

Town of Bourbon, Indiana

CODE OF ORDINANCES

TOWN TRUSTEES

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Date: 08-07-2002

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TITLE I - GENERAL ADMINISTRATION

1.1 Adoption of Code

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1. ADOPTION OF CODE

WHEREAS the present general ordinances of the Town of Bourbon are incomplete and inadequate and the manner of arrangement, classification and indexing thereof is insufficient to meet the immediate needs of the Town; and

WHEREAS the Acts of the General Assembly of the State of Indiana empower and authorize the Town Board of every Town to revise, amend, restate, codify and to compile the existing ordinance or ordinances and all new ordinances not heretofore adopted or published and to incorporate said ordinances into one ordinance in book form; and

WHEREAS the Town Board of the Town of Bourbon has authorized the general compilation, revision, and codification of the ordinances of the town of a general and permanent nature and publication of such ordinances in book form;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bourbon, Indiana, that:

§1.1.1. The general ordinances of the Town of Bourbon, Indiana, are herein revised, amended, restated, codified and compiled in book form, or adopted as and shall constitute the “Code of Ordinances of the Town of Bourbon, Indiana”.

§1.1.2. Said Code as adopted in Section 2 shall consist of the following titles to-wit:

<a href="#">Title I</a>	- General Provisions
<a href="#">Title II</a>	- Administration
<a href="#">Title III</a>	- Public Works
<a href="#">Title IV</a>	- Traffic Code
<a href="#">Title V</a>	- General Regulations
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§1.1.3. All prior ordinances pertaining to the subjects treated in said Code shall be deemed repealed from and after the effective date of said Code, except as they are included and reordained in whole or in part in said Code; provide such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of said Code nor shall such repeal affect the provisions of ordinances levying taxes and appropriating money, annexing or detaching territory, establishing franchises or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plats or dedication of land to public use, naming or vacating or setting the boundaries of streets, alleys, or other public places nor other ordinances of a temporary or special nature pertaining to subjects not contained therein.

§1.1.4. Said Code shall be deemed published as of the date of its adoption and approved by the Town Board and the Clerk-Treasurer of the Town of Bourbon is hereby authorized and ordered to file a copy of said Code in the office of the Clerk-Treasurer.

§1.1.5. Said Code shall be in full force and effect from the date of its publication and filing thereof in the office of the Clerk-Treasurer; said Code shall be presumptive at all courts and all places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage; the same is properly signed, attested, recorded and approved; that any public hearings and notices thereof as required by law have been given.

(See [Adoption of Code](#), 8-13-2002.)

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## 2.1 MEETING; ORDER OF BUSINESS AND PROCEDURE

§2.1.1. The Town Board shall meet at the Town Hall on the second Tuesday of each month at 7:00 P.M. If any such regular meeting day shall fall on a legal holiday, then the meeting shall be held the following day at 7:00 P.M. The meeting minutes, once approved by the Town Board, from the Public meeting shall be placed on the Town of Bourbon website for the public's availability.

+/- { *view archive* } Amended by "[Amended Ordinance](#)", adopted --/--/2010.

§2.1.2. Special meetings of the Town Board may be called by the president or by a majority of the board by notifying the Clerk of the date of the meeting. The Clerk shall notify each board member of such meeting or leave a written notice thereof at each board member's residence.

§2.1.3. A majority of all the board members shall constitute a quorum. If the presence of a quorum is questioned and it shall be ascertained that a quorum is not present, no debate or motion, but to adjourn, shall be in order until a quorum is present.

§2.1.4. The order of business of the board is as follows:

A. Commencement of meetings. Each meeting of the board shall be opened by a roll call and note of members present and absent.

B. Reading and correcting minutes of the preceding regular or special meeting. The reading of the minutes may be dispensed with by the presiding officer, or on request by a member by unanimous consent, and stand approved subject to objection. When objected to, it shall be determined by vote. Any motion to correct mistakes made in entries shall be deemed a question of privilege and proceed with until disposed of.

