

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: TOWN GOVERNMENT

### Section

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### **GENERAL PROVISIONS**

#### **§ 30.01 ESTABLISHMENT OF WHOLE TOWN AS A SINGLE LEGISLATIVE DISTRICT.**

The Wards and/or Districts that have heretofore existed within the town for the purpose of electing town officers are abolished. For the purpose of conducting elections of town officers in 1983 and thereafter, the town is to be deemed a single district, and all four members of the Town Council shall be elected from the whole town as a single district.

('97 Code, § 3-1) (Ord. 12-31-82, passed 12-31-82; Am. Ord. 12-10-92, passed 12-10-92)

***Statutory reference:***

*Establishment of election districts, see I.C. 36-5-2-4.1*

**§ 30.02 TOWN COUNCIL TO BE ELECTED AT LARGE.**

The members of the Town Council are to be elected at large by the voters of the whole town. ('97 Code, § 3-2) (Ord. 12-31-82, passed 12-31-82; Am. Ord. 12-10-92, passed 12-10-92)

**§ 30.03 STAGGERED TERMS OF OFFICE FOR TOWN COUNCIL.**

At the election of all four members of the Town Council to be held in 1983, the two candidates receiving the largest and second largest numbers of votes for the office shall be deemed elected to the office for terms of four years beginning January 1, 1984, and the two candidates receiving the third and fourth largest numbers of votes for the office shall be deemed elected to the office for terms of three years beginning January 1, 1984. Commencing with the elections to be held in 1986 and 1987 and, respectively, every four years thereafter, all members of the Council shall be elected for terms of four years beginning January 1 following the respective elections.

('97 Code, § 3-3) (Ord. 12-31-82, passed 12-31-82; Am. Ord. 12-10-92, passed 12-10-92)

**Statutory reference:**

*Terms of office, see I.C. 36-5-2-3 and 36-5-2-4.5*

**§ 30.04 DESIGNATION OF LEGISLATIVE BODY AND TOWN EXECUTIVE.**

The Town Council elected under this chapter is the town legislative body. The President of the Town Council selected under § 30.16 is the Town Executive. (I.C. 36-5-2-6) ('97 Code, § 3-5)

**§ 30.05 ESTABLISHING PRIMARY ELECTIONS FOR CITY OFFICE CANDIDATES.**

(A) As provided by I.C. 3-8-5-2(a) and (c), candidates for town offices shall be nominated by the use of primary elections beginning calendar year 2003 and continuing thereafter until this section is repealed or modified.

(B) These primary elections shall be governed by all relevant provisions of state law including but not limited to the provisions of I.C. 3-8-5-2(c). (Ord. 6-20-02, passed 6-20-02)

**§ 30.15 RESIDENCY.**

An at-large member of the Town Council forfeits his or her office if he or she ceases to be a resident of the town.

('97 Code, § 3-6)

**Statutory reference:**

*Residency requirement, see I.C. 36-5-2-6*

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**§ 30.16 PRESIDENT OF THE TOWN COUNCIL.**

The Town Council shall select one of its members to be its President for a definite term which may not exceed his or her term of office as a member of the Town Council.  
(I.C. 36-5-2-7) ('97 Code, § 3-7)

**§ 30.17 POWERS AND DUTIES.**

The Council may:

(A) Adopt ordinances and resolutions for the performance of functions of the town;

(B) Purchase, hold and convey any interest in property for the use of the town;

(C) Adopt and use a common seal; and

(D) Exercise all powers that are needed for the effective operation of local government.  
(I.C. 36-5-2-7) ('97 Code, § 3-8)

**§ 30.18 QUORUM.**

A majority of all elected members of the Town Council constitutes a quorum.  
(I.C. 36-5-2-9.2) ('97 Code, § 3-9)

**§ 30.19 MAJORITY VOTE; TWO-THIRDS VOTE.**

(A) A requirement that an ordinance, resolution or other action of the Town Council be passed by a majority vote means at least a majority vote of all the elected members.  
(I.C. 36-5-2-9.2)

(B) A requirement that an ordinance, resolution or other action of the Town Council be passed by a two-thirds vote means at least a two-thirds vote of all the elected members.  
(I.C. 36-9-2-9.4)

(C) A majority vote of the Town Council is required to pass an ordinance, unless a greater vote is required by statute.  
(I.C. 36-9-2-9.6)

(D) A two-thirds vote, with unanimous consent of the members present, is required to pass an ordinance of the Town Council on the same day or at the same meeting at which it is introduced. (I.C. 36-9-2-9.8) ('97 Code, § 3-10)

### § 30.20 PUBLICATION.

(A) An ordinance, order or resolution passed by the Town Council is considered adopted when it is signed by the President of the Town Council. If required by statute, an adopted ordinance, order or resolution must be promulgated or published before it takes effect.

(B) An ordinance prescribing a penalty for a violation must, before it takes effect, be published in the manner prescribed by I.C. 5-3-1-1 through 5-3-1-9, unless:

(1) It is published under I.C. 36-1-5-1 through 36-1-5-6; or

(2) It declares an emergency requiring its immediate effectiveness and is posted in one public place in the town.

(I.C. 36-5-2-10) ('97 Code, § 3-11)

### § 30.21 RECORDING ORDINANCES.

(A) Within a reasonable time after an ordinance of the Town Council is adopted, the Clerk-Treasurer shall record it in a book kept for that purpose. The record must include:

(1) The signature of the executive;

(2) The attestation of the Clerk-Treasurer; and

(3) The date of each recorded item.

(B) The record or a certified copy of it constitutes presumptive evidence of the adoption of the ordinance.

(I.C. 36-5-2-10.2) ('97 Code, § 3-12)

### § 30.22 RULES OF ORDER.

The most recent version of *Robert's Rules of Order* shall govern all meetings of the Town Council, unless an ordinance or statute provides otherwise.

('97 Code, § 3-13)

**§ 30.23 COMPENSATION OF THE TOWN COUNCIL.**

(A) The Town Council shall, by ordinance, fix the compensation of its own members.

(B) The compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year.  
(I.C. 36-5-3-2) ('97 Code, § 3-14)

**§ 30.24 TOWN CLERK-TREASURER AUTHORIZED TO BREAK TIES.**

The Town Clerk-Treasurer is the Clerk of the Town Council. Whenever there is a tie vote for any particular issue, the Clerk-Treasurer is an ex officio member for purposes of casting the deciding vote to break a tie.  
(I.C. 36-5-2-8) ('97 Code, § 3-15)

**§ 30.25 REGULAR AND SPECIAL MEETINGS OF THE TOWN COUNCIL.**

(A) The regular meetings of the Town Council shall be held at the Town Hall on the second Thursday of the month at 7:30 p.m.

(B) In all cases where a special meeting or called meeting is called, at least 48 hours written notice shall be given to the Town Council, Clerk-Treasurer and the public, pursuant to I.C. 5-14-1.5-5.

(C) Special or called meetings may be called by the President of the Council, or in his or her absence, sickness, inability or refusal to make the call, by the Vice President of the Council, and in his or her absence, sickness, inability or refusal to make the call, then by a majority of the Council when deemed necessary. The President and Vice President may by verbal notice at the public meeting, when all members of the Council are present, call a special meeting of the Council, and in all cases where the provisions of the statutes of Indiana regulating the calling of the special meeting do not forbid such action by prescribing differently. In all cases where provisions of the statute prescribe the method of the call, the provisions must be strictly followed.

(D) Executive sessions shall be conducted in strict compliance with I.C. 5-14-1.5-6.1.  
(‘97 Code, § 3-16)

**§ 30.26 AMENDING ORDINANCES.**

All ordinances which are of a general and permanent nature and which would amend the town code shall be in the following form:

*[See form beginning on following page.]*



**Bristol - Administration**

Ord. No. \_\_\_\_\_  
(Include the month-day calendar year: Ex. 1-1-96)

(Short Title)

AN ORDINANCE of THE TOWN COUNCIL, of THE TOWN OF BRISTOL, INDIANA,  
AMENDING CHAPTER \_\_\_\_\_, ARTICLE \_\_\_\_\_,  
SECTION(S) \_\_\_\_\_, of THE BRISTOL TOWN CODE  
BY THE INCLUSION/DELETION OF SECTION(S),  
ENTITLED \_\_\_\_\_

Whereas, (background statements setting forth the purpose or background of the Ordinance where appropriate)

Whereas,

Whereas,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN of BRISTOL, INDIANA, AS FOLLOWS:

Section I. Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section(s) \_\_\_\_\_, of the Bristol Town Code, is/are hereby amended to read as follows: (set forth specific amendatory language).

