced by proper coupons attached to each of said bonds, and both principal and interest shall be payable in lawful money of the United States of America at the principal office of The Farmers and Merchants Bank, in the City of Clay City, State of Indiana. All of said bonds, together with the interest thereon, shall be payable as hereinafter more specifically provided, only out of the "Waterworks System Revenue Bond Account" hereinafter created, and said bonds shall be a valid claim of the holder thereof only against said fund and the portion of the gross revenues of the municipal waterworks system of the Town hereinafter ordered set aside to such fund. Said bonds hereby authorized shall be executed as herein provided as soon after January 13, 1949, and thereupon the President of the Board of Trustees and the Clerk-Treasurer of said Town are hereby directed to fix the date and hour of sale of said bonds and to cause notice of such sale to be published once each week for two consecutive weeks in "The Clay City News," the only newspaper published within the corporate limits of said Town. The first of such publications shall be made at least 10 days prior to the scheduled date of sale, and publication as aforesaid is hereby declared sufficient. Said bonds shall be signed by the President of the Board of Trustees and sealed with the corporate seal of the Town and attested by the Clerk-Treasurer, and the interest coupons attached to said bonds shall be executed with the facsimile signatures of the President and the Clerk-Treasurer,

and said officials by the execution of said bonds, shall adopt as and for their own proper signatures their respective facsimile signatures appearing on said coupons.

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CCMC 2-6-2

OPTION TO REGISTER BONDS AS TO PRINCIPAL;
PROCEDURE; TRANSFER OR RECONVERSION TO BEARER
FORM

Sec. 2: Upon presentation at the office of the Clerk-Treasurer of the Town of any of said bonds, they may be registered as to principal in the name of the owner on the books in his office, such registration to be noted on the reverse side of the bonds by the Clerk-Treasurer, and thereafter the principal of such registered bonds shall be payable only to the registered holder, his legal representative or assigns. Such registered bonds shall be transferable to

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another registered holder, or back to bearer, only upon presentation to the Clerk-Treasurer with a legal assignment duly acknowledged or proved. Registration of any of such bonds shall not affect the negotiability of the coupons thereto attached but such coupons shall be transferable by delivery merely.

CCMC 2-6-3

INCORPORATION BY REFERENCE AND SAVINGS OF
CERTAIN TECHNICAL SECTIONS CONCERNING FORM
AND TENOR OF BEARER AND REGISTERED BONDS

Sec. 3: The provisions of Section 4 of that original ordinance adopted January 13, 1949, and entitled, "An ordinance authorizing and providing for the issuance of \$175,000 Waterworks Revenue Bonds of the Town of Clay City, Indiana, under the provisions of Chapter 76, Acts of the General Assembly of Indiana, 1913, as amended, for the purpose of establishing and constructing a municipal waterworks in said Town, prescribing the form of said proposed bonds and providing for the payment of the principal and interest thereof," specifying the exact form and tenor of bearer bonds authorized under Section 1 and registered bonds authorized under Section 2, are herein incorporated by reference and

are saved from any general repeal under CCMC 1-2-3. Copies of said original ordinance are on file in the office of the Clerk-Treasurer and available for public inspection. This section is effective so long as any of said bonds remain outstanding.

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CCMC 2-6-4 DISPOSITION OF BOND SALE PROCEEDS; INITIAL
DEPOSIT TO WATERWORKS SYSTEM REVENUE BOND
ACCOUNT

Sec. 4: The proceeds derived from the sale of said bonds shall be used to pay the cost to said amount of establishing and erecting said municipal waterworks plant and system. However, upon delivery of said bonds the proceeds thereof (together with all sums received as accrued interest) aggregating not less than \$7,000.00, shall be deposited in the "Waterworks System Revenue Bond Account," hereinafter created, for the purpose of paying interest on said bonds during the period of construction of said improvements.

CCMC 2-6-5 OBLIGATION TO ESTABLISH SUFFICIENT RATES AND
CHARGES TO MAINTAIN AND OPERATE WATER SYSTEM
AND PAY BOND AMOUNTS

Sec. 5: While bonds authorized hereunder are outstanding and unpaid, rates for all services rendered by the waterworks system to the Town and its citizens, or others served thereby shall be reasonable and just, taking into account the cost and value of the system, the cost of maintaining and operating same, the proper and necessary allowances for depreciation, and amounts necessary for retirement of all bonds and accruing interest thereon as may be sold and are unpaid under provisions of this chapter. There shall be charged against all such citizens and others such rates and amounts adequate to meet requirements of this section and succeeding sections of this chapter.

CCMC 2-6-6 WATERWORKS SYSTEM REVENUE BOND ACCOUNT
("SINKING FUND") CREATED; MINIMUM ANNUAL
DEPOSITS AND MONTHLY INSTALLMENTS

Sec. 6: For the purpose of making provisions for paying the principal and interest of the bonds hereby authorized as the same becomes due, there is hereby created an account to be known as the "Waterworks System Revenue Bond Account," which shall constitute a special fund for that purpose. Upon the issuance of the bonds hereby authorized there shall be withdrawn from the proceeds the sum of \$7,000.00 which shall be paid into said special fund to represent interest on the bonds during the construction period of the plant and system. Thereafter, there shall be paid from the gross income and revenues of the municipal waterworks system such amounts as will be sufficient to meet the principal of and interest

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on said bonds as the same respectively become due. It is hereby determined, covenanted and agreed that the amount of said income and revenues to be annually so set aside into said fund each year, commencing not later than February 1, 1950, shall be not less than \$9,500.00. The amount by which any such payment in any year exceeds the aggregate amount of interest and the amount of principal as the same becomes due shall be held in said special fund as a reserve for contingencies and used solely as herein provided. Such payments into said fund shall be made in equal monthly installments on the first day of each month, except that when the first day of any month shall be a Sunday or a legal holiday, then such payments shall be made no the next succeeding secular day, and the balance then remaining shall be set aside for operation, maintenance and depreciation as herein provided. No further payments need be made into said redemption fund after such amount of the bonds shall have been retired that the amount then held in such fund (including the reserve for contingencies) is equal to the entire amount of the principal and the amount of interest that will become due on and prior to the maturity or redemption of all of the bonds then remaining outstanding.

CCMC 2-6-7

WATERWORKS SYSTEM REVENUE BOND ACCOUNT;
FAILURE TO MAKE REQUIRED MINIMUM ANNUAL
DEPOSITS OR MONTHLY INSTALLMENTS; PROCEDURE
AND OBLIGATIONS

Sec. 7: If in any fiscal year the Town shall for any reason fail to pay into the Waterworks System Revenue Bond Account the full amount above stipulated, then an amount equivalent to such deficiency shall be set apart and paid into said fund from the first available gross revenues of the following year or years, and same shall be in addition to the amount otherwise herein provided to be so set apart and paid during such succeeding year or years. If for any reason the Town shall fail to make any such

payments into such redemption fund, as aforesaid, during any year, any sums then held as a reserve for contingencies shall be used for the payment of any portion of the principal and/or interest as to which there would otherwise be default, but such reserve shall be reimbursed therefor from the first available payments made into the redemption fund in the following year or years in excess of the required payment for the then current fiscal year. In the event the income and revenues during any month are inadequate, or for any other reason there be a failure to make the required payment into said fund, the deficiency shall be made up and paid as aforesaid from the first income and revenues thereafter received, and same shall be in addition to payments otherwise provided to be made in such succeeding month or months.

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CCMC 2-6-8 WATERWORKS SYSTEM REVENUE BOND ACCOUNT;
DEPOSITORY REQUIREMENTS; SECURING OF LARGER
DEPOSITS; INVESTMENTS

Sec. 8: All moneys held in the Waterworks System Revenue Bond Account shall be deposited in banks, and all such deposits in excess of \$5,000.00 in any one bank shall be continuously secured by a valid pledge of direct obligations of the United States government having an equivalent market value or shall be invested in direct obligations of the United States government. However, that sufficient amount of such obligations shall be sold in the event that it shall prove necessary to draw upon said reserve investments.

CCMC 2-6-9 WATERWORKS SYSTEM REVENUE BOND ACCOUNT;
RESTRICTED USE OF MONEYS

Sec. 9: The Waterworks System Revenue Bond Account shall be used solely and is hereby pledged exclusively for the purpose of paying principal of and interest on the bonds herein authorized to be issued.

CCMC 2-6-10 DEPRECIATION FUND ESTABLISHED; PROPORTION OF
REVENUES DEDICATED TO FUND; USE OF MONEYS;
INVESTMENT

Sec. 10: Five percent of the income and revenues of the system (but at any event not less than \$500.00 per annum) shall be set aside to a "Depreciation Fund" and shall be

expended in making good any depreciation in said system and in making any extensions, additions or construction to the property, the Board of Trustees of the Town hereby finding and determining that the amount aforesaid of the income and revenues is sufficient for said purpose. Any accumulations of such Depreciation Fund may be invested as the Board of Trustees may designate and, if invested, the income from the investments shall be carried in the Depreciation Fund, and said fund and the proceeds thereof shall not be used for any purposes other than as herein provided.

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CCMC 2-6-11 REMAINDER OF WATERWORKS REVENUES DEDICATED TO OPERATION AND MAINTENANCE COSTS

Sec. 11: The balance of the income and revenues remaining after the aforesaid payments into the Waterworks System Revenue Bond Account and Depreciation Fund shall be set aside and used for the proper operation and maintenance of the system, the Board of Trustees hereby finding and determining that such balance of the revenues of said system is necessary for the proper maintenance thereof, but not in excess of the amount required for said purpose.

CCMC 2-6-12 RIGHTS AND PROTECTIONS OF BONDHOLDERS; FINANCIAL RECORD REQUIREMENTS; AUDIT RIGHTS OF BONDHOLDERS

Sec. 12: Insofar as consistent with the laws of Indiana, the Town agrees that so long as any of the bonds hereby authorized remain outstanding, it will keep proper books of records and accounts, separate from all other municipal records and accounts, showing complete and correct entries of all transactions relating to said waterworks system, and that the holders of any of said bonds shall have the right at all reasonable time to inspect the system and all records, accounts and data of the Town relating thereto.

CCMC 2-6-13 RIGHTS AND PROTECTIONS OF BONDHOLDERS; CONTINUOUS OPERATION AND MAINTENANCE OF SYSTEM AND COLLECTION OF RATES AND CHARGES; PERFORMANCE

OF GENERAL DUTIES

Sec. 13: The Town further covenants and agrees with the holders of said bonds to maintain in good condition and continuously operate said system, and to charge and collect such rates and charges for services rendered thereby so that the gross revenues will be sufficient at all times to provide for the payment of the operation and maintenance thereof, and maintain the Depreciation Fund and the Waterworks Revenue Bond Account as provided herein. The Town of Clay City hereby covenants and agrees with the holder or holders of the bonds herein authorized to be issued, or any of them, that it will faithfully and punctually perform all duties with reference to said waterworks system required by the Constitution and laws of the State of Indiana, including the making and collection of reasonable and sufficient rates for services rendered thereby, and will segregate the revenues of said system and make the application thereof into the respective funds created by this chapter.

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CCMC 2-6-14 RIGHTS AND PROTECTIONS OF BONDHOLDERS; PLEDGE NOT TO DISPOSE OF OR ENCUMBER WATERWORKS SYSTEM

Sec. 14: The Town hereby irrevocably covenants, binds and obligates itself not to sell, lease, mortgage or in any manner dispose of said system, including any and all extensions and additions that may be made thereto, until all the bonds herein authorized to be issued shall have been paid in full, both principal and interest, or unless until full provision for such payment shall have been made.

CCMC 2-6-15 RIGHTS AND PROTECTIONS OF BONDHOLDERS; INSURANCE REQUIREMENTS ON WATERWORKS SYSTEM

Sec. 15: So long as the bonds herein authorized are outstanding, the Town shall maintain insurance for the benefit of the holders of said bonds on the insurable parts of the plant and system, of a kind and in an amount such as would normally be carried by a private company engaged in a similar type of business. All insurance shall be placed with reputable insurance companies.

CCMC 2-6-16 RIGHTS AND PROTECTIONS OF BONDHOLDERS; NONPRIORITY OF BONDS IN ISSUE; SUBORDINATION OF SUBSEQUENT BOND ISSUES

Sec. 16: The bonds authorized to be issued hereunder and from time to time outstanding shall not be entitled to priority one over the other in the application of the revenues of said system, regardless of the time or times of their issuance, it being the intention that there shall be no priority among the bonds authorized to be issued under the provisions of this chapter, regardless of the fact that they may be actually issued and delivered at different times. The security of and for any other bonds or obligations hereafter issued that are payable from the income or revenues of the system shall be subject to the priority of the bonds hereby authorized as may from time to time be outstanding.

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CCMC 2-6-17 RIGHTS AND PROTECTIONS OF BONDHOLDERS; LEGAL ACTION AND REMEDIES; APPOINTMENT OF RECEIVERS

Sec. 17: For the further protection of the holders of the bonds herein authorized to be issued and the coupons thereto attached, any holder of said bonds or of any of the coupons, may either at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel performance of all duties imposed by law and this chapter, including the making and collecting of sufficient rates and segregation of the income and revenues and the application thereof. If there should be any default in the payment of the principal of or interest on any of said bonds, then upon the filing of suit by any holder of said bonds or of any of the coupons, any court having jurisdiction of the action may appoint a receiver to administer said system on behalf of the Town, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said system, and for the payment of the operating expenses, and to apply the income and revenues in conformity with this chapter and the provisions of the laws of Indiana.

CCMC 2-6-18 RIGHTS AND PROTECTIONS OF BONDHOLDERS; CONTRACTUAL CHARACTER; RESTRICTION ON AMENDMENTS

Sec. 18: The provisions of this chapter shall constitute a contract between the Town of Clay City and the holders of the bonds herein authorized to be issued, and after the issuance of any of the bonds no change, variation or alteration of any kind of the provisions of this chapter shall be made in any manner, except as herein provided, until such time as all of said bonds issued hereunder and the interest thereon have been paid in full.

[This chapter was formerly an unnumbered ordinance adopted 1/13/49.]

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CHAPTER 7

WATERWORKS CONSTRUCTION AND FINANCE; WATERWORKS REVENUE BONDS OF 1983

- Section 1: Authority to Construct Certain Waterworks Improvements and Additions; Supervision of Construction
- Section 2: Authority to Issue Waterworks Revenue Bonds; Character of Bonds; Interest and Maturity; Pledge of Waterworks Revenues
- Section 3: Authorization to Prepare and Tender Bonds for Sale; Procedure; Disposition of Bond Sale Proceeds; Waterworks Construction Account Established
- Section 4: Option to Receive Fully Registered Bonds in Lieu of Coupon Bonds; Procedure and Effect of Registration; Reconversion to Bearer Form; Nonwarranty as to Income Tax Status of Reconverted Bonds
- Section 5: Option to Register Coupon Bonds as to Principal Only; Procedure and Effect of Registration; Reconversion to Bearer Form
- Section 6: Incorporation by Reference and Savings of Certain Technical sections Concerning Form and Tender of Coupon and Fully Registered Bonds
- Section 7: Establishment of Sufficient Operating Revenues; General Segregation and Dedication of Waterworks Revenues;
- Section 8: Waterworks Operation and Maintenance Fund Continued; Minimum Monthly Deposit of Revenues; Use of Moneys
- Section 9: Waterworks System Revenue Bond Account Continued; Bond and Interest Account and Debt Service Reserve Account Created; Dedication of Revenues
- Section 10: Sinking Fund Bond and Interest Account; Minimum Monthly Deposits; Payments to Bondholders and Fiscal Agency Charges
- Section 11: Sinking Fund Debt Service Reserve Account; Minimum Monthly Deposits; Purpose of Account and Use of Moneys
- Section 12: Transfers of Additional Revenues to Waterworks Depreciation Fund; Minimum Annual Transfer; Use of Moneys
- Section 13: Administration of Sinking Fund, Operation and Maintenance Fund, and Improvement Fund; Segregation of Bank Accounts;

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Section 14:	Rights and Safeguarding of Bondholders; Financial Recordkeeping
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	and Reporting Requirements; Audit Rights of Bondholders
Section 15:	Rights and Safeguards of Bondholders; General Covenants and Stipulations While Bonds Outstanding
Section 16:	Rights and Safeguards of Bondholders; Special Covenants and Stipulations When Farmers Home Administration is a Bondholder
Section 17:	Rights and Safeguards of Bondholders; Consent to Amendments and Changes in Stipulations Governing Bonds; Limitations
Section 18:	Redemption of Coupon or Fully Registered Bonds Prior to Maturity; Notice and Procedure; Cessation of Interest
Section 19:	Reserved Right to Issue Additional Parity Bonds Under Certain Circumstances; Requirements and Conditions
Section 20:	Waterworks Fiscal Year Established

CCMC 2-7-1 AUTHORITY TO FINANCE AND CONSTRUCT CERTAIN WATERWORKS IMPROVEMENTS AND ADDITIONS; SUPERVISION OF CONSTRUCTION

Sec 1: The Town of Clay City, being the owner of and engaged in operating a municipal waterworks furnishing the public water supply to said Town and its inhabitants, shall now provide for certain needed improvements to such waterworks and the financing thereof. Said improvements include a new well and installation of proper appurtenances, construction and installation of new water lines, and the construction and installation of a new elevated water storage tank, which improvements shall be constructed and installed in accordance with the plans and specifications heretofore prepared by Robert E. Curry & Associates, Inc., consulting engineers of Plainfield, Indiana, employed by said Town, which plans and specifications are hereby approved. The works shall be constructed under the supervision and subject to the approval of Robert E. Curry & Associates, Inc., or such other competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.

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CLAY CITY MUNICIPAL CODE**CCMC 2-7-2 AUTHORITY TO ISSUE WATERWORKS REVENUE BONDS;
INTEREST AND MATURITY; PLEDGE OF WATERWORKS
REVENUES**

Sec. 2: The improvements referred to in Section 1 shall be financed by the issuance of revenue bonds pursuant to and in the manner prescribed by IC 8-1-2, and the acts amendatory thereof and supplemental thereto (sometimes hereinafter referred to as the "Act"), which revenue bonds shall be payable solely out of the net earnings (herein defined as gross revenues after deduction only for the reasonable expenses of operation, repair and maintenance) of said waterworks, including all extensions thereof and additions and improvements thereto subsequently constructed or acquired, subject, however, to the prior payment from said net earnings of the principal and interest of outstanding Waterworks Revenue Bonds, dated February 1, 1949. The Town shall issue its waterworks revenue bonds in the amount of \$313,000.00 for the purpose of procuring funds to apply on the cost of said works, and said bonds shall be designated as the Waterworks Revenue Bonds of 1983. The remainder of the total cost of said improvements shall be derived from a grant of \$87,000.00 from the Farmers Home Administration. Except as is provided in Section 4 hereof and unless there would be an adverse effect on the tax exempt status of the interest on said bonds, said bonds shall be issued in the denomination of \$1,000.00 each, numbered consecutively from C-1 up, dated as of the date of initial delivery of said bonds, and shall bear interest at a rate or rates not exceeding 11 3/8% per annum, payable annually on February 1 in each year, beginning on February 1, 1984. Such interest shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America at the First Bank and Trust Company, Clay City branch, in the Town of Clay City, Indiana, and such bonds shall mature serially in numerical order on February 1 in the years and amounts as follows:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
1984-1994 (incl.)	\$ 1,000	2013	\$11,000
1995-1999 (incl.)	2,000	2014	12,000
2000-2002 (incl.)	3,000	2015	14,000
2003-2004 (incl.)	4,000	2016	15,000
2005-2006 (incl.)	5,000	2017	17,000

2007-2008 (incl.)	6,000	2018	19,000
2009	7,000	2019	21,000
2010	8,000	2020	23,000

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2011	9,000	2021	26,000
2012	10,000	2022	29,000

Said bonds shall be signed in the name of the Town of Clay City by the President of the Board of Trustees and attested by the Clerk-Treasurer, who shall affix the seal of said Town to each of said bonds. Any interest coupons attached to said bonds shall be executed by placing thereon the facsimile signature of the Clerk-Treasurer, and said official, by the signing of said bonds, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Subject to the provisions for registration, said bonds shall have all of the qualities and incidents of negotiable instruments under the last of the State of Indiana. The coupon bonds shall be negotiable by delivery unless registered as to principal. All bonds of this issue, and any bonds ranking on a parity therewith as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the net revenues (herein defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the waterworks of the Town, including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, subject only to the prior payment on the Waterworks Revenue Bonds, dated February 1, 1949, outstanding in the amount of \$49,000.00. The Town shall not be obligated to pay said bonds or the interest thereon except from the net revenues of said works, and said bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the Constitution of the State of Indiana.

CCMC 2-7-3

AUTHORIZATION TO PREPARE AND TENDER BONDS FOR SALE; PROCEDURE; DISPOSITION OF BOND SALE PROCEEDS; WATERWORKS CONSTRUCTION ACCOUNT ESTABLISHED

Sec. 3: The Clerk-Treasurer is hereby authorized and directed to have said bonds and coupons prepared, and the President of the Board of Trustees and the Clerk-Treasurer are hereby authorized and directed to execute said bonds and any interest coupons to be attached thereto in the form and manner herein provided. The Clerk-Treasurer is hereby

authorized and directed to deliver said bonds to the purchasers thereof after sale made in accordance with the provisions of this chapter. At the time of said delivery, the Clerk-Treasurer shall collect the full amount which the purchaser, or purchasers, have agreed to pay therefor,

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which shall not be less than the face value of said bonds; provided that if the best bid received is from an agency of the United States of America, the Clerk-Treasurer is authorized to receive payment for the bond or bonds in installments over a period corresponding to the construction period. The bonds herein authorized, when fully paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the revenues of the waterworks to be set aside into the Waterworks System Revenue Bond Account as herein provided, and the proceeds derived from the sale of said bonds shall be and are hereby set aside for application on the cost of acquisition, construction and installation of said waterworks hereinbefore referred to, and the expense necessarily incurred in the connection therewith. Any premium received at the time of delivery of the bonds shall be deposited in the Waterworks Revenue Bond Account created under CCMC 2-6-6. The remaining proceeds from the sale of said bonds shall be deposited in the First Bank and Trust Company, Clay City branch in the Town of Clay City, Indiana, in a special account or accounts, separate and apart from other bank accounts of the Town, to be designated as "Town of Clay City, Waterworks Construction Account." All moneys deposited to the credit of said Waterworks Construction Account shall be deposited, held, secured or invested in direct obligations of the United States of America, in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13-1, as it may be supplemented. Any income from such investment shall become a part of the Waterworks Construction Account. The funds in said special account or accounts shall be expended only for the purpose of paying the cost of the works, as defined in the Act, or as otherwise required by said Act. Any balance or balances remaining unexpended in such special account or accounts of the Waterworks Construction Account, after completion of the works, which are not required to meet unpaid obligations incurred in connection with such construction, shall within 60 days after completion of the project, be deposited in the Waterworks System Revenue Bond Account, credited to the Debt Service Reserve Account thereof, and shall be used solely for the purposes of said fund. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this chapter.

CCMC 2-7-4

OPTION TO RECEIVE FULLY REGISTERED BONDS IN

LIEU OF COUPON BONDS; PROCEDURE AND EFFECT OF
REGISTRATION; RECONVERSION TO BEARER FORM;
NONWARRANTY AS TO INCOME TAX STATUS OF
RECONVERTED BONDS

Sec. 4: Notwithstanding the provisions of Section 2, at the option of an original purchaser

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of the bonds or if necessary to preserve the tax exempt status of the interest on the bonds, fully registered bonds without coupons, dated as of the date or dates of delivery, shall be issued in lieu of coupon bonds in the denominations of \$1,000.00 each, or in denominations equal to the total principal maturing on each February 1, or in a denomination equal to the aggregate principal amount of the issue. Any fully registered bonds shall, subject to prior prepayment as hereinafter provided, fall due on such dates and in such amounts as correspond to the amounts and dates of maturities set forth in Section 2. Interest on unpaid installments of principal of fully registered bonds shall be payable annually on the first day of February in each year until the principal amount thereof has been paid. Both principal and interest shall be payable to the holder appearing as registered owner thereof on said bond and on the registration record of the Town, by check or draft, mailed or delivered to such registered owner; provided, that at the time of final payment, said fully registered bond or bonds must be delivered to the Town. The party in whose name said bonds shall be registered shall be deemed the absolute owner for all purposes and payments to such owner shall completely discharge the Town's obligations. Fully registered bonds may be transferred upon proper execution of an assignment by the registered owner and presentation of the bond and the executed assignment to the Clerk-Treasurer for notation of the transfer upon the bond and upon the registration record of the Town. Any prepayments of installments of principal shall also be noted on the prepayment record of the Town. Any prepayments of installments of principal shall also be noted on the prepayment record attached to such bonds when presented for such prepayments as hereinafter provided. Upon surrender of a fully registered bond at the office of the Clerk-Treasurer, or at such other place as may be agreed upon by and between the Town and the registered owner, or his attorney, in such form as shall be satisfactory to the Town, such bond may, at the option and expense of the registered owner thereof, be exchanged for coupon bonds in an aggregate amount equal to the then unpaid principal amount and with maturities corresponding to the unpaid principal installments of the fully registered bonds, in the denomination of \$1,000.00 each, bearing the same rate of interest payable annually on February 1, with coupons attached

representing all unpaid interest due or to become due thereon. However, the Town does not warrant that the interest on any coupon bonds issued in exchange for any fully registered bonds will be exempt from income tax. On the surrender of such fully registered bond without coupons and the filing of a request for exchange, the Town shall execute and deliver such coupon bonds in accordance with the request for exchange and in the form of bond substantially as provided pursuant to Section 6. Said coupon bonds shall be issued within 60 days from the date of the filing of the request for such exchange. Any fully registered bond surrendered for exchange shall, upon delivery of the coupon bonds, be forthwith cancelled by the Town.