- C. Comments by the public.
- D. Old business.
- E. New business.
- F. Report from department heads.
- G. Comments from Board Members.
- H. Report from Town Attorney and Clerk
- I. Close

The order of business may be altered by a majority of the board.

§2.1.5. The president of the Town Board shall be elected by the members of the Town Board at the first meeting of the calendar year. The President shall take the chair at the hour designated to perform all the duties as set forth herein.

§2.1.6. The president or presiding officer shall preserve order and decorum, and shall decide all questions of order without debate, subject to an appeal to the board. The presiding officer may submit to the board any question of order for a decision.

§2.1.7. The president may speak to all matters coming before the board and shall have the right to vote on all ordinances and motions.

§2.1.8. The president shall appoint the members of all standing committees and any special committees as may be ordered by the board. He shall determine the number of members to serve on a committee and may name the chairman of it. Standing committees shall be appointed at the commencement of the term of the board. Members of standing committees shall serve only during the term of the president appointing them. If any member of a committee refuses or is unable to perform the duties required of him, the president may replace that member.

§2.1.9. To pass an ordinance, a majority vote of all of the board members is required.

§2.1.10. The Clerk shall call for members' votes and every member shall be required to vote when a question is put, unless for good cause a board member shall abstain.

§2.1.11. No board member shall be permitted to vote after the results have been announced, but may for special reasons change or withdraw his vote by unanimous consent of the board.

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## 2.2 RULES AND REGULATIONS FOR ELECTION OF BOARD - TERMS

BE IT ORDAINED by the Town Board of the incorporated Town of Bourbon, Marshall County, Indiana, that:

§2.2.1. That hereafter the Trustees of the Town of Bourbon shall be elected at large by a vote of all the qualified voters of the Town.

§2.2.2. That in the Town election to be conducted in 1979, three (3) trustees shall be elected, one of whom shall be designated to serve a term of two (2) years beginning January 1, 1980, and the remaining two (2) trustees to be elected for a term of four (4) years beginning January 1, 1980. Thereafter, all

trustees shall be elected to serve for a term of four (4) years in accordance with the law of the State of Indiana concerning Town elections.

§2.2.3. Following the election conducted in November 1979, the elected trustee who shall have received the least number of votes in said election shall serve as such trustee for a term of two (2) years, and the remaining two (2) trustees shall serve for a term of four (4) years.

§2.2.4. This ordinance shall be in full force and effect from and after its passage and publication thereof as provided by law.

(Ordinance 1978-1 passed January 18, 1978)

(Amended by 1979-1 on January 17, 1979)

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### 2.3 AN ORDINANCE ABOLISHING LEGISLATIVE DISTRICTS FOR THE TOWN OF BOURBON, INDIANA

Whereas, the Town Council for the Town of Bourbon, Indiana has considered the apparent requirement the Town now has that all council members elected to the Town Council live in certain legislative body districts within the town; and

Whereas, it has come to the attention of the Town Council that it would be in the best interest of said Town if council members were not required to live in any certain district within the Town in order to be eligible for election to said Town Council; and

Whereas, the current Town Council for Bourbon, Indiana believes that a better choice of candidates for election to the Town Council of Bourbon, Indiana will be realized if such legislative body districts are abolished.

IT IS NOW, THEREFORE, DULY ORDAINED THAT:

1. Pursuant to I.C. 36-5-2-4.2(g) the legislative body districts for election to the town council of Bourbon, Indiana, a town having a population of less than three thousand five hundred (3,500), are now hereby abolished.

This Ordinance shall take effect immediately upon its passage by the Town Council of Bourbon, Indiana.

(Ordinance No. 1997-7 passed July 15, 1997)

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### 2.4 AN ORDINANCE TO CREATE CUMULATIVE CAPITAL IMPROVEMENT FUND

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Indiana:

§2.4.1 In accordance with the requirements of Section 8 of Chapter 225, Acts of 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of Bourbon into which the cigarette taxes allotted to Bourbon by reason of Subsection C(1)(C) of Section 27C and Section 27D of the Indiana Cigarette law, being Chapter 222 of the Acts of 1947 as amended, shall be deposited. Said funds shall be a cumulative fund and all the monies deposited into said fund shall be appropriated and used solely for capital improvements as hereinafter defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements.