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This Ordinance is hereby passed and adopted at a regular meeting of the Town Council of the Town of Bristol, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Town Council Member

\_\_\_\_\_  
Town Council Member

\_\_\_\_\_  
Town Council Member

\_\_\_\_\_  
Town Council Member

Attest:

\_\_\_\_\_  
County Auditor

('97 Code, § 3-17)

**§ 30.27 ORDER OF BUSINESS AT COUNCIL MEETINGS.**

The following order of business shall be followed at regular meetings of the Town Council:

- (A) Call to order.
  - (B) Approval of minutes.
  - (C) Police Department report.
  - (D) Maintenance Department report.
  - (E) Utility Department report.
  - (F) Old business.
  - (G) New business.
  - (H) Town Council member items.
  - (I) Payment of claims.
  - (J) Adjournment.
- ('97 Code, § 3-18)



## CHAPTER 31: TOWN OFFICIALS

### Section

#### *Town Clerk-Treasurer*

- 31.01 Term of office
- 31.02 Powers and duties
- 31.03 Compensation
- 31.04 Deputies of Clerk-Treasurer
- 31.05 Clerk of the Town Council
- 31.06 Authorized agent in PERF fund
- 31.07 Right to hire attorney

#### *Town Manager*

- 31.20 Employment of Town Manager authorized; term
- 31.21 Qualifications and bond requirements
- 31.22 Town Manager prohibited from issuing warrants
- 31.23 Powers and duties of Town Manager
- 31.24 Acting Town Manager
- 31.25 Joint employment of a Town Manager
- 31.26 Disciplinary restrictions placed on Town Manager

#### *Town Marshal*

- 31.40 Appointment and compensation
- 31.41 Removal and/or discipline
- 31.42 Powers and duties
- 31.43 Additional positions held by Town Marshal
- 31.44 Deputy Marshals and the Humane Officer

**TOWN CLERK-TREASURER****§ 31.01 TERM OF OFFICE.**

(A) The Town Clerk-Treasurer is an elected position whose term of office is for four years, beginning at noon on January 1 after his or her election and continuing until a successor is elected and qualified.

(I.C. 36-5-6-3(b))

(B) The Town Clerk-Treasurer shall be elected by the voters of the whole town.

(I.C. 36-5-6-4) ('97 Code, § 2-1)

**§ 31.02 POWERS AND DUTIES.**

(A) The Town Clerk-Treasurer may administer oaths, take depositions and take acknowledgments of instruments as required by law.

(I.C. 36-5-6-5)

(B) The Town Clerk-Treasurer may perform all duties prescribed by law, which include, but are not limited to, the following:

(1) Receive and care for all town monies and pay them out upon order of the Town Council;

(2) Keep accounts of all town monies;

(3) File monthly reports with the Town Council showing all receipts and disbursements of the Town Treasury for the preceding month;

(4) Maintain records which are open for inspection by the Town Council;

(5) Collect fines resulting from ordinance violations;

(6) Issue all licenses; and

(7) Attend all Town Council meetings and maintain a recording of its proceedings.

(C) The Clerk-Treasurer is both the Town Clerk and Town Fiscal Officer pursuant to I.C. 36-5-6-

2.

('97 Code, § 2-2)

**Statutory reference:**

*Statutory duties of clerk, see I.C. 36-5-6-6*

**§ 31.03 COMPENSATION.**

The compensation for the services of the person holding the office of Clerk-Treasurer shall be fixed by the Town Council.  
(‘97 Code, § 2-3)

**§ 31.04 DEPUTIES OF CLERK-TREASURER.**

(A) The Clerk-Treasurer of the town is authorized to appoint Deputy Clerk-Treasurers to assist him or her in all of the duties of this office. The Deputy Clerk-Treasurers shall serve at the pleasure of the Clerk-Treasurer.

(B) The Clerk-Treasurer may appoint the number of deputies and employees with salaries being approved by the Town Council. Deputies and employees so hired serve at the pleasure of the Clerk-Treasurer.

(‘97 Code, § 2-4)

**Statutory reference:**

*Appointment of deputies, see I.C. 36-5-6-7*

**§ 31.05 CLERK OF THE TOWN COUNCIL.**

(A) The Town Clerk-Treasurer is the Clerk of the Town Council.

(B) Whenever the Town Council has an even number of members for any reason, the Clerk-Treasurer is an ex officio member for the purpose of casting the deciding vote to break a tie.

(‘97 Code, § 2-5)

**§ 31.06 AUTHORIZED AGENT IN PERF FUND.**

Pursuant to I.C. 5-10.3-6-1.5, the Clerk-Treasurer is the authorized agent for all matters concerning the PERF fund.

(‘97 Code, § 2-6)

**§ 31.07 RIGHT TO HIRE ATTORNEY.**

The Clerk-Treasurer may hire or contract for legal assistance pursuant to I.C. 36-5-6-8.  
(‘97 Code, § 2-7) (Ord. 12-12-96, passed 12-12-96)

***TOWN MANAGER*****§ 31.20 EMPLOYMENT OF TOWN MANAGER AUTHORIZED; TERM.**

(A) The Town Council may employ a Town Manager to be the administrative head of the town government and may fix his or her compensation and terms of employment.

(B) The Manager may be employed to serve:

(1) At the pleasure of the Town Council; or

(2) For a definite tenure not to exceed the longest remaining term in office of a member of the Town Council, in which case he or she may be dismissed only for cause.  
(I.C. 36-5-5-2) ('97 Code, § 2-10)

**§ 31.21 QUALIFICATIONS AND BOND REQUIREMENTS.**

(A) The Town Council may not employ one of its members as the Manager.  
(I.C. 36-5-5-3)

(B) The Manager must, in the manner prescribed by I.C. 5-4-1-18, execute a bond for the faithful performance of his or her duties.  
(I.C. 36-5-5-5) ('97 Code, § 2-11)

**§ 31.22 TOWN MANAGER PROHIBITED FROM ISSUING WARRANTS.**

The Town Council may not authorize the Town Manager to issue or execute bonds, notes or warrants of the town.  
(I.C. 36-5-5-7) ('97 Code, § 2-12)

**§ 31.23 POWERS AND DUTIES OF TOWN MANAGER.**

(A) The Manager, under the direction of the Town Council, is responsible for the administrative duties of the Town Council.

(B) Unless a written order or ordinance of the Town Council provides otherwise, the Manager:

(1) Shall attend the meetings of the Town Council and recommend actions he or she considers advisable;

(2) Shall hire town employees according to the pay schedules and standards fixed by the Town Council or by statute;

(3) Shall suspend, discharge, remove or transfer town employees, if necessary for the welfare of the town;

(4) May delegate any of his or her powers to an employee responsible to him or her;

(5) Shall administer and enforce all ordinances, orders and resolutions of the Town Council;

(6) Shall see that all statutes that are required to be administered by the Town Council or a town officer subject to the control of the Town Council are faithfully administered;

(7) Shall prepare budget estimates and submit them to the Town Council when required;

(8) Shall execute contracts on behalf of the town for materials, supplies, services or improvements, after the completion of the appropriations, notice and competitive bidding required by statute; and

(9) May receive service of summons on behalf of the town.  
(I.C. 36-5-5-8) ('97 Code, § 2-13)

**§ 31.24 ACTING TOWN MANAGER.**

Pursuant to I.C. 36-5-5-6, the Town Council may appoint a qualified person to perform the duties of the Manager whenever he or she is absent or unable to perform his or her duties.  
(‘97 Code, § 2-14)

**§ 31.25 JOINT EMPLOYMENT OF A TOWN MANAGER.**

Pursuant to I.C. 36-5-5-4, the Town Councils of two or more towns may employ the same person as the Manager of their respective towns.  
(‘97 Code, § 2-15)

**§ 31.26 DISCIPLINARY RESTRICTIONS PLACED ON TOWN MANAGER.**

Pursuant to I.C. 36-5-5-9, the Town Manager may not serve as a member of any body which hears disciplinary charges against the Town Marshal or a member of the Town Marshal’s office.  
(‘97 Code, § 2-16)



*TOWN MARSHAL***§ 31.40 APPOINTMENT AND COMPENSATION.**

The Town Council shall appoint a Town Marshal and shall fix his or her compensation.  
(I.C. 36-5-7-2) ('97 Code, § 2-25)

**§ 31.41 REMOVAL AND/OR DISCIPLINE.**

The Marshal serves at the pleasure of the Town Council. However, before terminating or suspending a Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9, the Town Council must conduct the disciplinary removal and appeals procedure prescribed by I.C. 36-8-1-1 through 36-8-2-13 for City Fire and Police Departments.  
(I.C. 36-5-7-3) ('97 Code, § 2-26)

**§ 31.42 POWERS AND DUTIES.**

(A) The Town Marshal is the Chief Police Officer of the town and has the powers of other law enforcement officers of the Town Council and enforcing laws.