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CCMC 2-7-5 OPTION TO REGISTER COUPON BONDS AS TO PRINCIPAL ONLY; PROCEDURE AND EFFECT OF REGISTRATION; RECONVERSION TO BEARER FORM

Sec. 5: Upon presentation of any of the coupon bonds at the Office of the Clerk-Treasurer, said Clerk-Treasurer shall register said bonds as to principal. Registration shall occur at no charge or expense to the holder. Such registry shall be noted on each bond so presented, after which no transfer thereof shall be valid unless made by the registered in person or by his attorney duly authorized and similarly noted on such bond, but coupon bonds so registered may be discharged from registry by being in like manner retransferred to bearer, after which they shall be transferable by delivery but may again be registered as before. The registration of a coupon bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery merely and shall remain payable to bearer.

CCMC 2-7-6 INCORPORATION BY REFERENCE AND SAVINGS OF CERTAIN TECHNICAL SECTIONS CONCERNING FORM AND TENOR OF COUPON AND FULLY REGISTERED BONDS

Sec. 6: The provisions of original ordinance 8-1982, Sections 5 and 6, specifying the exact form and tenor of coupon bonds authorized under Section 2 and fully registered bonds authorized under Section 4 are herein incorporated by reference and are saved from any general repeal under CCMC 1-2-2. Copies of said original ordinance are on file

in the office of the Clerk-Treasurer and available for public inspection. This section is effective so long as any of said bonds remain outstanding.

CCMC 2-7-7 ESTABLISHMENT OF SUFFICIENT OPERATING
REVENUES; GENERAL SEGREGATION AND DEDICATION
OF WATERWORKS REVENUES; RESTRICTION ON USE
FOR OTHER PURPOSES WHILE BONDS OUTSTANDING

Sec. 7: The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and service rendered by said works, to be paid by the owner of each and every lot, parcel of real estate, or building that is connected with and uses

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said waterworks by or through any part of the water system of the Town, or that in any way uses or is served by such works, and that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of operation, repair, replacement and maintenance of the works, and for the payment of the sums required to be paid into the Sinking Fund by this chapter and by the Act. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance, and said requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof as the charges accrue. All revenues derived from the operation of the waterworks and from the collection of water rates and charges shall be segregated and kept separate and apart from all other funds and bank accounts of the Town. Out of said revenues the proper and reasonable expenses of operation, repair and maintenance shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, and the costs of replacements, extensions, additions, and improvements shall be paid as hereinafter provided. No moneys derived from the revenues of the waterworks shall be transferred to the General Fund of the Town or be used for any purpose not connected with the waterworks so long as any bond payable from the revenues of the waterworks are outstanding.

CCMC 2-7-8 WATERWORKS OPERATION AND MAINTENANCE FUND
CONTINUED; MINIMUM MONTHLY DEPOSIT OF

REVENUES; USE OF MONEYS

Sec. 8: There is hereby continued the fund created by CCMC 2-6-11, to be hereinafter known as the “Waterworks Operation and Maintenance Account,” to which fund there shall be credited as of the last day of each calendar month a sufficient amount of the revenues of the waterworks so that the balance in said fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding 2 calendar months. The moneys credited to this fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the waterworks on a day-to-day basis, but none of the moneys in such fund may be used for depreciation, replacements, improvements, extensions or additions. Any balance in said fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the outstanding bonds.

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CCMC 2-7-9 WATERWORKS SYSTEM REVENUE BOND ACCOUNT
CONTINUED; BOND AND INTEREST ACCOUNT AND DEBT
SERVICE RESERVE ACCOUNT CREATED; DEDICATION
OF REVENUES

Sec. 9: There is hereby continued the redemption fund created by CCMC 2-6-6 for the payment of the principal and interest on revenue bonds which by their terms are payable from the revenues of the waterworks, which fund is designated the “Waterworks System Revenue Bond Account” (hereinafter referred to as the “Sinking Fund”). There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the net revenues of said waterworks (defined as gross revenues after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) to meet the requirements of CCMC 2-6-6, plus the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby created in said Sinking Fund. Such payments shall continue until the balance in the Sinking Fund, including the balances in the Bond and Interest Account and Debt Service Reserve Account herein created equal the principal and interest on all of the then outstanding bonds to the final maturity thereof.

CCMC 2-7-10 SINKING FUND BOND AND INTEREST ACCOUNT; MINIMUM
MONTHLY DEPOSITS; PAYMENTS TO BONDHOLDERS

AND FISCAL AGENCY CHARGES

Sec. 10: To meet the requirements of CCMC 2-6-6, there shall be credited on the first day of each calendar month to the Bond and Interest Account an amount equal to the sum of 1/12 of \$9,500.00. After such credit has been made, there shall be credited an amount equal to the sum of 1/12 of the interest on all then outstanding bonds and loans payable on the then next succeeding interest payment date, and 1/12 of the amount of principal payable on the then outstanding bonds and loans which will be payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding principal and interest payment date shall have accumulated in the Bond and Interest Account of the Sinking Fund. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof, together with the amount of bank fiscal agency charges.

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CCMC 2-7-11 SINKING FUND DEBT SERVICE RESERVE ACCOUNT; MINIMUM MONTHLY DEPOSITS; PURPOSE OF ACCOUNT AND USE OF MONEYS

Sec. 11: On the first day of each calendar month, after making the credits to the Sinking Fund required by CCMC 2-6-6 and the Bond and Interest Account, there shall be credited from available net revenues to the Debt Service Reserve Account the sum of \$300.00, or such higher amount as may be fixed from time to time by the Board of Trustees. Said credits to the Debt Service Reserve Account shall continue until the balance therein shall equal not less than the maximum annual principal and interest requirements of the then outstanding bonds payable from the Sinking Fund. The Debt Service Reserve Account shall constitute the margin of safety and a protection against default in the payment of principal and interest on the bonds, and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on the bonds to the extent that moneys in the Sinking Fund are insufficient for that purpose. Any deficiencies in credits to the Debt Service Reserve Account shall be promptly made up from the next available net revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Debt Service Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on bonds, then such depletion of the balance of the Debt Service Reserve Account shall be made up from the next available net revenues after credits into the Bond and Interest Account hereinbefore provided for. Any moneys in the Debt Service

Reserve Account in excess of the maximum annual principal and interest requirements of the then outstanding bonds may be used for the redemption of coupon bonds or prepayment of installments of principal on fully registered bonds which are then callable or payable, or for the purpose of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding par and accrued interest, or may be transferred to the Waterworks Depreciation Fund.

CCMC 2-7-12 TRANSFERS OF ADDITIONAL REVENUES TO WATERWORKS
DEPRECIATION FUND; MINIMUM ANNUAL TRANSFER;
USE OF MONEYS

Sec. 12: After meeting the requirements of the Operation and Maintenance Fund and the Sinking Fund, 5% of the gross revenues (and in any event not less than \$500 per annum) may be transferred or credited to a fund designated the "Waterworks Depreciation Fund," and said fund shall be used for improvements, replacements, additions and extensions of the waterworks.

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[Compiler's note: The Depreciation Fund referred to above is established under CCMC 2-6-10.]

CCMC 2-7-13 ADMINISTRATION OF SINKING FUND, OPERATION AND
MAINTENANCE FUND, AND IMPROVEMENT FUND;
SEGREGATION OF BANK ACCOUNTS; INVESTMENT OF
MONEYS

Sec. 13: The Waterworks Sinking Fund shall be deposited in and maintained as a separate bank account or accounts apart from all other bank accounts of the Town. The Operation and Maintenance Fund and the Waterworks Depreciation Fund may be maintained in a single bank account, or accounts, but such bank account, or accounts, shall likewise be maintained separately and apart from all other bank accounts of the Town and apart from the Waterworks Sinking Fund bank account or accounts. All moneys deposited in said bank accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana, provided that moneys herein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13-1, as amended or supplemented, and in the event of such

investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this chapter.

CCMC 2-7-14 RIGHTS AND SAFEGUARDING OF BONDHOLDERS; FINANCIAL
RECORDKEEPING AND REPORTING REQUIREMENTS;
AUDIT RIGHTS OF BONDHOLDERS

Sec. 14: The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and all disbursements made on account of the works, also all transactions relating to said works. There shall be prepared and furnished to the original purchasers of the bonds, and upon written request, to any subsequent holder of the bonds, not more than 90 days after the close of each fiscal year, complete operating income and expenses statements of the works, covering the proceeding fiscal year and the balances in the several funds and accounts created by this chapter. Copies of all such statements and reports together with all audits of the sewage works made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal

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accounts, shall be kept on file in the Office of the Clerk-Treasurer. Any holder or holders of the bonds then outstanding shall have the right at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and data of the Town relating to the waterworks. Such inspections may be made by representatives duly authorized by written instrument.

CCMC 2-7-15 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; GENERAL
COVENANTS AND STIPULATIONS WHILE BONDS
OUTSTANDING

Sec. 15: For the purpose of further safeguarding the interest of the holders of the bonds herein authorized, it is specifically provided as follows so long as any of the bonds are outstanding:

- a.) All contracts let by the Town in connection with the construction of said waterworks shall be let after due advertisement as required by the laws of

the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and sch contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

- b.) The Town shall at all times maintain its waterworks in good condition and operate the same in an efficient manner and at a reasonable cost.
- c.) The Town shall maintain insurance on the insurable parts of said works of a kind and in an amount such as would normally be carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. Insurance proceeds shall be used in replacing or repairing the property destroyed or damaged, or if not used for that purpose, shall be deposited in the Waterworks Sinking Fund and credited to the Debt Service Reserve Account.

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- d.) So long as any of the bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber such works, or any part thereof, nor shall it sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable for use in the waterworks.
- e.) Except as provided in Section 19, so long as any of the bonds herein authorized are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said waterworks shall be authorized, executed or issued by the Town except such as shall be made subordinate and junior in all respects to the bonds herein authorized, unless all of the bonds herein authorized have been duly called for redemption and sufficient funds to effect the redemption and retirement have been deposited at the place of redemption on the date fixed for redemption in accordance with the terms and conditions of said bonds and

this chapter.

- f.) The Town shall take all action or proceedings necessary and proper to require connection of all property where liquid and solid waste, sewage, night soil, or industrial waste is produced with available sanitary sewers. The Town shall, insofar as possible, cause all such sanitary sewers to be connected with said waterworks.*
- g.) The provisions of this chapter shall constitute a contract by and between the Town and the holders of the waterworks revenue bonds herein authorized, and after the issuance of said bonds, this chapter shall not be repealed or amended in any respect which will adversely affect the rights of the holders of said bonds, nor shall the Board of Trustees adopt any law, ordinance, or resolution which in any way adversely affects the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.
- h.) The provisions of this chapter shall be construed to create a trust in the proceeds of the sale of the bonds herein authorized for the uses and purposes therein set forth, and the holders of the bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this chapter and of the governing Act. The provisions of this chapter shall also be construed to create a trust in the portion of the net revenues herein directed to be set apart and paid into the Waterworks Sinking Fund for the uses and

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purposes of said fund as in this chapter set forth. The holders of said bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act hereinbefore referred to, including the right to have a receiver appointed to administer said waterworks, in the event of default in the payment of the principal of or interest on any of the bonds herein authorized or in the event of default in respect to any of the provisions of this chapter or the governing Act.

*[Compiler's note: Subsection (f) in the above section appears very strange indeed. Seemingly what has occurred is that the author of the original ordinance used as a model an ordinance respecting sewage works bonds and neglected to properly edit this subsection. The first sentence merely reiterates requirements reflected under CCMC 2-3-

15(f) in connection with the municipal sewage system. The second sentence is clearly absurd. Within the context of a sewer bond ordinance, a provision such as the above is commonly included to require the connection of sanitary building sewers with the municipal public sewage treatment system, a mandate which is authorized under state law in that case. However, state law does not appear to authorize a municipality to require the connection of properties to a municipally operated public water supply system. Ordinarily, a situation such as that reflected in subsection (f) above would be changed pursuant to the codification and compilation of the Code, but because of the subsequently stated contractual character of the original ordinance and the complicated procedure for amending same, the above text reflected in Sec. 15(f) has been left intact. Undoubtedly, though, Sec. 15(f) should be regarded as essentially impertinent to this chapter, and inoperative].

CCMC 2-7-16 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; SPECIAL
COVENANTS AND STIPULATIONS WHEN FARMERS
HOME ADMINISTRATION IS A BONDHOLDER

Sec. 16: So long as the United States of America, acting through the Farmers Home Administration, is the holder of any of the bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the bonds authorized by this chapter, that:

- a.) The Clerk-Treasurer shall maintain a fidelity bond in an amount not less than \$65,000.00 which shall name the Farmers Home Administration as a co-obligee.

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- b.) All disbursements and payments from the Construction Account established by Section 3 hereof shall be countersigned by such official as shall be designated in writing by the Farmers Home Administration.
- c.) The Town, to the extent permitted by state law, shall make such periodic reports on the waterworks and its funds and accounts as shall be specified by the Farmers Home Administration.
- d.) To the extent permitted by law, the Town shall comply with the terms and conditions of the Farmers Home Administration Letter of Conditions,

dated January 21, 1982.

CCMC 2-7-17 RIGHTS AND SAFEGUARDS OF BONDHOLDERS; CONSENT TO
AMENDMENTS AND CHANGES IN STIPULATION
GOVERNING BONDS; LIMITATIONS

Sec. 17: Subject to the terms and provisions contained in this section, and not otherwise, the holders of not less than 75% in aggregate principal amount of the bonds issued pursuant to this chapter and then outstanding shall have the right, from time to time, anything contained in this chapter notwithstanding, to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or conditions contained in this chapter or in any supplemental ordinances; provided, however, that nothing herein contained shall permit or be construed as permitting:

- a.) an extension of the maturity of the principal of or interest on any bond issued pursuant to this chapter; or
- b.) a reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or
- c.) the creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this chapter; or

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- d.) a preference or priority of any bond or bonds issued pursuant to this chapter over any other bond or bonds issued pursuant to the provisions of this chapter; or
- e.) a reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than 75% in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance must have consented to and approved the adoption thereof by written instrument to be maintained on file in the Office of the Clerk-Treasurer of the Town. No holder of any bond issued pursuant to this chapter shall have any right to object to the adoption of such supplemental ordinance or

to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this chapter shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this chapter of the Town and all holders of bonds issued pursuant to the provisions of this chapter then outstanding, shall thereafter be determined exercised and enforced in accordance with this chapter, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this chapter, the rights and obligations of the Town and of the holders of the bonds authorized by this chapter and the terms and provisions of the bonds and this chapter, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the holders of all the bonds issued pursuant to this chapter then outstanding.

CCMC 2-7-18 REDEMPTION OF COUPON OR FULLY REGISTERED BONDS
PRIOR TO MATURITY; NOTICE AND PROCEDURE;
CESSATION OF INTEREST

Sec. 18: The coupon bonds, and installments of principal of fully registered bonds, of the issue authorized under Section 2 maturing on February 1, 2984, and thereafter, shall be redeemable at the option of the Town from any funds regardless of source, in whole, or from time to time in part, on February 1, 1983, or any interest payment date thereafter, at the principal amount thereof and accrued interest to the date fixed for redemption, without any premium. Redemptions of coupon bonds, or prepayments of installments of principal of fully registered bonds, shall be made in inverse chronological order of maturities outstanding at the time of redemption or prepayment, and in inverse numerical order for coupon bonds if less than an entire maturity is called. Notice of redemption of coupon bonds shall be published at least one time in a newspaper published in Clay County and in general

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circulation in the Town of Clay City, not less than 30 days prior to the date fixed for redemption. Said notice of redemption of coupon bonds shall also be published in The Indianapolis Commercial, or in the event of suspension of publication of such newspaper then in another newspaper or financial journal published in the City of Indianapolis, Indiana, by two insertions, the first to be at least 30 days prior to the date fixed for redemption and the second not to be more than 30 nor less than 15 days prior to the date fixed for redemption. Notice shall be given by registered mail, postmarked at least 30 days prior to the date of redemption or prepayment, to the registered holder at his address

as shown on the registration record of the Town in the event of redemption of a registered coupon bond or prepayment of principal on a fully registered bond. The notice shall specify the date and place of redemption or prepayment, the serial numbers of the bonds called for redemption or subject to prepayment, and identification of installments of principal to be prepaid. The place of redemption of coupon bonds may be any bank where principal of bonds of this issue is payable. The place of prepayment of installments of principal on fully registered bonds shall be the Office of the Clerk-Treasurer of the Town who shall record the prepayments on the bonds. Interest on the bonds so called for redemption, or on installments of principal to be prepaid, shall cease on the date fixed in such notice if sufficient funds are available at the place of redemption or prepayment to pay the price on the date so named, including interest to said date. If any unmatured coupon bond and coupon or coupons so called for redemption, or any fully registered bond called for prepayment, shall not be presented on the date and at the place designated, the Town may place in trust at the bank constituting the place of redemption, or in the case of fully registered bonds called for prepayment, the Town shall hold in trust in the Town's depository bank, sufficient funds to effect such redemption or prepayment in full, and thereafter the holder of such bond and coupon or coupons shall be entitled to payment only from such trust funds and the redemption or prepayment thereof shall be deemed to have been effected and the bonds no longer outstanding.

CCMC 2-7-19 RESERVED RIGHT TO ISSUE ADDITIONAL PARITY BONDS
UNDER CERTAIN CIRCUMSTANCES; REQUIREMENTS
AND CONDITIONS

Sec. 19: The Town reserves the right to authorize and issue additional bonds, payable out of the revenues of its waterworks, ranking on a parity with the bonds authorized by this chapter to complete the planned project, according to the plans and specifications upon certification of the engineer of the amount necessary without any further conditions; or for

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the purpose of financing the cost of future additions, extensions and improvements to the waterworks, subject to the following conditions:

- a.) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof and the amounts required to be paid into the Waterworks Sinking Fund and the accounts thereof shall have been paid.

- b.) The net revenues of the waterworks in the fiscal year immediately preceding the issuance of any such bonds ranking on a parity with the bonds authorized by this chapter shall not be less than 120% of the maximum annual interest and principal requirements of the then outstanding bonds and the proposed additional parity bonds to the final maturity of the then outstanding bonds. For purposes of this subsection, the records of the Town waterworks shall be analyzed and all showings shall be prepared by a certified public accountant retained by the Town for that purpose. In computing the maximum annual interest and principal requirements pursuant to this subsection, the interest on and principal of the refunding bonds shall be substituted for the interest on and principal of the bonds being refunded.
- c.) The interest on the additional parity bonds shall be payable annually on February 1, and the principal shall be payable annually on February 1 in the years in which principal and interest are payable.

Parity bonds may also be issued to refund less than all of the then outstanding bonds issued pursuant to this chapter or ranking on a parity therewith, but any such refunding bonds shall be subject to the conditions in this section unless the bonds being refunded mature within 3 months of the date of such refunding and no other funds are available to pay such maturing bonds.

CCMC 2-7-20 WATERWORKS FISCAL YEAR ESTABLISHED

Sec. 20: The fiscal year of the waterworks shall be from January 1 to December 31, both inclusive.

[This chapter was formerly Ord. 8-1982, 11/18/82]

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CHAPTER 8

WATERWORKS CONSTRUCTION AND FINANCE; INTERLOCAL AGREEMENT WITH CLAY COMMUNITY SCHOOLS CORPORATION

Section 1:	Identification of Parties
Section 2:	Effectiveness and Term of Agreement
Section 3:	Construction of 100,000 Gallon Water Tank; Obligations of Parties
Section 4:	Indemnification of School by Town
Section 5:	Finance of Project; Designation of Disbursing Agent
Section 6:	Finance of Project; Payment of Certain Costs by School to Town; Annual Schedule of Payments
Section 7:	Finance to Project; Recalculation of Payments Under Certain Conditions
Section 8:	Finance of Project; Financial Liability of Town After Expiration of Agreement

CCMC 2-8-1 IDENTIFICATION OF PARTIES

Sec. 1: The parties to the interlocal agreement governed by this chapter are the Clay Community School Corporation (“the School”) and the Town of Clay City, Indiana (“Clay City” or “the Town”).

CCMC 2-8-2 EFFECTIVENESS AND TERM OF AGREEMENT

Sec. 2: This agreement shall become effective on the first day of the month after April 1, 1982, and upon its recording with the County Recorder of Clay County and the State Board of Accounts pursuant to IC 36-1-7-6, and shall continue in full force and effect until January 1, 1991.

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Sec. 3 - 5

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CCMC 2-8-3 CONSTRUCTION OF 100,000 GALLON WATER TANK; OBLIGATIONS OF PARTIES

Sec. 3: For and in consideration of the mutual covenants hereinafter set forth, and for other valuable consideration, the parties hereto agree that Clay City will construct an additional 100,000 gallon elevated water storage tank on a site provided by the school, and connect said water storage tank to Clay City’s water distribution system in order to more adequately provide immediate water supply and fire protection for the school, and make available to Clay City more adequate water service and fire protection, as specified in the following provisions. The school shall provide a site for construction of said tank

by means of a permanent easement 100 feet by 100 feet for location of said tank, and a suitable access easement not less than 30 feet in width and extending to a public right-of-way. The tank site shall be suitable for construction of an elevated water storage tank as determined by the Clay City Waterworks consulting engineer. Clay City shall proceed with efforts to construct the proposed 100,000 gallon tank in an expeditious manner, and shall provide their best effort to make same available by November 1, 1983. Clay City shall be solely responsible for the construction and maintenance of the proposed 100,000 gallon water storage tank, and agrees to construct the tank in a safe manner consistent with the remaining use of the school's property. Clay City agrees that it will make all purchases required hereunder, and will comply with all Indiana statutes requiring public posting, bidding, and any and all statutory provisions which apply to this agreement.

CCMC 2-8-4 INDEMNIFICATION OF SCHOOL BY TOWN

Sec. 4: Clay City also agrees to indemnify and save the school harmless from and against all liability, costs, demands, damages, actions and causes of action for injuries, death, or property damage arising out of the construction, use, and maintenance of the water tank, and will insure the school as an additional assured under Clay City's policy or policies of liability insurance.

CCMC 2-8-5 FINANCE OF PROJECT; DESIGNATION OF DISBURSING AGENT

Sec 5: The Clerk-Treasurer of Clay City shall act as the disbursing agent to receive, disburse and account for all moneys of this joint undertaking pursuant to IC 36-1-7-4(3).

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Sec. 6 - 8

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CCMC 2-8-6 FINANCE OF PROJECT; PAYMENT OF CERTAIN COSTS BY SCHOOL TO TOWN; ANNUAL SCHEDULE OF PAYMENTS

Sec. 6: The school shall pay to Clay City the costs related to the construction and maintenance of the 100,000 gallon elevated water storage tank for a period of 9 years commencing January 1, 1983. Such costs shall be computed as follows, using a tank cost of \$103,825 financed by Clay City at 11 3/8% for 40 years:

COST

AMOUNT

Annual Debt Retirement (\$103,825 X .1157)\$12,012

Annual Depreciation (\$103,825 X .01)	<u>1,038</u>
Total Annual Cost to School	\$13,050

Payments shall be made to Clay City by the school, due and payable on January 1 of each of the years 1983 through 1991, in the amount of \$13,050.

CCMC 2-8-7 FINANCE OF PROJECT; RECALCULATION OF ANNUAL
PAYMENTS UNDER CERTAIN CIRCUMSTANCES

Sec. 7: Should the actual "tank cost" so bid be less than \$120,000.00, the parties agree to recalculate the annual debt retirement and depreciation expense to be borne by the school pursuant to this agreement and amend Section 6 hereof to conform to those recalculations. If the actual cost thereof exceeds \$120,000.00, Clay City will bear and be responsible for that amount over and above \$120,000.00.

CCMC 2-8-8 FINANCE OF PROJECT; FINANCIAL LIABILITY OF TOWN
AFTER EXPIRATION OF AGREEMENT

Sec. 8: Clay City shall provide funds for debt service and depreciation after January 1, 1991, and Clay City shall properly maintain and keep the elevated tank or its equivalent in service and available to the school so long as the school needs or requires said tank.

[This chapter was formerly an interlocal agreement entered into by a resolution numbered Art. 2, Ch. 8

Sec. 8

Ch. 9

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752 mutually adopted by the Boards of Trustees of Clay City and the Clay Community School Corporation on 4/1/82, subsequently amended 9/1/83]

CHAPTER 9

WATERWORKS CONSTRUCTION AND FINANCE; APPLICATION FOR INDIANA DEPARTMENT OF NATURAL RESOURCES LOAN TO CONSTRUCT WATER WELL

- Section 1: Authorization to Construct New Water Well
 Section 2: Authorization to Apply for DNR Loan

CCMC 2-9-1 AUTHORIZATION TO CONSTRUCT NEW WATER WELL

Sec. 1: The drilling and construction of a new water well to supplement the present water system of the Town shall be undertaken, and the Board of Trustees is authorized to take all necessary steps toward the fulfillment and accomplishment of this project.

CCMC 2-9-2 AUTHORIZATION TO APPLY FOR DNA LOAN

Sec. 2: The said Trustees are authorized and directed to apply for a loan in the amount of \$38,000.00 from the Flood Control Revolving Fund of the Department of Natural Resources of the State of Indiana, said funds to be used for drilling and constructing an additional well in said Town as a supplement to the existing well, in order to provide an ample supply of wholesome water for the citizens of said Town.

[This chapter was formerly an unnumbered ordinance adopted 6/3/71]

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CHAPTER 10

WATERWORKS RULES AND REGULATIONS

- Section 1: Repealed
 Section 2: New Utility Accounts and Security Deposits
 Section 3: Billing Procedure and Disconnections
 Section 4: Sewer Lien
 Section 5: Disturbing Water Meters
 Section 6: Utility Arrearages as of Effective Date of this Ordinance

CCMC 2-10-1 REPEALED

Sec. 1: Clay City Municipal Code 2-5-9 - 2-5-28 and 2-10-1 - 2-10-6 are hereby repealed in their entirety.