§2.4.2 The term “capital improvements” means the construction or improvement of any property owned by the Town of Bourbon, including but not limited to streets, thoroughfares and sewers and retirement of general obligation bonds of Bourbon issued, and the proceeds used for the purpose of constructing capital improvements. The term capital improvements shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

(Passed June 16, 1965 - Ordinance Number 1-1965)

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**2.5.1 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA ESTABLISHING A BOURBON CUMULATIVE CAPITAL DEVELOPMENT FUND**

Editor's Note: EXPIRED - valid in 1985-1987.

**+/-** (EXPIRED) #1985-1: CUMULATIVE CAPITAL DEVELOPMENT FUND (1985-1987)

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**2.5.2 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA ESTABLISHING A BOURBON CUMULATIVE CAPITAL DEVELOPMENT FUND**

Editor's Note: EXPIRED - valid in 1988-1990.

**+/-** (EXPIRED) #1988-2: CUMULATIVE CAPITAL DEVELOPMENT FUND (1988-1990)

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**2.5.3 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA RE-ESTABLISHING A BOURBON CUMULATIVE CAPITAL DEVELOPMENT FUND**

Editor's Note: EXPIRED - valid in 1992-1994.

**+/-** (EXPIRED) #1991-7: CUMULATIVE CAPITAL DEVELOPMENT FUND (1992-1994)

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#### 2.5.4 AN ORDINANCE TO ESTABLISH CUMULATIVE CAPITAL DEVELOPMENT FUND

Editor's Note: EXPIRED - valid in 1993-1995.

+/- (EXPIRED) #1992-4: CUMULATIVE CAPITAL DEVELOPMENT FUND (1993-1995)

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#### 2.5.5 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA RE-ESTABLISHING A BOURBON CUMULATIVE CAPITAL DEVELOPMENT FUND

Editor's Note: EXPIRED - valid in 1995-1997.

+/- (EXPIRED) #1994-2: CUMULATIVE CAPITAL DEVELOPMENT FUND (1995-1997)

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#### 2.6.1 PERSONNEL POLICIES

Editor's Note: Section 2.6.1 was effectively replaced by [Section 2.6.2](#)

+/- (REPLACED) §2.6.1 PERSONNEL POLICIES, Page 1

+/- (REPLACED) §2.6.1 PERSONNEL POLICIES, Page 2

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#### 2.6.2 AN ORDINANCE PROVIDING FOR VACATION PAY, PAID HOLIDAYS, SICK AND OTHER LEAVES FOR THE EMPLOYEES OF THE TOWN OF BOURBON.

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana:

§2.6.2(1) That salaried and/or hourly employees of the Town of Bourbon are entitled to the following benefits:

A - VACATION PAY: Town employees are entitled to paid vacations as follows: When hired between January 1 and June 30, two days vacation in the following year; when hired after July 1, no vacation. One full calendar year after employment equals one week paid vacation. Two full calendar years employment equals two weeks paid vacation. Ten full calendar years employment equals three weeks paid vacation.

*Twenty full calendar years employment - 4 weeks paid vacation. Thirty full calendar years employment - 5 weeks paid vacation. (See [§2.6.5](#))*

1 -a -A VACATION WEEK constitutes five working days; two weeks constitutes ten working days; three weeks constitutes fifteen working days.

b -FOR THE POLICE DEPARTMENT, a vacation week equals six working days; two weeks equals twelve working days; three weeks equal eighteen working days.

For any new policeman hired after February 8, 2011, a vacation week shall consist of 5 working days which is consistent with the policy for all Town of Bourbon full-time employees. [Added by [Ordinance No. 2011-03](#), adopted 2/8/2011.]

2 - there will be no carry-over of vacation time.

B - PAID HOLIDAYS: Town employees are to be paid at their regular hourly rate for the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Election Day, Thanksgiving Day, and Christmas.

