

**ORDINANCE NO. 2017-14**

**AN ORDINANCE TO AMEND TITLE VII: TRAFFIC CODE, CHAPTER 72: GENERAL TRAFFIC REGULATIONS AND CHAPTER 73: SPORT BICYCLE EQUIPMENT AND OTHER RECREATIONAL VEHICLES**

**WHEREAS**, the Town of Spencer desires to maintain its streets under its jurisdiction and control and it currently imposes penalties for violations of these ordinances; and,

**WHEREAS**, the Town of Spencer feels that the current penalty for violations of Title VII: Traffic Code is not sufficient to cover the costs for prosecution of said violations; and,

**THEREFORE BE IT ORDAINED**, by the Spencer Town Council that the Title VII: Traffic Code, Chapter 72: General Traffic Regulations; Section 72.37 Traffic Citations, 72.99 Penalty and Chapter 73: Sport Bicycle Equipment and Other Recreational Vehicles, Section 73.99 Penalty be amended to read as follows:

**§ 72.37 TRAFFIC CITATIONS.**

When a police officer halts a violator other than for the purpose of giving a warning, and does not take the person into custody under arrest, may issue to him or her a written ordinance citation containing a notice to answer to the charge against him or her in the appropriate authority by a specific time. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation shall forward it in a timely manner through the appropriate channels. Provided that the alleged violator pays to the Spencer Clerk-Treasurer the sum of \$75.00 or speaks with the Chief Marshal in person and he or she elects to recall the citation, within 7 days of the alleged violation, the alleged violation shall be dismissed. However, after compliance with the 7-day deadline, the alleged violator may within 30 days of the citations issuance date appeal in writing to the Town Council to reverse their unfavorable decision. A reversal of any Town Ordinance citation takes a unanimous vote from the Board. All Board decisions are final. (Prior Code, Ch. 16, Art. XX, § 3)(Am. Ord. 2017-14, passed 10-2-2017)

**§ 72.99 PENALTY**

Unless otherwise specified, any person who violates any section in this chapter shall be subject to a fine of \$ 75.00. Each day that the violation exists shall be considered a separate and distinct offense. Alleged violators of ordinances in this Town Code of Spencer may pay the Spencer Clerk-Treasurer, within 7 days of the alleged violation, the sum required by the citation issued. If the fine is not paid in 7 days, charges shall be filed in the court of competent jurisdiction. Any person who violates any provisions of this chapter shall become liable to the Town for any expense, loss, damage, by reason of the violation including reasonable attorney fees incurred by the Town for collection of the account.

(Ord. 2013-5, passed 5-6-2013) (Am. Ord. 2017-14, passed 10-2-2017)

**§ 73.99 PENALTY.**

Any person who violates any section in this chapter shall be subject to impoundment and a fine of \$75.00. Alleged violators of ordinances in the Town Code of Spencer may pay the Spencer Clerk-Treasurer, within 7 days of the alleged violation, the sum required by the citation issued. If the fine is not paid in 7 days, charges shall be filed in the court having jurisdiction over the alleged violation. Any person who violates any provisions of this chapter shall become liable to the town

for any expense, loss or damage by reason of the violation including reasonable attorney fees incurred by the town for collection of the account.  
(Prior Code, Ch. 18, Art. VIII) (Am. Ord. 2017-14, passed 10-2-2017)

### **SEVERABILITY**

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

### **EFFECTS OF ADOPTION ON PRIOR ORDINANCE**

This ordinance supersedes all other ordinances or parts of ordinances which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

### **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the date on which the Town of Spencer has adopted and published this ordinance once each week for two consecutive weeks.

Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 2<sup>nd</sup> day of October, 2017.

### **SPENCER TOWN BOARD:**

/S/ JON STANTZ  
Jon Stantz, President

/S/ DEAN BRUCE  
Dean Bruce, Board Member

/S/ MICHAEL SPINKS  
Michael Spinks, Board Member

Attest: /S/ CHERYL MOKE  
Cheryl Moke, Town Clerk/Treasurer

**ORDINANCE NO. 2017-13**

**AN ORDINANCE TO AMEND TITLE IX: GENERAL REGULATIONS, CHAPTER 93:  
NUISANCES, SECTION §93.23 WEEDS AND RANK VEGETATION**

**WHEREAS**, Indiana Code 36-7-10 *et seq.* allows a legislative body of a municipality to adopt an ordinance requiring the owners of real property located within the municipality to cut and remove weeds and other rank vegetation growing on the property; and

**WHEREAS**, Town of Spencer has determined that weeds and rank vegetation when allowed to grow uncontrolled is unsightly, detrimental to neighboring property values, and hazardous to the health and welfare of the citizens of the Town of Spencer; and,

**WHEREAS**, the Town of Spencer wishes to amend its current ordinance to further define weeds and rank vegetation and amend its current procedures for issuance of a citation and enforcement thereof.

**THEREFORE BE IT ORDAINED**, by the Spencer Town Council that the Title IX: General Regulations, Chapter 93: Nuisances, Section §93.23 Weeds and Rank Vegetation be amended to read as follows:

**§ 93.23 WEEDS AND RANK VEGETATION.**

- (A) Weeds and Rank Vegetation shall be defined as any vegetable matter which exceeds the height of six (6) inches; provided however that such definitions do not include:
1. Trees, bushes or shrubs which have been planted or cultivated by the landowner and which do not block sidewalks, streets, alleys, or otherwise encroach upon or impair the normal use and enjoyment of the property or adjoining property;
  2. Agricultural crops, such as hay and pasture; or
  3. Vegetable matter cultivated in plant beds or gardens.
- (B) Landowners within the town are responsible for cutting and removing weeds and rank vegetation. If the landowner fails to keep his or her property mowed, and rank vegetation removed, then the Spencer Town Police may issue a written notice or citation to the landowner giving him or her a specified amount of time to correct the violation. The notice shall be served by a member of the Spencer Police Department upon the landowner. If the landowner is not the person residing upon the premises, then the notice must also be mailed by certified mail to the last known address of the landowner. A person wishing to appeal a written notice or citation for violation must do so in writing within 10 days of the date on the written notice or citation. A appeal shall be filed with the Spencer Town Clerk-Treasurer and will be heard by the Spencer Town Board at its next regular meeting.
- (C) If the landowner fails to correct the violation within the time prescribed, the Spencer Town Police shall immediately notify the Spencer Town Board. The Spencer Town Board will notify the Superintendent of Streets, if they deem necessary, to correct the violation.

- (D) If the Superintendent of Streets is required to perform any action to correct the violation, he must provide the Clerk-Treasurer with a certified statement of the amount of actual costs incurred by the town in the removal. The Clerk-Treasurer shall have the Town Marshal deliver the statement to the landowner, or send by certified mail, and the landowner shall have not more than 10 days within which to pay the amount to the Clerk-Treasurer.
- (E) If the landowner fails to pay the costs within the time prescribed, a certified copy of the statement of costs shall be filed with the Owen County Auditor who shall place the amount of the claim on the tax duplicate against the lands of the landowner, and the amount shall be collected as taxes are collected and when collected shall be deposited in the general fund of the town.