CCMC 2-10-2 NEW UTILITY ACCOUNTS AND SECURITY DEPOSITS

- Sec 2:
- a.) A consumer deposit for each new utility account in the total sum of One Hundred Fifty and 00/100 (\$150.00) Dollars shall be collected from each customer and be held without interest until service to said customer is terminated;
 - b.) A customer shall be required to provide proof of identity and age at the time that a new account is established and fill out an application for water and sewer service from the Town of Clay City;
 - c.) If said customer is a tenant (renter) they are required to provide the name and address of the owner or manager of the property where the utility service is requested.

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Sec. 3

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CCMC 2-10-3 BILLING PROCEDURE AND DISCONNECTIONS

- Sec. 3:
- a.) Utility bills will be mailed on the first day of the month for services rendered in the previous month, exact dates are dependent upon the date meters are read;
 - b.) The actual amount of the charges for water, sewer, surcharges, and taxes constitutes the “net” and the net is due and payable on or before the 15th day of that month;
 - c.) If a utility bill is not paid in full on or before the 15th of the month, the account is considered delinquent and the customer shall be assessed a service fee of Twenty Five and 00/100 (\$25.00) Dollars;
 - d.) Delinquent accounts that are not paid in full by the 26th day of the

following month, which would make the account thirty to thirty-one days delinquent (or the next business day) of the following month will be disconnected and service will be terminated.

- e.) If a customer has had service terminated, the security deposit shall be applied toward the delinquency, first toward unpaid water charges, second toward unpaid sewer charges, and any balance thereafter toward any fees assessed;
- f.) Any balance remaining of the security deposit after the deduction of the above described amounts shall be refunded to the customer if the customer provides a forwarding address. The security deposit shall be forfeited if the customer has not provided a forwarding address within one (1) year of terminating service;
- g.) If service has been disconnected to a customer, service will not be reinstated until the customer has paid any remaining delinquent bills in full, a One Hundred and 00/100 (\$100.00) Dollar security deposit re-established, and a One Hundred Fifty and 00/100 (\$150.00) Dollar reconnection fee has been paid;
- h.) Service shall be reinstated the following business day after the amounts stated in the previous subpart have been paid in full;
- i.) If a customer has an existing delinquent bill, no new utility service will be provided in either the customer's name or in another name of the same household until said delinquency has been paid in full;

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- j.) No new service will be provided in the name of a different customer to an address with an outstanding delinquent bill. All delinquencies must be paid in full before service to said address is re-established;
- k.) The following schedule for monthly utility bills will be effective upon enactment of this Ordinance:
 - I.) Meters shall be read on or about the 20th day of each month;
 - II.) Utility bills shall be issued on the 1st day of the month;
 - III.) Utility bills shall be due on or before the 15th day of each month;
 - IV.) A service fee shall be assessed in the amount of Twenty Five and

- 00/100 (\$25.00) Dollars on the 16th day of each month if the utility bill is unpaid;
- V.) Delinquent utility bill notices shall be mailed on the next business day after the 16th day of each month;
 - VI.) Notices of the shut off of utility service shall be hung on the doors of said customer on the 25th day of each month or the next business day;
 - VII.) Customers shall be shut off on the 26th day of the month or the next business day following the shut off notices being hung.

CCMC 2-10-4 SEWER LIEN

- Sec. 4: a.) Delinquent sewer bills shall result in a lien being placed against the property to which service had been provided;
- b.) If the property is occupied by someone other than the owner, the Town of Clay City shall place a lien against the property if the Town has notified the owner of the delinquency within twenty (20) days of the time that the sewer bill became sixty (60) days delinquent. However, the Town of Clay City is only required to provide notice to the owner of the property if the owner has provided the Utility Office with written notice of the address to which the lien notice is to be sent;
 - c.) All property owners who rent or lease their property are encouraged to provide the Clay City Utility Office with written notice in order to receive warnings before sewer liens are placed on said property.

Art. 2, Ch. 10
Sec. 5 - 6

CLAY CITY MUNICIPAL CODE

CCMC 2-10-5 DISTURBING WATER METERS

- Sec. 5: a.) It is hereby EXPRESSLY PROHIBITED for anyone except the authorized personnel of the Town of Clay City Water Department to open meter lids or otherwise disturb or adjust a water meter;
- b.) Anyone convicted of violating this Ordinance shall be assessed a fine of Five Hundred and 00/100 (\$500.00) Dollars for a first offense and One Thousand and 00/100 (\$1,000.00) Dollars for each subsequent offense. In addition, any such person shall be liable for all repair and replacement costs necessary as a result of said prohibited activity.

CCMC 2-10-6 UTILITY ARREARAGES AS OF EFFECTIVE DATE OF THIS
ORDINANCE

- Sec. 6: a.) Any customer of the Town of Clay City Water and Sewer Utility who at the time of the enactment of this Ordinance has a delinquent water bill shall be required to make payments of twenty-five (25%) percent of the balance of said delinquent bill with their current water payment for four (4) consecutive months;
- b.) A customer who pays his current utility bill and the arrearage amount and the amount as indicated in the previous paragraph shall not have their water services discontinued;
- c.) Should a customer fail to abide by the terms of the repayment of said delinquency described herein, in that event, the entire delinquent arrearage and current bill shall become due and payable in that month and will be considered a delinquent bill as set forth in Section 3 above.

[This chapter was formerly Ord. C1-1987, 2004-3 and 2017-3]

Art. 2, Ch. 11

Sec. 1

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CHAPTER 11

WATER SERVICE RATES AND CHARGES

- Section 1: Rates based on Volumetric Water Consumption
 Section 2: Minimum Monthly Charges Based on Meter Size; Water Entitlement
 Section 3: Fire Protection Hydrant Annual Rates
 Section 4: Rates Applicable to Temporary Users
 Section 5: Collection and Deferred Payment Charges
 Section 6: Payment of Meter Deposit

- Section 7: Water Utility Hook On Fees
 Section 8: Water Main Extension New Customer Deposit
 Section 9: Water Main Extension Rates

CCMC 2-11-1 RATES BASED ON VOLUMETRIC WATER CONSUMPTION

Sec. 1: Except as provided by Sections 2 through 4 of this chapter, for the use and service rendered by the waterworks system of the Town, charges shall apply based on the metered use of water supplied by said waterworks as follows:

- a.) Customers served by the waterworks system of the Town who are not part of the “Martz Water Line Extension” will have the following rates:

<u>METERED USAGE/MONTH</u>	<u>Final Rate/1,000 Gal.</u>
First 2,500 gallons	\$ 9.69
Next 2,500 gallons	\$ 7.33
Next 5,000 gallons	\$ 4.87
Next 10,000 gallons	\$ 2.46
Next 20,000 gallons	\$ 1.98

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Sec. 1 - 2

CLAY CITY MUNICIPAL CODE

- b.) Customers within the “Martz Water Line Extension” will have the following rates:

<u>METERED USAGE/MONTH</u>	<u>Final Rate/1,000 Gal.</u>
First 2,500 gallons	\$ 11.34
Next 2,500 gallons	\$ 8.98
Next 5,000 gallons	\$ 4.87
Next 10,000 gallons	\$ 2.46

Next 20,000 gallons \$ 1.98

CCMC 2-11-2 MINIMUM MONTHLY CHARGE BASED ON METER SIZE

Sec. 2:

- a.) Each user shall pay minimum charge in accordance with the following applicable size of meter installed, for which the user will be entitled to the quantity of water set out in the above schedule of rates.
- b.) Users not included within the Martz Water line extension shall have the following minimum monthly charges based on meter size:

<u>METER SIZE (IN)</u>	<u>WATER ENTITLEMENT (GAL)</u>	<u>MINIMUM MONTHLY FINAL RATE</u>
5/8	2,500	\$ 24.22
3/4	3,750	\$ 33.38
1	6,250	\$ 48.61
1 ½	12,500	\$ 73.01
2	20,000	\$ 91.46
3	37,500	\$126.11
4	62,500	\$175.61

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Sec. 2 - 3

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6	125,000	\$299.36
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- c.) Those users along the Martz Water line extension minimum monthly charges based on meter size shall be as follows:

<u>METER SIZE (IN)</u>	<u>WATER ENTITLEMENT (GAL)</u>	<u>MINIMUM MONTHLY FINAL RATE</u>
5/8 and 3/4 inch meter	5,000	\$ 50.79

1 inch meter	6,500	\$ 57.11
1 ½ inch meter	12,500	\$ 81.26
2 inch meter	20,000	\$ 99.71
3 inch meter	37,500	\$134.36
4 inch meter	62,500	\$183.86

CCMC 2-11-3 FIRE PROTECTION HYDRANT ANNUAL RATES

Sec. 3: The rate per month for supplying water to fire protection hydrants shall be as follows:

- a.) Users not included within the Martz Water line extension shall have the following hydrant rates:

<u>CLASS OF HYDRANT</u>	<u>FINAL RATE</u>
Municipal hydrant	\$33.60
Private hydrant	33.60

- b.) Those users along the Martz Water line extension shall have the following rates:

<u>CLASS OF HYDRANT</u>	<u>INTERIM RATE</u>	<u>FINAL RATE</u>
Hydrant surcharge	\$6.22	\$9.46

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Sec. 4 - 7

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CCMC 2-11-4 RATES APPLICABLE TO TEMPORARY USERS

Sec. 4: Water furnished to temporary users such as contractors, circuses, etc., shall be charged on the basis of the metered gallon rates set forth in Section 1 as estimated and established by the Waterworks Superintendent.

CCMC 2-11-5 COLLECTION AND DEFERRED PAYMENT CHARGES

Sec. 5: All bills for water service not paid within 15 days from the due date thereof, as

state in such bills, shall be subject to the collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

CCMC 2-11-6 PAYMENT OF METER DEPOSIT

Sec. 6: All customers of the Clay City water utility shall be required to place on deposit with the Clay City water utility a meter deposit fee in the sum of Seventy Five and 00/100 (\$75.00) Dollars. Said meter deposit may be applied toward any damage resulting to said meter. Furthermore, said meter deposit may be applied to any unpaid water bill after water service is terminated. If there is no water damage and if the water bill is paid in full following the termination of service, said meter deposit shall be returned to the customer within thirty (30) days after termination of service.

CCMC 2-11-7 WATER UTILITY HOOK-ON FEES

Sec. 7: If a new customer begins service with the Clay City Municipal Water System, the customer shall pay the sum of One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars to the Town of Clay City Water Utility Office for “hook-on” costs. Said sum of One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars shall be paid in full before water utility service is provided to a new customer.

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Sec. 8 - 9

CLAY CITY MUNICIPAL CODE

CCMC 2-11-8 WATER MAIN EXTENSION NEW CUSTOMER DEPOSIT

Sec. 8:

a.) For any proposed water main extension, the Clay City Town Council may require prospective customers to place upon deposit a non-refundable Two Hundred and 00/100 (\$200.00) Dollar deposit. This deposit is to provide the Clay City municipal waterworks with an estimate of prospective customers for said water main extension. If the water main extension is installed, said Two Hundred and 00/100 (\$200.00) Dollar deposit shall be applied from water main to meter cost. If the meter main to meter cost exceeds Two Hundred and 00/100 (\$200.00) Dollars, the customer shall be billed for said additional expense. If the water main to meter cost is less than Two Hundred and 00/100 (\$200.00) Dollars, the customer shall be refunded the difference. If the Clay City Town Council, in its discretion, determines that there are insufficient customers to justify the

expense of a water main extension, said Two Hundred and 00/100 (\$200.00) Dollar deposit shall be returned to the customers who made said deposit.

b.) If it is established that there are sufficient customers to financially support a water main extension, the customers who have paid a deposit shall be notified of the decision to complete the water extension project. Thereafter, those customers who have paid a deposit shall pay the balance of any water main to water meter cost by installment payments. There shall be at least five (5) equal monthly installment payments in which said customer shall pay the balance of said water main to water meter expense. These payments shall be made on or before the first day of each month. The entire cost of water main to water meter expense shall be paid in full, by each customer, before any water service shall be provided by the Clay City water utility.

CCMC 2-11-9 WATER MAIN EXTENSION RATES

Sec. 9:

a.) The Clay City Water Utility Board may require customers along a water main extension to pay a monthly minimum fee. This monthly minimum fee will be of an amount estimated to produce sufficient revenue to enable the Clay City water utility to pay back any bond or indebtedness for the cost of said water main extension which is servicing said customers.

Art. 2, Ch. 11

Sec. 9

Ch. 12

Sec. 1

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b.) The monthly minimum water rate shall be established prior to any commencement of water service along a new water main extension. Thereafter, on an annual basis, said minimum monthly water rate shall be adjusted to allow for any additional customers or loss of customers. Notice of said annual minimum water rate adjustments shall be provided to all new water main extension customers at least thirty (30) days prior to the imposition of said adjusted minimum monthly water rate.

c.) The minimum monthly water rate for water main extension customers shall remain in effect until any bond or indebtedness have been retired. The minimum monthly water rate shall include up to five thousand (5,000) gallons of water use per month. Any water use in excess of five thousand (5,000) gallons shall be charged to said new water main extension at the same rate as all other customers of the Clay City water utility.

CHAPTER 12

ELECTRIC SERVICE CONTRACTS

Section 1: Current Ordinances Adopting Electric Service Contracts for
Municipal Uses Incorporated by Reference and Saved

CCMC 2-12-1 CURRENT ORDINANCES ADOPTING ELECTRIC SERVICE
CONTRACTS FOR MUNICIPAL USES INCORPORATED BY
REFERENCE AND SAVED

Sec. 1: Any and all ordinances approving and adopting contracts for the provision of electric energy and/or electric equipment and appurtenances to the Town by any electric utility company or supplier for street lighting, to operate sewage works or water pumping stations, or other municipal purposes, which ordinances and contracts are in effect at the time this Code is adopted, are herein incorporated by reference and saved from any general repeal under CCMC 1-2-2, and shall remain in effect until their normal amendment, cancellation or expiration. Copies of such ordinances and contracts are on file in the office of the Clerk-Treasurer and available for public examination.

Art. 2, Ch. 13

Sec. 1

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CHAPTER 13

INDIANA UTILITIES REGULATORY COMMISSION

Section 1: Removal from Jurisdiction of Indiana Utilities Regulatory
Commission

CCMC 2-13-1 REMOVAL FROM JURISDICTION OF INDIANA UTILITIES
REGULATORY COMMISSION

Sec. 1: The Town of Clay City shall, by this ordinance, remove all of its public utilities, to-wit its sewage utility and its water utility, from the jurisdiction of the Indiana

Utilities Regulatory Commission on this 19th day of October, 1992.

[This chapter was formerly Ord. 92-7]

CHAPTER 14

SEWAGE WORKS PROJECT

- Section 1: Authorization to Project
- Section 2: Issuance of BANs and Bonds
- Section 3: Registration of Bonds and BANs
- Section 4: Execution of the Bonds and BANs: Pledge of Net Revenues to Bonds
- Section 5: Form of Bonds
- Section 6: Redemption fo Bonds and BANs
- Section 7: Execution of the BANs and Bonds: Pledge of Net Revenues
- Section 8: Exchange of Bonds
- Section 9: Preparation and Sale of the Bonds and BANs
- Section 10: Use of Proceeds

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- Section 11: Revenues
- Section 12: Operation and Maintenance Fund
- Section 13: Sewage Works Sinking Fund
- Section 14: Improvement Fund
- Section 15: Maintenance of Accounts
- Section 16: Maintenance of Books and Records
- Section 17: Rate Covenant
- Section 18: Additional Bond Provisions
- Section 19: Further Covenants
- Section 20: Defeasance
- Section 21: Investment of Funds
- Section 22: Tax Covenants
- Section 23: USDA Compliance
- Section 24: Rights of Owners
- Section 25: Execution of Purchase Agreement
- Section 26: Incorporation of Ordinance 2006-5

- Section 27: Tax Exemption
 Section 28: Repeal of Previous Ordinances

CCMC 2-14-1 AUTHORIZATION TO PROJECT

Section 1 That the Town proceed with the Project in accordance with the plans and specifications heretofore prepared by the consulting engineers employed by the Town, which plans and specifications are now on file in the office of the Clerk-Treasurer of the Town, and are hereby adopted and approved, and by reference made a part of this Ordinance as fully as if the same were attached hereto and incorporated herein; that the cost of construction of said Project shall not exceed the sum of \$3,967,000.00 plus investment earnings on the BAN and bond proceeds, without further authorization from the Town Council, and said Project shall be constructed and the bonds and BANs herein authorized shall be issued pursuant to and in accordance with the provisions of the Act. The terms “sewage works,” “sewage works system,” “works,” “system” and words of like import where used in this Ordinance shall be construed to mean the Treatment Works (as defined in the 1998 Ordinance) and includes the existing sewage works system and all real estate and equipment used in connection therewith and appurtenances thereto, and all extensions, additions and improvements thereto and replacements thereof now or at any time hereafter constructed or acquired.

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CCMC 2-14-2 ISSUANCE OF BANS AND BONDS

Section 2. The Town shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of said Project and the payment of costs of issuance. The Town shall issue its BANs in an amount not to exceed Two Million Nine Hundred Sixty Seven Thousand and 00/100 (\$2,967,000.00) Dollars to be designated “Sewage Works Bond Anticipation Notes.” Said BANs shall be sold at a price not less than 99% of the par value, shall be numbered consecutively from 1 upward, shall be in denominations of \$1,000.00 as designated in the Purchase Agreement therefor, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed 5.0% per annum (the exact rate or rates to be determined through negotiations). The BANs will mature no later than two (2) years from their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 5.0% per annum (the exact rate or rates to be determined through negotiations). The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs.

The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1.5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution or any other purchaser. The BANs shall be payable solely from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act. The revenue bonds will be payable solely out of and constitute a first charge against the Net Revenues of the sewage works of the Town.

The Town shall issue its sewage works revenue bonds, in one or more series, designated "Sewage Works Revenue Bonds of 20___, Series ____" ("Bonds"), to be completed with the year in which the Bonds are issued and the appropriate series designation, if any, in an aggregate principal amount not to exceed Two Million Nine Hundred Sixty Seven Thousand and 00/100 (\$2,967,000.00) Dollars for the purpose of procuring funds to apply on the cost of the Project, costs of issuance and refunding the BANs, if issued. All Bonds shall be issued in fully registered form in the denomination of One and 00/100 (\$1.00) Dollar each, or any integral multiple thereof, numbered consecutively from 1 up, and dated as of the date of initial delivery of said Bonds. The Bonds shall be sold at a par value and shall bear interest at a rate or rates not exceeding 5.0% per annum, payable semiannually on January 1 and July 1 in each year, beginning on the first January 1 or first July 1 following delivery of the Bonds and which shall comply with the USDA Letter of Conditions. The Bonds shall mature annually on January 1 over a period ending no later than January 1, 2047, and in such amounts which will produce as level debt service as practicable with \$1 denominations taking into account all series of Bonds issued hereunder and the annual debt

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service on the 1998 Bonds. Installments of principal and interest shall be payable in such coin or currency as at the time of payment shall be legally acceptable for payment of debts due the United States of America.

Each series of Bonds issued hereunder shall rank on a parity for all purposes, including the pledge of Net Revenues hereunder.

CCMC 2-14-3

REGISTRATION OF BONDS AND BANS

Section 3. The BANs and the Bonds shall be registered in the name of the owner in a book maintained for that purpose by the Clerk-Treasurer of the Town, and such registration shall be noted thereon by the Clerk-Treasurer as bond registrar, after which no transfer shall be valid except by transfer duly acknowledged by the registered owner or its attorney, such transfer to be made in said book and similarly noted on the BAN or the Bond, respectively. No charge shall be made for registration. Principal of said fully

registered Bonds, subject to prior prepayment as hereinafter provided, shall be payable on January 1, in the years and installments as correspond to the years and amounts to be set in accordance with Section 2 hereof. Both interest on and principal of the fully registered BANs and Bonds are payable in lawful money of the United States of America by check mailed to the registered owner one business day prior to the payment date, at the address of said owner as it appears on the registration records of the Town; provided that at the time of final payment, the fully registered BAN, BANs, Bond or Bonds must be delivered to the Town. The party in whose name the BANs and Bonds shall be registered shall be deemed the absolute owner for all purposes and payments to such owner shall completely discharge the Town's obligations.

CCMC 2-14-4 EXECUTION OF THE BONDS AND BANS: PLEDGE OF NET REVENUES TO BONDS

Section 4. Each of the Bonds and BANs shall be issued in the name of the Town and shall be executed by the President of the Town Council, and attested by the Clerk-Treasurer who shall affix the seal of the Town thereto. The Bonds shall not be the general obligation of the Town, and the Bonds shall state on their face that the Town shall not be obligated to pay the same or the interest thereon except from the special revenue fund provided from the Net Revenues (herein defined as gross revenues after the deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired.

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Subject to the provisions for registration hereof, the Bonds and BANs shall have all the qualities and incidents of a negotiable instrument under the laws of the State of Indiana.

CCMC 2-14-5 FORM OF BONDS

Section 5. The form and tenor of the fully registered Bonds and the transfer registry thereon shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

(Form of Fully Registered Bond)

UNITED STATES OF AMERICA

State of Indiana
 County of Clay

TOWN OF CLAY CITY, INDIANA
 SEWAGE WORKS REVENUE BOND OF 20____ [SERIES ____]

The Town of Clay City (“Town”) in Clay County, State of Indiana, for value received, hereby promises to pay to the registered owner solely out of the special revenue fund hereinafter referred to, the principal amount of

_____ DOLLARS
 (\$_____)

on January 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
-------------	---------------	-------------	---------------

(Subject to any prepayments of principal as hereinafter provided) and to pay interest on the unpaid balance hereof from the dates of payment as recorded hereon until the principal is paid, at the rate of ____% per annum, payable semiannually on January 1 and July 1, beginning _____ 1, 200____.

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Both principal and interest of this bond are payable in lawful money of the United States of America, by check mailed to the registered owner one business day prior to the payment date at the address of said owner as it appears on the registration records of the Town. Upon final payment, this bond shall be delivered to the Town and cancelled.

This bond is the only one of an authorized issue of the Town, [to be issued in series,] in the aggregate principal amount of _____ Dollars (\$_____) [for this series} issues for the purpose of providing funds to be applied to the cost of the construction of the Town’s sewage works, and [refunding notes issued in anticipation of this bond] as authorized by an ordinance adopted by the Town Council of the Town of _____, 2006, entitled “An Ordinance concerning the construction of a sewage works project of the Town of Clay City, Indiana, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the owners of said revenue bonds, other matters connected therewith,

including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith (“Ordinance”), and in strict compliance with the provisions of IC 36-9-23 as in effect on the date of delivery of this bond (“Act”).

Pursuant to the provisions of the Act and the Ordinance, the principal and interest of this bond, and any bonds ranking on a parity herewith, including the 1998 Bonds, as defined by the Ordinance, [and the Sewage Works Revenue Bonds of 200 ____, Series _____ (“Series _____ Bonds”),] are payable solely from the Sewage Works Sinking Fund (“Sinking Fund”), to be provided from the Net Revenues (defined as gross revenues of the sewage works, remaining after the deduction only for the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the Town including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired. This bond shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana, and the Town shall not be obligated to pay this bond or the interest hereon except from the special fund provided from the Net Revenues.

The Town irrevocably pledges, the entire Net Revenues of said sewage works to the prompt payment of the principal of and interest on the bonds authorized by the Ordinance, and any bonds ranking on a parity therewith, including the 1998 Bonds, [and the Series _____ Bonds,] and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by said works as are sufficient in each year for the payment of the reasonable expenses of Operation and Maintenance (as defined by the Ordinance) of said

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works and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Ordinance and the Act. In the event the Town, or the proper officers thereof, shall fail or refuse to so fix, maintain and collect such rates or charges, or if there be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the works and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The Town further covenants that it will set aside and pay into its Sinking Fund a sufficient amount of the Net Revenues of said works to pay (a) the interest on this bond and all other bonds which, by their terms, are payable from the revenues of said sewage works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying

the bonds and interest, © the principal of this bond and all other bonds which, by their terms, are payable from the revenues of said sewage works, as such principal shall fall due, and (d) an additional amount as a margin of safety to [create and] maintain the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of said works, on a parity with the aforementioned 1998 Bonds [and the Series _____ Bonds].

This bond may be transferred upon presentation of the bond and an executed assignment to the Clerk-Treasurer of the Town for notation of the same upon this bond and the registration record of the Town kept for that purpose or may be exchanged as provided in the Ordinance.

Installments of principal of this bond may, at the option of the Town, be prepaid in whole or in part on any date after issuance, in any multiple of One and 00/100 (\$1.00) Dollar, upon thirty (30) days' notice to the registered owner, at par and accrued interest to the date of prepayment. Interest on the installments of principal so prepaid shall cease on such date of prepayment. Interest on the installments of principal so prepaid shall cease on such date of prepayment. This bond must be presented at the office of the Clerk-Treasurer for any such prepayments.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the Town may deposit in trust with its depository bank an amount sufficient to pay such bond or the redemption price, as the case may be, and thereafter, the registered owner shall look only to the funds so deposited in trust with said bank for payment, and the Town shall have no further obligation or liability in respect thereto.

This bond is subject to defeasance prior to redemption or payment as provided in the
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Ordinance referred to herein. The owner of this bond, by the acceptance hereof, hereby agrees to all the terms and provisions contained in the Ordinance. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The Town has designated this bond as a "qualified tax-exempt obligation" to qualify this bond for the \$10,000,000.00 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986 relating to the disallowance of 100% of interest expense allocable to qualified tax-exempt obligations acquired by financial institutions.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law.

IN WITNESS WHEREOF, the Town of Clay City, in Clay County, State of Indiana, has caused this bond to be executed in its corporate name by the President of the Town Council and its corporate seal to be hereunto affixed and manually attested by its Clerk-Treasurer, as of _____, 20_____.