(B) The Marshal or his or her deputy:

(1) Shall serve all process directed to him or her by a town court (if established) or Town Council;

(2) Shall arrest without process all persons who commit an offense within his or her view, take them before a court having jurisdiction and detain them in custody until the cause of the arrest has been investigated;

(3) Shall suppress breaches of the peace;

(4) May, if necessary, call the power of the town to his or her aid;

(5) May execute search warrants and arrest warrants; and

(6) May pursue and jail persons who commit an offense.  
(I.C. 36-5-7-4) ('97 Code, § 2-27)

**§ 31.43 ADDITIONAL POSITIONS HELD BY TOWN MARSHAL.**

The Town Council may require the Marshal to serve as Street Commissioner, Chief of the Fire Department or both.  
(I.C. 36-5-7-5) ('97 Code, § 2-28)

**§ 31.44 DEPUTY MARSHALS AND THE HUMANE OFFICER.**

(A) The Town Council may by ordinance authorize the Marshal to appoint Deputy Marshals. Deputy Marshals have the powers and liabilities of the Marshal in executing the orders of the Town Council or enforcing laws.  
(I.C. 36-5-7-6)

(B) One Deputy Marshal may be designated as the Town Humane Officer. He or she has the duties prescribed by I.C. 36-8-3-18 for City Humane Officers.  
(I.C. 36-5-7-6)

(C) The Town Council shall fix the amount of bond, compensation and term of service of Deputy Marshals. The Marshal may dismiss a Deputy Marshal at any time. However, a Deputy Marshal who has been employed by the town for more than six months after completing the minimum basic training requirements adopted by the Law Enforcement Training Board under I.C. 5-2-1-9 may be dismissed only if the procedure prescribed by § 31.41 of this chapter is followed.  
(I.C. 36-5-7-6)

(D) The Town Council designates, subject to further increase or decrease by the Town Council, the number of Deputy Marshal positions for the town not to exceed five.  
(‘97 Code, § 2-29) (Ord. 6-17-99, passed 6-17-99)



## CHAPTER 32: TOWN POLICIES

### Section

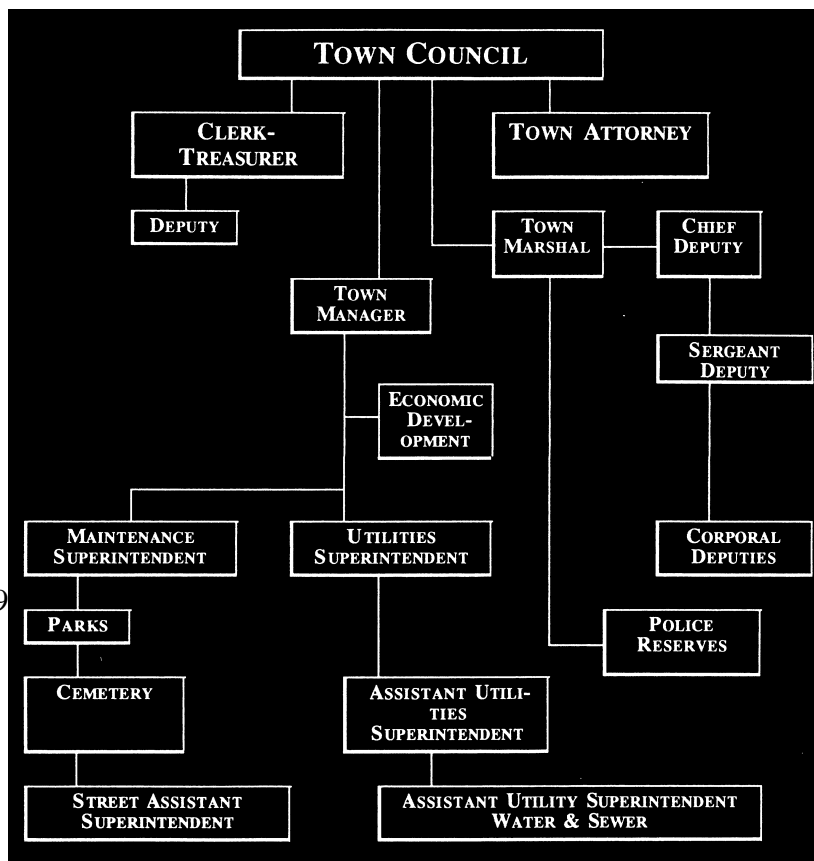
- 32.01 Organizational chart
- 32.02 Personnel policies and procedures
- 32.03 Compensation of officers and employees
- 32.04 Agent for federal assistance application
- 32.05 PERF Retirement Fund enlarged
- 32.06 Membership in Elkhart County Public Safety Communications Systems District
- 32.07 Food per diem and mileage rate
- 32.08 National Incident Management System

### § 32.01 ORGANIZATIONAL CHART.

('97 Code, § 2-45)

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**§ 32.02 PERSONNEL POLICIES AND PROCEDURES.**

(A) The Policies and Procedures Manual and Employee Handbook for the town are incorporated herein by reference with copies of the same being available for public inspection in the Office of the Clerk-Treasurer during regular business hours.

(B) The Town Council adopts the Policy and Procedure Manual Employee Handbook which was originally effective October 1, 1995, and the amendment thereto of August 20, 2009 eliminating from the prior version of the Town Policy and Procedure Manual Section 3.02 providing for a "Sick Leave Policy" and replacing it with a new Section 3.02 providing for a "Short Term Disability/Illness/Unpaid Sick Leave/Family Medical Leave".  
(‘97 Code, § 2-46) (Res. 090795(B), passed 9-7-95; Am. Ord. 8-20-09A, passed 8-20-09)

**§ 32.03 COMPENSATION OF OFFICERS AND EMPLOYEES.**

Pursuant to I.C. 36-1-4-15, the town may fix the level of compensation for its officers and employees.  
(‘97 Code, § 2-47)

**§ 32.04 AGENT FOR FEDERAL ASSISTANCE APPLICATION.**

The Town Manager is authorized by the Town Council to execute all documents, applications and forms requesting assistance and to provide necessary responses to questions or requests from the U.S. Department of Agriculture in order to seek and obtain, if available, from the U.S. Department of Agriculture federal assistance for the plan, design and construction of both the Bristol Sewer Plant Expansion Project and the Bristol Water Tower Construction Project to the extent the financial assistance is available through the U.S. Department of Agriculture.  
(‘97 Code, § 2-48) (Res. 5-8-97R, passed 5-8-97)

**§ 32.05 PERF RETIREMENT FUND ENLARGED.**

(A) The Town Council elects to enlarge its participation in the Public Employees’ Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto. This agreement supplements the original dated January 1, 1996.

(B) The Town Council agrees to make the required contributions under the Public Employees’ Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as “The Indiana Public Employees’ Social Security Integration and Supplemental Retirement Benefit Act.”

(C) The positions listed on Appendix A are declared to be covered by the Fund, with the Appendix maintained in the office of the Clerk-Treasurer.

(D) It is declared that none of the classifications or positions specified in division (C) of this section are compensated on a fee basis or of an emergency nature or in a part-time category.

(E) The active participating membership of the town shall begin on January 1, 1998.

(F) This section shall be in full force and effect from the date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in division (E) of this section. ('97 Code, § 2-49) (Res. 8-4-97, passed 8-4-97)

**§ 32.06 MEMBERSHIP IN THE ELKHART COUNTY PUBLIC SAFETY COMMUNICATIONS SYSTEMS DISTRICT.**

The town and the Elkhart County Public Safety Communications Systems District have a public safety agency served by the District. ('97 Code, § 2-68) (Ord. 8-14-86(A), passed 8-14-86)

**§ 32.07 FOOD PER DIEM AND MILEAGE RATE.**

(A) The town establishes the rate of \$.50 per mile for use of personal vehicle for travel outside of the town for employees conducting town business. The mileage shall be calculated on a round trip basis. The town employees requesting reimbursement shall submit written request or appropriate claim form stating the total mileage.