(Prior Code, Ch. 22, Art. IV, § 4) (Amended Ord. 2017-13, passed 10/2/2017) Penalty, see § 93.99

### **SEVERABILITY**

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

### **EFFECTS OF ADOPTION ON PRIOR ORDINANCE**

This ordinance supersedes all other ordinances or parts of ordinances which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

### **EFFECTIVE DATE**

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Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 2<sup>nd</sup> day of October, 2017.

**SPENCER TOWN BOARD:**

/S/ JON STANTZ  
Jon Stantz, President

/S/ DEAN BRUCE  
Dean Bruce, Board Member

/S/ MICHAEL SPINKS  
Michael Spinks, Board Member

Attest: /S/ CHERYL MOKE  
Cheryl Moke, Town Clerk/Treasurer

**ORDINANCE NO. 2017-12**

**An Ordinance to Amend Title VII: Traffic Code, Chapter 77: Parking Schedules**

**WHEREAS**, the Town of Spencer desires to maintain its streets under its jurisdiction and control safe and secure from dangerous or congested traffic patterns, and

**WHEREAS**, certain areas of traffic in the Town of Spencer are the focus of substantial and sustained traffic associated with the common usage of, and

**WHEREAS**, the Town seeks to enforce traffic control on said streets.

**NOW THEREFORE**, be it Ordained by the Spencer Town Board that Title VII: Traffic Code, Chapter 77: Parking Schedules be amended to read as follows:

**“SCHEDULE II: NO PARKING ZONES.**

(A) *Tree plot.* An area defined as the tree plot running approximately 450 feet on the north side of Jefferson Street adjacent to Riverside Cemetery is hereby declared a no parking zone.  
(Ord. 2006-1, passed 5-1-2006)

(B) *No parking.* It is prohibited to park on South East Street from Franklin Street to Jefferson Street, and further resolves that the area will be appropriately marked with signs designating this side of the street as a “No Parking” zone.  
(Ord. 2001-01, passed 4-2-2001)

(C) *Table.*

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street</i>	<i>Time of Restrict</i>
Crane Street	Franklin Street	State Hwy 46	East and West	Any time
Crane Street	State Hwy 46	Indiana Avenue	East and West	Any time
East Street	300 feet south of Cooper Street	Franklin Street	East	Any time
East Street	Lovers Lane	150 feet south of Garden Park	East	8:00 a.m. to 9:00 a.m. 3:00 p.m. to 4:00 p.m. on school days
East Street	150 feet north of Lovers Lane	Garden Park	East	8:00 a.m. to 9:00 a.m. 3:00 p.m. to 4:00 p.m. on school days
Franklin Street	Main Street	Montgomery Street	North	Any time

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street</i>	<i>Time of Restrict</i>
Garden Drive	Garden Park	N Park Avenue	West and North	Any time
Harrison Street	Market Street	Franklin Street	East	Any time
Harrison Street	Morgan Street	200 feet south of	West	Any time
High Street	Market Street	Franklin Street	East	Any time
Hillside Avenue	East Street	Washington Street	North	8:00 a.m. to 9:00 a.m. 3:00 p.m. to 4:00 p.m. on school days
Hillside Avenue	N East Street	N Park Avenue	North	Any time
Hillside Avenue	N Park Avenue	N Fletcher Avenue	North	Any time
Jefferson Street	Montgomery	30 feet east of Montgomery Street	South	Any time
Main Street	Morgan Street	Hillside Avenue	West	Any time
Market Street	Height Street	West Street	North	Any time
Montgomery Street	Market Street	Morgan Street	West	Any time
Morgan Street	Fairview Avenue	Short Street	North	Any time
Morgan Street	Fairview Avenue	Short Street	South	Any time
North Street	Main Street	Fletcher Avenue	North	Any time
Washington Street	Hillside Avenue	100 feet north of Tanner Avenue	East	8:00 a.m. to 4:00 p.m. on school days

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street</i>	<i>Time of Restrict</i>
Washington Street	100 feet north of Tanner Avenue	850 feet north of Tanner Avenue	East	Any time
West Street	Cooper Street	Hillside Avenue	West	Any time
Wolf Street	Morgan Street	North Street	West	Any time

(Prior Code, Ch. 17, Art. VII) (Attachment 2) (Am. Ord. 2008-3, passed 10/20/2008, Am. Ord. 2017-12, passed 10/2/2017)

### **SEVERABILITY**

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

### **EFFECTS OF ADOPTION ON PRIOR ORDINANCE**

This ordinance supersedes all other ordinances or parts of ordinances which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

### **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the date on which the Town of Spencer has adopted and published this ordinance once each week for two consecutive weeks.

Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 2<sup>nd</sup> day of October, 2017.

**SPENCER TOWN BOARD:**

/S/ JON STANTZ  
Jon Stantz, President

/S/ DEAN BRUCE  
Dean Bruce, Board Member

/S/ MICHAEL SPINKS  
Michael Spinks, Board Member

Attest: /S/ CHERYL MOKE  
Cheryl Moke, Town Clerk/Treasurer

**ORDINANCE NO. 2017-11**

**AN ORDINANCE TO ADD A NEW SECTION TO TITLE IX: GENERAL REGULATIONS TITLED DISCHARGE OF PROJECTILES/WEAPONS**

**WHEREAS**, the Indiana General Assembly has authorized government municipalities to exercise legislative and police power to conserve or promote the health, safety, or welfare of the is unit; and,

**WHEREAS**, Town of Spencer has determined that in order to protect the public safety of its citizens it is necessary to enact ordinances to regulate the indiscriminate shooting of firearms or other instruments that are capable of propelling projectiles of any sort within the corporate boundaries of the Town of Spencer.

**NOW THEREFORE BE IT ORDAINED**, by the Spencer Town Council that a new chapter shall be added to Title IX: General Regulations titled 98: Discharge of Projectiles/Weapons and shall read as follows:

**TITLE IX: GENERAL REGULATIONS**

Chapter

**90. ANIMALS**

**91. ABANDONED VEHICLES**

**92. STREETS AND SIDEWALKS**

**93. NUISANCES**

**94. GENERAL FIRE REGULATIONS**

**95. TREE PLOTS**

**96. PARKS AND RECREATION**

**97. FAIR HOUSING**

**98. DISCHARGE OF PROJECTILES/WEAPONS**

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## **§98.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***AMMUNITION.*** Any material intended as a projectile including, but not limited to, bullets, pellets, BBs, arrows, shotgun shot, salt, stones or other missiles.

***DISCHARGE.*** The propulsion of any ammunition by any weapon.

***PROJECTILE.*** A body projected by external force and continuing in motion by its own inertia; a self-propelling weapon

***WEAPON.*** A firearm, bow, slingshot, sling, air rifle or other similar device from which a projectile is shot or otherwise commonly propelled of a speed sufficient to penetrate the skin of a person or animal.

(Ord. 2017-11, passed 10-2-2017)

## **§98.02 USE OF WEAPONS/PROJECTILES PROHIBITED.**

(A) No person shall discharge a weapon or projectile of any kind within the boundaries of the Town of Spencer except:

1. Law enforcement or members of the armed forces discharging a weapon or projectile in the proper performance of their duties,
2. Military personnel conducting military commemorative exercises at a funeral/cemetery provided that proper notification has been made, in writing, to the Spencer Town Board advising it of the date, time, and place of such activity. In no event shall live ammunition be used in the discharge of weapons,
3. By a person in the defense of one's life or property,
4. In a shooting range or area of similar nature established according to all applicable zoning regulations and permitting requirements established by this section.