TOWN OF CLAY CITY, INDIANA

By: _____
President, Town Council

(SEAL)

Attest:

Clerk-Treasurer

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REGISTRATION ENDORSEMENT

This bond can be transferred and registered only at the office of the Clerk-Treasurer in the Town. No writing hereon except by the Clerk-Treasurer.

			Employer I.D. # or Social	
Date of	In Whose Name		Security #,	
<u>Registration</u>	<u>Registered</u>		<u>if applicable</u>	<u>Clerk-Treasurer</u>
_____	_____	_____	_____	_____

(Note: This should be a separate sheet)

RECORD OF PAYMENT FOR BOND

Date of <u>Payment</u>	Treasurer's <u>Amount</u>	Acknowledgment of Receipt by <u>Clerk-Treasurer</u>	Guarantee of Clerk- <u>Signature</u>
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(NOTE: this should be a separate sheet)

CCMC 2-14-6 REDEMPTION OF BONDS AND BANS

Section 6. The BANS are prepayable by the Town, in whole or in part, at any time upon seven days' notice to the owners of the BANS without any premium. Any one or more installments of principal of the Bonds shall be redeemable or prepayable at the option of the Town from any funds regardless of source, in whole or in part, in any multiple of One and 00/100 (\$1.00) Dollar, on any date, at the principal amount thereof and accrued interest to the date fixed for redemption, without any premium. Prepayments of installments of principal of the Bonds shall be made in inverse order of maturities outstanding at the time of prepayment, and in inverse numerical order of Bonds if less than an entire maturity is

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called. Notice of prepayment of principal on a Bond shall be given by registered mail at least thirty (30) days prior to the date of such redemption or prepayment to the registered owner at its address as shown on the registration record of the Town. The notice of prepayment shall specify the date and place of prepayment, the dates of maturity of the Bonds subject

to prepayment, and identification of installments of principal to be prepaid. The place of prepayment of installments of principal shall be the office of the Clerk-Treasurer of the

Town who shall record the prepayments on the Bonds. Interest on the installments of principal to be prepaid shall cease on the date fixed in such notice if sufficient funds are available at the place of prepayment to pay the price on the date so named, including interest to said date. If any fully registered Bond called for prepayment shall not be presented on the date and at the place designated, the Town shall hold in trust in the Town's depository bank sufficient funds to effect such prepayment in full, and thereafter the owner of such Bond shall be entitled to payment only from such trust funds and the prepayment thereof shall be deemed to have been effected and the Bonds no longer outstanding.

CCMC 2-14-7 EXECUTION OF THE BANS AND BONDS: PLEDGE OF NET REVENUES

Section 7 The Bonds and BANs shall be signed manually or by facsimile in the name of the President of the Town Council and attested by the Clerk-Treasurer, who shall affix the seal of the Town to each of the Bonds and BANs or cause said seal to be imprinted thereon by any means. Said officials, by the signing of a proper signature identification certificate, shall adopt as and for their own proper signatures their facsimile signatures appearing on the Bonds and BANs.

All Bonds, and any Bonds ranking on a parity therewith, as to both principal and interest shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon all the Net Revenues of the sewage works of the Town on a parity with the 1998 Bonds. The Town shall not be obligated to pay the Bonds or the interest thereon except from the Net Revenues of said works, and the Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State of Indiana.

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CCMC 2-14-8 EXCHANGE OF BONDS

Section 8. Upon surrender of a fully registered Bond at the office of the Clerk-Treasurer of the Town, or at such other place as may be agreed upon by and between the town and the registered owner, together with a request for exchange duly executed by the registered owner, or its attorney, in such form as shall be satisfactory to the Town, such Bond may, at the option of the registered owner thereof, and the expense of the Town except for any tax or governmental charge required to be paid with respect to the transfer which tax or charge shall be paid by the registered owner requesting the transfer, be exchanged for a new fully registered Bond or Bonds of the same series in an aggregate amount equal to the then unpaid principal amount outstanding and with maturities corresponding to the unpaid principal installments outstanding of the Bond, in the denomination of One and 00/100 (\$1.00) Dollar each, or integral multiples thereof, bearing the same rate of interest payable semiannually on January 1 and July 1. Upon the surrender of such fully registered Bonds and the filing of a request for exchange, the Town shall execute and deliver such fully registered Bonds in accordance with the request for exchange and in the form substantially as set forth in Section 5 hereof. The Bonds shall be issued within sixty (60) days from the date of the filing of the request for such exchange. Any fully registered Bond surrendered for exchange shall, upon delivery of the Bonds in exchange therefor, be forthwith cancelled by the Town.

CCMC 2-14-9 PREPARATION AND SALE OF THE BONDS AND BANS

Section 9 The Clerk-Treasurer is hereby authorized and directed to have the Bonds and BANs prepared, and the President of the Town Council and the Clerk-Treasurer are hereby authorized and directed to execute the Bonds and BANs in the form and manner hereinbefore provided. The Clerk-Treasurer is hereby authorized and directed to deliver the BANs to the purchaser thereof and said Bonds to the USDA. The Town shall receive payment for the BANs in an amount not less than 99% of the par value of the BANs and payment for the Bonds at not less than par value. The Town may receive payment on the BANs and the Bonds in installments. The principal of and interest on the BANs shall be payable from the proceeds of the bonds herein authorized. The Bonds herein authorized, as and to the extent paid for and delivered, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues of the sewage works to be set aside in the Sewage Works Sinking Fund as herein provided, and the proceeds derived from the sale of said Bonds shall be and are hereby set aside for application on the cost of the Project, the refunding of the BANs, if issued, and to pay the expenses necessarily incurred in connection therewith.

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The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

CCMC 2-14-10 USE OF PROCEEDS

Section 10. The accrued interest received at the time of the delivery of the Bonds and premium, if any, shall be deposited in the Sewage Works Sinking Fund (“Sinking Fund”). The remaining proceeds from the sale of the Bonds, to the extent not used to refund BANs, and BAN proceeds, shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as “Town of Clay City, Sewage Works Construction Account (“Construction Account”). All funds deposited to the credit of said Sinking Fund or the Construction Account shall be deposited, held, secured or invested in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including particularly IC 5-13, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Account shall be expended only for the purpose of paying the cost of the Project, or as otherwise required by the Act, refunding the BANs, if issued, and for the expenses of issuance of the Bonds and BANs. The cost of obtaining the services of Ice Miller LLP, Mr. Christopher B. Gambill and H.J. Umbaugh & Associates, Certified Public Accountants, LLP, shall be considered as a part of the cost of the Project on account of which the BANs and the Bonds are issued.

Any balance or balances remaining unexpended in such special account or accounts after completion of the Project, which are not required to meet unpaid obligations incurred in connection with such Project, shall either (1) be paid into the Sinking Fund and used solely for the purposes of the Sinking Fund or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with IC 5-1-13, as amended and supplemented.

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CCMC 2-14-11 REVENUES

Section 11. There is hereby continued a fund known as the Revenue Fund (the “Revenue Fund”) into which all income and revenues of the sewage works shall be deposited upon receipt. The fund shall be maintained separate and apart from all other funds and bank accounts of the Town. Out of said Revenue Fund, the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, requirements of the Sinking Fund as set out hereafter, and the costs of replacements, extensions, additions and improvements to the works shall be paid.

Ccmc 2-14-12 OPERATION AND MAINTENANCE FUNDS

Section 12. The Operation and Maintenance Fund (“O & M Fund”), is hereby continued, to which O & M Fund there shall be credited on the last day of each month a sufficient amount of revenues of the sewage works so that the balance in the O & M Fund shall be sufficient to pay the expenses of operation, repair and maintenance of the sewage works for the then next succeeding two (2) calendar months. The moneys credited to the O & M Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis. Any balance in the O & M Fund in the excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal or interest on the outstanding bonds of the sewage works.

CCMC 2-14-13 SEWAGE WORKS SINKING FUND

Section 13. There is hereby continued the Sewage Works Sinking Fund (“Sinking Fund”) for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of bonds and interest. There shall be set aside and deposited in said Sinking Fund, as available, and as provided below, a sufficient amount of the Net Revenues of said sewage works to meet the requirements of the Bond and Interest Account and of the Debt Service Reserve Account hereby continued in the Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Debt Service Reserve Account, described below, equals the principal of and interest on all of the then outstanding bonds to their final maturity thereof.

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(A) Bond and Interest Account. There is hereby continued, within said Sinking Fund, the Bond and Interest Account and there shall be transferred on the last day of each calendar month from the Revenue Fund to the Bond and Interest Account, hereby continued, an amount of the Net Revenues equal to the sum of one-sixth (1/6) of the interest on all then outstanding bonds payable on the next succeeding interest payment date and one-twelfth (1/12) of the principal on all then outstanding bonds payable on the then next succeeding principal payment due, until the amount of interest and principal payable on the then next succeeding interest and principal payment dates shall have been so credited. There shall similarly be credited to the Account any amount necessary to pay the bank fiscal agency charges for paying interest on outstanding bonds as the same become payable. The Town shall, from the sums deposited in the Sewage Works Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

(b) Debt Service Reserve Account. The Debt Service Reserve Account is hereby continued ("Reserve Account"). On the date of delivery of the Bonds, the Town may deposit funds on hand into the Reserve Account. The balance to be maintained in the Reserve Account shall equal but not exceed the least of (I) the maximum annual debt service on the Bonds and the 1998 Bonds, (ii) 125% of the average annual debt service on the Bond and the 1998 Bonds, or (iii) 10% of the proceeds of the Bonds ("Reserve Requirement") (I) provided, however, so long as the 1998 Bonds are owned by the Indiana State Revolving Loan Fund Program ("SRF Program"), the Reserve Requirement shall mean the maximum annual debt service on the Bonds and the 1998 Bonds. If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be credited to the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The Reserve Account shall constitute a margin for safety and protection against default in the payment of principal of and interest on the Bonds and the 1998 Bonds, and the moneys in the Reserve Account shall be used to pay current principal of and interest on the Bonds and the 1998 Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiencies in the credits to the Reserve Account shall be promptly made up from the next available Net Revenues remaining

after credits into the Bond and Interest Account. If moneys in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on the outstanding Bonds or 1998 Bonds,

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then this depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement may be used for redemption of such bonds or prepayment of principal on fully registered bonds which are then callable or prepayable or for the purchase of the outstanding Bonds or installments of principal of fully registered bonds or shall be transferred to the Sewage Works Improvement Fund.

CCMC 2-14-14 IMPROVEMENT FUND

Section 14 There is hereby continued the Sewage Works Improvement Fund ("Improvement Fund"). After meeting the requirements of the O & M Fund and the Sinking Fund, any excess revenues may be transferred or credited to the Improvement Fund and said Improvement Fund shall be used for improvements, replacements, additions and extensions to the sewage works. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of and interest on any outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Reserve Account of the Sinking Fund, or may be transferred to the O & M Fund to meet unforeseen contingencies in the operation, repair and maintenance of the sewage works.

CCMC 2-14-15 MAINTENANCE OF ACCOUNTS

Section 15 The Sinking Fund shall be deposited in and maintained as a separate account or accounts apart from all other accounts of the Town. The O & M Fund and the Improvement Fund may be maintained in a single account, or accounts, but such account or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in said account or accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana; provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13, as amended and supplemented, and Section 19 and in the event of such investment the income shall become part of the funds invested and shall be used only as provided in this ordinance.

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CCMC 2-14-16 MAINTENANCE OF BOOKS AND RECORDS

Section 16 The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from said works and all disbursements made on account of the works, also all transactions relating to said works. There shall be prepared and furnished, upon written request, to any owner of the Bonds, within thirty (30) days of receipt thereof by the Town, the most recent complete operating audited financial statements of the works prepared by the State Board of Accounts. Copies of all such statements and reports, together with all audits of the sewage works made available to the Town by the Indiana State Board of Accounts or any successor body authorized by law to audit municipal accounts, shall be kept on file in the office of the Clerk-Treasurer. Any owner or owners of the bonds then outstanding shall be the right, upon request, at all reasonable times to inspect the works and all records, accounts, statements, audits, reports and data of the Town relating to the sewage works. Such inspections may be made by representatives duly authorized by written instrument.

CCMC 2-14-17 RATE COVENANT

Section 17. The Town covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by said sewage works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said sewage works by or through any part of the sewage system of the Town, or that in any way uses or is served by such works; that such rates or charges shall be sufficient in each year for the payment of the proper and reasonable expenses of Operation and Maintenance (as defined in the 1998 Ordinance) of the works, and for the payment of the sums required to be paid into the Sinking Fund by said Act and this ordinance. Such rates or charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of Operation and Maintenance and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such works by and service rendered to the Town and all departments thereof, and shall be paid by the Town or the various departments thereof as the charges accrue.

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CCMC 2-14-18 ADDITIONAL BOND PROVISIONS

Section 18. The Town reserves the right to authorize and issue additional BANs at any time ranking on a parity with the BANs. The Town also reserves the right to authorize and issue additional bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the Bonds authorized by this ordinance, for the purpose of financing the cost of future additions, extensions and improvements to the sewage works, or to refund obligations, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid in accordance with the terms and amounts required to be paid into the Sinking Fund and the accounts thereof shall have been paid.

(b) The Net Revenues of the sewage works for the fiscal year immediately following the issuance of any such bonds ranking on a parity with the Bonds authorized by this ordinance shall be not less than one hundred twenty-five (125%) percent of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued; or, prior to the issuance of any parity bonds, the sewage rates and charges shall be increased sufficiently so that said increased rates and charges applied to the previous fiscal year's operations would have produced Net Revenues for said year equal to not less than one hundred twenty-five (125%) percent of the maximum annual interest and principal requirements on the then outstanding bonds. For purposes of this subsection, all showings shall be prepared by a certified public accountant retained by the Town for that purpose.

© The principal of, or mandatory sinking fund redemption for, said additional parity bonds shall be paid annually on January 1st and the interest on the additional parity bonds shall be payable semiannually on January 1st and July 1st in the years in which such principal and interest are payable.

So long as the 1998 Bonds are owned by the SRF Program, (i) the Town obtains the consent of the SRF Program, (ii) the Town has faithfully performed and is in compliance with each of its obligations, agreements and covenants contained in the Financial Assistance Agreement (as defined in the 1998 Ordinance), and the 1998 Ordinance and (iii) the Town is in compliance with its National Pollutant Discharge Elimination System permits, except for non-compliance for which purpose the parity

bonds are issued, including refunding bonds issued prior to, but part of the overall plan to eliminate such non-compliance.

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CCMC 2-14-19 FURTHER COVENANTS

Section 19. For the purpose of further safeguarding the interests of the owners of the Bonds and BANs herein authorized, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of the Project shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred (100%) percent of the amount of such contracts, to insure the completion of said contracts, in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana relating to public contracts.

(b) The Project shall be constructed under the supervision and subject to the approval of such competent engineer as shall be designated by the Town. All estimates for work done or material furnished shall first be checked by the engineer and approved by the Town prior to payment therefor.

(c) So long as any of the bonds or BANs are outstanding, the Town shall at all times maintain its sewage works system in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the Bonds or BANs are outstanding, the Town shall acquire and maintain insurance coverage on the insurable parts of the system of a kind and in an amount such as is usually carried by private corporations engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. So long as the 1998 Bonds are owned by the SRF Program, such insurance shall be acceptable to the SRF Program.

All insurance proceeds shall be used either in replacing or restoring the property destroyed or damaged, or if not used for such purpose shall be deposited in the Sinking Fund, unless the SRF Program consents to a different use, such consent being required for so long as the 1998 Bonds are owned by the SRF Program.

(e) So long as any of the Bonds or BANs are outstanding, the Town shall not

sell, transfer, lease, pledge or otherwise encumber the property and plant of such works or any part thereof. The Town shall not sell, lease or otherwise dispose of any portion thereof except equipment or property which may become worn out, obsolete or no longer suitable

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for use in connection with said utility, provided, however, if the 1998 Bonds are owned by the SRF Program, the Town shall obtain the consent of the SRF Program.

(f) If the 1998 Bonds are owned by the SRF Program, the Town shall not borrow any money, enter into any contract or agreement or incur any other liabilities in connection with the sewage works, other than for normal operating expenditures, without the prior written consent of the SRF Program if such undertaking would involve, commit or use the revenues of the sewage works.

(g) Except as otherwise specifically provided in Section 18 of this ordinance, so long as any of the Bonds or BANs are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the system shall be authorized, issued or executed by the Town, except such as shall be made junior and subordinate in all respects to the Bonds, unless all of the Bonds are redeemed or defeased coincidentally with the delivery of such additional bonds or other obligations.

(h) The Town shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage, night soil or industrial waste is produced with available sanitary sewers. The Town shall insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(I) The provisions of this ordinance shall constitute a contract by and between the Town and the owners of the Bonds and BANs herein authorized all the terms of which shall be enforceable by any holder of the Bonds or BANs, as the case may be, by any and all appropriate proceedings in law or in equity. After the issuance of the Bonds or BANs this ordinance shall not be repealed, amended or modified in any respect which will adversely affect the rights or interests of the owners of the Bonds or BANs, nor shall the Town Council or any other body of the Town, adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds or BANs or the interest thereon remain outstanding or unpaid. The Town Council reserves the right, however, excluding the changes set forth in Section 24(a) through (g), to amend this ordinance without the consent of Bond or BAN owners so long as the Town Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bonds or BANs

(j) The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes Art. 2, Ch. 14

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therein set forth, and the owners of the Bonds and BANs shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of the governing Act. The provisions of this ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said Sinking Fund as in this ordinance set forth. The owners of the Bonds shall have all of the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer said sewage works in the event the Town shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the principal or interest on any of the Bonds herein authorized.

CCMC 2-14-20 DEFEASANCE

Section 20. (a) So long as USDA is the owner of the Bonds, the Bonds will not be defeased without the consent of the USDA.

(b) When the condition set out in subsection (a) has been met, or if USDA no longer is the owner of the Bonds, and the Bonds issued hereunder or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds then outstanding or any portion thereof shall be paid; or (I) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, or (ii) time certificates of deposit fully secured as to both principal and interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the Town's sewage works.

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CCMC 2-14-21 INVESTMENT OF FUNDS

Section 21. (a) The Clerk-Treasurer is hereby authorized to invest moneys pursuant to IC 5-1-14-3 and the provisions of this ordinance (subject to applicable requirements of federal law to insure such yield is a then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds and BANs under federal law.

CCMC 2-14-22 TAX COVENANTS

Section 22. In order to preserve the exclusion of interest on the Bonds and BANs from gross income for federal tax purposes under Section 103 of the Internal Revenue Code of 1986 as existing on the date of issuance of the Bonds or BANs, as the case may be (“Code”) and as an inducement to purchasers of the Bonds and BANs, the Town represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in trade or business. No person or entity other than the Town or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the Town or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates the person’s or entity’s use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the BANs or the Bonds, as the case may be. If the Town enters into a management contract for the sewage works, the terms of the contract will comply with the IRS Revenue Procedure 97-1, as it may be amended, supplemented or superseded from time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Bonds or BANs, as the case may be.

(b) No more than 10% of the principal of or interest on the bonds or BANs is (under the terms of the Bonds, BANs, this ordinance or any underlying arrangement), directly

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or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the Town) in respect of such property or borrowed money used or to be used for a private business use.

© No more than 5% of the Bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond or BAN proceeds.

(d) The Town reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph © above during the entire term of the Bonds or BANs, as the case may be.

(e) No more than 5% of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The Town will not take any action nor fail to take any action with respect to the Bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds or BANs pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion. The Town covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds or BANs to be treated as private activity bonds under Section 141 of the Code.

(g) It shall not be an event of default under this ordinance if the interest on any Bond or BAN is not excludable from gross income for federal tax purposes or

otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds or BANs, as the case may be.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds and BANs, as the case may be.

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- (i) The Town represents that:
- (I) The Town is a governmental unit with general taxing powers, which powers include the power to impose taxes of general applicability that, when collected, may be used for the general purposes of the Town;
 - (ii) The BANs and the Bonds are not private activity bonds as defined in Section 141 of the Code;
 - (iii) At least 95% of the net proceeds of the BANs and Bonds will be used for local governmental activities of the Town or of a governmental unit the jurisdiction of which is entirely within the jurisdiction of the Town;
 - (iv) The aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the Town and all units subordinate to the Town, including on-behalf-of issuers and subordinate entries as those terms are defined in Regulations Sections 1.148-8(c)(2), is not reasonably expected to exceed \$5,000,000 in calendar year 2006 or 2007; and
 - (v) The Town has not been formed or availed of to otherwise avoid the purposes of the \$5,000,00 size limitation.

Therefore, the Town meets the requirements of Section 148(f)(4)(D) of the Code and will not have to rebate any arbitrage profits to the United States.

- (j) The Town represents that:
- (I) The Bonds and BANs are not private activity bonds as defined in Section 141 of the Code;
 - (ii) The Town hereby designates the Bonds and BANs as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;

(iii) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the Town, and all entities subordinate to the Town during 2006 or 2007 does not exceed \$10,000,000; and

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(iv) The Town will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2006 or 2007.

Therefore, the Bonds and BANs qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

CCMC 2-14-23 USDA COMPLIANCE

Section 23. So long as USDA is the owner of any of the Bonds, the Town covenants that in addition to the other covenants, terms and conditions applicable to the Bonds authorized by this ordinance, that it will comply with all conditions set forth by the USDA in its Letter of Conditions, Loan Resolution, and any Loan Agreement.

CCMC 2-14-24 RIGHTS OF OWNERS

Section 24. Subject to the terms and provisions contained in this Section, and not otherwise, the owners of not less than sixty-six and two-thirds (66 2/3%) percent in aggregate principal amount of the Bonds issued pursuant to this ordinance and then outstanding shall have the right, from time to time, (anything contained in this ordinance to the contrary notwithstanding) to consent to and approve the adoption by the Town of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the Town for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any Bond, the redemption premium

or the rate of interest thereon; or

© The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any Bond or Bonds issued pursuant to this Art. 2, Ch. 14
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ordinance over any other Bond or Bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the balance to be maintained in the Reserve Account; or

(g) An extension of mandatory sinking fund redemption dates, if any.

If the owner of not less than sixty-six and two-thirds (66 2/3%) percent in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the offices of the Clerk-Treasurer of the Town, no owner of any Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the Town and all owners of Bonds issued pursuant to the provisions of this ordinance then outstanding, shall thereafter be determined exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foreign provisions of this ordinance, the rights and obligations of the Town and of the owners of the Bonds authorized by this ordinance, and the terms and provisions of the bonds and this ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the consent of the owners of all the Bonds issued pursuant to this ordinance then outstanding.

CCMC 2-14-25 EXECUTION OF PURCHASE AGREEMENT

Section 25. (a) The Town, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs pursuant to a Bond Anticipation Note Purchase Agreement (“Purchase Agreement”) to be entered into

between the Town and the purchaser of the BANs. The Town Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing Bonds to provide interim financing for the Project until permanent financing becomes available. It shall not be necessary for the Town to repeat the procedures for the issuance of the Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

Art. 2, Ch. 14

Sec. 25 - 28

CLAY CITY MUNICIPAL CODE

(b) The President of the Town Council and the Clerk-Treasurer are hereby authorized to execute a Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The President of the Town Council and the Clerk-Treasurer may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANS or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

CCMC 2-14-26 INCORPORATION OF ORDINANCE 2006-5

Section 26. The rates and charges of the sewage works are set forth in Ordinance No 2006-5 to be adopted on December 7, 2006. The contents of said ordinance are incorporated herein by reference.

CCMC 2-14-27 TAX EXEMPTION

Section 27. Notwithstanding any other provision of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds and BANs from gross income under federal law ("Tax Exemption") need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

CCMC 2-14-28 REPEAL OF PREVIOUS ORDINANCES

Section 28. All ordinances and parts of ordinances in conflict herewith, except for the 1998 Ordinance, are hereby repealed, provided, however, this ordinance shall not be construed as adversely affecting the owners of the 1998 Bonds.

Art. 2, Ch. 14
Exhibit A

CLAY CITY MUNICIPAL CODE

EXHIBIT A

Description of Project

The project consists of improvements to the Town's Sanitary Sewer System. Wastewater Collection System improvements include increasing capacity of existing Lift Stations No. 1, 2 and 3 by installing new submersible type pump stations and constructing new force mains from the stations to their discharge points. The capacity of the Wastewater Treatment Plant (WWTP) will be increased to handle average flows of 0.242 MGD and peak flows of 0.900 MGD. Improvements at the WWTP include installation of a new raw sewage pump station, headworks structure, oxidation ditch, final clarifiers, UV disinfection/post aeration facilities and conversion of the existing package treatment units to aerobic digesters.

Art. 3, Ch. 1
Sec. 1

CLAY CITY MUNICIPAL CODE

ARTICLE 3

PUBLIC HEALTH AND ENVIRONMENT

- Chapter 1: Disposal of Solid and Liquid Wastes Generally
- Chapter 2: Regulation of Private Sewage Disposal Systems
- Chapter 3: Burning of Leaves and Other Rubbish
- Chapter 4: Public Nuisances Generally
- Chapter 5: Public Nuisances Penalties
- Chapter 6: Advertising Signs Regulation
- Chapter 7: Grass and Weed
- Chapter 8: Trash and Refuse Ordinance
- Chapter 9: Interfund Loans

CHAPTER 1

DISPOSAL OF SOLID AND LIQUID WASTES GENERALLY

- Section 1: Definitions
- Section 2: Disposal of Objectionable Solid and Semisolid Wastes on Property Prohibited
- Section 3: Discharge of Sewage and Other Polluted Waters Restricted
- Section 4: Notice of Violations ; Time Limit for Abatement; Penalties for Noncompliance
- Section 5: Liability to Town for Consequential Expense or Damage

CCMC 3-1-1 DEFINITIONS

Sec. 1: Words and terms used herein have the same meanings as defined therefor under CCMC 2-4-1.