(B) The town hereby establishes the per diem rate of \$30 per day for food expense reimbursement. Said amount may be paid in advance by employee's supervisor or employee may submit a claim for reimbursement after incurring said expense. In either event, a claim form shall document the name of the employee, the date or days of reimbursement and any other pertinent information.

(C) Overnight accommodation expenditures when required of employees may be submitted for reimbursement, utilizing an appropriate claim form. No specific dollar amount is established by this section for said expenditures. (Ord. 4-19-07C, passed 4-19-07; Am. Ord. 6-20-13, passed 6-20-13)

**§ 32.08 NATIONAL INCIDENT MANAGEMENT SYSTEM.**

The town hereby adopts the National Incident Management System, dated March 1, 2004.  
(Ord. 11-16-06(B), passed 11-16-06)

## CHAPTER 33: DEPARTMENTS AND BOARDS

### Section

#### *Department of Economic Development*

- 33.01 Creation
- 33.02 Economic Development Commission to oversee
- 33.03 Appointment of Commissioners and term
- 33.04 Replacement of Commissions; compensation
- 33.05 Powers and duties

#### *Park Board Created*

- 33.20 Creation
- 33.21 Staggered terms for Park Board members
- 33.22 Powers and duties
- 33.23 Rules and regulations

#### *Department of Redevelopment*

- 33.30 Redevelopment Commission

### ***DEPARTMENT OF ECONOMIC DEVELOPMENT***

#### **§ 33.01 CREATION.**

The new department to be known and designated as the Bristol Department of Economic Development be and the same is created and established with full power and authority to act and to do such acts and things as provided by law.  
(‘97 Code, § 2-50) (Ord. 3-13-80(A), passed 3-13-80)

#### **§ 33.02 ECONOMIC DEVELOPMENT COMMISSION TO OVERSEE.**

The Bristol Department of Economic Development shall be under the control of a commission to be known as the Town of Bristol Economic Development Commission; and the Town of Bristol Economic Development Commission shall consist of three members to be appointed by the President of the Town Council as follows:



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(A) One member shall be nominated and selected by the President of the Town Council;

(B) One member shall be nominated by the County Council of Elkhart County and for appointment by the President of the Town Council; and

(C) The remaining member shall be nominated by the Town Council and for appointment by the President of the Town Council.  
(‘97 Code, § 2-51) (Ord. 3-13-80(A), passed 3-13-80)

**§ 33.03 APPOINTMENT OF COMMISSIONERS AND TERM.**

The Commissioners thus appointed shall take office upon their appointment, and their terms shall run the following number of years from February 1 following such appointment:

(A) The Commissioner selected by the Town Council: three years;

(B) The Commissioner nominated by the Town Council: two years;

(C) The Commissioner nominated by the County Council of Elkhart County: one year.  
(‘97 Code, § 2-52) (Ord. 3-13-80(A), passed 3-13-80)

**§ 33.04 REPLACEMENT OF COMMISSIONERS; COMPENSATION.**

At the expiration of the respective terms of each of the Commissioners originally appointed, their respective successors shall be selected and nominated before the expiration of the term in the manner as the original appointee, and each such succeeding member shall serve for a term of four years; in the event that any governing bodies shall fail to make a nomination within the time specified by law, the President of the Town Council may select and appoint a person without a nomination. Each electee and nominee thus appointed shall be notified in writing and shall be appointed by the President of the Town Council within ten days after receiving the nominations. In the event that any person appointed as Commissioner shall fail to qualify by taking and subscribing an oath of office within the ten-day period, or if any Commissioner, after qualifying, shall die, resign or vacate the office or be removed from office, a new Commissioner shall be selected or nominated and appointed to fill the vacancy in the same manner as Commissioner in respect to whom vacancy occurs and the Commissioner so appointed shall serve for the remainder of the vacated term. Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and have qualified. The Commissioners shall receive no salaries but shall be entitled to reimbursement for any expenses necessarily incurred in the performance of their duties.  
(‘97 Code, § 2-53) (Ord. 3-13-80(A), passed 3-13-80)

**§ 33.05 POWERS AND DUTIES.**

The Town Economic Development Commission thus constituted and appointed shall have all the powers and duties as are provided by law.  
(‘97 Code, § 2-54) (Ord. 3-13-80(A), passed 3-1380)

***PARK BOARD CREATED***

**§ 33.20 CREATION.**

(A) The Bristol Park Board consisting of four members is created.

(B) The Bristol Park Board shall fix the time and place of its regular meetings, but shall meet at least quarterly. All meetings of the Bristol Park Board are to be open to the public. Special meetings can be called as provided by I.C. 36-10-3-8. The election of officers and all other action taken by the Bristol Park Board shall be in accordance with I.C. 36-10-3-8 as said Indiana statute currently exists and/or as it may be amended from time to time.  
(‘97 Code, § 2-60) (Am. Ord. 7-16-09(b), passed 7-16-09)

**§ 33.21 STAGGERED TERMS FOR PARK BOARD MEMBERS.**

(A) Existing Park Board members shall be designated a number, one through four, and shall serve the following term:

- (1) Number one: one member for a term of one year.
- (2) Number two: one member for a term of two years.
- (3) Number three: one member for a term of three years.
- (4) Number four: one member for a term of four years.

(B) As a term expires, each new appointment or reappointment of a Park Board member shall be for a four-year term. All terms shall expire on the first Monday in January, but a member continues in office until his or her successor is appointed.  
(‘97 Code, § 5-7) (Ord. 8-13-87(B), passed 8-12-87)

**§ 33.22 POWERS AND DUTIES.**

(A) The members of the Park Board shall be appointed pursuant to the Indiana Park and Recreation Law.

(B) The Board shall have the duties, powers and authority set forth in the Indiana Park and Recreation Law, I.C. 36-10-3-1 *et seq.*  
(‘97 Code, § 2-61)

**§ 33.23 RULES AND REGULATIONS.**

Chapter 91 sets forth specific rules and regulations governing parks and recreational activities in the town.  
(‘97 Code, § 2-62)

***DEPARTMENT OF REDEVELOPMENT***

## CHAPTER 34: POLICE RESERVES AND FIRE DEPARTMENT

### Section

#### *Police Reserves*

- 34.01 Police reserve unit established
- 34.02 Appointment and removal of police reserves
- 34.03 Powers and rules
- 34.04 Compensation and other benefits
- 34.05 Probationary period and other restrictions
- 34.06 Uniforms and equipment
- 34.07 Assignments by Town Marshal
- 34.08 Preservation of public peace and order

#### *Fire Department*

- 34.20 Contractual agreements for fire services
- 34.21 Authority to establish a Fire Department

### **POLICE RESERVES**

#### **§ 34.01 POLICE RESERVE UNIT ESTABLISHED.**

The town establishes a police reserve unit for the town and designates that the police reserve unit shall consist of seven police reserve officers or such additional numbers as the Town Marshal shall approve from time to time subject to the reserve unit not exceeding a total number of ten police reserve officers without Town Council approval.

('97 Code, § 2-35) (Ord. 12-9-93, passed 12-9-93)

***Statutory reference:***

*Authorization for police reserves, see I.C. 36-8-3-20*

#### **§ 34.02 APPOINTMENT AND REMOVAL OF POLICE RESERVES.**

The police reserve shall be appointed by the same authority that appoints the regular members of the Department upon recommendation of the Town Marshal. Police reserves shall serve at the discretion

of the Town Council or Town Marshal and may be relieved of their duties or removed by either the Town Marshal or a majority decision by the Town Council.

('97 Code, § 2-36) (Ord. 12-9-93, passed 12-9-93)

**Statutory reference:**

*Appointment of reserves, see I.C. 36-8-3-20(c)*

**§ 34.03 POWERS AND RULES.**

Police reserves may not be members of the regular Police Department. Police reserves shall have all the same powers as regular members, except as limited by rules established by the Town Marshal. The Town Marshal shall adopt rules setting forth the limits of the authority for police reserves. The rules shall be reduced to writing and a copy of which shall be provided to each police reserve officer at such time as he or she is appointed to the Department.

('97 Code, § 2-37) (Ord. 12-9-93, passed 12-9-93)

**Statutory reference:**

*Powers of police reserves, see I.C. 36-8-3-20(e)*

**§ 34.04 COMPENSATION AND OTHER BENEFITS.**

Police reserves shall not be eligible to participate in any pension program provided for regular members of the Department and shall receive only that compensation or financial benefits provided for by the Town Council.