(Ord. 2017-11, passed 10-2-2017)

## **§98.03 PERMIT TO DISCHARGE WEAPONS/PROJECTILES**

(A) Permission to discharge weapons/projectiles may be granted under certain circumstances by the Spencer Town Board. An applicant must provide to the Spencer Town Board, in writing, the following for consideration:

1. Name, address, and contact information for a person/organization wishing to discharge a weapon/projectile within the Town Limits
2. Location of the area where the weapon/projectile will be discharged.

3. A detailed description of the activities to be performed, including type of weapon(s)/projectiles to be used.
4. Evidence of liability insurance, if applicable.

(Ord. 2017-11, passed 10-2-2017)

**§98.99 PENALTY.**

- (A) Any person who violates any provision in this chapter shall be issued a citation by a Spencer Town Marshal.
- (B) Fine. The fine for such a citation shall be the sum of \$75.00 and the confiscation of the weapon or projectile.
- (C) Confiscation of Weapon/Projectile. The weapon or projectile will be logged and stored with the Spencer Town Marshal for a period not to exceed one (1) year. The weapon/projectile will be returned to the violator upon the payment of the fine referenced in (B) above. If the violator is under the age of eighteen (18), then the weapon or projectile will be only be released to the parent or guardian of the violator. Any items remaining with the Spencer Town Marshal after one (1) year will be considered abandoned property and will be disposed of pursuant to law.
- (D) Appeal of Violation. Any person wishing to appeal a violation of this chapter may do so in writing to the Spencer Town Board within ten (10) days of date of the citation. The Spencer Town Board will hear the appeal at its next regularly scheduled Town Board meeting. The appellant will be notified in writing by the Town Clerk Treasurer of the date and time at which the appeal will be heard.
- (E) Payment. The fine referenced in (B) above must be paid within thirty (30) days of the issuance of the citation. The failure to pay within the time frame specified may result in additional penalties and charges and civil remedies shall be sought in the court having jurisdiction. Additional penalties to include reasonable attorney fees and court costs incurred by the town for collection of the account.

(Ord. 2017-11, passed 10-2-2017)

**SEVERABILITY**

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**EFFECTS OF ADOPTION ON PRIOR ORDINANCE**

This ordinance supersedes all other ordinances or parts of ordinances which are in conflict with its provisions, and any such ordinance is hereby repealed.

The expressed or implied repeal of amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this ordinance. These rights, liabilities, and other proceedings all continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

**EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the date on which the Town of Spencer has adopted and published this ordinance once each week for two consecutive weeks.

Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 2<sup>nd</sup> day of October, 2017.

**SPENCER TOWN BOARD:**

/S/ JON STANTZ  
Jon Stantz, President

/S/ DEAN BRUCE  
Dean Bruce, Board Member

/S/ MICHAEL SPINKS  
Michael Spinks, Board Member

Attest: /S/ CHERYL MOKE  
Cheryl Moke, Town Clerk/Treasurer

**ORDINANCE NO. 2017-10**

**An Ordinance to Amend Title VII: Traffic Code, Chapter 76: Traffic Code, Schedule IV: Stop Intersections and Schedule VI: Yield Intersections**

**WHEREAS**, the Town of Spencer desires to maintain its streets under its jurisdiction and control safe and secure from dangerous or congested traffic patterns, and

**WHEREAS**, certain areas of traffic in the Town of Spencer are the focus of substantial and sustained traffic associated with the common usage of, and

**WHEREAS**, the Town seeks to enforce traffic control on said streets.

**NOW THEREFORE**, be it Ordained by the Spencer Town Board that Title VII: Traffic Code, Chapter 76: Traffic Schedules, Schedule IV: Stop Intersections and Schedule VI: Yield Intersections be amended to read as follows:

**“SCHEDULE VI: YIELD INTERSECTIONS.**

(A) *Designated.* The intersections described in Schedule VI hereto and made a part thereof are designated as yield intersections.

(B) *Vehicle operation at yield sign.* The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the street on which he or she is driving and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. The driver having so yielded may then proceed into the intersection; provided, however, that if the driver is involved in a collision with a pedestrian in a cross-walk or a vehicle in the intersection after driving past a yield sign, the collision shall be deemed to be prima facie evidence of his or her failure to yield the right-of-way.

<i>Traffic On</i>	<i>Shall Yield To Traffic On</i>
Central Avenue	Franklin Street
Fairview Avenue	Franklin Street
Fletcher Avenue	Franklin Street
Garden Park	Circle
Indiana Avenue	Middle Street
Indiana Avenue	Lincoln Street
Indiana Avenue	Wolf Street
Indiana Avenue	Beem Street
Main Street	Hillside Avenue
Park Avenue	Hillside Avenue

<i>Traffic On</i>	<i>Shall Yield To Traffic On</i>
Park Avenue	Circle
Park Avenue	Jefferson Street
Vandalia Avenue	Franklin Street
Vandalia Avenue (Southbound)	Lincoln Street
Washington Street (Southbound)	Main Street

(Prior Code, Ch. 16, Art. X) (Ch. 16, Attachment 6) (Am. Ord. 2009-1, passed 1-5-2009) (Am. Ord. 2009-19, passed 9-21-2009; Am. Ord. 2017-10, passed 10/2/2017)

**SCHEDULE IV: STOP INTERSECTIONS.**

(A) *Designated.* The intersections described in Schedule IV hereto and made a part hereof are designated as stop intersections.

(B) *Vehicle operation at stop sign.* When stop signs are erected at the entrance to the intersections, the operator of a vehicle approaching any of the streets where a stop sign has been erected shall bring the vehicle to a full and complete stop before entering the intersection, except when directed by a police officer to do otherwise.

<i>Traffic On</i>	<i>Shall Stop For Traffic On</i>
Beem Street	Hillside Avenue
Beem Street	Morgan Street
Central Avenue	Morgan Street
Central Avenue	Hillside Avenue
Clay Street	East Street
Clay Street	Harrison Street
Clay Street	Washington Street
Clay Street	West Street
Clay Street	Montgomery Street
Clay Street	Main Street
Cooper Street	Washington Street
Cooper Street	East Street
Cooper Street	Main Street
Crane Avenue	Indiana Avenue
Crane Avenue	Morgan Street

<i>Traffic On</i>	<i>Shall Stop For Traffic On</i>
Delaware Street	New Jersey Street
East Street	Franklin Street
East Street	Morgan Street
Fairview Avenue	Indiana Avenue
Fairview Avenue	Morgan Street
Fifth Avenue	U.S. 231-S.R.67
Fletcher Avenue	Franklin Street
Fletcher Avenue	Morgan Street
Franklin Street	Washington Street
Franklin Street	U. S. 231 S. R. 67
Franklin Street	Main Street
Garden Drive	Fletcher Avenue
Garden Drive	East Street
Garden Park	Fletcher Avenue
Harrison Street	Morgan Street
Harrison Street	Franklin Street
Harrison Street	Cooper Street
Harrison Street	Hillside Avenue
Hart Avenue	Maple Drive
High Street	Franklin Street
High Street	Market Street
Hillside Avenue	Fletcher Avenue
Hillside Avenue (Westbound)	S.R. 46
Indiana Avenue	Wolf Street
Indiana avenue	Central Avenue
Indiana Avenue	Fletcher Avenue
Indiana Avenue	West Street
Indiana Avenue	Vandalia Avenue