Art. 3, Ch. 1

Sec. 2 - 5

CLAY CITY MUNICIPAL CODE

CCMC 3-1-2 DISPOSAL OF OBJECTIONABLE SOLID OR SEMISOLID WASTES ON PROPERTY PROHIBITED

Sec. 2: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.

CCMC 3-1-3 DISCHARGE OF SEWAGE AND OTHER POLLUTED WATERS RESTRICTED

Sec. 3: It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with Article 2, Chapter 4 of this Code.

CCMC 3-1-4 NOTICE OF VIOLATIONS; TIME LIMIT FOR ABATEMENT; PENALTIES FOR NON-COMPLIANCE

Sec. 4: Any person found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided, on conviction thereof, shall be fined in an amount not less than \$25.00 nor more than \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

CCMC 3-1-5 LIABILITY TO TOWN FOR CONSEQUENTIAL EXPENSE OR DAMAGE

Sec. 5: Any person violating any of the provisions of this chapter, in addition to any other penalties herein provided, shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

[This chapter was formerly Ord. S-76-3, 4/12/76, Section 3, paragraphs 301 and 302, and

Section 10, paragraphs 1002, 1003 (as amended by Ord. C2-1987, Sec. 4), and 1004]
 Art. 3, Ch. 2

Sec. 1 - 2

CLAY CITY MUNICIPAL CODE

CHAPTER 2

REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS

- Section 1: Definitions
- Section 2: Construction and Maintenance of Private Sewage Disposal Systems Restricted
- Section 3: Private Systems Permitted Where Public Sewer Unavailable; Permit Required; Fee; Inspection of Work
- Section 4: Design and Technical Requirements for Private Systems
- Section 5: Maintenance Requirements
- Section 6: Abandonment of Private Systems When Public Sewer is Available
- Section 7: Notice of Violations; Time Limit for Abatement; Penalties for Noncompliance
- Section 8: Liability to Town for Consequential Expense or Damage
- Section 9: Noninterference with Board of Health Regulations

CCMC 3-2-1 DEFINITIONS

Sec. 1: Words and terms used in this chapter have the same meanings defined therefor under CCMC 2-4-1.

CCMC 3-2-2 CONSTRUCTION AND MAINTENANCE OF PRIVATE SEWAGE DISPOSAL SYSTEMS RESTRICTED

Sec. 2: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Art. 3, Ch. 2

Sec. 3 - 5

CLAY CITY MUNICIPAL CODE

CCMC 3-2-3 PRIVATE SYSTEMS PERMITTED WHERE PUBLIC SEWER UNAVAILABLE; PERMIT REQUIRED; FEE; INSPECTION OF WORK

Sec. 3: Where a public sanitary or combined sewer is not available under the provisions of CCMC 2-4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Superintendent. A permit and inspection fee of \$5.00 shall be paid to the Town at the time the application is filed. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

CCMC 3-2-4 DESIGN AND TECHNICAL REQUIREMENTS FOR PRIVATE SYSTEMS

Sec. 4: The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 6,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

CCMC 3-2-5 MAINTENANCE REQUIREMENTS

Sec. 5: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Art. 3, Ch. 2

Sec. 6 - 9

CLAY CITY MUNICIPAL CODE

CCMC 3-2-6 ABANDONMENT OF PRIVATE SYSTEMS WHEN PUBLIC SEWER IS AVAILABLE

Sec. 6: At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in CCMC 2-4, a direct connection shall be made to the public sewer in compliance therewith, the building sewer shall be connected to said sewer within 60 days, and the private sewage disposal system shall be abandoned, cleaned of sludge, and filled with clean bank-run gravel or dirt.

CCMC 3-2-7 NOTICE OF VIOLATIONS; TIME LIMIT FOR ABATEMENT; PENALTIES FOR NON-COMPLIANCE

Sec. 7: Any person found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond the time limit provided, and on conviction thereof, shall be fined in an amount not less than \$25.00 nor more than \$100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

CCMC 3-2-8 LIABILITY TO TOWN FOR CONSEQUENTIAL EXPENSE OR DAMAGE

Sec. 8: Any person violating any of the provisions of this chapter, in addition to any other penalties herein provided, shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

CCMC 3-2-9 NONINTERFERENCE WITH BOARD OF HEALTH REGULATIONS

Sec. 9: No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

[This chapter was formerly Ord. S-76-3, 4/12/76, Section 3, paragraph 303, Section 4, and Section 10, paragraphs 1002, 1003 (as amended by Ord. C2-1987, Sec. 4), and 1004]

Art. 3, Ch. 3
 Sec. 1 - 2

CLAY CITY MUNICIPAL CODE

CHAPTER 3

BURNING OF LEAVES AND OTHER RUBBISH

- Section 1: Burning of Leaves Regulated; Burning of Garbage and Certain Other Materials Prohibited; Clean-Up of Odorous Residues
 Section 2: Containers Required for Burning; Certain Materials Excepted
 Section 3: Reasonable Caution Required; Certain Fires Must be Attended
 Section 4: Violations; Penalties

CCMC 3-3-1 BURNING OF LEAVES REGULATED; BURNING OF GARBAGE AND CERTAIN OTHER MATERIALS PROHIBITED; CLEAN-UP OF ODOROUS RESIDUES

Sec. 1: It shall be unlawful for any person, firm, corporation or other entity, natural or legal, to commit, engage in, or do any of the following acts within the corporate limits of the Town of Clay City, Indiana:

- a.) Burn leaves or any other material or substance of any kind, on or upon the paved black-top portion of any street;
- b.) Burn garbage, household wet trash, animal fecal material, or any smoldering substance or material that emits or gives off a noxious or offensive odor, in or upon any premises;
- c.) Leave or permit to be left, any residue of any burnt or burning substance or material that continues to give off or emit noxious or offensive odors following the burning thereof.

CCMC 3-3-2 CONTAINERS REQUIRED FOR BURNING; CERTAIN MATERIALS EXCEPTED

Sec. 2: It shall be unlawful to burn any substance or material in or upon any premises unless said burning is confined within a container or receptacle suitable for such purpose.
 Art. Art. 3, Ch. 3

Sec. 2 - 4;
Ch. 4

CLAY CITY MUNICIPAL CODE

However, this section shall not apply to the burning of leaves or any material such as brush, tree limbs and the like, the burning of which cannot be reasonably confined within a container or receptacle.

CCMC 3-3-3 REASONABLE CAUTION REQUIRED; CERTAIN FIRES MUST BE ATTENDED

Sec. 3: Reasonable caution shall be observed at all times by any person burning any substance or material described in this chapter, and any burning or fires outside of containers or receptacles shall be attended at all times and such fire or fires shall be properly disposed of when the burning is completed.

CCMC 3-3-4 VIOLATIONS; PENALTIES

Sec. 4: Any person convicted of the violation of this chapter shall be fined in any sum not exceeding \$100.00. The continued violation of this chapter shall constitute a separate offense. Charges against any person for violation of this chapter shall be brought by affidavit by the Town Attorney, and shall be filed in the County or Circuit Court of Clay County.

[This chapter was formerly Ord. 79-1, 8/16/79]

CHAPTER 4

PUBLIC NUISANCES GENERALLY

- Section 1: Short Title; Purpose
- Section 2: Definitions
- Section 3: Maintenance of Nuisances Prohibited; Exceptions and Exemptions
- Section 4: Notice to Abate Nuisance; Time Period for Compliance

Art. 3, Ch. 4

Sec. 1 - 2

CLAY CITY MUNICIPAL CODE

- Section 5: Failure to Comply with Notice; Civil Action and Penalties;
Liability for Attorney Fees
- Section 6: Nonsupersession of Other Ordinances; Enforcement Option
- Section 7: Loose Dog Ordinance

CCMC 3-4-1 SHORT TITLE; PURPOSE

Sec. 1: This chapter shall be known and may be cited as the Clay City Nuisance Ordinance. The purpose of this chapter is to identify those items deemed to be nuisances, provide for the abatement of said nuisances, and to provide for penalties when nuisances are maintained within the jurisdictional limits of the Town of Clay City.

CCMC 3-4-2 DEFINITIONS

Sec. 2: For the purpose of this chapter, the following terms, phrases, words and their derivation shall have the meaning given herein:

- a.) “Nuisance” means whatever is injurious to health, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property.
- b.) “Board” is the Town Board of Clay City.
- c.) “Nuisance Per Se” The following conditions shall constitute a Nuisance Per Se for purpose of implementation of the provisions of CCMC 3-4 et seq.
 - (a) Accumulations of rubbish, trash, refuse, junk and other abandoned materials, metal and lumber;
 - (b) Any condition which provides harborage of rats, mice, snakes, or other vermin;
 - (c) Disagreeable or obnoxious odors and stench, as well as the conditions, substances or other causes which give rise to the emission or generation of offensive odors and stench;
 - (d) Carcasses of animals or fowls, not disposed of within a reasonable time after death
 - (e)

Art. 3, Ch. 4
Sec. 2 - 3

CLAY CITY MUNICIPAL CODE

- (f) Buildings, structures, swimming pools, or other places and locations where any violation of federal, state, local law or town ordinances occurs;
- (g) Accumulations and/or pooling of stagnant water;
- (h) Any building or other structure which is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity;
- (i) Presence of a dangerous fire hazard in the vicinity where it is located;
- (j) The unauthorized obstruction of any public street, road or sidewalk;
- (k) The pollution of any public well, cistern, stream, lake, canal or body of water by any sewage, dead animals, creamery, industrial waste or other substances.

CCMC 3-4-3 MAINTENANCE OF NUISANCES PROHIBITED; EXCEPTIONS AND EXEMPTIONS

Sec. 3: Any person who maintains on their property a nuisance shall be found in violation of this chapter. However, notwithstanding any other provision of this chapter, the provisions of this chapter shall not be construed to apply to nor prohibit any of the following acts or conditions:

- a.) Any act or condition resulting from the conduct of an agricultural or industrial activity which has been carried on for more than one year, and the nuisance of the activity results from a change in the locale and environs of the activity rather than a change in the activity itself, and the activity would not have constituted a substantial nuisance except for such change in the locale or environs, to the extent provided by IC 34-1-52-4; or
- b.) Any act or condition expressly required or authorized by any law of the United States or the State of Indiana, or any ordinance or order adopted by the Board, or by any regulation, license, or permit promulgated or issued under authority thereof.

Art. 3, Ch. 4
 Sec. 4 - 7

CLAY CITY MUNICIPAL CODE

CCMC 3-4-4 NOTICE TO ABATE NUISANCE; TIME PERIOD FOR COMPLIANCE

Sec. 4: Once it is determined by the Board that a nuisance exists within the Town, the Board shall direct written notice by certified mail to the person causing or harboring said nuisance and shall direct said person to abate the nuisance within 10 days.

CCMC 3-4-5 FAILURE TO COMPLY WITH NOTICE; CIVIL ACTION AND PENALTIES; LIABILITY FOR ATTORNEY FEES

Sec. 5: If the person fails to abate the nuisance within 10 days, the Board may direct its attorney to file suit in the appropriate jurisdictional court for the abatement of the nuisance. If the appropriate jurisdictional court finds that a nuisance exists, the person causing or harboring the nuisance shall be assessed a \$500.00 fine. If, after filing for abatement of the nuisance in the appropriate jurisdictional court, said court finds that a nuisance exists, the person causing or harboring said nuisance shall be liable for reasonable attorney fees incurred by the Town in the enforcement of this chapter.

CCMC 3-4-6 NONSUPERSESSION OF OTHER ORDINANCES; ENFORCEMENT OPTION

Sec. 6: The provisions of this chapter are intended to be supplementary to, and do not supersede, any other ordinance declaring or implying any act or condition to be a public nuisance, or regulating the same, or providing a procedure for the enforcement of such provisions of penalties for their violation. If any act or condition is such as to constitute a violation both of this chapter and another Town ordinance, the matter may be enforced in accordance with either ordinance, as the property Town authorities deem most appropriate.

CCMC 3-4-7 LOOSE DOG ORDINANCE

Sec. 7:

- a.) It shall be unlawful for any owner or owners of a dog to allow said dog to

be off said owner's premises without being restrained by a leash.

Art. 3, Ch. 4
Sec. 7;
Ch. 5, Sec. 1

CLAY CITY MUNICIPAL CODE

- b.) Any person convicted of the violation of this Chapter shall be fined in any sum not exceeding \$100.00.

[This chapter was formerly Ord. 84-2, 9/4/84, as amended by Ord. C3-1987 and Ord. 90-2]

CHAPTER 5

PUBLIC NUISANCES PENALTIES

Section 1: Short Title; Purpose

CCMC 3-5-1: SHORT TITLE; PURPOSE

Sec. 1:

- a.) This chapter shall be known and may be cited as the Clay City Nuisance Abatement Ordinance. The purpose of this chapter is to grant authority to the Town of Clay City to abate nuisances which pose a health or safety hazard to the citizens of said Town and to provide a means to hold the landowner responsible for said nuisance accountable for the expenses incurred in abating said nuisance.
- b.) When the Town Council of Clay City recognizes, by resolution, a "nuisance" condition in the Town of Clay City (see CCMC 3-4-2 subpart [a] for definition of nuisance), the Town Clerk shall be directed to serve by certified mail, notice upon landowner where said nuisance is located,

that provides as follows:

Art. 3, Ch. 5
Sec. 1

CLAY CITY MUNICIPAL CODE

- (I) That the person whom the letter is sent has been identified as the owner of a parcel of property upon which the Town Council has determined a nuisance condition to exist.
 - (ii) That the landowner shall be granted ten (10) days from the receipt of said notice to abate said nuisance condition.
 - (iii) That the notice shall inform the landowner that upon his failure to act within ten (10) days to abate said notice, that the Town Council may hire, or employ, persons to abate said nuisance without injury to the landowner's person or property.
 - (iv) That the landowner shall be informed that a lien shall be filed upon his property for the cost to the Town of Clay City for abating said nuisance.
- c.) That if the landowner fails to abate the nuisance within ten (10) days, the Town Council may employ or hire persons, at a reasonable cost, to abate the aforementioned notice. Thereafter, the Town Clerk shall be directed to file a lien upon the landowner's property on behalf of the Town of Clay City, in an amount of the expenses incurred by the Town of Clay City, and said lien shall be duly filed upon said property at the Clay City Recorder's Office.
- d.) That this statute shall not supersede, or set aside the Public Nuisance Ordinance 3-4 et al., but shall be an alternative enforcement ordinance for the Town of Clay City.

[This chapter was formerly Ord. 92-1]

Art. 3, Ch. 6
 Sec. 1 - 2,
 Ch. 7

CLAY CITY MUNICIPAL CODE

CHAPTER 6

ADVERTISING SIGNS REGULATION

Section 1: Regulation of Advertising Signs
 Section 2: Violations

CCMC 3-6-1 REGULATION OF ADVERTISING SIGNS

Sec. 1: There shall be no new business, advertising, or other signs that shall be elevated to a height of more than seventeen and one-half (17 ½) feet within the municipal limits of the Town of Clay City, or exceed the highest roofline of a business or a structure by more than four (4) feet, whichever is highest.

CCMC 3-6-2 VIOLATIONS

Sec. 2: Any person or entity who violates the provisions of this Ordinance shall be subject to a daily fine not to exceed Five Hundred and 00/100 (\$500.00) Dollars. Furthermore, the Town shall be entitled to seek a restraining order to compel conformity with this ordinance. Any violators shall be responsible for the reasonable attorney fees incurred by the Town in enforcing said ordinance.

CHAPTER 7

GRASS AND WEEDS

Section 1: Regulation of Grass and Weeds
 Section 2: Exceptions
 Section 3: Notification
 Section 4: Enforcement
 Section 5: Fine

Art. 3, Ch. 7

Sec. 1-5

CLAY CITY MUNICIPAL CODE

CCMC 3-7-1: REGULATION OF GRASS AND WEEDS

Sec. 1: The height of grass and weeds on property within the municipality of Clay City shall be maintained at a height of not more than eight inches. C

CCMC 3-7-2: EXCEPTIONS

Sec. 2: Exceptions. This chapter shall not apply to vegetable gardens, flower gardens, shrubbery or other plants or shrubs raised primarily for ornamental or foot purposes.

CCMC 3-7-3: NOTIFICATION

Sec. 3: Any person or entity who violates the provisions of this ordinance shall be subject to notification by law enforcement officials, or other designated representatives of the Town that their property is in violation of this ordinance and that said person or entity must bring said property within compliance of this ordinance within a period of seven (7) days.

CCMC 3-7-4: ENFORCEMENT

Sec. 4 Notwithstanding any other provision of this chapter, should the person or entity fail to bring their property within compliance of this ordinance within a period of seven (7) days, the Town, or designated representative of the Town, shall be entitled to mow or otherwise bring the property within compliance and that the Town may seek collection of all of its expenses incurred in bringing the property into compliance with said ordinance, as provided under Indiana Code 36-1-6-2.

CCMC 3-7-5: FINE

Sec. 5: That a person or entity who fails to comply with the seven (7) day notice prescribed in this chapter, may, in addition to the costs described in the previous section, be assessed a fine of \$50.00.

Art. 3, Ch. 8
 Sec. 1 - 3

CLAY CITY MUNICIPAL CODE

CHAPTER 8

TRASH AND REFUSE ORDINANCE

Section 1:	Trash and Refuse Ordinance
Section 2:	Definition
Section 3:	Improper Disposal or Placement of Trash and Refuse
Section 4:	Enforcement
Section 5:	Penalty

CCMC 3-8-1: TRASH AND REFUSE ORDINANCE

Sec. 1: It shall be unlawful to leave, place or deposit trash or refuse within the Town of Clay City in violation of the terms of this Ordinance.

CCMC 3-8-2: DEFINITION

Sec 2: Trash and refuse are manmade materials customarily used to package, carry, market other products or otherwise be used and then disposed of upon completion of its customary use. It shall include but not be limited to plastics, paper, styrofoam, cardboard, vinyl, bottles, cans, containers and other such substances commonly used for the purposes described herein.

CCMC 3-8-3: IMPROPER DISPOSAL OR PLACEMENT OF TRASH AND REFUSE

Sec. 3: It shall be a violation of this Ordinance to permit or cause trash or refuse to be placed in any public place or private place within the municipal limits of the Town of Clay City unless said trash and refuse is place in an enclosed container or receptacle. This includes the prohibition of plastic bags of trash or refuse being left in a public place or on private property without being placed in an enclosed container or receptacle. Except trash bags set out no sooner than 6:00 P.M. the night before a regularly scheduled trash pick-up shall be permitted.

Art. 3, Ch. 8
 Sec. 4 - 5

Ch. 9

Sec. 1 - 2

CLAY CITY MUNICIPAL CODE

CCMC 3-8-4: ENFORCEMENT

Sec. 4: The Town Marshall and his deputies shall be authorized to cite persons who violate this Ordinance. Said Marshall and his deputies may within their discretion issue warning citations to persons who agree to remediate the violation within 24 hours.

CCMC 3-8-5: PENALTY

Sec. 5: A person who fails to comply with this Ordinance and is properly cited shall be assessed a fine of \$25.00 for a first offense, \$50.00 for the second offense and \$100.00 for the third offense. The period for assessing the additional amounts shall be offenses committed within a one year period.

CHAPTER 9

CLAY CITY INTERFUND LOAN AUTHORIZATION

Section 1: Authorization
Section 2: Terms of Loans

CCMC 3-9-1 AUTHORIZATION

Sec. 1: The Clay City Town Board is authorized, pursuant to this Ordinance, to authorize the lending of funds from one Clay City municipal fund to another designated fund.

CCMC 3-9-2 TERMS OF LOANS

Sec. 2: Any loan authorized by the Clay City Town Board shall incur an interest rate of Art. 3, Ch. 9

Sec. 2

CLAY CITY MUNICIPAL CODE

one (1%) percent per annum and shall be paid back from the fund who received the loan to the fund which provided the loan within five (5) years of the authorization of said loan.

Clay City Town Board shall authorize repayment of the loan by either monthly, annual or single repayment.

Art. 4, Ch. 1
Sec. 1

CLAY CITY MUNICIPAL CODE

ARTICLE 4

LAND USE AND BUILDINGS

- Chapter 1: Unsafe Buildings and Premises
- Chapter 2: Fair Housing
- Chapter 3: Set Back Lines
- Chapter 4: Mobile Home Regulations

CHAPTER 1

UNSAFE BUILDINGS AND PREMISES

- Section 1: Definitions
- Section 2: Office of Building Inspector Established; Appointment; Powers and Duties
- Section 3: Alternative Provision for Building Inspection and Enforcement
- Section 4: Procedure for Enforcement of Building Standards and Abatement of Unsafe Buildings and Premises
- Section 5: Criteria for Ordering a Building Sealed; Uniform Standards
- Section 6: Penal Violations; Penalties
- Section 7: Procedures Alternative or Supplementary to Other Enforcement Procedures
- Section 8: Further Rules and Procedures for Administration

CCMC 4-1-1 DEFINITIONS

Sec 1: As used herein, the following words and terms have the meanings indicated:

- a.) “Building Authority” means the Board of Trustees of the Town, unless otherwise indicated.

Art. 4, Ch. 1

Sec. 1

CLAY CITY MUNICIPAL CODE

- b.) “Unsafe Building of Premises” means a building or structure, or any part of a building or structure, that is:
- (1) in an impaired structural condition that makes it unsafe to a person or property;
 - (2) a fire hazard;
 - (3) a hazard to the public health;
 - (4) a public nuisance;
 - (5) a dwelling unit unfit for human habitation;
 - (6) a building which is constructed or maintained in violation of applicable provisions of the Town Building Code and/or statewide building regulations and construction standards as adopted and promulgated by the Fire Prevention and Building Safety Commission of Indiana (or any of its successor organizations) pursuant to IC 22-11-1-32;
 - (7) an abandoned, vacant, partially constructed, or partially demolished building which is not adequately guarded or sealed against intrusion by unauthorized persons, and has become or likely to become a harborage for vagrants, vandals, illegal or immoral activities, or noxious or dangerous animals, or which is found to contain specific conditions which may pose a danger to children or others who may unwarily wander about or into the building; or
 - (8) is otherwise dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance.

Art. 4, Ch. 1

Sec. 1-2

CLAY CITY MUNICIPAL CODE

- c.) “Dwelling Unit Unfit for Human Habitation” means any part of any building or its premises used as a place of residence or habitation or for sleeping by any person, and which is dangerous or detrimental to life or health because of want of repair, defects in the drainage, plumbing, lighting, ventilation, or their construction, infection with contagious disease or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling.

CCMC 4-1-2 OFFICE OF BUILDING INSPECTOR ESTABLISHED; APPOINTMENT; POWERS AND DUTIES

Sec. 2: The Building Authority shall appoint a competent person to serve as Building Inspector for the Town, and who shall so serve at the pleasure of the Building Authority. The Building Authority may designate an existing Town officer to serve ex officio as Building Inspector, or may appoint a separate Building Inspector. If no other person is appointed as Building Inspector, or during any times when such office is vacant, the chairman of the Building Authority shall serve as Building Inspector, shall have all powers and duties of that office, and may receive in addition to any other compensation such compensation as has been fixed by the Town Board for the office of Building Inspector. The Building Inspector shall have the following powers and duties:

- a.) All powers and duties conferred on the enforcement authority under the provisions of IC 36-7-9 as hereinafter adopted and made applicable;
- b.) All powers and duties as necessary to enforce other statutes, ordinances, or regulations as specifically conferred therein on a municipal Building Inspector, or which relate to the safety of buildings or physical condition of buildings and premises except to the extent that such powers and duties are expressly conferred on another officer by statute or ordinance;
- c.) All powers, in accordance with IC 16-1-25-2 eq seq., as conferred on a county Board of Health respecting the alleviation and abatement of dwelling units unfit for human habitation located within the Town;
- d.) The power, either personally or by authorized representative, to enter into or upon any building or premises at any reasonable hour for the purpose of making any inspections necessary or desirable in order to determine if the

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building or premises are unsafe or otherwise in noncompliance with any statutes, ordinances, or regulations relating to the condition of real property;

- e.) The power to issue, serve, promulgate, and enforce orders in accordance with rules and procedures specified by statute, ordinance or regulation, or as established by the Building Authority, to require compliance of buildings or premises with applicable statutes, ordinances and regulations, or to alleviate or prevent any unsafe conditions found to occur or to be likely to occur therein, including but not necessarily limited to:
 - (1) stop-work orders;
 - (2) orders to modify, correct, repair or remove any noncomplying or unsafe structure, installation or building;
 - (3) orders to seal an unsafe building against intrusion by unauthorized persons in accordance with uniform standards as hereinafter provided;
 - (4) orders to modify or abandon any use or condition of occupancy which by its nature, taken in conjunction with the character, type or location of the building or premises, renders the building or premises unsafe;
 - (5) orders to vacate an unsafe building; and
 - (6) orders to exterminate vermin in or about unsafe buildings and premises;
- f.) The power to issue all local permits as may be required by law or ordinance for the construction, alteration, remodeling, relocation, or demolition of a building or part thereof, or for associated systems such as electrical, plumbing, heating, ventilating, air conditioning, and mechanical installations; and
- g.) The power to issue and serve civil citations and summonses to persons believed to be violating any penal town ordinance, or committing an infraction under any statute, relating to the safety, condition and

maintenance of buildings.

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CCMC 4-1-3 ALTERNATIVE PROVISION FOR BUILDING INSPECTION AND ENFORCEMENT

Sec. 3: As an alternative or supplementary arrangement to the appointment of a Town Building Inspector as provided by Section 2, the Town Board may do one or more of the following to provide for the enforcement and administration of building standards within the Town:

- a.) Adopt an ordinance electing to come under the provisions of a county ordinance fixing minimum housing standards for residential buildings, as provided by IC 36-7-8-4©, and extending the enforcement jurisdiction of the

county department of buildings or equivalent county regulatory agency into the Town;
- b.) Adopt an ordinance or resolution concurrently with the Board of Commissioners of the county providing for extension of jurisdiction and enforcement within the Tow, by the county department of buildings or equivalent authority, of building, heating, ventilating, air conditioning, electrical, plumbing and sanitation standards as applicable to buildings in the unincorporated area under an appropriate county ordinance adopted in accordance with IC 36-7-8-3, all as provided by IC 36-7-8-7; or
- c.) Enter into an interlocal agreement under the provisions of IC 36-1-7 with any county or other municipal building authority or similar agency whereby such authority or agency is authorized to conduct inspections and enforce on behalf of the Town Building Authority any or all Town ordinances, statutes, or regulations relating to the safety, condition and maintenance of buildings.