('97 Code, § 2-38) (Ord. 12-9-93, passed 12-9-93)

**Statutory reference:**

*Reserve officers' compensation, ineligibility for pension plan, see I.C. 36-8-3-20(f) and (g)*

**§ 34.05 PROBATIONARY PERIOD AND OTHER RESTRICTIONS.**

(A) A police reserve officer may not be appointed until he or she has completed the training and probationary period specified by the rules of the Department.

(B) A police reserve officer appointed to the Department after June 30, 1993, may not:

(1) Make an arrest;

(2) Conduct a search or seizure of person or property; or

(3) Carry a firearm, unless the police reserve officer successfully completes a pre-basic course as provided by I.C. 5-2-1-9(f).

(I.C. 36-8-3-10(h) and (I)) ('97 Code, § 2-39) (Ord. 12-9-93, passed 12-9-93)

**§ 34.06 UNIFORMS AND EQUIPMENT.**

The Town Marshal shall establish, subject to Town Council approval, the uniform to be worn by reserve officers when on duty. If the uniforms or any other equipment are supplied by the town, the uniforms and equipment shall remain the property of the town and shall be returned to the town if a reserve officer terminates his or her membership in the Reserve Department.  
(‘97 Code, § 2-40) (Ord. 12-9-93, passed 12-9-93)

**§ 34.07 ASSIGNMENTS BY TOWN MARSHAL.**

Reserve officers’ duties and times of performance shall be as assigned from time to time by the Town Marshal.  
(‘97 Code, § 2-41) (Ord. 12-9-93, passed 12-9-93)

**§ 34.08 PRESERVATION OF PUBLIC PEACE AND ORDER.**

The town may establish, maintain and operate a police and law enforcement system to preserve public peace and order and may provide facilities and equipment for that system.  
(I.C. 36-8-12-3) (‘97 Code, § 6-2)

***FIRE DEPARTMENT***

**§ 34.20 CONTRACTUAL AGREEMENTS FOR FIRE SERVICES.**

(A) I.C. 36-8-12-2 defines a volunteer fire department.

(B) The town may engage services of such a volunteer fire company for fire protection and ambulance service.

(C) Any agreement for such services must be approved by the Town Council before taking effect.  
(‘97 Code, § 2-75)

***Statutory reference:***

*Authority to contract with volunteer fire department, see I.C. 36-8-12-3*

**§ 34.21 AUTHORITY TO ESTABLISH A FIRE DEPARTMENT.**

The Town may establish, maintain and operate a fire fighting and fire prevention system and may provide facilities and equipments for that system.  
(I.C. 36-8-2-3) (‘97 Code, § 6-5)



## CHAPTER 35: FINANCE AND PURCHASING

### Section

#### *Budget Procedures*

- 35.01 Preparation of budget estimates
- 35.02 Tax rate and annual appropriations
- 35.03 Revising appropriations

#### *Financial Administration*

- 35.15 Issue and sale of bonds
- 35.16 Appropriation required for disbursements
- 35.17 Issue of warrants
- 35.18 Payment of claims

#### *Funds Established*

- 35.30 Municipal individual retirement account program
- 35.31 Nonreverting Capital Fund of the Bristol Park and Recreation Department
- 35.32 Cumulative Fire and Police Equipment Fund
- 35.33 Law Enforcement Continuing Education Fund
- 35.34 Local Road and Street Fund (LRS)
- 35.35 Motor Vehicle Highway Fund (MVH)
- 35.36 Town Marshal's Incident Report Account
- 35.37 Miscellaneous Fund continued
- 35.38 Police Equipment and Acquisition and Replacement Fund
- 35.39 Rainy Day Fund
- 35.40 Storm Water Utility Fund
- 35.41 Major Moves Construction Fund
- 35.42 MS4 Fund
- 35.43 South State Road 15 Fund and North State Road 15 Fund

#### *Purchasing*

- 35.50 Purchasing agency
- 35.51 Purchasing agents
- 35.52 Purchase of supplies less than \$25,000
- 35.53 Purchase of services
- 35.54 Purchases between \$25,000 and \$75,000



***BUDGET PROCEDURES*****§ 35.01 PREPARATION OF BUDGET ESTIMATES.**

(A) Before the publication of notice of budget estimates required by I.C. 6-1.1-17-3, the town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner.

(B) Each department head shall prepare for his or her department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he or she anticipates.

(C) The Clerk-Treasurer shall prepare an itemized estimate of revenues available for the ensuing budget year and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(D) The President of the Town Council shall meet with the department heads and the Clerk-Treasurer to review and revise their various estimates.

(E) After the President of the Town Council's review and revision, the Clerk-Treasurer will prepare for the President of the Town Council a report of the estimated department budgets, miscellaneous expenses and revenues necessary or available to finance the estimate.  
(I.C. 36-5-3-3) ('97 Code, § 2-80)

**§ 35.02 TAX RATE AND ANNUAL APPROPRIATIONS.**

The Clerk-Treasurer shall present the report of budget estimates to the Town Council under I.C. 6-1.1-17-1 through 6-1.1-17-19. After reviewing the report, the Town Council shall prepare an ordinance fixing the rate of taxation for the ensuing budget year and an ordinance making appropriations for the estimated department budgets and other town purposes during the ensuing budget year. The Town Council, in the appropriation ordinance, may change any estimated item from the figure submitted in the report of the Clerk-Treasurer. The Town Council shall promptly act on the appropriation ordinance.  
(I.C. 36-5-3-4) ('97 Code, § 2-81)

**§ 35.03 REVISING APPROPRIATIONS.**

After the passage of the appropriation ordinance, the Town Council may make further or additional appropriations by ordinance, unless their result is to increase the tax levy set under I.C. 6-1.1-17-1 through 6-1.1-17-19. The Town Council may, by ordinance, decrease any appropriation set by ordinance.  
(I.C. 36-5-4-5) ('97 Code, § 2-82)

**FINANCIAL ADMINISTRATION****§ 35.15 ISSUE AND SALE OF BONDS.**

(A) The Town Council may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(B) Bonds issued under this section are payable in the amounts and at the times determined by the Town Council.

(C) Bonds issued under this section are subject to the provisions of I.C. 5-1 and 6-1.1-20-1 through 6-1.1-20-9 relating to the filing of a petition requesting the issuance of bonds and giving notice of the petition, the giving of notice of a hearing on the appropriation of the proceeds of bonds, the right of taxpayers to appear and be heard on the proposed appropriation, the approval of the appropriation by the State Board of Tax Commissioners, the right of taxpayers to remonstrate against the issuance of bonds and the sale of bonds at public sale for not less than their par value.  
(I.C. 36-5-2-11) ('97 Code, § 2-88)

**§ 35.16 APPROPRIATION REQUIRED FOR DISBURSEMENTS.**

Unless a statute provides otherwise, town monies may be disbursed only after an appropriation is made by ordinance of the Town Council and recorded in a book kept for that purpose by the Town Council. Each appropriation must be made from the fund against which the expenses arose.  
(I.C. 36-5-4-2) ('97 Code, 2-89)

**§ 35.17 ISSUE OF WARRANTS.**

(A) The Town Council or any other board of the town may order the issuance of warrants for payment of money by the town only at a meeting of the Town Council or such other board.

(B) A town officer who violates this section forfeits his or her office.  
(I.C. 36-5-4-3) ('97 Code, § 2-90)

**§ 35.18 PAYMENT OF CLAIMS.**

Pursuant to I.C. 36-5-4-12, the town may, by ordinance, list the items which may be paid by the fiscal officer before Town Council allowance.  
(‘97 Code, § 2-91)

***Statutory reference:***

*Payment of claims, see I.C. 36-5-4-12*

**FUNDS ESTABLISHED****§ 35.30 MUNICIPAL INDIVIDUAL RETIREMENT ACCOUNT PROGRAM.**

(A) *Municipal individual retirement account program.* The Town Council does establish and authorize the Clerk-Treasurer of the town to establish a municipal individual retirement account with a qualified and designated funding entity in accordance with this section and the rules and regulations of the Internal Revenue Service.  
(‘97 Code, § 2-95)

(B) *Eligibility requirements.* The eligibility requirements for any municipal employee of the town to be a beneficiary and participant of this plan are as follows:

(1) The subject employee must be a full-time employee of the town.