<i>Traffic On</i>	<i>Shall Stop For Traffic On</i>
James Street	Fletcher Avenue
James Street	Laymon Avenue
Jefferson Street	Main Street
Jefferson Street	Washington Street
Laymon Avenue	Garden Drive
Lee Drive	Hillside Avenue
Lincoln Street	Hillside Avenue
Lovers Lane	Fletcher Avenue
Lovers Lane	East Street
Maple Drive	Crane Avenue
Market Street	Harrison Street
Market Street	Main Street
Market Street	East Street
Market Street	Washington Street
Market Street	Park Avenue
Meadow Drive	Hillside Avenue
Michigan Street	Fifth Avenue
Michigan Street	Wisconsin Street
Middle Street	Morgan Street
Middle Street	Hillside Avenue
Montgomery Street	Franklin Street
Montgomery Street	Wayne Street
Montgomery Street	Market Street
Montgomery Street	Morgan Street
Montgomery Street	Cooper Street
Montgomery Street	Hillside Avenue
New Jersey Street	Fifth Avenue
North Street	Crane Avenue

<i>Traffic On</i>	<i>Shall Stop For Traffic On</i>
North Street	Wolf Street
North Street	Harrison Street
North Street	Fletcher Avenue
North Street	Washington Street
North Street	West Street
North Street	Beem Street
North Street	East Street
North Street	Main Street
North Street	Middle Street
North Street	Montgomery Street
North Street	Park Avenue
North Street	Central Avenue
North Street	Fairview
Park Avenue	Garden Drive
Park Avenue	Morgan Street
Park Avenue	Franklin Street
Park Avenue	Lovers Lane
Rescinded	Rescinded
Short Street	Morgan Street
Short Street	Jefferson Street
Short Street	North Street
Short Street	Market Street
Short Street	Walnut Street
Short Street	Franklin Street
South Washington Street	Cooper Street
Spence Street	Franklin Street
Spence Street	Morgan Street
Sycamore Street	Jefferson Street

<i>Traffic On</i>	<i>Shall Stop For Traffic On</i>
Sycamore Street	Market Street
Sycamore Street	Franklin Street
Tanner Avenue	Washington Street
Vandalia Avenue	Morgan Street
Vandalia Avenue	Hillside Avenue
Walnut Street	High Street
Walnut Street	Sycamore Street
Washington Street	Morgan Street
Wayne Street	East Street
Wayne Street	Harrison Street
Wayne Street	Main Street
West Street	Wayne Street
West Street	Morgan Street
West Street	Jefferson Street
West Street	Market Street
Wisconsin Street	Delaware Street
Wolf Street	Franklin Street
Wolf Street	Hillside Avenue
Wolf Street	Morgan Street

(Prior Code, Ch. 16, Art. VIII) (Ch. 16, Attachment 4) (Am. Ord. 2009-1, passed 1-5-2009 Am. Ord. 2009-19, passed 9-21-2009, Am. Ord. 2017-10, passed 10-2-2017)

## **SEVERABILITY**

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

## **EFFECTS OF ADOPTION ON PRIOR ORDINANCE**

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## **EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after the date on which the Town of Spencer has adopted and published this ordinance once each week for two consecutive weeks.

Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 2<sup>nd</sup> day of October, 2017.

### **SPENCER TOWN BOARD:**

/S/ JON STANTZ  
Jon Stantz, President

/S/ DEAN BRUCE  
Dean Bruce, Board Member

/S/ MICHAEL SPINKS  
Michael Spinks, Board Member

Attest: /S/ CHERYL MOKE  
Cheryl Moke, Town Clerk/Treasurer

**ORDINANCE NUMBER 2017-07  
OF THE TOWN OF SPENCER**

**AN ORDINANCE RE-ESTABLISHING  
THE CUMULATIVE CAPITAL DEVELOPMENT FUND**

**WHEREAS**, Indiana Code § 36-9-15.5 allows municipalities to establish and continue a Cumulative Capital Development Fund, and;

**WHEREAS**, The Town of Spencer, Owen County, Indiana did establish and continues to maintain a Cumulative Capital Development Fund and has re-established the fund periodically to continue its use and;

**WHEREAS**, The Town of Spencer, Owen County, Indiana finds that the continuation of its Cumulative Capital Development Fund is necessary and prudent for the financial well-being of the community.

**NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF SPENCER, OWEN COUNTY, INDIANA:**

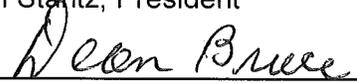
Section 1. That a need now exists for the re-establishment of The Town of Spencer Cumulative Capital Development Fund for all uses as set out in Indiana Code § 36-9-15.5.

Section 2. That The Town of Spencer will adhere to the provisions of Indiana Code § 6-1.1-41 and shall annually adopt a property tax levy under the rules specified therein or any succeeding statutes. The maximum rate of levy for the re-established fund will not exceed \$0.05 on each One hundred Dollars (\$100) of assessed valuation. Said tax rate will be levied beginning with taxes for 2017 payable 2018 and thereafter continuing until reduced or rescinded.

Section 3. That proofs of publication of the public hearing held on the 19th day of June, 2017 and a certified copy of this Ordinance be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Capital Development Fund is subject to approval of the Department of local Government Finance.

**DULY ORDAINED** by the Town Council of the Town of Spencer, Owen County, State of Indiana this 19<sup>th</sup> day June, 2017

  
\_\_\_\_\_  
Jon Stantz, President

  
\_\_\_\_\_  
Dean Bruce

  
\_\_\_\_\_  
Cynthia Hyde MICHAEL SPINKS

Attest:   
\_\_\_\_\_  
Cheryl Moke, Clerk-Treasurer

**THE STATE OF INDIANA PUBLIC EMPLOYEE  
DEFERRED COMPENSATION PLAN**

**RESOLUTION AND  
ADOPTION AGREEMENT**

*No. 2017-08*

*Town of Spencer*  
[Participating Employer]

ADMINISTRATOR

Auditor of the State of Indiana  
240 State House  
Indianapolis, Indiana 46204

## RESOLUTION

WHEREAS, the Town of Spencer of Spencer, Indiana, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the State of Indiana Public Employee Deferred Compensation Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Spencer Town Council ("Governing Body") is authorized by law, IC 5-10-1.1-7, to adopt this resolution approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Governing Body of the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

Section 2. The Participating Employer acknowledges that the Deferred Compensation Committee ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

Section 3. The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this resolution. The Adoption Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan.

Section 4.

- (a) (a) The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- (b) (b) The Participating Employer accepts the administrative services to be provided by the Administrator of the Plan and any services provided by a Service Manager as delegated by the Administrator or Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees will be charged to the Participants' accounts, and not to the Participating Employer.

Section 5.