*And an additional paid holiday - of the employee's choice - each year. (See [§2.6.5](#))*

*Also, Election Day and the day following Thanksgiving. (See [§2.21.5A](#))*

C - PERSONAL LEAVE OF ABSENCE: Town employees may request a period of personal leave of absence for a period not to exceed thirty days in a calendar year; such leave to be without pay. Notice to and approval of the Board of Trustees is mandatory before such leaves are granted.

D - MILITARY LEAVE OF ABSENCE: Town employees will be granted military leaves of absence and re-employment rights upon return from a military leave of absence in accordance with the laws of the United States. Town employees who are members of a reserve component of the Armed Forces, including the National Guard, will be granted a military leave to participate in training, cruises, or encampment activities. The employee may elect to treat such periods as paid vacation time to the extent of the employees unused earned vacation time. Town employees not electing to treat military vacation periods with the National Guard or Military Reserve unit will be paid the amount by which their regular weekly wage exceed their military base pay for a maximum period of two regular work weeks per calendar year.

E - JURY DUTY: Any full-time employee of the Town of Bourbon shall receive leave to serve on a jury or as a witness in any state, federal, or local court without loss of pay. The employee shall receive pay for a jury duty day upon delivery of the jury pay voucher to the Clerk/Treasurer. If the employee serves only for half the day on jury duty, the employee will be expected to work the other half day. No time and one half will be paid for any trials that extend beyond the normal working hours of the employee.

(Added by [§2.6.3](#))

§2.6.2(2) That all full-time employees are entitled to five days pay while absent because of illness (non-occupational) during the calendar year.

*Up to ten sick days may be accumulated. (See [§2.21.5A](#))*

§2.6.2(3) That absences because of illness, personal or other leaves, and vacation time are to be reported to and co-ordinated by the Clerk-Treasurer and Town Board when possible.

§2.6.2(4) That employees who seek work elsewhere and return will be treated as new employees. Employee seniority in respect to programs or other benefits offered by the Town of Bourbon will be computed in accordance with the requirements of each program or benefit.

§2.6.2(5) That all employees will undergo a six month probation period.

§2.6.2(6) That employees of the Town of Bourbon Utilities and Street Departments, regardless of

hourly or salaried payroll status, will punch a time card, and/or keep a brief description of daily activities, so that costing and accountability of time is accessible by the Board of Trustees.

See Also: [RESOLUTION](#), 8-3-2009, regarding work hours of personnel.

§2.6.2(7) That all ordinances or sections of Ordinances in conflict with any of the provisions of this Ordinance are hereby null and void.

§2.6.2(8) That this Ordinance shall be in full force and effect after its passage according to law.

(Ordinance No. 1986-7)  
(Formerly 2.5A)

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2.6.3 AN ORDINANCE AMENDING CODE SECTION 2.5A CONCERNING THE ADDITION OF JURY DUTY TO THE PERSONNEL POLICIES FOR THE EMPLOYEES OF THE TOWN OF BOURBON

WHEREAS, the Town Council for the Town of Bourbon, Indiana has determined that Code [Section 2.6.2](#) of the Town Code needs to be amended; and,

WHEREAS, said Town Council wishes to present no obstacles to an employee fulfilling his/her civic duty when summoned to serve as a juror or witness but not as a litigant:

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF BOURBON, INDIANA THAT:

- E - JURY DUTY: Any full-time employee of the Town of Bourbon shall receive leave to serve on a jury or as a witness in any state, federal, or local court without loss of pay. The employee shall receive pay for a jury duty day upon delivery of the jury pay voucher to the Clerk/Treasurer. If the employee serves only for half the day on jury duty, the employee will be expected to work the other half day. No time and one half will be paid for any trials that extend beyond the normal working hours of the employee.

Passed by the Town Council of the Town of Bourbon, Indiana, this 5<sup>th</sup> Day of October, 1993.