(2) The employee must be of a minimum age of 25 years at the time of his or her entry into the retirement plan.

(3) Employees who are in excess of 60 years of age at the time of hiring by the town will not be eligible to participate in the plan.

(4) Employees will become eligible to participate in the plan on June 30 or December 30 immediately following the completion of one year of service as a town employee.  
(‘97 Code, § 2-98)

(C) *Role of Clerk-Treasurer.* The Clerk-Treasurer and the funding entity shall administer the retirement plan as follows:

(1) The town will make an annual contribution to the fund on a specific day of each year, the amount of contribution to be established annually during the preparation of the budget by the Town Council.

(2) The Town Council designates an annual contribution for the year 1980 to be \$500 for each eligible employee participant as set forth in this section, and the employee participants shall contribute \$100 to the fund to be paid by payroll deduction. The town’s contributions shall be contingent upon the employee contributing his or her share as hereafter determined annually and if the employee participant does not contribute to the retirement program, then the town shall have no obligation to contribute to that specific employee’s fund.

(3) The town shall make no further contribution to the employee participant’s fund if the employee voluntarily or involuntarily terminates his or her employment with the town or if the employee at any time withdraws any sums from the fund.

(4) The Clerk-Treasurer shall, upon approval by the Town Council, designate a funding entity for purposes of investment of the annual town contribution and the contribution of the employee participants. The Town Council may from time to time designate other funding entities for purposes of transferring the funds paid or otherwise “rolling over” the fund to any other designated funding entity.

(5) The eligibility requirements and the administration of the town’s individual retirement account retirement program as herein set forth shall be subject at all times to the rules and regulations of the Internal Revenue Service and any amendments thereto.  
(‘97 Code, § 2-97) (Ord. 3-13-80(C), passed 3-13-80)

### **§ 35.31 NONREVERTING CAPITAL FUND OF THE BRISTOL PARK AND RECREATION DEPARTMENT.**

(A) In accordance with the requirements of Section 220 of Chapter 311, Acts 1955 General Assembly, being I.C. 36-10-3-20, and amendments thereto, it is created a special fund to be known as the Nonreverting Capital Fund of the Bristol Park and Recreation Department. The fund shall be cumulative and all of the monies deposited into the fund shall be appropriated and used solely for capital improvements as hereinafter defined, or acquiring land, and none of the money shall revert to the General Fund or be used for any purposes other than capital improvements.

(B) The term *CAPITAL IMPROVEMENT* means the improvement of any property owned by the town or the Bristol Park and Recreation Department, including, but not limited to: buildings, thoroughfares, fixed recreational equipment, tennis courts, basketball courts and baseball diamonds.  
(‘97 Code, § 2-100) (Ord. 5-12-77, passed 5-12-77)

### **§ 35.32 CUMULATIVE FIRE AND POLICE EQUIPMENT FUND.**

The establishment of a Cumulative Fire and Police Equipment Fund and tax levy is approved and the levying of a tax in the amount of \$.04 on each \$100 of tangible personal and real property within the taxing district, subject to existing maximum levy limits pursuant to I.C. 6-1.1-18-3(b), such tax to be first levied in 1980, payable in 1981, and continuing until reduced or rescinded. Any levy previously established for this purpose is rescinded.  
(‘97 Code, § 2-101) (Res. - -, passed 10-9-80)

### **§ 35.33 LAW ENFORCEMENT CONTINUING EDUCATION FUND.**

(A) Pursuant to I.C. 5-2-8-2 which took effect on March 18, 1994 as emergency legislature, all fees collected under I.C. 9-29-4-2, 9-29-11-1 and 35-47-2-3 shall be deposited in the Law Enforcement Continuing Education Fund.

(B) The Funds shall be used for the continuing education and training of law enforcement officers and for equipment and supplies for law enforcement purposes.  
(‘97 Code, § 2-102)

#### **§ 35.34 LOCAL ROAD AND STREET FUND (LRS).**

The Local Road and Street Fund (LRS, Fund No. 202) is established for the purpose of receiving applicable state funds and for expenditures permitted by statute.  
(‘97 Code, § 2-103)

***Statutory reference:***

*Local Road and Street Fund, see I.C. 8-14-2-1 et seq.*

#### **§ 35.35 MOTOR VEHICLE HIGHWAY FUND (MVH).**

The Motor Vehicle Highway Fund (MVH, Fund No. 201) is established for the purpose of receiving state funds and will be used for expenditures authorized by I.C. 8-14-1.  
(‘97 Code, § 2-104)

#### **§ 35.36 TOWN MARSHAL’S INCIDENT REPORT ACCOUNT.**

(A) There is established an incident report account to be designated as the “Town Marshal’s Incident Report Account.”

(B) There are further established fees which may be collected by the Town Marshal’s Office for certain reports, photographs and videotapes, and the fees shall be computed as follows:

- (1) Five dollars for the first page of an Incident Report, and \$3 for each page thereafter;
- (2) Three dollars for each photograph or copy thereof furnished by the Town Marshal;
- (3) Fifty dollars for a video tape or copy thereof furnished by the Town Marshal.

(C) Fees collected pursuant to this section shall be deposited in the Town Marshal’s Incident Report Account and expended pursuant to applicable procedures established by the State Board of Accounts. (‘97 Code, § 2-105) (Ord. 12-12-96, passed 12-12-96)

#### **§ 35.37 MISCELLANEOUS FUND CONTINUED.**

The following funds are continued in effect. Each shall be funded and operated in accordance with all statutory requirements. These funds are as follows:

- (A) Fund No. 212, Bristol Police Reserve;
- (B) Fund No. 205, Cemetery;
- (C) Fund No. 425, Cumulative Capital Development;
- (D) Fund No. 401, Cumulative Capital Improvement;
- (E) Fund No. 426, EDIT;
- (F) Fund No. 101, General;
- (G) Fund No. 436, Golf Course Cumulative Capital;
- (H) Fund No. 440, Levy Excess Fund;
- (I) Fund No. 204, Park;
- (J) Fund No. 403, Park Nonreverting;
- (K) Fund No. 435, Raber Golf Course Fund;
- (L) Fund No. 607, Sewer Bond and Interest;
- (M) Fund No. 608, Sewer Debt;
- (N) Fund No. 609, Sewer Improvement;
- (O) Fund No. 606, Sewer Operating;
- (P) Fund No. 602, Water Bond and Interest;
- (Q) Fund No. 603, Water (Dep) Special;
- (R) Fund No. 604, Water Meter; and
- (S) Fund No. 601, Water Operation.  
(‘97 Code, § 2-106)

**§ 35.38 POLICE EQUIPMENT AND ACQUISITION AND REPLACEMENT FUND.**

(A) Effective immediately, the town establishes the Police Equipment Acquisition and Replacement Fund as the fund for receipt and deposit of the revenue available to the town pursuant to I.C. 33-19-7-3. Only those revenues received pursuant to I.C. 33-19-7-3 shall be deposited into the Fund.

(B) The purposes for which expenditures can be made from the Fund shall be the purchase of equipment for the use of the Bristol Police Department or for purchases of equipment to replace existing equipment.

(C) The Fund and any balance in the Fund shall be considered a nonreverting fund and shall be perpetual until terminated by further action of the Town Council of the town by adoption of a new ordinance or by amendment to this section. In the event a balance remains in the Fund at the end of each year during the existence of the Fund, the balance shall not revert to the General Fund but shall be carried over and become a part of the balance in the Fund in the following year until expended for those expenditures permitted herein.

(D) Upon the termination of the Fund, any balance remaining at the time of termination shall transfer to the General Fund of the town.  
(‘97 Code, § 2-107) (Ord. 7-9-98, passed 7-9-98)

### **§ 35.39 RAINY DAY FUND.**

(A) Pursuant to I.C. 36-1-8-5.1, there is hereby established a Rainy Day Fund and all revenue pursuant to Ord. 3-18-04 shall be receipted into the fund or any other funding source not otherwise prohibited by law.

(B) The revenue receipted into the the Rainy Day Fund shall be used for any governmental purpose.

(C) The Rainy Day Fund shall be subject to the same appropriation process as other funds that receive tax money. The fiscal body shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund.  
(Ord. 3-18-04, passed 3-18-04; Am. Ord. 3-15-07a, passed 3-15-07)

### **§ 35.40 STORM WATER UTILITY FUND.**

(A) *Fund establishment.* Pursuant to I.C. 8-1.5-5 *et seq.*, there is hereby established a separate and distinct fund for the Department of Storm Water Management which shall be known as the Storm Water Utility Fund.