(a) The Participating Employer may terminate its participation in the Plan, if it takes the following actions:

- (i) (i) A resolution must be adopted terminating its participation in the Plan.
- (ii) (ii) The resolution must specify when the participation in the Plan shall end.

The Trustees shall determine whether the resolution complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

(b) The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

Section 6. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

Section 7. This resolution and the Adoption Agreement shall be submitted to the Trustees for their approval. The Trustees shall determine whether the resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this resolution and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the Governing Body on JUNE 5, 2017, in accordance with applicable law.

Jon P. Stantz 6-5-17 By:  
Signature

Jon Stantz, Town Council Pres.

Name and Title

Attest: Cheryl Moke

Date: 6/5/2017

[Governing Body should assure that applicable law is followed in the adoption and execution of this resolution.]

THE STATE OF INDIANA PUBLIC EMPLOYEE  
DEFERRED COMPENSATION PLAN  
ADOPTION AGREEMENT

ADMINISTRATOR

Auditor of the State of Indiana  
240 State House  
Indianapolis, Indiana 46204  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

PARTICIPATING EMPLOYER

Name: Town of Spencer

GOVERNING BODY

Name: SPENCER TOWN COUNCIL  
Address: 90 N. WEST STREET  
Phone: 812-829-3213  
Facsimile: 812-829-1567  
E-mail: Cheryl.moke@spencer.in.gov  
Person Authorized to receive Official Notices from  
the Plan or Administrator and to access account and  
Plan information: CHERYL MOKÉ, CLERK-TREASURER

DISCLOSURE OF OTHER 457(b) PLANS

The Participating Employer  does or  does not have an existing deferred compensation plan(s). If the Participating Employer does have one or more deferred compensation plans, the Governing Body must provide the plan name and the name of the provider below, and other such relevant information requested by the Administrator. If the Participating Employer establishes another deferred compensation plan in the future, it must promptly provide the information below regarding the new plan to the Administrator.

Plan Name(s) \_\_\_\_\_

\_\_\_\_\_

Provider(s) \_\_\_\_\_

\_\_\_\_\_

**VERY IMPORTANT: All eligible plans of a Participating Employer are considered to be a single plan for purposes of compliance with Code Section 457(b). Thus, if a Participating Employer has more than one eligible plan (or additional investment options under a 457(b) arrangement with more than one vendor), the Participating Employer is responsible for ensuring that all of its arrangements, treated as a single plan, comply with the 457(b) requirements, including, but not limited to, the requirements listed below. The Participating Employer must carefully review the Master Plan provisions listed below to fulfill its responsibility for monitoring coordination of multiple plans.**

- **Compliance with the limit on Annual Deferrals to an eligible plan (including the basic limit (Section 4.01), the age 50 catch-up (Section 4.02), and the special 457 catch-up limit (Section 4.03)) (carefully review Article IV of the Master Plan for these rules).**
- **Compliance with the requirements for special 457 catch-up deferrals limits, including the requirement that a Participant have only one Normal Retirement Age (with respect to the special 457 catch-up limit) under all eligible plans offered by an Employer (carefully review Sections 1.13 and 4.03 of the Master Plan for these rules). (In essence, this means that once a Participant has selected a Normal Retirement Age under any eligible plan offered by an employer, he or she may not select a different one, and the selection will remain that Participant's Normal Retirement Age under all eligible plans offered by the Employer).**
- **Compliance with the requirement to distribute excess deferrals (an excess deferral means the amount of deferrals for a calendar year that is more than the basic limit, the age 50 catch-up limit, and the special 457 catch-up limit) (carefully review Section 4.07 of the Master Plan for these rules). (This means that the Participating Employer will have to tell the Administrator if excess deferrals need to be distributed from this Plan.)**
- **If the Participating Employer has directed a plan-to-plan transfer, then the Participating Employer is responsible for compliance with the plan-to-plan transfer provisions (carefully review Article XIII of the Master Plan for these rules).**

**Section I. Types of Contributions Allowed.** A Participating Employer may permit eligible employees to defer a portion of their compensation to the Plan. A Participating Employer may, but is not required to, allow eligible employees to designate that their elective deferrals to the Plan are to be made as Roth contributions. Roth contributions are deducted from an employee's paycheck on an after-tax basis; therefore, an employer's payroll system must be able to accommodate this deduction type. Eligible employees are not allowed to split contributions with respect to a pay period between pre-tax deferrals and Roth contributions.

A Participating Employer is permitted, but is not required, to make contributions to the Plan on behalf of Participating Employees. Employer contributions shall be processed as payroll deferrals, shall apply toward the maximum deferral limits in the taxable year that they are made and must comply with any procedure established by the Administrator, including the submission of data and funds electronically.

- Employee Contributions (check one of the following):
  - Pre-Tax Contributions, but not Roth Contributions
  - Pre-Tax Contributions or Roth Contributions
  
- Employer Contributions (if checked, please complete the AMOUNT OF EMPLOYER CONTRIBUTIONS section below).

**Section II. Eligibility Requirements.** Only Employees as defined in the Plan may be covered by the Adoption Agreement. Subject to other conditions in the Plan and this Adoption Agreement, the following Employees are eligible to participate in the Plan:

**A. Employee Contributions**

- All Employees.
- All Employees with following exclusions:
  - Employees who are not covered by the Employer's regular retirement plan
  - Elected or appointed officials
  - Other (must specify) Part-time seasonal employees  
are not eligible to participate

The Employer wishes to allow its independent contractors to participate in this Plan:

- Yes
- No

Employers electing this option must ensure that proper procedures are in place to make deferrals for independent contractors.

**B. Employer Contributions (complete only if applicable)**

- All Employees.
- All Employees with following exclusions:
- Employees who are not covered by the Employer's regular retirement plan
  - Elected or appointed officials
  - Other (must specify) \_\_\_\_\_
- 

The Employer shall provide the Trustees with the name, address, Social Security Number, and date of birth for each Employee.

**Section III. Payroll Period.** The payroll period of the Participating Employer is:

- Weekly       Semi-Monthly  
 Bi-Weekly     Monthly  
 Other (must specify): \_\_\_\_\_

Deferrals for an Eligible Employee with respect to a payroll period in a calendar month shall only be made if the Eligible Employee has entered into a Participation Agreement before the beginning of such month.

**Section IV. Amount of Employer Contributions (complete only if applicable). Do not include any contributions that will be made to the State of Indiana Deferred Compensation Matching Plan.**

- Employer contributions will be made to this Plan on behalf of all Employees who choose to participate in the Plan according to the following formula: (must specify contribution calculation):

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**Section V. Modification of the Terms of the Adoption Agreement.** If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Governing Body by official action must adopt an amendment of the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the Trustees for approval. The amendment of the Adoption Agreement is not effective until approved by the Trustees and other procedures required by the Plan have been implemented.

**Section VI. Termination of the Adoption Agreement.** This Adoption Agreement may be terminated only in accordance with the Plan.

**Section VII. Effective Date.** This 457(b) Plan will be effective SEPTEMBER 1,  
2017 for this Employer.

**EXECUTION BY EMPLOYER**

The foregoing Adoption Agreement is hereby adopted and approved on the 5TH day of JUNE, 2017.