(Ordinance No. 1993-12)  
(Formerly 2.5A)

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Editor's Note: At this point, the Bourbon Municipal Code Book includes a fax of the FAMILY MEDICAL LEAVE ACT of 1993:

FAMILY MEDICAL LEAVE ACT 199  
PUBLIC LAW 103-3  
EFFECTIVE AUGUST 5, 1993

**SYNOPSIS:** This legislation allows workers 12 weeks of unpaid leave per any twelve month period, beginning from the first FMLA request, without loss of benefits, for the birth or adoption of a child or for family and personal serious health care conditions or prenatal care. If there are spouses who work for the same employer, the employer may limit husbands and wives to a combined total of 12 weeks leave in cases of child birth, adoption, or caring for an ill family member. Leave for eligible personal health care is unique to each employee regardless of marital status. For purposes of this policy, the Marshall County Sheriff's Department shall define a work day as eight hours and a work week shall be defined as seven calendar days.

**DEFINITION OF SERIOUS HEALTH CONDITION:** Any illness, impairment, physical or mental, condition or injury which involves inpatient (overnight) hospital or care facility treatment and involves continuing treatment by a health care provider. The condition requires absence from work, school, or regular daily activities for more than three calendar days. Continuing treatment of a chronic or long term incurable condition that, if untreated, MIGHT result in a period of incapacity of more than three calendar days is eligible. Eligible employees may be granted leave for prenatal care.

**ELIGIBILITY:** In public sector employment, this law applies to any public agency which is subject to the Fair Labor Standards Act. Employees who have been employed for at least 12 months and have worked for at least 1,250 hours within the previous 12 months are covered. This law does not supersede any state or local law which provides greater medical or family leave rights.

**CALCULATION OF TIME:** An employee is employed in a month if maintained on the payroll for any part thereof. The calculations as to the twelve months and 1250 hours are made as of the date on which the leave commences. An employee may request leave prior actually being eligible. If this is the case, this department will withhold an official response until eligibility is met. The Marshall County Sheriff's Department will compute eligibility time from a twelve month period measured forward from the employee's first FMLA leave request.

**PREPARATION FOR ABSENCES:** Employees will be cross trained. Job descriptions will provide for general training in order that all positions may function should an employee take family leave time off. The legislation allows for flexible work scheduling during leave periods.

**NOTIFICATION:** An employee must give employer 30 days notice in the cases of child birth and adoption. In cases of leave for illness, the employee may provide less than 30 days notice if the treatment requires earlier attention.

**GRANTING OF LEAVE:** Leave will be granted when an eligible employee requests it for the birth of a child, in order to care for the new born child, placement of a child with the employee as an adoption, placing of a foster child, caring for spouse, child, or parent who has serious health condition, or because the eligible employee has a serious health condition which renders the employee unable to work. The employee's right to take a leave relating to childbirth expires after the child's first birthday. For purposes of birth, adoption and the placing of a foster child, this Department can require the leave be on a contiguous basis, however, should an employee request an intermittent leave, the request will be considered on a case by case basis. For medical illness of the employee or family member, the employee may be granted leave on an intermittent or reduced leave schedule. Note the absence of aunts, uncles, and grandparents from the list of persons for whose care leave may be requested. These persons, and others, would be eligible for care if, as a child, the employee eligible to request the leave received day to day care and support from the person.

**REDUCED AND INTERMITTENT LEAVE:** These requests will be considered on a case by case basis. It will be granted (other than for the childbirth/adoption cases) if the employee can certify within a

reasonable period of time that the intermittent or reduced leave is medically necessary. The Marshall County Sheriff's Department reserves the right to require the employee to transfer to an available alternative position having equivalent pay and and proportional benefits wherein part-time status will be less disruptive.

**DOCUMENTATION:** This Department may require a medical certification necessitating the leave. An employee may also be required to submit to a confirmatory medical examination to be performed by the County's physician. This examination will be at the expense of Marshall County Government. If the County's physician and the personal physician of the employee disagree, the employee and employer must agree on a third doctor to examine and render an opinion. This examination will also be at the County's expense. If the Sheriff and employee requesting leave cannot agree on a third provider to render an opinion, the Sheriff or his authorized designee, and the employee will agree upon a third party who will furnish a list of qualified examiners. The Sheriff, or his designee, and the employee will strike from the list. This department also may require an examination of any eligible family member who the employee states is in need of care and causes the leave to be necessary.