Within the scope of such ordinance, resolution, or agreement and subject to any further limitations provided therein, any such county or municipal authority and their authorized inspectors and administrative officers shall have within the Town all powers and duties of the Town Building Authority and Building Inspector as provided in this act or related

Town ordinances.

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CCMC 4-1-4 PROCEDURE FOR ENFORCEMENT OF BUILDING STANDARDS AND ABATEMENT OF UNSAFE BUILDING AND PREMISES

Sec. 4: Pursuant to the powers of the Town Board under IC 36-7-9-3, the provisions of IC 36-7-9, excepting Section 28 thereof, are hereby adopted and made applicable within the jurisdiction of the Town for the purpose of providing an enforcement and abatement procedure with respect to any buildings or premises found to be unsafe as described in Section 1(b). It is further provided that:

- a.) The “enforcement authority” referred to in IC 36-7-9 shall mean the Building Inspector for purposes of the administration of said purposes, provided, however, that the Chief of the Fire Department having jurisdiction in the Town shall have the same powers and rights of the Building Inspector to

make inspections and enforce the provisions applicable under any ordinances, statute, or regulations concerning fire safety and fire prevention;
- b.) The “hearing authority” referred to in IC 36-7-9 shall be the Building Authority as herein designated; and
- c.) The definition of “substantial property interest” set forth in IC 36-7-9-2 is hereby adopted and made applicable with respect to any enforcement procedure prescribed by IC 36-7-9 and in which the term “substantial property interest” is used, so far as that enforcement procedure is implemented and administered in the Town; and
- d.) There is created an Unsafe Building Fund, which shall be a nonreverting fund of the Town, and monies shall be deposited and expended in accordance with IC 36-7-9-14.

Any amendments to IC 36-7-9 hereafter enacted by the General Assembly shall also be part of this section and effective in the Town in the same manner as the original provisions; but a repeal of the statute per se does not impair this section, and the provisions of IC 36-7-9 in effect immediately prior to such repeal shall continue to govern the administration and enforcement of the building regulations unless otherwise

expressly required by law or a supplementary ordinance. In lieu of IC 36-7-9-28, a person violating any order or requirement under this act or under a statute herein made applicable shall be liable to penalties as prescribed by Section 6 hereof.

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CCMC 4-1-5 CRITERIA FOR ORDERING A BUILDING SEALED; UNIFORM STANDARDS

Sec. 5: This section applies to the administration and enforcement of an order of an enforcement authority to seal an unsafe building under IC 36-7-9-5(a)(2). An enforcement authority may order a building sealed against intrusion by unauthorized persons if one or more of the following conditions is found to exist in the building:

- a.) Imminent or unusual danger of fire or explosion;
- b.) Imminent danger of structural collapse, falling objects or unsound floorings or stairways;
- c.) Unguarded or uncontrolled presence of toxic or radioactive substances; or
- d.) The building is described by Section 1(b)(7) above.

CCMC 4-1-6 PENAL VIOLATIONS; PENALTIES

Sec. 6: Any person who:

- a.) Willfully or negligently continues to maintain and fails to remove, remedy or abate any unsafe condition of a building or premises as required by an order of the Building Inspector or Building Authority under this act; or
- b.) Remains in, uses, or enters a building in violation of an order made under authority of this act; or
- c.) Knowingly interferes with or delays the carrying out of an order made under this act; or
- d.) Knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this act; or
- e.) Refuses reasonable access at reasonable times to the Building Inspector or

other authorized enforcement authority for the purpose of making any inspection as required or authorized by this act or under any other ordinance,

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statute, or regulation sought to be enforced under the provision of this act, or attempts to interfere with or obstruct such inspection; or

f.) Fails to comply with applicable requirements under IC 36-7-9-27;

commits a penal Town ordinance violation and may be cited therefor, and upon conviction shall be liable to a fine of not less than \$100.00 nor more than \$300.00, and each day a violation continues shall be a separate offense. Such fine shall be in addition to any civil forfeiture imposed by a court under IC 36-7-9-19, or any other costs of enforcement or abatement assessed by or awarded to the Town incident to any action for enforcement.

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PROCEDURES ALTERNATIVE OR SUPPLEMENTARY TO OTHER ENFORCEMENT PROCEDURES

Sec. 7: The procedures set forth or adopted herein are intended to be alternative or supplementary to, and do not supersede, any other lawful enforcement procedures as provided by other Town ordinances or by statute whereby requirements, restrictions and regulations related to the safety, condition and maintenance of buildings and premises may be enforced and violations abated or penalized. Specifically, but not by limitation, this includes actions for enforcement as provided by:

- a.) IC 16-1-25, providing procedures for alleviation, or requiring the vacation, of dwelling units unfit for human habitation;
- b.) IC 36-1-6-2, authorizing a municipal corporation to enter onto real property to correct any condition thereof in violation of an ordinance and assessing costs by a property lien; or
- c.) IC 36-1-6-4(a), authorizing a municipal corporation to bring a civil action to enjoin any person from violating an ordinance regulating or prohibiting a condition or use of property.

When more than one enforcement procedure is available, the appropriate Town authorities may pursue enforcement through whichever procedure appears to them most suitable, expeditious, and equitable in light of the particular case.

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CCMC 4-1-8 FURTHER RULES AND PROCEDURES FOR
ADMINISTRATION

Sec. 8: The Building Authority may, to the extent not in conflict with the provisions of this actor of state law, adopt by resolution any further or supplementary rules, guidelines, and procedures which they consider necessary or desirable for the administration, application and enforcement of this act. Any such rules, guidelines, and procedures shall be considered incorporated by reference into this act and to have full force of law as though expressly set forth and adopted herein, and two copies shall be kept on file in the office of the Clerk-Treasurer for public inspection.

[This chapter was formerly Ord. C4-1987]

CHAPTER 2

FAIR HOUSING

- Section 1: Policy Statement
- Section 2: Definitions
- Section 3: Unlawful Practice
- Section 4: Discrimination in the Sale or Rental of Housing
- Section 5: Discrimination in Residential Real Estate - Related Transactions
- Section 6: Discrimination in the Provision of Brokerage Services
- Section 7: Interference, Coercion or Intimidation
- Section 8: Prevention of Intimidation in Fair Housing Cases
- Section 9: Exemptions
- Section 10: Administrative Enforcement of Ordinance
- Section 11: Separability of Provisions

CCMC 4-2-1 POLICY STATEMENT

Sec. 1: It shall be the policy of the Town of Clay City to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the

Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et seq.

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CCMC 4-2-2 DEFINITIONS

Sec. 2: The definitions set forth in this Section shall apply throughout this ordinance:

- a.) “Dwelling” means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (IC 22-9.5-2-8).
- b.) “Family” includes a single individual (IC 22-9.5-2-9), with the status of such family being further defined in subsection (h) of this Section.
- c.) “Person” (IC 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- d.) “To rent” (IC 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- e.) “Discriminatory Housing Practice” means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this ordinance or IC 22-9.5-5.
- f.) “Handicap” means, with respect to a person:
 - (1) A physical or mental impairment which substantially limits one or more of such person’s major life activities;
 - (2) A record of having such an impairment, or
 - (3) Being regarded as having such an impairment,
 - (4) An impairment described or defined pursuant to the Federal Americans With Disabilities Act of 1990.

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- (5) Any other impairment defined under IC 22-9.5-2-10.

The term “handicap” shall not include current illegal use or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [IC 22-9.5-2-10(b)]; nor does the term “handicap” include an individual solely because that individual is a transvestite [IC 22-9.5-2-10©].

- g.) “Aggrieved person” includes any person who (IC 22-9.5-2-2):
- (1) Claims to have been injured by a discriminatory housing practice; or
 - (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- h.) “Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- (1) A parent or other person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- I.) “Commission” (IC 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to IC 22-9-1-4, et seq.
- j.) “Complainant” (IC 22-9.5-2-4) means a person, including the Commission, who files a complaint under IC 22-9.5-6.

CCMC 4-2-3 UNLAWFUL PRACTICE

Sec. 3: Subject to the provisions of subsection (b) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth in Title 22-9.5-5-1 of Indiana Code and in Section 4 of this ordinance shall apply to:

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- a.) All dwellings except as exempted by subsection (b) and Title 22-9.5-3 of Indiana Code.
- b.) Other than the provisions of subsection © of this Section, nothing in Section 4 shall apply to:
 - (1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual owner not residing in the house at the time of sale, or who was not the most recent resident of such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application to this section only if such house is sold or rented.
 - (A) without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - (B) without the publication, posting or mailing, after notice of advertisement or written notice in violation of section 4© of this ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 - (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

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- c.) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
- (1) He has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or interest therein, or
 - (2) He has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - (3) He is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

CCMC 4-2-4 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

Sec. 4: As made applicable by Section 3 and except as exempted by Sections 3(b) and 9, it shall be unlawful:

- a.) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- b.) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- c.) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

- d.) To represent to any person because of race, color, religion, sex, handicap,
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familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

- e.) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- f.) (1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of
- (A) that buyer or renter;
 - (B) a person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - © any person associated with that person.
- (2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling because of a handicap of:
- (A) that person; or
 - (B) a person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
 - © any person associated with that person.
- (3) For purposes of this subsection, discrimination includes:
- (A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so

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condition permission for a modification on the renter agreeing to restore the interior of

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the premises to the condition that existed before the modification, reasonable wear and tear excepted;

- (A) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
- (B) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that
 - (i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow lateral installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver

about the space.

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- (4) Compliance with appropriate requirements of Americans With Disabilities Act of 1990 and of the American standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited "ANSI A117.1") suffices to satisfy the requirements of paragraph 3(C)(iii).
- (5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

CCMC 4-2-5

DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS

Sec. 5:

- a.) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status or national origin.
- b.) As used in this section, the term "residential real estate-related transaction" means any of the following:
 - (7) The making or purchasing of loans or providing other financial assistance;
 - (A) for purchasing, constructing, improving, repairing or maintaining a dwelling; or
 - (B) secured by residential real estate.
 - (8) The selling, brokering, or appraising of residential real property.

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- c.) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap or familial status.

CCMC 4-2-6 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

Sec. 6: It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

CCMC 4-2-7 INTERFERENCE, COERCION OR INTIMIDATION

Sec. 7: It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this ordinance.

CCMC 4-2-8 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Sec. 8: Whoever, whether or not acting under color of law, by force or threat of force, willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- a.) Any person because of his race, color, religion, sex, handicap, familial status or national origin and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the

business of selling or renting dwellings; or

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- b.) Any person cause he is or has been, or in order to intimidate such person or any other person or any class of persons from:
- (1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or
 - (2) Affording another person or class of persons opportunity or protection so to participate.
- c.) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection (a), or participating lawfully in speech or peace assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000.00, or imprisoned not more than one year, or both; and if bodily injury results, shall be fined not more than \$10,000.00, or imprisoned not more than ten (10) years, or both; and if death results, shall be subject to imprisonment for any term of years or for life.

CCMC 4-2-9

EXEMPTIONS

Sec. 9:

- a.) Exemptions defined or set forth under Title 22-9.5-3 et seq. of Indiana Code shall be exempt from the provisions of this ordinance to include those activities or organizations set forth under subsections (b) and © of this section.
- b.) Nothing in this ordinance shall prohibit a religious organization,

association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same

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religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this ordinance prohibit a private club not in fact open to the public, which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- c.) (1) Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.
- (2) As used in this section, “housing for older persons” means housing:
 - (A) Provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (B) Intended for, and solely occupied by, persons 62 years of age or older; or
 - © Intended and operated for occupancy by at least one person 55 years of age or older per unit.

CCMC 4-2-10 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE

Sec. 10:

- a.) The authority and responsibility for properly administering this ordinance and referral of complaints hereunder to the Commission as set forth in subsection (b) hereof shall be vested in the Chief Executive Officer of the

Town of Clay City, Indiana.

- b.) Notwithstanding the provisions of IC 22-9.5-4-8, the Town of Clay City, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this ordinance, herein elects to refer all formal complaints of violation of the

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articles of this ordinance by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions, pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the Town of Clay City, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.

- c.) All executive departments and agencies of the Town of Clay City, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- d.) The Chief Executive Officer of the Town of Clay City, Indiana, or the Chief Executive Officer’s designee, shall provide information or remedies available to any aggrieved person or complainant requesting such information.

CCMC 4-2-11 SEPARABILITY OF PROVISIONS

Sec. 11: If any provision of this ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

[This chapter was formerly Ord. 93-1]

CHAPTER 3

SET BACK LINES

- Section 1: Definitions
 Section 2: Placement of Structures
 Section 3: Violations

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CCMC 4-3-1 DEFINITIONS

Sec. 1: As used herein, the following words and terms have the meanings indicated:

- a.) “Set Back Lines”
1. The set back line along roadways within the Town of Clay City shall be established at 5 feet from the edge of the roadway easement.
 2. The set back line along all property borders excepting those along roadways shall be 5 feet from the edge of said property line.
- b.) “Structure.” For purposes of this ordinance, a structure shall be any of the classifications of a Class One structure as defined by Indiana Code 22-12-1-4 or as defined under Indiana Code 22-12-1-5 or a manufactured home as defined by Indiana Code 22-12-1-16, or mobile structure as defined by Indiana Code 22-12-1-17.

CCMC 4-3-2 PLACEMENT OF STRUCTURES

Sec. 2: No structure shall be placed, or constructed, outside of any set back line within the Town of Clay City.

CCMC 4-3-3 VIOLATIONS

Sec. 3: Any person who violates Clay City set back ordinance may be cited therefore, and upon conviction shall be liable to a fine of \$100.00, and each day of violation continued shall be a separate offense. Such fine shall be in addition to any civil injunctive relief imposed by the Court or any other cost of enforcement or abatement

assessed by or ordered to the Town incident to any action for enforcement.

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CHAPTER 4

- Section 1: Effective Date
- Section 2: General Provisions
- Section 3: Requirements of Existing Mobile Homes and Mobile Home Parks
- Section 4: Removal of Damaged Mobile Homes
- Section 5: Application of Other Laws
- Section 6: Violations

CCMC 4-4-1 EFFECTIVE DATE

Sec. 1: From the date of the approval of this ordinance there shall be no new mobile home parks established within the corporate limits of the Town of Clay City. Existing mobile home parks and existing mobile homes shall be allowed to remain as long as they are maintained in accordance with this ordinance. This ordinance shall come into full force and effect as of the date of its passage.

CCMC 4-4-2 GENERAL PROVISIONS

Sec. 2: Mobile homes may be located within the corporate limits of the Town of Clay City as long as they comply with the following provisions:

- A. Existing mobile homes which are kept and maintained in compliance with the rest of the Clay City Mobile Home Ordinance.
- B. Mobile homes may be placed on existing lots within the municipality

provided that said mobile homes are no more than ten (10) years old at the time they are first placed and installed and provided utility hookups exist and are available at the site where the mobile home is to be placed or installed and a permit is obtained for the placement of said mobile home.

- C. Mobile homes in existing mobile home parks are permitted and may be replaced or upgraded with a mobile home that is no more than ten (1) years old at the time of said replacement or upgrading. A permit must be obtained

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from the Town of Clay City for the replacement or upgrading of said mobile home in an existing mobile home park.

- D. Permits must be obtained from Clay City for the placement or replacement of a mobile home. The owner of the mobile home must obtain the permit and shall produce the title to the Town at the time of application. The Town shall maintain a copy of the title for its records.

CCMC 4-4-3

REQUIREMENTS OF EXISTING MOBILE HOMES AND MOBILE HOME PARKS

Sec. 3: Regulation of Mobile Homes Within the Corporate Limits of the Town of Clay City.

- A. All mobile homes within the corporate limits of the Town of Clay City must be connected to the Town's sewage system;
- B. All mobile homes within the corporate limits of the Town of Clay City must be connected to the Town's water system;
- C. All mobile homes within the corporate limits of the Town of Clay City must be maintained in good appearance. The lot on which such mobile home is located shall be kept clean and in good appearance.
- D. All mobile homes within the corporate limits of the Town of Clay City shall be underpinned within thirty (30) days after being set or within thirty (30) days after the passage of this ordinance;

- E. All mobile homes within the corporate limits of the Town of Clay City may not have straw used around its base for underpinning or insulation;
- F. In addition to the setback provisions contained within the Clay City Municipal Code, all mobile homes within the corporate limits of the Town of Clay City must be located at least twenty-five (25) feet from the street property line and shall be set back at least ten (10) feet from the property line opposite the street property line.

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CCMC 4-4-4 REMOVAL OF DAMAGED MOBILE HOMES

Sec. 4: Any mobile home that has its structure substantially damaged by fire or other cause shall be removed from the corporate limits of the Town of Clay City within ninety (90) days of said damage.

CCMC 4-4-5 APPLICATION OF OTHER LAWS

Sec. 5: All mobile homes within the corporate limits of Clay City shall comply with the provisions of this ordinance, other ordinances of the Town of Clay City, all State regulations of the Indiana Fire Marshal, all regulations of the State Board of Health and all regulations of the Clay County Board of Health and all laws of the State of Indiana.

CCMC 4-4-6 VIOLATIONS

Sec. 6: All persons who violate the Clay City Mobile Home Ordinance shall be cited, and upon conviction, shall be liable for a fine of One Hundred and 00/100 (\$100.00) Dollars and for each day a violation continues, it shall be considered a separate offense. Such fine shall be in addition to any civil injunctive relief imposed by the Court of appropriate jurisdiction or any other costs of enforcement or abatement assessed or ordered to the Town in any action for enforcement.

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CLAY CITY MUNICIPAL CODE**ARTICLE 5****VEHICLES AND TRAFFIC**

- Chapter 1: General Traffic Regulations
- Chapter 2: Bicycles
- Chapter 3: Abandoned and Junk Vehicles
- Chapter 4: Traffic Violations

CHAPTER 1**GENERAL TRAFFIC REGULATIONS**

- Section 1: Definitions
- Section 2: Power of Town Board to Establish Traffic Regulations
- Section 2.1: Ninth Street Bridge Traffic
- Section 2.2: Stop Signs
- Section 3: Posting of Traffic Control Signs
- Section 3.1: Manual and Specifications for Traffic Control Devices
- Section 3.2: Obedience to Traffic Control Devices
- Section 3.3: Traffic Lanes
- Section 4: Exclusion of Areas Under State Traffic Control Authority
- Section 5: Violation of Town Traffic Regulations; Penalties
- Section 6: No Parking Areas
- Section 7: Power of Ordinance Violations Bureau
- Section 8: Lankford Street Traffic
- Section 9: Restrictions on Through Semi-Truck/Tractor Traffic in the Town of Clay City

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CCMC 5-1-1 DEFINITIONS

Sec. 1: Within this chapter, the following words and terms have the meanings indicated:

- a.) “Street” shall mean the entire width between the boundary lines of every publicly maintained thoroughfare open to the use of the public for vehicular traffic and travel in the Town.
- b.) “Vehicle” shall mean a machine propelled by power other than human power designed to travel along the ground or upon the surface of a street by the use of wheels, treads, runners or slides, used for the purpose of transporting persons or property, and shall include without limitation automobiles, trucks, trailers, motorcycles, tractors, and animal drawn vehicles.

CCMC 5-1-2 POWER OF TOWN BOARD TO ESTABLISH TRAFFIC REGULATIONS

Sec. 2: The Board of Trustees is hereby authorized and directed, as it shall deem proper, to designate:

- a.) Portions and parts of the streets of the Town as “no parking” areas, the manner of parking i.e., parallel or angled by sign designation;
- b.) Streets as preferential;
- c.) “One-way” streets, providing that the traffic shall move and flow in one direction only on such streets; and
- d.) Speed limits* upon such streets.

*[Compiler’s note: State law, IC 9-4-1-57(b)(1), establishes a speed limit of 30 m.p.h. on all public ways in “urban districts.” IC 9-4-1-58 permits local legislative bodies to alter this speed limit to as low as 20 m.p.h. or as high as 50 m.p.h., as they deem local traffic and safety conditions warrant, with respect to streets under local jurisdiction. State and federal highways, which are under the traffic control jurisdiction of the Indiana Highway Commission, are excluded from this power, except that local authority may decrease the

speed limit to as low as 20 m.p.h. on a state-controlled highway in an area on which a school

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abuts at times when children are present provided they notify the Highway Commission of such action. However, IC 9-4-1-27(a) precludes local traffic regulations which duplicate a state law; therefore, speed limits established by local authorities, and enforced as local violations, must differ from the 30 m.p.h. limit otherwise applicable by statute]

CCMC 5-1-2.1 NINTH STREET BRIDGE TRAFFIC

Sec. 2.1:

- a.) All truck traffic shall be banned on the Ninth Street bridge in the Town of Clay City.
- b.) A violation of this ordinance shall be punishable by up to a \$500.00 fine;
- c.) The Town of Clay City shall provide signs to be located in such a way as to show a truck route detouring the truck traffic around the Ninth Street bridge in the Town of Clay City.

CCMC 5-1-2.2 STOP SIGNS

Sec. 2.2: That Clay City, Indiana has established that stop signs shall be placed at the following intersections in Clay City, Indiana directing traffic to stop for the directions so indicated:

- a.) White Street & 9th Street, northbound and southbound;
- b.) Cook Street & 9th Street, northbound and southbound;
- c.) 10th Street & Fair Street, eastbound;
- d.) 10th Street & Cook Street, eastbound and westbound;
- e.) Cook Street & 10th Street, northbound and southbound;

f.) 10th Street & Lankford Street, eastbound and westbound;
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- g.) Washington Street & 10th Street, northbound and southbound;
- h.) 10th Street & Main Street, westbound;
- I.) 11th Street & Lankford Street, westbound;
- j.) 11th Street & Fair Street, eastbound;
- k.) 12th Street & Fair Street, eastbound;
- l.) Cook Street & 12th Street, northbound and southbound;
- m.) 13th Street & Fair Street, eastbound;
- n.) Fair Avenue & S.R. 157, northbound;
- o.) 14th Street & Fair Street, eastbound;
- p.) Lankford Street & 14th Street, southbound;
- q.) Main Street & 14th Street, southbound;
- r.) Shidler Street & 14th Street, southbound;
- s.) 14th Street & S.R. 59, westbound;
- t.) Poplar Street & S.R. 59, northbound, southbound and westbound;
- u.) Poplar Street & Main Street, eastbound;
- v.) Shidler Street & Poplar Street, northbound;
- w.) 1st Street & Lankford Street, northbound, southbound, eastbound and westbound;
- x.) 1st Street & Main Street, eastbound and westbound;
- y.) Nye Street & 1st Street, northbound;

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- z.) 4th Street & Forrest Street, eastbound and westbound;
- aa.) Jackson Street & 4th Street, northbound;
- bb.) 4th Street & Nye Street, eastbound and westbound;
- cc.) 4th Street & Main Street, eastbound and westbound;
- dd.) 4th Street & Washington Street, eastbound and westbound;
- ee.) 4th Street & Lankford Street, eastbound;
- ff.) 2nd Street & Main Street, westbound;
- gg.) 5th Street & Lankford Street, eastbound;
- hh.) 5th Street & Washington Street, eastbound and westbound;
- ii.) 5th Street & Main Street, eastbound and westbound;
- jj.) Front Street & 5th Street, northbound;
- kk.) 5th Street & Nye Street, eastbound and westbound;
- ll.) Byrd Street & 5th Street, northbound;
- mm.) Jackson Street & 5th Street, northbound and southbound;
- nn.) 5th Street & Forrest Street, eastbound and westbound;
- oo.) 6th Street & Outline Street, westbound;
- pp.) 6th Street & Forrest Street, eastbound and westbound;
- qq.) Jackson Street & 6th Street, southbound;
- rr.) Byrd Street & 6th Street, northbound;

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- ss.) 6th Street & Nye Street, eastbound and westbound;
- tt.) Front Street & 6th Street, northbound and southbound;
- uu.) 6th Street & Main Street, eastbound and westbound;
- vv.) 6th Street & Washington Street, eastbound;
- ww.) Cherry Street & 7th Street, northbound;
- xx.) Cook Street & 7th Street, northbound;
- yy.) White Street & 7th Street, northbound;
- zz.) 7th Street & Lankford Street, eastbound and westbound;
- aaa.) Lankford Street & 7th Street, northbound;
- bbb.) Washington Street & 7th Street, northbound and southbound;
- ccc.) 7th Street & Main Street, eastbound and westbound;
- ddd.) Front Street & 7th Street, northbound and southbound;
- eee.) Nye Street & 7th Street, northbound and southbound;
- fff.) Byrd Street & 7th Street, southbound;
- ggg.) Forrest Street & 7th Street, southbound;
- hhh.) Outline Street & 7th Street, southbound;
- iii.) Cook Street & 8th Street, northbound and southbound;
- jjj.) White Street & 8th Street, northbound and southbound;
- kkk.) Lankford Street & 8th Street, northbound and southbound;

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- lll.) Washington Street & 8th Street, northbound and southbound;
- mmm.) 8th Street & Main Street, eastbound and westbound;
- nnn.) Front Street & 8th Street, northbound and southbound;
- ooo.) Nye Street & 8th Street, southbound;
- ppp.) 9th Street & S.R. 59, westbound;
- qqq.) 9th Street & Main Street, eastbound;
- rrr.) Main Street & 9th Street, northbound;
- sss.) Washington Street & 9th Street, northbound and southbound;
- ttt.) Lankford Street & 9th Street, northbound and southbound;
- uuu.) Cherry & 8th Street, southbound.