Signed:  6-5-17  
Printed Name: Jon STANTZ  
Title: COUNCIL PRESIDENT  
Date of Signature: JUNE 5, 2017

**ADMINISTRATOR'S APPROVAL**

The Adoption Agreement is approved by the Administrator of the State of Indiana Public Employee Deferred Compensation. Contributions shall first be remitted as follows:

- within 15 business days after the first Payroll Period following \_\_\_\_\_, 20\_\_.
- other (must specify) \_\_\_\_\_

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Auditor of State, as Administrator of the Plan

**RESOLUTION NO. 2017-06**  
**A RESOLUTION OF THE SPENCER TOWN BOARD APPROVING THE AMENDED  
DECLARATORY RESOLUTION, ECONOMIC DEVELOPMENT AREA AND  
ECONOMIC DEVELOPMENT PLAN**

**WHEREAS**, the Town of Spencer Redevelopment Commission (the "Redevelopment Commission"), as the governing body for the Town of Spencer Department of Redevelopment pursuant to Indiana Code 36-7-14, as amended (the "Act"), adopted a Declaratory Resolution on June 24, 2015, being Resolution No. 2015-3, "Declaratory Resolution of the Town of Spencer Redevelopment Commission" (the "Declaratory Resolution"), establishing an Economic Development Area and Economic Development Plan for the established area pursuant to Section 12 of the Act; and

**WHEREAS**, the Declaratory Resolution designated an economic development area known as the "Downtown Development District Economic Development Area" (the "Economic Development Area, and designated the entire Economic Development Area as the "Downtown Development District Allocation Area" (the "Allocation Area"); and

**WHEREAS**, The Town of Spencer Advisory Plan Commission, on the 28<sup>th</sup> day of July, 2015 adopted Resolution 2015-03 determining that the Economic Development Plan conforms to the Comprehensive Plan of Development for Town of Spencer, Indiana and further approved the Resolution and Plan as presented.

**WHEREAS**, the Spencer Town Board of the Town of Spencer, on the 3<sup>rd</sup> day of August, 2015, adopted Resolution 2015-05 Approving the Declaratory Resolution, Economic Development Area and Economic Development Plan; and,

**WHEREAS**, following approval of Resolution No. 2015-03 by the Plan Commission and Resolution 2015-05 by the Spencer Town Board of the Town of Spencer, the Commission published notice of adoption and the substance of Resolution No. 2015-3 on August 7, 2015, in accordance with Indiana Code 5-3-1, for the Commission to take final action on determining the public utility and benefit of this Resolution in full compliance with Sections 17 and 17.5 of the Act and consider whether to confirm, modify and confirm, or rescind Resolution No. 2012-01 at this meeting; and

**WHEREAS**, the Commission on the 17<sup>th</sup> day of August, 2015 conducted a public hearing at which the Commission heard all persons interested in the proceedings and considered all written remonstrance's and objections that were filed; and,

**WHEREAS**, the Commissioner adopted and confirmed Resolution 2015-08, Confirmatory Resolution of the Town of Spencer Redevelopment Commission Approving the Economic Development Plan for the Downtown Development District Economic Development Area on the 26<sup>th</sup> day of August, 2015; and,

**WHEREAS**, The Commission now desires to amend the Declaratory Resolution to remove certain parcels of property as described in the attached Declaratory Resolution 2017-01, Declaratory Resolution of the Town of Spencer Redevelopment Commission Amending the Declaratory Resolution for the Downtown Development District Economic Development Area,

(the "Amended Declaratory Resolution"), attached hereto, made a part hereof, and marked as Exhibit "A"; and,

**WHEREAS**, The Town of Spencer Advisory Plan Commission, on the 22<sup>nd</sup> day of August ,2017, adopted Resolution 2017-01 determining that the Economic Development Plan conforms to the Comprehensive Plan of Development for Town of Spencer, Indiana and further approved the Resolution and Plan as presented.

**NOW THEREFORE, BE IT RESOLVED** by the Spencer Town Board of the Town of Spencer, as follows:

The Board hereby approves, in all respects, the Amended Declaratory Resolution removing certain parcels of property as described in the Amended Declaratory Resolution, Amending the Downtown Development District Economic Development Area, the Economic Development Plan of the Redevelopment Commission, and the Approving Order of the Plan Commission.

Passed by the Spencer Town Board of the Town of Spencer, Indiana, this 5<sup>th</sup> day of September 2017.

**TOWN OF SPENCER TOWN BOARD:**

\_\_\_\_\_  
Dean Bruce

\_\_\_\_\_  
Jon Stantz

\_\_\_\_\_  
Mike Spinks

ATTEST:

\_\_\_\_\_  
Cheryl Moke, Clerk-Treasurer

**ORDINANCE NO. 2017-05**

**AN ORDINANCE TO ENACT A REGISTRATION PROGRAM FOR RESIDENTIAL RENTAL PROPERTIES**

**WHEREAS**, the Town of Spencer recognizes the importance of the rental housing insofar as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership; and,

**WHEREAS**, it is in the best interest of the Town to ensure that all residential rental units, structures and grounds leased for occupancy to the public are in compliance with the minimum property maintenance standards required by the State of Indiana and the Town; and,

**NOW THEREFORE BE IT ORDAINED**, by the Spencer Town Board that a new section shall be added to the Spencer Town Code which shall read as follows:

**CHAPTER 155: RENTAL HOUSING**

Section

*Registration and Inspection Program*

- 155.01 Purpose
- 155.02 Definitions
- 155.03 Compliance required; application of chapter
- 155.04 Registration of rental units required
- 155.05 Annual registration fees
- 155.06 Registration rental permits
- 155.07 Rental Housing Fund established
  
- 155.99 Penalty

**REGISTRATION AND INSPECTION PROGRAM**

**§ 155.01 PURPOSE.**

The purpose of this chapter is to provide for the registration and inspection of rental residential property, and to facilitate the prevention and correction of violations of laws and ordinances pertaining to rental residential property, so as to protect property values, the public health, safety and welfare of the people of the town, including but not limited to, the following:

- (A) To protect the public health and safety by insuring rental units comply with the town's building codes, property maintenance codes and all other applicable regulations adopted by the State of Indiana or other governmental agency.
- (B) To protect the character and stability of residential neighborhoods.
- (C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the safety, general welfare and health of the persons occupying dwellings.
- (D) To prevent the overcrowding of rental units.
- (E) To facilitate the enforcement of minimum standards for maintenance of existing residential buildings and, thus, to prevent slums and blight.

(F) To preserve the value of property, land, and buildings throughout the town.  
(Ord. 2017-05, passed 8-21-17)

**§ 155.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT.** Every person at least 18 years of age, or younger if emancipated.

**DWELLING UNIT.** The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**FAMILY.** Includes all of the following:

- (1) An individual;
- (2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or
- (3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

**HABITABLE ROOM.** Any room meeting the requirements of this chapter for sleeping, living, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

**HOMESTEAD EXEMPTION.** An individual's principal place of residence that: the individual owns; the individual is buying under a contract, recorded in the County Recorder's office; provides that the individual is to pay the property taxes on the residence; the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216, as may be amended) of a cooperative housing corporation; or is a residence described in I.C. 6-1.1-12-17.9 (as may be amended) that is owned by a trust if the individual is an individual described in I.C. 6-1.1-12-17.9 (as may be amended).