(B) *Fiscal administration.* The Town Clerk/Treasurer is hereby appointed as the fiscal agent for and authorized to administer the Storm Water Utility Fund. The Town Clerk/Treasurer is appointed hereby to oversee the administration of the Storm Water Utility Fund.

(C) *Receipts.* All receipts of the Department of Storm Water Management, including but not limited to, storm water assessments, storm water permit and clearance fees, civil penalties, and any other revenues of the Department shall be deposited in the Storm Water Utility Fund.

(D) *Expenditures.* All expenditures of the Department of Storm Water Management shall be paid from the Storm Water Utility Fund. The Department of Storm Water Management is hereby directed to prepare, file, and submit an annual budget to the Town Council at the same time and in the same manner as is required by other town departments.

(E) *Appropriations.* All monies to be expended by the Department of Storm Water Management shall be subject to appropriation by the Town Council.

(F) *Separate fund.* Any and all monies remaining in the Town Storm Water Utility Fund at the end of the calendar year shall not revert to the General Fund or any other fund of the town, but shall remain in said fund for the purposes of the Department of Storm Water Management.

(Ord. 10-19-06(B), passed 10-19-06)

***Cross-reference:***

*Storm water, see Ch. 53*

**§ 35.41 MAJOR MOVES CONSTRUCTION FUND.**

(A) *Fund establishment.* There is hereby established a separate and distinct fund for the town which shall be known as the Major Moves Construction Fund.

(B) *Fiscal administration.* The Town Clerk/Treasurer is hereby appointed as the fiscal agent for and authorized to administer the Major Moves Construction Fund.

(C) *Receipts.* All receipts of the Major Moves Construction Fund, including but not limited to, any distribution received pursuant to I.C. 8-14-16-3 shall be receipted to the Major Moves Construction Fund.

(D) *Expenditures.* All expenditures of the Major Moves Construction Fund shall be for permissible use as described in I.C. 8-14-16-5.

(E) *Appropriations.* All monies to be expended by the Major Moves Construction Fund shall be subject to appropriation by the Town Council.

(F) *Separate Fund.* Any and all monies remaining in the Major Moves Construction Fund at the end of the calendar year shall not revert to the General Fund or any other fund of the town, but shall remain in said fund for use for those permitted under I.C. 8-14-16-5.

(Ord. 11-16-06(A), passed 11-16-06)

**§ 35.42 MS4 FUND.**

(A) The town hereby establishes a fund to be known as the Town MS4 (Storm Water) Fund within the general funds of the town and hereby directs the Town Clerk/Treasurer to utilize said funds for the deposit of revenues received, including accrued interest, for MS4 (storm water) compliance purposes.



(B) The funds deposited in said account shall be utilized only as approved by the Town Council and as provided by law.

(Ord. 10-18-07, passed 10-18-07)

***Cross-reference:***

*Storm water, see Ch. 53*

**§ 35.43 SOUTH STATE ROAD 15 FUND AND NORTH STATE ROAD 15 FUND.**

(A) *Fund establishment.* There are hereby established two separate and distinct funds for the Town of Bristol, the first to be known as the South State Road 15 Fund and a second, separate and distinct fund for the Town of Bristol to be known as the North State Road 15 Fund.

(B) *Fiscal administration.* The Town Treasurer is hereby appointed as the fiscal agent for and authorized to administer both the North State Road 15 Fund and the South State Road 15 Fund.

(C) *Receipt.* All receipts from TIF District distribution for taxes generated in the area known as the South State Road 15 Allocation Area/TIF District shall be receipted and deposited into the South State Road 15 Fund. All receipts from TIF District distribution for taxes generated in the area known as the North State Road 15 Allocation Area/TIF District shall be receipted and deposited into the North State Road 15 Fund.

(D) *Expenditures.* All expenditures of funds from either the North State Road 15 Fund or the South State Road 15 Fund shall be as permitted by statute and the resolution fo the Bristol Redevelopment Commission subject to final appropriation by the Town Council.

(E) *Separate fund.* Any and all monies remaining in either of the above-described Funds at the end of any calendar year shall not revert to the general fund or any other fund of the Town of Bristol but shall remain in said Funds for use for those purposes permitted under Indiana law.

(Ord. 3-19-09(A), passed 3-19-09)

***PURCHASING***

**§ 35.50 PURCHASING AGENCY.**

The Town Council determines that it is and shall be the purchasing agency for the town. The Purchasing Agency for the town shall have all powers and duties authorized under I.C. 5-22 *et seq.*, as amended, and this section shall not be construed in any manner that would limit the power.

(Ord. 1-14-99, passed 1-14-99)

**§ 35.51 PURCHASING AGENTS.**

(A) The Purchasing Agents for the town shall have all of the powers and duties authorized under I.C. 5-22 *et seq.*, as amended, subject to the dollar limits herein. The Purchasing Agency may also designate in writing additional Purchasing Agents as it determines to be necessary and appropriate from time to time. The Town Council designates the following representatives of the town to serve as Purchasing Agents for the town, subject to the specified dollar limit authority assigned for each as designated below.

<i>Town of Bristol Representative</i>	<i>Dollar Limit Purchasing Authority</i>
Bristol Clerk-Treasurer	Not to exceed \$2,500
Bristol Town Manager	Not to exceed \$2,500
Department Heads with prior approval of Town Manager	Not to exceed \$500

(B) Purchases in excess of \$2,500 shall only be made by the Clerk-Treasurer or the Town Manager with the prior approval of the Purchasing Agency, and whenever possible without undue inconvenience, purchases for \$500 to \$2,500 should be approved in advance by the Town Council President.

(Ord. 1-14-99, passed 1-14-99)

**§ 35.52 PURCHASE OF SUPPLIES LESS THAN \$25,000.**

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agency and/or the Purchasing Agents may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

(Ord. 1-14-99, passed 1-14-99)

**§ 35.53 PURCHASE OF SERVICES.**

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agents may purchase services for the town in whatever manner they determine to be reasonable and appropriate.

(Ord. 1-14-99, passed 1-14-99)

**§ 35.54 PURCHASES BETWEEN \$25,000 AND \$75,000.**

Subject to the purchasing limitations contained in § 35.51, the Purchasing Agents for the town may make purchases between \$25,000 and \$75,000 in accordance with the procedures established under I.C. 5-22-8 *et seq.*

(Ord. 1-14-99, passed 1-14-99)



## CHAPTER 36: ORDINANCE VIOLATIONS BUREAU

### Section

- 36.01 Bureau established; Violations Clerk
- 36.02 Offenses filed with Bureau; penalties

### **§ 36.01 BUREAU ESTABLISHED; VIOLATIONS CLERK.**

(A) There shall be created an Ordinance Violations Bureau for the town, and the receptionist for the Police Department, subject to the supervision for the collection and handling of money by the Town Clerk/Treasurer shall serve as the Violations Clerk of the Bureau.

(B) The Violations Clerk shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties of not more than \$250 in ordinance violations cases. (Ord. 8-18-11, passed 8-18-11)

### **§ 36.02 OFFENSES FILED WITH BUREAU; PENALTIES.**

(A) The following ordinances of the Town Code shall be subject to admission of violation before the Violations Bureau Clerk where the enforcement authority chooses to file the ordinance violation with the Ordinance Violations Bureau.

(B) The penalties amend all specific or general penalty sections of the Town Code only as they relate to offenses filed with the Ordinance Violations Bureau and only as they relate to the specific ordinances or offenses adopted in division (A) of this section.

(C) The delineation of penalties, maximum or otherwise, as set forth in division (A) of this section relates only to ordinance violations that an enforcement authority chooses to file with the Ordinance Violations Bureau, and which are then subject to admission before the Violations Clerk, and for which an admission is entered by an individual appearing before the Violations Bureau Clerk.

(D) However, the delineation of penalties in division (A) of this section is in no way intended to limit the imposition of any civil penalty available as set forth in any penalty section of the Town Code, if the violation is filed other than in the Ordinance Violations Bureau. In those cases, all other penalties and manner of enforcing ordinances shall remain, and the penalty provisions set forth in this section shall have no effect whatsoever on any penalty section of the Town Code in cases that are not filed in the Ordinance Violations Bureau.