**CONTINUING DOCUMENTATION:** At intervals of not less than thirty days, this Department may require the employee provide certification of the inability to return to work.

**CERTIFICATION:** THE FMLA allows certification by professions which are not medically recognized. Some certifications by groups are more fully empowered. Documentation will be considered complete if it is from a person of an authorized profession and contains the following:

- (1) Date Serious Health Condition Began
- (2) Probable Duration of Condition
- (3) Appropriate Facts Concerning Condition
- (4) Whether Employee Can Perform Essential Functions of His or Her Job
- (5) If Intermittent Leave is Requested, the Certificate Will State Dates Which Treatment Is Planned and Duration of Treatment

**OTHER LEAVES:** An employee can request and substitute any paid leave due in lieu of unpaid leave. The balance of the 12 weeks would then be FMLA leave time and would be unpaid. The department may demand use of paid sick leave only when the triggering condition qualifies the employee for sick leave under the Department's sick leave policy. Use of employee's sick leave prior to the request for FMLA will not be counted as part of the twelve weeks leave unless the employee has identified the condition as relating to the same condition causing the need for the leave. The Department may require the employee to exhaust other paid leave, such as vacation and holidays, prior to using FMLA time to care for other persons.

**BENEFITS DURING ABSENCE:** During a FMLA leave, an employee will not accrue any additional sick leave days the employee would have been entitled to had the employee not taken the leave. All other benefits will remain intact No benefits accrued prior to leave can be lost. Marshall County Government, as the employer, is required to maintain health insurance under a group plan for the duration of the leave if the employee would be eligible if not on leave. Any amount of premium which would be due from the employee if the employee were drawing a regular pay check will be paid by the employee on the regularly scheduled payday. Should the employee be more than 30 days late in tendering her (his) share of the premium, the employer's obligation to pay the employee's share will cease. This policy shall be considered written advance notice to employees as to their expected terms of payment of insurance. If the employee elects not to retain coverage during the FMLA leave, the employee will not be forced to undergo a new qualification period to again be covered under the group health insurance offered County Employees.

**PROFESSIONAL CERTIFICATIONS:** Each employee is responsible to verify what certifications will expire during the absence. The employee who loses a necessary certification, license, or credential (i.e. IDACS, Firearms) will be returned to a equivalent position and given a reasonable time in which to requalify fully for the job position.

**RETURNING TO WORK:** This Department may require a Fitness for Duty certification to allow an employee to return from FMLA leave. The certification need only address the particular condition which caused the employee's need for FMLA. Expenses for any external physicals needed to obtain the certification shall be paid by the County. It is important that Marshall County Sheriff's Department verify an employee is able to perform the essential functions without putting the employee or the public in danger. The department does not intend to require additional physicals unless an essential function performance is in question. Upon returning, the employee will be reinstated to the same or equivalent position with equivalent benefits.

**FAILURE TO RETURN:** If an employee fails to return after the leave period, the employer can recover the amount of health benefits paid over the leave period unless the failure to return is due to a serious health condition or circumstance beyond the employee's control. If the employee discovers while on leave (s)he will be unable to return to work, the entitlement to leave under FMLA will cease at the time of the discovery. The employee is then eligible to elect coverage under COBRA (Public Law 99-272)

**RECORDKEEPING:** This department will retain for three years the following documentation:

Employee's Wage Records	(Payroll Records)
Dates of FMLA leave	(Payroll Records)
Hours of FMLA leave, if increments taken	(Payroll Records)
Copies of all notices the Employee taking leave received	(Personnel File)
Copies of the employee request for leave	Personnel File)
Records of any disputes	(Personnel File)
Medical Records	(Confidential Medical File)

If necessary, various documentation may be filed in more than one location. The Marshall County Auditor shall retain records of employee health insurance premium payments.

**CONFIDENTIALITY:** Medical certifications relating to employees or family members will be kept confidential and physically separated from other personnel files. These documents will be placed in the affected employee's medical file. A supervisor may be advised of an employee's duty restrictions and the Medical Control Officers may be informed where an employee's condition may require emergency treatment.