**MULTI-FAMILY DWELLING.** A residential building designed for, or modified to accommodate, more than one independent rental unit.

**OCCUPANCY PERMIT.** A permit allowing an owner to lease, rent, or otherwise use premises by tenants.

**OWNER.** Any person having a legal or equitable title in a rental building or premises.

**PERSON.** A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter; those in the present tense include the future, and those in the singular include the plural.

**PREMISES.** A lot, plot or parcel of land containing a rental building or rental unit.

**REGISTRATION PERMIT.** The permit issued by the town upon registration of each rental unit.

**RENTAL BUILDING.** A building containing one or more rental units.

**RENTAL HOUSING CODE.** Sections 155.30 through 155.47 of this chapter.

**RENTAL HOUSING OFFICER.** That municipal officer charged with the primary responsibility of enforcement of the provisions of this chapter. As set out in § 155.12 hereof, the Spencer Town Clerk-Treasurer shall serve as the Rental Housing Officer.

**RENTAL PERMIT.** The form issued by the town to an owner upon completing the necessary documentation regarding a rental unit.

**RENTAL UNIT.** Any rented dwelling unit or rooming unit that does not have a

homestead exemption on the property.

**RENTAL UNIT COMMUNITY.** One or more parcels of contiguous real property upon which are located one or more structures containing rental units, if:

(1) The combined total of all rental units in all of the structures is five or more rental units; and

(2) The rental units are not occupied solely by the owner or the owner's family.

**ROOMING HOUSE.** Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related by blood or married.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**TENANCY AGREEMENT.** Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

**TENANT.** Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

(Ord. 2017-05, passed § 21-17)

#### **§ 155.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.**

(A) No person shall occupy or maintain a rental unit within the town unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the town, but shall not apply to the following:

- (1) Occupancy in a single-family, owner-occupied dwelling unit with a homestead exemption.
- (2) Occupancy in a "group home" or "residential institution" as those terms are defined by state statute.
- (3) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.
- (4) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.
- (5) Occupancy in a dormitory or other institute of higher learning.
- (6) Transient occupancy in a hotel, motel or other similar lodging.

(B) It shall be the responsibility of each person owning or operating a dwelling unit that the person claims is exempt from this chapter, to produce such documentation or other information as may be requested by the Rental Housing Officer, or his or her designee, so as to permit the Rental Housing Officer or designee to determine whether the dwelling unit is exempt.

(Ord. 2017-\_\_\_\_, passed \_\_\_\_\_)

#### **§ 155.04 REGISTRATION OF RENTAL UNITS REQUIRED.**

(A) No owner of real estate within the town shall use that real estate for the purpose of erecting or maintaining a rental unit thereon after July 31, 2017, without registering each rental unit with the town and obtaining a rental permit. All existing rental units shall be registered and obtain a rental permit with the town by July 31, 2017. The registration shall be effected by furnishing to the town a complete and accurate application, upon forms prescribed by the town, setting forth the following information:

- (1) The name of the owner;
  - (2) The address of the owner;
  - (3) The street address of the rental unit;
  - (4) The number of rental units on the property;
  - (5) If the owner is not an individual, or a resident of Owen County, Indiana, or a county contiguous to Owen County, the name, address and telephone number of the owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Owen County or a contiguous county. Any owner who does not reside in Owen County, Indiana, or a contiguous county shall be required to designate an agent.
  - (6) A current email and telephone number of the owner and/or agent.
- (B) The registration application shall be signed by the owner. Whenever ownership of a rental unit or group or complex of rental units changes, the new owner shall have the responsibility to report the change in ownership to the town. Upon completion of an initial registration of the unit, a rental permit shall be issued for the rental unit, and shall remain valid and not expire until a change of ownership. Previously issued rental permits shall automatically expire 30 days following transfer of title to a registered property.
- (C) Notification to the owner or his or her agent at the address shown on the registration application shall constitute sufficient notice pursuant to any provision of this chapter. Registration of a rental unit shall be evidenced by issuance of a rental permit.
- (Ord. 2017-05, passed 8-21-17) Penalty, see § 155.99

#### **§ 155.05 ANNUAL REGISTRATION FEES.**

There shall be a \$5 annual registration fee assessed for each rental unit, except as provided in I.C. 36-1-20-5 (as may be amended), located within the town after the initial registration and obtaining of a rental permit. The above-referenced registration fee shall be paid on or before January 31 of each year after a rental permit has been obtained.

(Ord. 2017-\_\_\_\_, passed \_\_\_\_\_) Penalty, see § 155.99

#### **§ 155.06 REGISTRATION RENTAL PERMITS.**

All rental units in the town shall obtain and maintain a valid rental permit, except for a rental unit community, which is required to obtain one rental permit for the complex as per I.C. 36-1-20-3.5 (as may be amended). For all registered rental units, the town shall issue a rental permit stating the date of the unit's registration. The owner of each rental unit shall be responsible for continuously maintaining a copy of the certificate. Each owner shall provide the Rental Housing Officer, or his or her designee, with a copy of the rental permit upon request. A rental permit shall otherwise remain in effect and not expire until suspended or revoked as set forth in this chapter. The issuance of a rental permit is not evidence that a property meets the requirements of this chapter or is otherwise fit for human habitation.

(Ord. 2017-05, passed 8-21-17) Penalty, see § 155.99

#### **§ 155.07 RENTAL HOUSING FUND ESTABLISHED.**

- (A) The Spencer Town Board hereby establishes a Rental Housing Non-Reverting Fund

as required by I.C. 36-1-20-3 (as may be amended).

- (B) The Rental Housing Officer, and/or his or her designee(s), shall have the authority for the collection, allocation and expenditure of all costs associated with the administration of the rental housing program.

(Ord. 2017- 05, passed 8-21-17)

**§ 155.99 PENALTY.**

- (A) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of up to \$1,000, unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, in which case the fine may be up to \$2,500.
- (B) For failure to maintain a rental permit pursuant to § 155.06, a fine of up to \$500, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to \$1,000.
- (C) For failure to timely sign or submit a complete registration application, a fine of up to \$100. Each day a violation of this provision exists or continues to exist constitutes a separate and distinct violation of this chapter, with maximum fine of \$7,500.
- (D) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to \$100, unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to \$500. Each day a violation of this provision exists or continues to exist constitutes a separate and distinct violation of this chapter.
- (E) A person may appeal the determination of the Rental Housing Officer with respect to any determination as to registration and rental permit outlined in this chapter, within ten business days from notice to the owner of the property, based upon the information provided as part of the registration or by use of the address used for tax purposes as maintained by the Owen County Treasurer.
- (F) If fines are imposed or inspection fees are not paid, then the Town Attorney's Office shall file liens upon the property for the outstanding balances due. Any such action required for the collection of said liens will be subject the violator additional fees for court costs and attorney fees associated with collection of the lien.

(Ord. 2017-\_\_\_\_, passed \_\_\_\_\_)

Should any section, sub-section, sentence, clause, phrase or portion of this Ordinance or any license extended hereunder is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance supersedes all other Ordinances or parts of Ordinances which are in conflict with its provisions, and any such Ordinance is hereby repealed.