<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
<b>TITLE VII</b>		
<b>Chapter 70: General Provisions</b>		
	<i>General Provisions</i>	
§ 70.02	Required obedience to traffic directions	\$100
§ 70.05	Temporary regulations	\$75
	<i>Traffic Control Devices</i>	
§ 70.22	Obedience to signals	\$100
§ 70.23	Interference with signals	\$100
§ 70.24	Unauthorized signals or markings	\$100
<b>TITLE VII</b>		
<b>Chapter 71: Traffic Regulations</b>		
§ 71.01	Obstructing traffic	\$100
§ 71.02	Reverse or U Turns	\$100
§ 71.03	Backing vehicles	\$100
§ 71.04	Vehicles crossing sidewalks	\$100
<b>TITLE VII</b>		
<b>Chapter 72: Parking Regulations</b>		
	<i>General Regulations</i>	
§ 72.01	Obstructional parking; double parking	\$50
§ 72.02	Manner of parking	\$50
§ 72.03	Limitations on stopping and parking; no signage required	\$50
§ 72.04	Restrictions and prohibitions where signage is erected	\$50
§ 72.05	Parking restricted to allow street cleaning	\$50
§ 72.06	All night parking on street prohibited	\$50
§ 72.07	Parking on parade route prohibited	\$50

<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
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§ 72.08	Parking on off-street facility	\$50
§ 72.10	Parking in parks	\$50
§ 72.11	Display of parked vehicle for sale	\$50
§ 72.11	Removal of parked vehicles	\$50
	<i>Snow Emergencies</i>	
§ 72.25	Announcement of snow emergency	\$75
<b>TITLE VII</b>		
<b>Chapter 73: Snowmobiles</b>		
§ 73.01	Snowmobile restricted; location	\$100
§ 73.02	Mandatory compliance required	\$100
§ 73.03	Maximum speed limits for snowmobiles	\$100
<b>TITLE VII</b>		
<b>Chapter 75: Traffic Schedule</b>		
Ch. 75, Schedule I	Stop intersection	\$100
Ch. 75, Schedule II	Yield signs	\$100
Ch. 75, Schedule III	Speed limits	\$100
Ch. 75, Schedule IV	Load limitations	\$100
Ch. 75, Schedule V	Temporary signs	\$100
Ch. 75, Schedule VI	No passing zones	\$100
Ch. 75, Schedule VII	No through truck zones	\$100
<b>TITLE VII</b>		
<b>Chapter 76: Parking Schedules</b>		
Ch. 76, Schedule I	Specific areas where parking prohibited	\$50
Ch. 76, Schedule II	Parking regulations on Kesco Drive	\$50

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
<b>TITLE VII</b>		
<b>Chapter 77: Golf Cart Ordinance</b>		
§ 77.01	Golf cart definition	\$75

§ 77.02	Operation golf cart	\$75
§ 77.03	Operator	\$75
§ 77.04	Proof of financial responsibility	\$75
§ 77.05	Time of operation	\$75
§ 77.06	Place of operation	\$75
§ 77.07	Occupants	\$75
§ 77.08	Traffic rules	\$75
§ 77.09	Slow moving vehicle sign	\$75
§ 77.10	Speed limit	\$75
§ 77.12	Safety equipment	\$75
§ 77.13	Parking	\$75
<b>TITLE IX</b>		
<b>Chapter 91: Parks and Recreation</b>		
§ 91.05	Parking in parks	\$50
<b>TITLE IX</b>		
<b>Chapter 92: Cemeteries</b>		
§ 92.23	Speed limit in cemetery	\$100
§ 92.24	Conduct requirement	\$100
§ 92.25	Alcohol prohibited in cemetery	\$100
§ 92.26	Firearms restricted	N/A

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
<b>TITLE IX</b>		
<b>Chapter 93: Fire Prevention; Fireworks</b>		
	<i>General Regulations</i>	
§ 93.01	Burning restricted	\$75
§ 93.02	Burning on street and alleys prohibited	\$75
§ 93.03	Extinguishing fires	\$75

	<i>Fireworks Regulations</i>	
§ 93.21	Fireworks display; certificate of insurance	\$100
<b>TITLE IX Chapter 94: Animals</b>		
	<i>General Provisions</i>	
§ 94.06	Quarantine of biting dogs	\$100 First offense \$200 Second and each recurring offense
§ 94.20	Control measures regarding barking, biting and damage	\$100 First offense \$200 Second and each recurring offense
§ 94.21	Abandonment of animals	\$100
§ 94.22	Running at large	\$100 First offense \$200 Second and each recurring offense
§ 94.23	Confinement of certain dogs and other animals	\$100
<b>TITLE IX Chapter 95: Nuisances; Health and Sanitation</b>		
	<i>General Provisions</i>	
§ 95.06	Certain conditions declared a nuisance	\$100
§ 95.08	Nuisance created by others	\$100

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
§ 95.10	Removal of ice and snow	\$50
§ 95.11	Garage, porch, patio and yard sales	\$50
	<i>Litter and Dumping Regulations</i>	
§ 95.25	Throwing litter from vehicle	\$100
§ 95.26	Tracking foreign matter on streets	\$100
§ 95.27	Hauling loose material	\$100
§ 95.28	Sweeping litter into gutters	\$100
§ 95.29	Merchants to keep sidewalks free of litter	\$100
§ 95.30	Posting notices	\$100



§ 95.31	Litter on private property	\$100 plus removal cost
§ 95.32	Dumping of trash prohibited	\$100 plus removal cost
	<i>Weeds and Rank Vegetation</i>	
§ 95.45	Unlawful growth and responsible department	\$50
§ 95.46	Notice to remove	\$50
	<i>Tree Trimming</i>	
§ 95.60	Restricted by sidewalks	\$50
§ 95.61	Obstruction of street lights prohibited	\$50
	<i>Noise</i>	
§ 95.75	Loud and unnecessary noise prohibited	\$100
§ 95.76	Enumeration of certain prohibited acts	\$100
	<i>Parking Restrictions</i>	
§ 95.80	Parking restrictions	\$50

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
<b>TITLE IX</b>		
<b>Chapter 96: Abandoned and Junk Vehicles</b>		
§ 96.03	Abandonment	\$50
§ 96.04	Financial responsibility	\$100
<b>TITLE XI</b>		
<b>Chapter 110: General Licensing and Regulations</b>		
	<i>Licenses</i>	
§ 110.018	Duration and inspections	\$50
	<i>Trades, Businesses and Professional Licensing</i>	
§ 110.045	Licenses required to engage in certain trade, businesses and professions	\$50
§ 110.050	License certificate to be displayed	\$50
	<i>Precious Metal Dealers</i>	

§ 110.066	License application	\$75
§ 110.067	Record keeping	\$75
§ 110.068	Retention period of items	\$75
§ 110.069	Bond	\$75
§ 110.070	Regulations of transaction	\$75
	<i>Outdoor Theaters, Carnivals and Street Fairs</i>	
§ 110.080	Location restrictions	N/A
§ 110.081	License required	N/A
§ 110.083	Transfer of license	N/A
	<i>Parades</i>	
§ 110.101	Permit required	
§ 110.109	Duties of permittee	

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
<b>TITLE XI</b>		
<b>Chapter 111: Peddlers, Itinerant Merchants and Solicitors</b>		
§ 111.02	License requirement; fees	Free
§ 111.08	Service of process	\$50
§ 111.09	Exhibition of licenses and badges	\$50
§ 111.10	Transfer of license	\$50
<b>TITLE XIII</b>		
<b>Chapter 130: General Offenses</b>		
	<i>General Provisions</i>	
§ 130.02	Resisting official action	\$150
	<i>Weapons</i>	
§ 130.21	Shooting of firearms prohibited	\$100 - First offense \$200 - Second offense and each recurring offense
<b>TITLE XV</b>		
<b>Chapter 152: Sign and Billboard Regulations</b>		
§ 152.03	Exemptions	

§ 152.04	Permit procedures	\$50
	<i>Regulations</i>	
§ 152.20	Location	\$75
§ 152.21	Size	\$75
§ 152.22	Height restrictions	\$75
§ 152.23	Specifications	\$75
§ 152.24	Spacing	\$75

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<i>Code Reference</i>	<i>Violation Description</i>	<i>Civil Penalties</i>
§ 152.25	Setback requirements	\$75
§ 152.27	Nonconforming displays	\$75
§ 152.28	Lighting	\$75

(Ord. 8-18-11(a), passed 8-18-11; Am. Ord. 7-19-12, passed 7-19-12; Am. Ord. 1-17-13, passed 1-17-13)

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