CCMC 5-1-3 POSTING OF TRAFFIC CONTROL SIGNS

Sec. 3: The Board of Trustees shall further have the power and authority to post such signs and markings as are necessary to give warning of the regulations imposed under Section 2 in order to effectively carry out the purposes of this chapter.

CCMC 5-1-3.1 MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

Sec. 3.1: All traffic control signs, signals and devices installed in the Town of Clay City, Indiana shall conform to the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways as approved by the Indiana State Highway Commission. All signs and signals required hereunder for the particular purpose shall so far as practicable be uniform as to type and location throughout the Town. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices.

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CCMC 5-1-3.2 OBEDIENCE TO TRAFFIC CONTROL DEVICES

Sec. 3.2: The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

CCMC 5-1-3.3 TRAFFIC LANES

Sec. 3.3: The Town is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Except that there shall be no work on highways under the jurisdiction of the Indiana State Highway Commission unless specifically requested by that Commission.

CCMC 5-1-4 EXCLUSION OF AREAS UNDER STATE TRAFFIC CONTROL AUTHORITY

Sec. 4: Any portion of this chapter in conflict with any state law regulating traffic upon state-owned and maintained highways and thoroughfares in the Town shall be null and void only to the extent that any such conflict exists.

CCMC 5-1-5 VIOLATION OF TOWN TRAFFIC REGULATIONS;
PENALTIES

Sec. 5: It shall be unlawful for any person to violate any of the provisions under this chapter pertaining to the regulation of traffic in and upon said streets as marked and indicated by appropriate signs. Any person violating any of the provisions of this chapter or any regulation imposed hereunder shall, upon conviction thereof, be fined no less than Twenty Five and 00/100 (\$25.00) Dollars, nor more than One Hundred and 00/100 (\$100.00) Dollars. Every such violation committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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CCMC 5-1-6 NO PARKING AREAS

Sec. 6:

- a.) The following location shall be marked as no parking areas in the Town of Clay City:
- 1.) The north side of Seventh Street, for a distance of twenty (20) feet west of the intersection with Main Street.
 - 2.) The south side of Seventh Street, for a distance of twenty (20) feet from the intersection with Main Street.
 - 3.) The south side of Seventh Street, for a distance of twenty (20) feet east of the intersection with Main Street.
 - 4.) The east side of Main Street, for a distance of twenty (20) feet from the intersection with Seventh Street.
 - 5.) The west side of Main Street, for a distance of twenty (20) feet south of the intersection with Seventh Street.
 - 6.) The north side of Eighth Street, for a distance of twenty (20) feet west of the intersection with Main Street.
 - 7.) The north side of Eighth Street, for a distance of twenty (20) feet east of the intersection with Main Street.
 - 8.) The south side of Eighth Street, for a distance of twenty (20) feet east of the intersection with Main Street.
 - 9.) The west side of Main Street, for a distance of twenty (20) feet north of the intersection with Eighth Street.

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- 10.) The east side of Main Street, for a distance of twenty (20) feet north of the intersection with Eighth Street.
 - 11.) The east side of Main Street, for a distance of twenty (20) feet south of the intersection with Eighth Street.
 - 12.) There shall be no parking for the south side of First Street for a distance of sixty-five (65) feet west of the centerline of Main Street. Thereafter, for the next eighty-five (85) feet west there shall be no parking between the hours of 6:00 p.m. and 6:00 a.m.;
 - 13.) The west side of Main Street for a distance of sixty-five (65) feet south of the centerline of First Street and for an additional eighty-five (85) feet south thereof there shall be no parking between the hours of 6:00 p.m. and 6:00 a.m.
 - 14.) The west side of Main Street, for a distance of twenty (20) feet south of the intersection with Eighth Street.
- b.) Any person violating the provisions of this no parking ordinance may be subject to a fine of up to \$10.00 for each offense in the appropriate jurisdictional court.
 - c.) For purposes of this section, “no parking area” means no parking of a motor vehicle along the edge of the street or parking of a motor vehicle on the public right of way of said street.
 - d.) That unless otherwise permitted by the State of Indiana, all “no parking areas” located upon state highways which pass through the Town of Clay City, shall be deemed regulated parking areas and no parking shall be permitted in said designated areas between the hours of 6:00 A.M. and 12:00 A.M. (Midnight)

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CCMC 5-1-7 POWER OF ORDINANCE VIOLATIONS BUREAU

Sec. 7:

- a.) There shall be created an Ordinance Violations Bureau pursuant to Indiana Code 33-6-3-1 et seq. for the Town of Clay City, Indiana.
- b.) The Town Clerk-Treasurer and Deputy Clerk-Treasurer are hereby appointed and shall serve as the Violations Clerk and they shall administer said Bureau.
- c.) The Town Clerk-Treasurer and Deputy Clerk-Treasurer shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties in the amount for the violations as provided below.
- d.) The following schedule of ordinances for the Clay City Municipal Code shall be subject to the jurisdiction of the Ordinance Violations Bureau and shall be subject to the civil penalties set forth below:

<u>Ordinances and Code Provisions</u>	<u>Civil Penalty</u>
CCMC Sec. 3-2 Private Sewage Disposal Violations	\$50.00
CCMC Sec. 3-3 Burning of Leaves	\$50.00
CCMC Sec. 5-2 Bicycles et al. on a Sidewalk	\$10.00
CCMC Sec. 91-2 Parking Violations	\$10.00
CCMC Sec. 92-3 Parking Violations	\$10.00

- e.) The provisions of the Clay City Municipal Code and the Ordinance referred to herein are hereby amended to provide and declare the civil penalties scheduled with said ordinance or code provision to be the specific civil penalty for the violation of said ordinance or code provision.
- f.) The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of

the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

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- g.) This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

CCMC 5-1-8 LANKFORD STREET TRAFFIC

Sec. 8:

- a.) The street of Lankford between Seventh Street and State Road 246 shall be a one-way street and it shall be one way in a northbound direction between said Seventh Street and State Road 246.
- b.) The speed limit shall be 15 miles per hour on Lankford Street in the Town of Clay City between State Road 246 and Seventh Street during those periods of time when children are present.
- c.) There shall be no parking on the west side of Lankford Street between Fourth and Seventh Streets in the Town of Clay City between the hours of 8:00 a.m. and 4:00 p.m.
- d.) Any person violating the provisions of this no parking shall be subject to a fine of up to Ten and 00/100 (\$10.00) Dollars for each offense in the appropriate jurisdictional court.

CCMC 5-1-9 RESTRICTIONS ON THROUGH SEMI-TRUCK/TRACTOR TRAFFIC IN THE TOWN OF CLAY CITY

Sec. 9: Through semi-truck/tractor traffic shall be prohibited on certain town streets within the municipal limits of Clay City, Indiana.

- a.) Through semi-truck/tractor traffic is prohibited on Eighth Street proceeding west from Main Street to the intersection with Nye Street and on Nye Street proceeding south from the intersection of Eighth Street to State Road 59.
- b.) Any person violating the provisions of this Ordinance shall be subject to a

civil fine of up to One Hundred and 00/100 (\$100.00) Dollars for each

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offense in the appropriate jurisdictional court.

[This chapter was formerly Ord. 77-1, 3/17/77; Ord. 95-1; Ord. 89-1; Ord. 1991-2; Ord. 92-4; Ord. 92-3; Ord. 1988-3 and Ord. 90-1]

CHAPTER 2

BICYCLES

- Section 1: Riding Bicycles and Similar Vehicles on Sidewalks in Certain
Areas Prohibited
Section 2: Violations; Penalties

CCMC 5-2-1 RIDING BICYCLES AND SIMILAR VEHICLES ON SIDEWALKS IN CERTAIN AREAS PROHIBITED

Sec. 1: It shall be unlawful for any person to ride, operate or drive any bicycle or other similar vehicle, propelled by pedals or motor power, or ride any skateboard, or similar device, or rollerskate or rollerblade, upon the sidewalks along and on Main Street, between Sixth Street and Ninth Street in the Town of Clay City, and such act is hereby specifically prohibited.

CCMC 5-2-2 VIOLATIONS; PENALTIES

Sec. 2: Any person convicted of riding, operating or driving any such vehicle, or riding any skateboard or similar device, or rollerskate or rollerblade, as described in Section 1 of this chapter shall be fined in the sum of \$10.00 for each such separate offense. Any person accused of the violation of the provisions of this chapter may be charged and tried

in any court of competent jurisdiction in Clay County or in lieu thereof, such accused person may

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pay such fine as is prescribed by this section directly to the Clerk-Treasurer, and the receipt by such Clerk-Treasurer shall be a complete discharge for such offense.

[This chapter was formerly Ord. 92-2]

CHAPTER 3

ABANDONED AND JUNK VEHICLES

- Section 1: Definitions
- Section 2: Leaving Abandoned Vehicle Unlawful; Penalties
- Section 3: Enforcement; Towing and Storage of Abandoned Vehicles
- Section 4: Leaving Junk Vehicle in Open View Restricted; Penalties
- Section 5: Junk Vehicles; Abatement of Violation
- Section 6: Note to Owner

CCMC 5-3-1 DEFINITIONS

Sec. 1: As used hereinafter, the following words and terms shall have the meanings indicated:

- a.) “Vehicle” means any motor vehicle or part or appurtenance thereof, designated for use as a conveyance on the public streets and highways, and which is required to be licensed for such use by the Indiana Bureau of Motor Vehicles.
- b.) “Abandoned Vehicle” means any vehicle defined as being abandoned by IC 9-9-1 et seq.

c.) “Junk Vehicle” means a motor vehicle which is not located in a garage or
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other building (garage or other building does not include utilizing a tarp, plastic sheeting or any other similar material or nonpermanent means which are used to cover a motor vehicle. A garage or other building as contemplated in this Chapter is given its ordinary meaning) and to which one or more of the following criteria apply:

- (1) does not bear a current, valid legal license plate;
- (2) The motor vehicle, irrespective of model or age, is so mechanically or structurally deteriorated or has had the necessary parts removed so that it is inoperable or may not be safely operated as a motor vehicle.

CCMC 5-3-2 LEAVING ABANDONED VEHICLE UNLAWFUL; PENALTIES

Sec. 2: It shall be an unlawful act for any person to leave an abandoned vehicle anywhere within the limits of the Town for more than 72 hours after the time that such vehicle is first declared to be abandoned and tagged as hereinafter provided. Any person who leaves an abandoned vehicle in violation of this section shall be liable to a fine of not less than Fifty and 00/100 (\$50.00) Dollars nor more than One Hundred and 00/100 (\$100.00) Dollars in addition to any costs for towing and storage of the vehicle.

CCMC 5-3-3 ENFORCEMENT; TOWING AND STORAGE OF ABANDONED VEHICLES

Sec. 3: Any police officer who has cause to believe that a vehicle is abandoned shall attach a tag to such vehicle of a type and in the manner prescribed in IC 9-22-1 et seq. . If the vehicle is not then removed within 72 hours, the officer shall cause the same to be removed in accordance with said Indiana Code and shall notify the Bureau of Motor Vehicles in accordance thereof; provided, however, that notwithstanding any provision of the Code, nor the officer's estimated value of the vehicle, the same shall be towed and safely stored, and regular notice shall be given to the Bureau of Motor Vehicles in the same manner as with any other abandoned vehicle. The officer shall cause the vehicle to be removed and stored by any towing service approved of by the Town Council.

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CCMC 5-3-4 LEAVING JUNK VEHICLES IN OPEN VIEW RESTRICTED, PENALTIES

Sec. 4: It will be unlawful for any person to leave a junk vehicle parked or located on any public property, except temporarily due to an emergency or due to a mechanical failure while operating said vehicle. Furthermore, it shall be unlawful to place, or permit to be placed a junk vehicle on private property within the corporate limits of the Town of Clay City for any continuous period longer than seventy two (72) hours. Any person violating this section shall be liable to a fine not less than \$100.00 or more than \$250.00 for each day that a violation occurs.

CCMC 5-3-5 JUNK VEHICLES; ABATEMENT OF VIOLATIONS

Sec. 5: Any junk vehicle left on public property in violation of Section 4 shall be deemed prima facie evidence of an abandoned vehicle and may be abated or removed, by having said vehicle towed and safely stored in the same manner as with any other abandoned vehicle.

CCMC 5-3-6 NOTICE TO OWNER

Sec. 6: If a junk vehicle is placed on private property and has been left on said private property for a period of at least seven (7) days but less than fourteen (14) days, a law enforcement officer of the Town of Clay City may provide notice of this ordinance and the anticipated enforcement of this ordinance by leaving a "Notice to Owner" by utilizing one or more of the following methods:

- (1) An order to remove the junk car and a warning of possible penalties shall be placed upon the junk car and copies shall be served upon any adult occupying the real estate on which the junk car is located and upon the owner of the junk car, if known;
- (2) If no occupant of the real estate or owner of the junk car can be found, a copy of the order affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate, and to the owner of the junk car;

- (3) If there is no building on the real estate, the order may be affixed elsewhere on the real estate.

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CHAPTER 4

TRAFFIC VIOLATIONS

- | | |
|------------|---|
| Section 1: | Moving Traffic Deferral Program User Fund |
| Section 2: | Moving Traffic Violation Deferral Program Established |
| Section 3: | Moving Traffic Violation Deferral Program User Fees Established |
| Section 4: | Payment of Traffic Violation Deferral Program Fees |
| Section 5: | Usage of Funds from the Moving Traffic Violation Deferral Program |
| Section 6: | Duration of the Moving Traffic Violation Deferral Program |

CCMC 5-4-1 MOVING TRAFFIC DEFERRAL PROGRAM USER FUND

Sec. 1: There is created a moving traffic violation deferral program user fund within the Town of Clay City's general budget.

CCMC 5-4-2 MOVING TRAFFIC VIOLATION DEFERRAL PROGRAM ESTABLISHED

Sec. 2: It is the desire of the Town Attorney, in agreement with the Clay City Town Marshall, to create and establish a moving traffic deferral program pursuant to Indiana Code 34-28-5-1 whereby any person charged with a moving traffic violation pursuant to the Ordinances of the Town of Clay City may enter the deferral program by executing a written deferral agreement and paying required user fees in lieu of admitting the violation or having the violation tried before court in which the violation charge is filed.

CCMC 5-4-3 MOVING TRAFFIC VIOLATION DEFERRAL PROGRAM USER FEES ESTABLISHED

Sec. 3: According to the Indiana Code, any person charged with a moving traffic violation pursuant to the Ordinances of the Town of Clay City and agreeing to enter into the deferral program shall be required to pay an initial users fee of One Hundred Ten and

00/100 (\$110.00) Dollars and an administration fee of Seventy Five (\$75.00) Dollars as part of the Town Attorney's Deferral Agreement.

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CCMC 5-4-4 PAYMENT OF TRAFFIC VIOLATION DEFERRAL PROGRAM FEES

- Sec. 4: (a) The initial and monthly user fees shall be collected by the court in which the violation is filed pursuant to Indiana law.
- (b) The Clerk of the Court shall transfer collected deferral program user fees to the Town Clerk within thirty (30) days after collection and the Town Clerk shall deposit those fees into the moving traffic violation deferral program user fund created by this Ordinance.

CCMC 5-4-5 USAGE OF FUNDS FROM THE MOVING TRAFFIC VIOLATION DEFERRAL PROGRAM

Sec. 5: The Town Attorney shall have control over the use of the user fees in said Fund. At the Town Attorney's discretion, the funds shall be dispersed to fund requested needs and equipment for the Clay City Town Marshall and his department, in the administration of the deferral program or in the prosecution of moving traffic violation ordinances.

CCMC 5-4-6 DURATION OF THE MOVING TRAFFIC VIOLATION DEFERRAL PROGRAM

- Sec. 6: (a) The moving traffic violation deferral program user fund shall be perpetual until terminated at the request of the Town Attorney pursuant to this Ordinance.
- (b) The fund may be terminated at the request of the Town Attorney by the enactment of an Ordinance and any fund balance in that fund shall be transferred to the Town's general fund to be used for purposes lawfully allowed.

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ARTICLE 6

TOWN GOVERNMENT AND ADMINISTRATION

Chapter 1:	Board of Trustees
Chapter 2:	Personnel Policies
Chapter 3:	Payment of Claims
Chapter 4:	Law Enforcement
Chapter 5:	Economic Development and Tourism
Chapter 6:	Anti-Nepotism Ordinance
Chapter 7:	Internal Control Standards and Materiality Threshold
Chapter 8:	Fair Housing Ordinance

CHAPTER 1

BOARD OF TRUSTEES

Section 1: Clay City Town Council

CCMC 6-1-1 CLAY CITY TOWN COUNCIL

Sec. 1: The Town Council of Clay City shall be composed of three members. Each member of the Clay City Town Council shall be elected at large by all the registered voters of the whole Town. There shall be no requirement that a Town Council person reside in a particular district as Clay City Town Districts have been abolished pursuant to Indiana Code 36-5-2-4.1(e).

[This chapter was formerly Ord. 90-3]

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CHAPTER 2

PERSONNEL POLICIES

- Section 1: Short Title
- Section 2: Definitions
- Section 3: Required Physical Examination Prior to Employment; Medical Certificate
- Section 4: Additional Physical Examination Following Extended Illness; Payment of Costs by Town
- Section 5: Vacation Allowance; Notice of Vacation Time; Vacation Accumulation
- Section 6: Sick Leave and Sick Pay; Accumulation of Sick Leave
- Section 7: Mileage Expense

CCMC 6-2-1 SHORT TITLE

Sec. 1: This chapter may be cited as the Clay City Employee Benefit Ordinance.

CCMC 6-2-2 DEFINITIONS

Sec. 2: Within this chapter, the following terms have the meanings indicated:

- a.) “Employee” is a person who has been on the payroll of the Town of Clay City on a full-time basis for more than six (6) months.
- b.) “Probationary employee” is a person who has been on the payroll of the Town of Clay City for a period less than six (6) months.

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CCMC 6-2-3 REQUIRED PHYSICAL EXAMINATION PRIOR TO
EMPLOYMENT; MEDICAL CERTIFICATE

Sec. 3: Before becoming a probationary employee, each prospective probationary employee shall undergo a complete physical examination by a medical physician. Said medical physician shall be provided, at the time of the examination, a job description for the prospective probationary employee. The result of the physical examination shall be provided to the Town; and the medical physician must approve the prospective probationary employee's ability to perform the duties contained within the job description. The expense of the physical examination shall be the responsibility of the prospective probationary employee. All persons employed as employees or probationary employees as of April 15, 1985, shall within 30 days of such date, also complete the requirements of a physical examination as described in this section.

CCMC 6-2-4 ADDITIONAL PHYSICAL EXAMINATION FOLLOWING
EXTENDED ILLNESS; PAYMENT OF COSTS BY TOWN

Sec. 4: If an employee or probationary employee misses five (5) consecutive days of duty as a result of illness or injury, the Town Board may require the employee or probationary employee to obtain a complete physical examination by a medical physician in order to release the employee or probationary employee to return to his or her position with the Town. The expense of such physical examination shall be the responsibility of the Town.

CCMC 6-2-5 VACATION ALLOWANCE; NOTICE OF VACATION TIME;
VACATION ACCUMULATION

Sec. 5: Each employee shall be entitled to two (2) weeks of vacation each calendar year. The employee must give a minimum of two (2) weeks' notice before taking any vacation time. Employees may not accumulate vacation time for the purpose of carrying

over said vacation for use in subsequent calendar year; nor shall employees be entitled to pay for vacation time not utilized.

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CCMC 6-2-6 SICK LEAVE AND SICK PAY; ACCUMULATION OF SICK LEAVE

Sec. 6: Each employee shall be entitled to five (5) days of sick leave with pay each calendar year. An employee may not accumulate sick pay days for the purpose of carrying over said sick pay days for utilization in the following calendar year.

CCMC 6-2-7 MILEAGE EXPENSE

Sec. 7: Any Town employee utilizing their personal vehicle for purposes of Town business shall be entitled to reimbursement for mileage in the sum of twenty-eight (\$.28) cents per mile for each mile driven outside of the Town boundaries and fourteen (\$.14) cents per mile for each mile driven inside the Town boundaries (effective April 4, 2002).

CHAPTER 3

PAYMENT OF CLAIMS

Section 1: Election of Clerk-Treasurer

Section 2: Powers and Duties of Clerk-Treasurer

CCMC 6-3-1 ELECTION OF CLERK-TREASURER

Sec. 1: The Clerk-Treasurer of the Town of Clay City shall be elected at large by all registered voters of the whole Town.

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CCMC 6-3-2 POWERS AND DUTIES OF CLERK-TREASURER

Sec. 2: The power and duties of the Clerk-Treasurer shall include the following:

- a.) The Clerk-Treasurer of the Town of Clay City shall be hereby empowered to pay bills of the Town of Clay City incurred in the ordinary course of business without submission to the Clay City Town Council at regularly held Town Council Meetings and that ordinary course of business shall be defined to include any bills which are incurred by the Town of Clay City on, at least, a quarterly basis.
- b.) The Clerk-Treasurer of the Town of Clay City shall serve as the bookkeeper of the Water and Sewage Utilities of the Town of Clay City. Pursuant to Indiana Code 36-5-3-2, Town Council shall provide for additional compensation to the Clerk-Treasurer for performing these duties. However, the Clay City Clerk-Treasurer may elect, subject to the authorization of the Town Council, to appoint a Deputy or employee to assume these duties and responsibilities under the authority of the Clerk-Treasurer pursuant to Indiana Code 36-5-6-7. If the Clay City Clerk-Treasurer appoints a Deputy or employee to assume the duties of Utility Bookkeeper, the Town Council shall allocate the salary of the Utility bookkeeper to any such Deputy or employee, as the Town Council deems fit.
- c.) The Clay City Clerk-Treasurer shall assume any other duties and responsibilities as provided under Indiana law.

[This chapter was formerly Ord. 92-8]

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CHAPTER 4

LAW ENFORCEMENT

- Section 1: Power of Town Marshal to Collect Fees
Section 2: Law Enforcement Training Fund
Section 3: Clay City Reserve Deputies

CCMC 6-4-1 POWER OF TOWN MARSHAL TO COLLECT FEES

Sec. 1:

- a.) The Town Marshal of the Town of Clay City shall be empowered to collect fees from citizens requesting title checks.
- b.) For each title check performed by the Clay City Town Marshal, a Five and 00/100 (\$5.00) Dollar fee shall be assessed.
- c.) All funds collected by the Clay City Town Marshal as fees for title checks shall be placed into a special fund to be administered by the Clay City Town Clerk and the funds in said account shall be used exclusively for the benefit of the Town of Clay City's law enforcement agency.

CCMC 6-4-2 LAW ENFORCEMENT TRAINING FUND

Sec. 2:

- a.) This ordinance shall be known as the Clay City Law Enforcement Training Fund.
- b.) All funds deposited into the Clay City Law Enforcement Agency Fund shall be used for the following purposes, as approved by the Clay City Town Council:
 - (1) Training law enforcement officers in the proper use of firearms or other law enforcement duties; or

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- (2) To purchase for the Clay City law enforcement officers employed by the Town of Clay City, firearms or firearm related equipment, or both.
- c.) This fund shall be established and administered by the Clay City Town Clerk in accordance with the State Board of Accounts rules for the proper accounting and expenditures of funds collected for such law enforcement training funds.

CCMC 6-4-3

CLAY CITY RESERVE DEPUTIESSec. 3:

- a.) This ordinance shall be known as the Clay City Deputy Reserve Ordinance.
- b.) Clay City Town Council shall be entitled to appoint up to ten (10) Reserve Deputies.
- c.) The appointed Deputy Reserves may not:
 - 1) Make an arrest;
 - 2) Conduct a search and seizure of a personal property; or
 - 3) Carry a firearm;

Unless the Deputy Reserve successfully completes a Pre-Basic Course required under Indiana law.

- d.) A Deputy Reserve may not be appointed by the Town Council until he has completed training and a probationary period as designated in rules adopted by the Town.

[This chapter was formerly Ord. 1988-4 and Ord. 92-5]

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CHAPTER 5

ECONOMIC DEVELOPMENT AND TOURISM

Section 1: Economic Development and Tourism Budget

Section 2: Guidelines to Expenditures

CCMC 6-5-1 ECONOMIC DEVELOPMENT AND TOURISM BUDGET

Sec. 1: The Town of Clay City shall be authorized to budget certain monies for the promotion of economic development and tourism for the Town of Clay City.

CCMC 6-5-2 GUIDELINES TO EXPENDITURES

Sec. 2: Monies appropriated for such promotion of economic development and tourism may be expended for, but not limited to, the following: rental of meeting places, meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial and residential development, expenses incurred in developing relations with other units of government and any other expenses of a civic or governmental nature deemed by the Town Council to be in the interest of Clay City.

CHAPTER 6

ANTI-NEPOTISM ORDINANCE

Section 1: Anti-Nepotism Policy

Section 2: Prohibition of Nepotism

Section 3: Reporting

Section 4: Contracting With Relatives

Section 5: Reporting

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CCMC 6-6-1 ANTI-NEPOTISM POLICY

Sec. 1: It is the policy of the Town of Clay City to comply with I.C. 36-1-20.2 in prohibiting nepotism within the Town of Clay City regarding the hiring and promotion of relatives in a direct line of supervision with any elected town official.

CCMC 6-6-2 PROHIBITION OF NEPOTISM

Sec. 2: Neither the Town Clerk nor members of the Clay City Town Council may be permitted to employ a relative in their direct line of supervision as defined by and described in I.C. 36-1-20.2.

CCMC 6-6-3 REPORTING

Sec. 3: In the annual report filed by the Town of Clay City with the State Board of Accounts, a statement shall be included from the Clay City Town Council indicating that this policy has been implemented.