The expressed or implied repeal of amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effected date of this Ordinance. These rights, liabilities, and

other proceedings all continued and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

This Ordinance shall take effect immediately upon its adoption and publication as required by law.

Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 21 day of August, 2017.

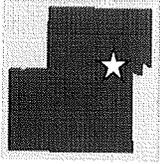
**SPENCER TOWN BOARD:**

  
\_\_\_\_\_  
Jon Stantz, President

ABSENT  
\_\_\_\_\_  
Dean Bruce, Board Member

  
\_\_\_\_\_  
Michael Spinks, Board Member

Attest: Cheryl Moke  
Cheryl Moke, Town Clerk/Treasurer



**Town of Spencer**  
90 N West Street  
Spencer, Indiana 47460  
Phone (812) 829-3213

Form No. 15M  
(A/08/2017)

## RENTAL REGISTRATION FORM

Registration Fee \$5.00 per address/unit

<b>I. TYPE OF APPLICATION</b>		
<input type="checkbox"/> New Registration <input type="checkbox"/> Change of Owner <input type="checkbox"/> Other: _____		
<b>II. PROPERTY INFORMATION</b>		
Legal Property Address:		
Type of Rental:		
<input type="checkbox"/> Single-family <input type="checkbox"/> Two-Family <input type="checkbox"/> Mobile Home <input type="checkbox"/> Multi-Unit		
If Two-Family or Multi-Unit please give address for each unit (attach a separate sheet, if necessary)		
<b>III. OWNER INFORMATION</b>		
Name:		
Address(legal):		
Address (mailing if different than legal):		
Phone:	Mobile:	Fax:
Email:		
<b>*If the owner is not a resident of Owen County or a contiguous county or is a business, please complete section IV. Agent Information</b>		
<b>IV. AGENT INFORMATION</b>		
Name:		
Address(legal):		
Address (mailing if different than legal):		
Phone:	Mobile:	Fax:
Email:		

**TOWN OF SPENCER  
ADDITIONAL APPROPRIATION RESOLUTION  
2017-03**

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

Sec. 1. Be it resolved by the Town Council of the Town of Spencer, Owen County, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes of local match for the Downtown Streetscape Project as specified, subject to laws governing the same:

Fund Name: EDIT Fund	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification: Capital Outlays related to Downtown Streetscape Grant	<u>\$200,000</u>	<u>\$200,000</u>
TOTAL for EDIT Fund:	<u>\$200,000</u>	<u>\$200,000</u>

Adopted this 17<sup>th</sup> Day of April, 2017

\_\_\_\_\_  
Jon Stantz, President

\_\_\_\_\_  
Dean Bruce, Vice President

\_\_\_\_\_  
Michael Spinks, Member

ATTEST:

\_\_\_\_\_  
Cheryl Moke, Clerk-Treasurer

**TOWN OF SPENCER  
ADDITIONAL APPROPRIATION RESOLUTION  
2017-02**

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

Sec. 1. Be it resolved by the Town Council of the Town of Spencer, Owen County, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes of local match for the Downtown Streetscape Project as specified, subject to laws governing the same:

Fund Name: EDIT Fund	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification: Capital Outlays related to Downtown Streetscape Grant	<u>\$625,000</u>	<u>\$625,000</u>
TOTAL for EDIT Fund:                    \$	<u>\$625,000</u>	<u>\$625,000</u>

Adopted this 20<sup>th</sup> Day of March, 2017

\_\_\_\_\_  
Jon Stantz, President

\_\_\_\_\_  
Dean Bruce, Vice President

\_\_\_\_\_  
Michael Spinks, Member

ATTEST:

\_\_\_\_\_  
Cheryl Moke, Clerk-Treasurer

**TOWN OF SPENCER  
ADDITIONAL APPROPRIATION RESOLUTION  
2017-02**

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

Sec. 1. Be it resolved by the Town Council of the Town of Spencer, Owen County, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes of local match for the Downtown Streetscape Project as specified, subject to laws governing the same:

Fund Name: EDIT Fund	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification: Capital Outlays related to Downtown Streetscape Grant	<u>\$625,000</u>	<u>\$625,000</u>
TOTAL for EDIT Fund:                    \$	<u>\$625,000</u>	<u>\$625,000</u>

Adopted this 20<sup>th</sup> Day of March, 2017

\_\_\_\_\_  
Jon Stantz, President

\_\_\_\_\_  
Dean Bruce, Vice President

\_\_\_\_\_  
Michael Spinks, Member

ATTEST:

\_\_\_\_\_  
Cheryl Moke, Clerk-Treasurer

**ORDINANCE NO 2017-01**

**ORDINANCE FOR CREATING DISHONORED CHECK PROCESSING FEE**

**WHEREAS**, the Town of Spencer is a municipal corporation authorized to accept various forms of payment relating to public utilities or statutory fines, fees or assessments; and,

**WHEREAS**, the Town of Spencer has received checks from the public wherein the account does not have sufficient funds to cover the transaction, the account is closed, or the funds were otherwise dishonored by the banking institution and such dishonored checks have resulted in additional expense; and,

**WHEREAS**, IC 26-2-7 et seq., IC 35-43-5-5 and IC 36-1-3-6 authorize the Town to exercise any powers necessary for the normal operation of the unit and to create, by Ordinance, any fees necessary for the operation of government including the creation of a charge to persons presenting payment in the form of a check which is subsequently dishonored by a banking institution.

**NOW THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Spencer, Indiana that Chapter 35: Miscellaneous Provisions of the Spencer Town Code shall be amended to add a new section which shall read as follows:

**Chapter 35: MISCELLANEOUS PROVISIONS**

Section

- 35.01 Police Accident Fee
- 35.02 Event Registration Form
- 35.03 Complaint Form
- 35.04 Dishonored Check Processing Fee

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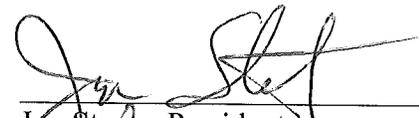
**35.04 DISHONORED CHECK PROCESSING FEE**

If for any reason any person or entity issues a written check and it comes back to the Town as dishonored by a banking institution, a charge will be issued in the amount of twenty-five dollars (\$25.00). The Spencer Town Clerk-Treasurer, at its discretion, may prohibit such person or entity from presenting any further checks for payment and such person or entity may be required to present cash or money order for all future payments tendered.  
(Ord. 2017-02, passed 1-17-2017)”

This Ordinance shall take effect immediately upon its adoption and publication as required by law.

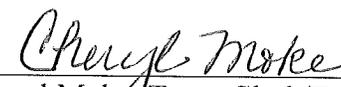
Upon motion duly made, seconded, and unanimously approved, the Board did pass and adoption this resolution this 3<sup>rd</sup> day of January, 2017.

**SPENCER TOWN BOARD:**

  
\_\_\_\_\_  
Jon Stantz, President

  
\_\_\_\_\_  
Dean Bruce, Board Member

  
\_\_\_\_\_  
Michael Spinks, Board Member

Attest:   
\_\_\_\_\_  
Cheryl Moke, Town Clerk/Treasurer