CCMC 6-6-4 CONTRACTING WITH RELATIVES

Sec. 4: The Town of Clay City shall institute a policy that it shall not enter into a contract or renew a contract for the procurement of goods or services, or enter into a contract for public works, with an individual who is a relative of any elected official of the Town of Clay City or with a business who is wholly or partially owned by a relative of an elected official of the Town of Clay City unless requirements are met that comply with I.C. 35-44-1-3.

Notwithstanding the above, the Town of Clay City may only enter into a contract or renew a contract described above if the elected official files with the Town a full disclosure in compliance with I.C. 36-1-21-5(b).

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CCMC 6-6-5 REPORTING

Sec. 5: Each elected official of the Town of Clay City shall annually certify in writing, subject to the penalties for perjury, that the elected official is in compliance with I.C. 36-1-21 no later than December 31st of each year that they serve in office.

CHAPTER 7

INTERNAL CONTROL STANDARDS AND MATERIALITY THRESHOLD

- Section 1: Adoption of Internal Control Policy
- Section 2: Internal Control Procedures Training
- Section 3: Materiality Threshold
- Section 4: Effective Date
- Exhibit A - Current Policy

CCMC 6-7-1 ADOPTION OF INTERNAL CONTROL POLICY

Sec. 1: The Town of Clay City, Indiana hereby adopts an Internal Control Policy. (The current policy is attached hereto and incorporated as Exhibit "A" to this Ordinance.)

CCMC 6-7-2 INTERNAL CONTROL PROCEDURES TRAINING

Sec. 2: The Clerk Treasurer is directed to ensure that all personnel receive training concerning the Internal Control Procedures adopted and approved herein immediately upon passage of this Ordinance.

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CCMC 6-7-3 MATERIALITY THRESHOLD

Sec. 3: The Town of Clay City, Indiana hereby adopts a Materiality Threshold of Five Hundred and 00/100 (\$500.00) Dollars for purposes of the Internal Control Procedures adopted and approved herein.

CCMC 6-7-4 EFFECTIVE DATE

Sec. 4: This Ordinance shall be in full force and effect from and after its passage approval and publication according to law.

EXHIBIT A**TOWN OF CLAY CITY
INTERNAL CONTROLS POLICY PURSUANT
TO I.C. 5-11-1-27****Internal Controls Narrative - Payroll****Control Procedures****Initiating and Authorizing:**

If a position is open or elected official/department head desires a new position, it is brought to the attention of the Town Council. If approved by Town Council, interviews begin. Town Council conducts orientation. New hire then fills out paperwork for withholding purposes.

Termination is initiated by the elected officials (Town Council and Clerk - Treasurer.)

Town Council approves salary in January, when new employees are hired, and also for any increases through the year.

Hours are on time sheets as indicated by Time Clock and the time the employees clock in.

Each payroll, employees shall sign their time sheets.

Time sheets are turned into Clerk-Treasurer weekly before 4:00 p.m. on Thursdays. On weeks with holidays, the employees will be instructed when to turn in their time sheets.

The Clerk-Treasurer reviews hours worked for accuracy.

Recording and Processing:

Once the Clerk-Treasurer reviews the time sheets, the hours are entered into Kumptrol.

The Clerk-Treasurer once again reviews and then prepares payroll checks/direct deposits.

Clerk-Treasurer reviews and enters the checks and all deductions onto an Excel spreadsheet.

Once the payroll claims are completed, they are reviewed and approved by the Town Council. Depending on when payroll is, and Town Council Meetings are, checks could be issued prior to Board Approval, based on Ordinance allowing this.

Reconciling and Reporting:

The Clerk-Treasurer reconciles bank account to ledger activity monthly.

Any differences are investigated.

Town Council reviews bank statements after reconciled by Clerk-Treasurer who has signed off showing she/he has reviewed.

The Annual Report is prepared by Clerk-Treasurer. It is used by the State Board of Accounts to compile the financial statements.

The Town Council reviews and approves the financial statement as prepared prior to any audit work being performed.

**TOWN OF CLAY CITY
INTERNAL CONTROLS POLICY PURSUANT TO
TO I.C. 5-11-1-27**

Internal Controls Narrative - Receipts

Control Procedures

Initiating and Authorization:

Tax distributions are initiated through the Budget Process.

Customer utility receipts are initiated through the billing of approved rates per usage.

Police gun permits, police report receipts, and VIN checks are initiated through an Ordinance approved by the Town Council.

Recording and Processing:

The Billing Clerk that works for the Clerk-Treasurer has the only cash drawer and collects the receipts for the utilities and police department.

When a customer payment is received either by mail or in person, a receipt is processed (not always printed.)

Receipts are posted to customer accounts at the time of payment and also posted to town ledger for all cash, checks and money orders received.

Billing Clerk closes out each day and balances the receipts.

Deputy-Clerk randomly checks Billing Clerk's deposits to confirm they match the system receipts.

Clerk-Treasurer takes cash/check collections to the bank for deposit daily.

State distributions are direct deposited into the bank. Local distributions are deposited by the Clerk-Treasurer after Billing Clerk creates a deposit slip for them including deposits of utilities and county distributions.

Reconciling and Reporting:

Clerk-Treasurer reconciles bank account to ledger activity monthly before filing.

Clerk-Treasurer verifies that the reconciliation is accurate before filing.

The Annual Report is prepared by the Clerk-Treasurer.

It is used by the State Board of Accounts to compile the financial statements.

The fiscal officer (Clerk-Treasurer) reviews and approves the financial statements as prepared prior to any audit work being performed.

**TOWN OF CLAY CITY
INTERNAL CONTROLS POLICY PURSUANT
TO I.C. 5-11-1-27**

Internal Controls Narrative - Cash

Control Procedures

Recording and Processing:

Clerk-Treasurer posts disbursements to the ledger. Deputy Clerk-Treasurer posts payroll to the ledgers.

Utility receipts are reviewed, approved and posted by Billing Clerk. Void receipts and/or correction of error is completed by the Clerk-Treasurer only.

Cash/checks are taken to bank by Clerk-Treasurer or the Deputy Clerk-Treasurer.

Reconciling and Reporting:

Deputy Clerk-Treasurer reconciles bank account to ledger activity monthly.

Any differences are investigated by Clerk-Treasurer.

Clerk-Treasurer prepares all disbursements daily for the Town.

The Annual Report is prepared by the Clerk-Treasurer. It is used by the State Board of Accounts to compile the financial statements. The fiscal officer (Clerk-Treasurer) reviews and approves the financial statements as prepared prior to any audit work being performed.

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CHAPTER 8

FAIR HOUSING ORDINANCE

Section 1:	Policy Statement
Section 2:	Definitions
Section 3:	Unlawful Practice
Section 4:	Discrimination in the Sale or Rental of Housing
Section 5:	Discrimination in Residential Real Estate-Related Transactions
Section 6:	Discrimination in the Provision of Brokerage Service
Section 7:	Interference, Coercion or Intimidation
Section 8:	Prevention of Intimidation in Fair Housing Cases
Section 9:	Equal Access to Housing in HUD Programs
Section 10:	Exemptions
Section 11:	Administrative Enforcement of Ordinance
Section 12:	Severability of Provisions

CCMC 6-8-1 POLICY STATEMENT

Sec. 1: It shall be the policy of the Town of Clay City to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

CCMC 6-8-2 DEFINITIONS

Sec. 2: The definitions set forth in this Section shall apply throughout this Ordinance:

- a.) Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designated or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).

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- b.) Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (h) of this Section.
- c.) Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- d.) To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- e.) Discriminatory Housing Practice means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this Ordinance or I.C. 22-9.5-5.
- f.) Handicap means, with respect to a person:
 1. A physical or mental impairment which substantially limits one or more of such person's major life activities;
 2. A record of having such an impairment; or
 3. Being regarded as having such an impairment;
 4. An impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 5. Any other impairment defined under I.C. 22-9.5-2-10.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term 'Handicap' include an individual solely because that individual is a transvestite [I.C. 22-9.5-2-10(c)].

- g.) An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
 1. Claims to have been injured by a discriminatory housing practice;
or

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2. Believes that such person will be injured by a discriminatory housing practice that is about to occur.
- h.) Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

- I.) Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et seq.
- j.) Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

CCMC 6-8-3

UNLAWFUL PRACTICE

Sec. 3: Subject to the provisions of subsection (a) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth in Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- a.) All dwellings except as exempted by subsection (b) and Title 22-9.5-3 of Indiana Code.
- b.) Other than the provisions of subsection (c) of this Section, nothing in Section 4 shall apply to:
 1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not

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own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this Section only if such house is sold or rented:

- a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4(c) of this Ordinance, but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
2. Rooms or units in dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- c.) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
 3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

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CCMC 6-8-4 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

Sec. 4: As made applicable by Section 3 and except as exempted by Sections 3(b) and 9, it shall be unlawful:

- a.) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- b.) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- c.) To make, print, or publish, or cause to be made, printed, or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- d.) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- e.) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- f.) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. That buyer or renter;
 - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

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3. Any person associated with that person.
- g.) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. That person; or
 2. A person residing in or intending to reside in that dwelling after is so sold, rented, or made available; or
 3. Any person associated with that person.
- h.) For purposes of this subsection, discrimination includes:
1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:
 - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - b. all the doors designed to allow passage into and within all

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premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

- c. all premises within such dwellings contain the following features of adaptive design:
 - I. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3)(c)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

CCMC 6-8-5 **DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS**

- Sec. 5: a.) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status or national origin.
- b.) As used in this Section, the term residential real estate-related transaction means any of the following:
- 1. The making or purchasing of loans or providing other financial assistance:

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- a. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. secured by residential real estate.
2. The selling, brokering, or appraising of residential real property.
- c.) Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, sex, handicap, familial status or national origin.

CCMC 6-8-6

DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICE

Sec. 6: It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

CCMC 6-8-7

INTERFERENCE, COERCION, OR INTIMIDATION

Sec. 7: It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5, or 6 of this Ordinance.

CCMC 6-8-8

PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Sec. 8: Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- a.) Any person because of his race, color, religion, sex, handicap, familial status or national origin and because he is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase,

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Sec. 8 - 9

CLAY CITY MUNICIPAL CODE

rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting dwellings; or

- b.) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
1. Participating, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection (a); or
 2. Affording any other person or class of persons opportunity or protection so to participate; or
- c.) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status or national origin, in any of the activities, services, organizations or facilities described in subsection (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than Ten Thousand and 00/100 (\$10,000.00) Dollars or imprisoned not more than ten (10) years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

CCMC 6-8-9

EQUAL ACCESS TO HOUSING IN HUD PROGRAMS

Sec. 9: Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

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Sec. 10

CLAY CITY MUNICIPAL CODE

CCMC 6-8-10 EXEMPTIONS

- Sec. 10:
- a) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this Section.
 - b.) Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
 - c.) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:
 - 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 - 2. intended for, and solely occupied by, person sixty-two (62) years of age or older; or
 - 3. intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

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Sec. 11 - 12

CLAY CITY MUNICIPAL CODE

CCMC 6-8-11 ADMINISTRATIVE ENFORCEMENT OF ORDINANCE

- Sec. 11:
- a.) The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (b) hereof shall be vested in the Town Board of Clay City, Indiana.
 - b.) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Clay City, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Town Board of the Town of Clay City, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
 - c.) All executive departments and agencies of the Town of Clay City, Indiana shall administer their departments, programs and activities to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Town Board and the Commission to further such purposes.
 - d.) The Town Board of the Town of Clay City, Indiana, or the Town Board's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

CCMC 6-8-12 SEVERABILITY OF PROVISIONS

Sec. 12: If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

CLAY CITY MUNICIPAL CODE

DISPOSITION TABLE

A table showing the Code location or other disposition of prior ordinances and sections thereof upon compilation of the Clay City Municipal Code.

[Compiler's Note: The Clay City Municipal Code includes or incorporates all ordinances of the town which were, at the time of compilation, still current and on record in the office of the Clerk-Treasurer as required by IC 36-5-2-10.2, with the exception only of certain temporary and "noncode" ordinances as described and saved under CCM 1-2-4. Any other ordinances not appearing in the following table were either expired, or were not on record at the time the Code was compiled and would have been subject to absolute repeal under the provisions of CCC 1-2-2]

CLAY CITY MUNICIPAL CODE

UNNUMBERED ORDINANCES

<u>DATE</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
1/13/49	1	2-6-1		
	2	2-6-1		
	3	2-6-2		
	4	2-6-3		incorporated by reference
	5	2-6-6 (part)		
		2-6-7 (part)		
		2-6-8 (part)		
		2-6-9 (part)		
		2-6-10 (part)		
		2-6-11 (part)		
	6	2-6-5 (part)		
		2-6-12 (part)		
	7	2-6-13 (part)		
		2-6-14 (part)		
	8	2-6-17		
9	2-6-16			
10	2-6-15			
11	2-6-1 (part)			
	2-6-4 (part)			
12	2-6-18			
	13		noncode	severability
	14		noncode	general repealer
	15		noncode	effectiveness
6/3/71	I	2-9-1		waterworks loan
	II	2-9-2		
11/19/81	—		repealed	Ord. C4-1987, Sec. 10 (unsafe buildings)
4/1/82	—	2-8		interlocal agreement with Clay Community School Corp.
2/5/85	—	2-8		amends interlocal agreement of 4/1/82

CLAY CITY MUNICIPAL CODE

NUMBERED ORDINANCES

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
2-1951 –			superseded	Ord. 7
5-1951 –			superseded	Ord. 6
6-1951 2-12				incorporated by ref.
7-1951 –			superseded	Ord. 10
10-1951	2-12			incorporated by ref.
1-74	1	5-2-1		
	2	5-2-2		
	3	4-2-2		
	4		noncode	effectiveness
R-76-1 1	2-3-1			
	2	2-3-1		
	3	2-3-2		
	4	2-3-4		
	5	2-3-6		incorporated by ref.
	6	2-3-6		incorporated by ref.
	7	2-3-18		
	8	2-3-2 (part)		
		2-3-5 (part)		
	9	2-3-4		
	10	2-3-3		
	11	2-3-3		
	12	2-3-3		
	13	2-3-7		
	14	2-3-8		
	15	2-3-9 (part)		
		2-3-10 (part)		
		2-3-11 (part)		
	16	2-3-12 (part)		
	17	2-3-13		
	18	2-3-14 (part)		

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
R-76-1 (cont.)	2-3-20 (part)			
	19	2-3-7		
	20	2-3-19		
	21	2-3-1 (part)		
		2-3-15 (part)		
	22	2-3-16		
	23	2-3-17		
	24		superseded	R-76-2
	25		noncode	general repealer
	26		noncode	effectiveness
R-76-2 1	2-5-1 (part)			
		2-5-2 (part)		
		2-5-8 (part)		
	2	2-5-4		
	3	2-5-1 (part)		
		2-5-3 (part)		
		2-5-4 (part)		
		2-5-5 (part)		
		2-5-6 (part)		
		2-5-8 (part)		
	4	2-5-7 (part)		
		2-5-8 (part)		
	5	2-5-9 (part)		
		2-5-10 (part)		
		2-5-11 (part)		
		2-5-12 (part)		
	6		repealed	Ord. C1-1987, Sec. 17
	7	2-5-28		
	8		noncode	general repealer; severability
	9		noncode	effectiveness
S-76-3	1	2-4-1		amended/Ord. C2-1987, Sec. 1
	2	2-4-2 (part)		
		2-4-5 (part)		
		2-4-6 (part)		

part repealed 205-Ord. C2-1987; Sec. 2

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
R-76-33 (cont.)	2-4-3	(part)		
		3-1-2 (part)		
		3-1-3 (part)		
		3-2-2 (part)		
	4	3-2-3 (part)		
		3-2-4 (part)		
		3-2-5 (part)		
		3-2-6 (part)		
		3-2-9 (part)		
	5	2-4-4 (part)		
		2-4-5 (part)		
		2-4-8 (part)		
		2-4-9 (part)		
		2-4-10 (part)		
		2-4-11 (part)		
		2-4-12 (part)		
		2-4-13 (part)		
	6	2-4-13		
	7	2-4-14 (part)		
		2-4-15 (part)		
	8	2-4-16 (part)		
		2-4-17 (part)		
	9	2-4-18 (part)		
		2-4-19 (part)		
		2-4-20 (part)		
		2-4-21 (part)		
	10	2-4-24 (part)		1001/amended/Ord.C2- 1987, Sec. 3
		2-4-25/		
		3-1-4/ (part)		1002
		3-2-7		
		2-4-26/		
		3-1-4/ (part)		1003/amended/Ord. C2-1987, Sec. 4
		3-2-7		
		2-4-27/		
		3/1/5/ (part)		1004
		3-2-8		

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
R-76-3 11 (cont.)	2-4-22	(part)		
		2-4-23 (part)		
	12		noncode	general repealer; severability
	13		noncode	effectiveness
ICR-76-4	1	2-2-1		
	2	2-2-2 (part)		
		2-2-4 (part)		
		2-2-8 (part)		
		2-2-9 (part)		
	3	2-2-2 (part)		
		2-2-3 (part)		
		2-2-5 (part)		
		2-2-6 (part)		
		2-2-7 (part)		
		2-2-8 (part)		
	4	2-2-5		
	5		noncode	administrative
	6		noncode	effectiveness
77-1	I	5-1-2		
	II	5-1-1		
	III	5-1-1		
	IV	5-1-3 (part)		
		5-1-4 (part)		
	V	5-1-5		
	VI	5-1-5		
	VII		noncode	effectiveness
79-1	1	3-3-1		
	2	3-3-2 (part)		
		3-3-3 (part)		
	3	3-3-4		
	4		noncode	effectiveness
2-1980 1	2-10-1			
	2	2-10-4		

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<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
2-1980 3 (cont.)	2-10-2	(part)		
		2-10-3		
	4		noncode	general repealer
	5		noncode	effectiveness
	6		noncode	severability
6-1982 I	6-1-1			
	II	6-1-3		
	III	6-1-1		
	IV	6-1-2		
	V		noncode	general repealer
	VI		noncode	effectiveness
7-1982 1	2-11-1	(part)		
		2-11-2		
		2-11-3		
		2-11-4		
		2-11-5		
	2		noncode	general repealer
	3		noncode	effectiveness
8-1982 1	2-7-1			
	2	2-7-1		
	3	2-7-2		
	4	2-7-4		
	5	2-7-6		incorp. by reference
	6	2-7-6		
	7	2-7-18		
	8	2-7-2 (part)		
		2-7-5 (part)		
	9	2-7-4		
	10	2-7-3		
	11	2-7-3		
	12	2-7-7		
	13	2-7-8		
	14	2-7-9 (part)		
	2-7-10 (part)			
	2-7-11 (part)			
15	2-7-12			

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
8-1982 16 (cont.)	2-7-13 17 18 19 20 21 22 23 24	2-7-14 (part) 2-7-20 (part) 2-7-7 2-7-19 2-7-1 (part) 2-7-15 (part) 2-7-16 2-7-17		
			noncode noncode	general repealer effectiveness
1-1983 –			obsolete	temp. fund transfer
84-1	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	2-1-1 2-1-2 2-1-3 2-1-6 2-1-3 2-1-22 (part) 2-1-23 (part) 2-1-9 2-1-10 2-1-17 2-1-9 2-1-21 2-1-7 2-1-11 2-1-30 2-1-12 (part) 2-1-13 (part) 2-1-14 (part) 2-1-15 (part) 2-1-16 (part) 2-1-8 2-1-18 2-1-32 2-1-25		

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<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
84-1 (cont.)	20	2-1-6 (part)		
		2-1-18 (part)		
		2-1-19 (part)		
		2-1-20 (part)		
		2-1-28 (part)		
	21	2-1-26 (part)		
		2-1-27 (part)		
	22	2-1-29		
	23	2-1-33		
	24	2-1-24		
	25	2-1-5		
	26	2-1-4 (part)		
		2-1-31 (part)		
	27	2-1-9		
28		noncode	administrative	
29		noncode	severability	
30		noncode	effectiveness	
31		noncode	general repealer	
84-2	1	3-4-1		
	2	3-4-1		
	3	3-4-2		
	4	3-4-3		
	5	3-4-4		
	6	3-4-5		
	7	3-4-5		
	8		noncode	severability
	9		noncode	general repealer
	10	3-4-3		added/Ord. C3-1987, Sec. 1
	11	3-4-6		added/Ord. C3-1987, Sec. 2
85-1	—		noncode	temporary
85-2	—		noncode	temporary
85-3	—		noncode	salary

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<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
85-4	1	6-2-1		
	2	6-2-2		
	3	6-2-3 (part)		
		6-2-4 (part)		
	4	6-2-5		
	5	6-2-6		
	6	6-2-6		
	7	6-2-5		
	8			noncode
9			noncode	general repealer
86-1	—		noncode	temporary
86-2	—		noncode	salary
C1-1987	1	2-5-1 (part)		
		2-5-10 (part)		
	2	2-5-13		
	3	2-5-14		
	4	2-5-15		
	5	2-5-16		
	6	2-5-17		
	7	2-5-18		
	8	2-5-19		
	9	2-5-20		
	10	2-5-21		
	11	2-5-22		
	12	2-5-23		
	13	2-5-24		
	14	2-5-25		
	15	2-5-26		
	16	2-5-27		
	17			noncode
18			noncode	effectiveness
C2-1987	1	2-4-1		amends Ord. S-76-3, Sec. 1
	2		noncode	repeals Ord. S-76-3, Sec.2, 205

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<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
C2-1987 (cont.)	3	2-4-24		amends Ord. S-76-3, Sec. 10, 1001
	4	2-4-26/ 3-1-4/ 2-3-7		amends Ord. S-76-3, Sec. 10, 1003
	5		noncode	effectiveness
C3-1987	1	3-4-3		amends Ord. 84-2, Sec. 10
	2	3-4-6		adds Sec. 11 to Ord. 84-2
	3		noncode	effectiveness
C4-1987	–	4-1		
C5-1987	–	5-3		
1988-3	5-1-8(a)			adds Section 8(a) to Ord. 77-1
1988-4	6-5-1			
1988-6	5-1-3.1/ 5-1-3.3			adds Sections 3.1 - 3.3 to Ord. 77-1
89-1		5-1-2.1		adds Section 2.1 to Ord. 77-1
90-1		5-1-8(b)		adds Section 8(b) to Ord. 77-4
90-2		3-4-7		adds Sec. 7 to Ord. 84-2 and C3-1987
90-3		6-1-1		amends Ord. 6-1982
1991-2	5-1-6			adds Section 6 to Ord. 77-1
92-1		3-5-1		
92-2		5-2-1 and 5-2-2		amends Ord. 1-74, Secs. 1

and 2

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<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
92-3		5-1-8© and (d)		adds Sections 8© and (d) to Ord. 77-1
92-4		5-1-7		adds Section 7 to Ord. 77-1
92-5		6-5-2		
92-7		6-3-1		
92-8		6-4-1		
93-1		4-1-2/ 4-2-11		
93-3		2-11-6/ 2-11-9		adds Sections 6-9 to Ord. 7-1982
94-1		2-4-5		amends Ord. C2-1987, Sec. 5
94-2		2-11-2		amends Ord. 7-1982, Sec. 2
95-1		5-1-2(a)		amends Ord. 77-1, Sec. 2(a)
95-2		4-3-1/ 4-3-3		
2000-2	2-11-1/ 2-11-3		amends Ord. 7-1982, Sec. 1 and 2, and Ord. 94-2	
2000-3	6-4-3			adds Section 3 to Ord. 1988-4 and Ord. 92-5
2001-1	6-3-1 and 2			amends Ord. 92-8
2001-2	6-5-1 and 2			

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
2001-3	3-6-1	and 2		
2002-4	2-11-3			amends Ord. 2002-2, Sec. 3
2002-5	6-2-7			adds Section 7 to Ord. 85-4
2003-1	2-5-28			amends Ord. R-76-2 and Ord. C1-1987
2003-2	4-4-1/ 4-4-6			
2004-1	3-4-2			amends Section 2 of Ord. 84-2
2004-2	5-3-1/ 5-3-6			amends Ord. C5-1987
2004-3	2-10-6			amends Ord. 2-1980, Sec. 6
2005-1	5-1-6(a)			amends Sec. 6(a) and adds Sec. 6© to Ord. 1991-2
2005-2	5-1-6			adds Sec. (d) to Ord. 1991-2
2005-3	3-7-1/ 3-7-5			
2005-4	5-3-4 and 5-3-5			amends Sections 4 and 5 of Ord. 2004-2
2006-1	5-4-1/ 5-4-6			
2006-2	3-8-1/ 3-8-5			
2006-3	2-11-6			amends Section 6 of Ord. 93-3

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
2006-4	2-14-1/ 2-14-28			
2006-5	2-5-4 2-5-6; 2-5-7			amends Ord. C1-1987;
2008-1	2-11-1 2-11-2			amends Ord. 2000-2;
2008-2	4-4-2; 4-4-3			amends Ord. 2003-2
2008-3	5-1-2.2		adds Sec. 2.2 to Ord. 77-1	
2011-1	2-5-4			amends Ord. 2006-5
2012-1	5-1-6(a)			amends Ord. 2005-1
2012-2	6-6-1/ 6-6-4			
2016-1	5-1-9			
2016-2	5-1-6(a)(12)/ 5-1-6(a)(14)			amends ord. 2005-1
2016-3	6-8-1/ 6-8-12			
2016-6	5-1-5			amends Ord. 77-1
2017-3	2-5-15.1			amends C1-1987
2018-1	3-6-1			amends Ord. 2001-3

CLAY CITY MUNICIPAL CODE

<u>ORD. NO.</u>	<u>SEC</u>	<u>LOCATION</u>	<u>OTHER</u>	<u>COMMENT</u>
2019-1	6-7-1/ 6-7-4			
2019-3	2-10-1/ 2-10-6			repeals portions of C1-1987, 2004-3 and 2017-3
2019-4	2-11-7			amends Ord. 93-3
2019-6	3-9-1/ 3-9-2			
2020-1	2-10-3(d)			amends Ord. 2-1980