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**CERTIFICATION OF PHYSICIAN OR PRACTITIONER  
FAMILY AND MEDICAL LEAVE ACT OF 1993**

1. Employee's Name:
2. Patient's Name (if other than employee):
3. Diagnosis:

4. Date Condition Commenced:
5. Probable Duration of Condition:
6. Regimen of treatment to be prescribed(indicate number of visits, general nature and duration of treatment, including referral to another provider of health services. Attach a schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.
  - (a.) By Physician or Practitioner:
  - (b.) By another provider of health services if physician referral:

IF THIS CERTIFICATION RELATES TO CARE FOR THE EMPLOYEE'S SERIOUSLY ILL FAMILY MEMBER, SKIP ITEMS 7, 8, and 9, and proceed to items 10 through 14 OTHERWISE, CONTINUE BELOW.

CHECK YES OR NO AS APPROPRIATE.

- |    | YES   | NO    |  |
|----|-------|-------|--|
| 7. | _____ | _____ | Is inpatient hospitalization of employee necessary?  |
| 8. | _____ | _____ | Is employee able to perform work of any kind? If NO, skip to Item 9.   |
| 9. | _____ | _____ | Is employee able to perform the duties of employee's position? (Answer after reviewing statement from employer of essential functions of employee's position, or if none provided, after discussion with employee) |

FOR CERTIFICATION RELATING TO CARE FOR EMPLOYEE'S SERIOUSLY ILL FAMILY MEMBER, COMPLETE ITEMS 10-14 BELOW AS THEY APPLY TO THE FAMILY MEMBER AND THEN PROCEED TO ITEM 15.

- |     |       |       |   |
|-----|-------|-------|---|
| 10. | _____ | _____ | Is inpatient hospitalization of the family member (patient) required?   |
| 11. | _____ | _____ | Does (or will) patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?  |
| 12. | _____ | _____ | After review of employee's signed statement (See #14) is the employee's presence necessary or would it be beneficial for the care of the patient. (This may include psychological comfort.) |
13. Estimate the period of time care is needed or the employee's presence would be beneficial:

ITEM 14 TO BE COMPLETED BY EMPLOYEE NEEDING FAMILY LEAVE

14. When Family Leave is needed to care for a seriously-ill family member, the employee shall state the care (s)he will provide and an estimate of the time period during which this care will be provided, including a schedule if leave is to be taken intermittently or on a reduced leave schedule:

Employee Signature:

Date:

\_\_\_\_\_

2.6.4 AN ORDINANCE ESTABLISHING PAY PERIODS AND DAYS FOR ISSUING PAY CHECKS FOR EMPLOYEES OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS, it is has been requested by the majority of the current employees of the Town of Bourbon that pay periods be on a bi-weekly basis rather than a semi-monthly as is the present situation; and

WHEREAS, an increase in the number of employees and paperwork has made it nearly impossible to prepare and issue checks on the last day of the pay period as is presently being done;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, that

Section 1:

- A. Effective June, 1991, pay periods for the employees of the Town of Bourbon will be on a bi-weekly basis with the first bi-weekly pay period ending on June 14, 1991.
- B. Effective June, 1991, pay checks will be issued at 7:30 a.m. on the fifth working day following the end of each pay period.

Section 2: This Ordinance shall be in effect June 1, 1991.

ADOPTED by the Town Council of the Town of Bourbon, Marshall County, Indiana, this 18<sup>th</sup> day of June, 1991.



(Ordinance No. 1991-8)

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2.6.5 AN ORDINANCE AMENDING THE PERSONNEL POLICIES OF THE TOWN OF BOURBON, INDIANA WITH RESPECT TO PAID HOLIDAYS AND VACATION PAY

With respect to [Code No. 2.6.\(1\)A](#) it shall be amended so that a full time Town employee with twenty (20) full calendar years employment shall receive four (4) weeks of paid vacation while such an employee with continuous service of thirty (30) full calendar years employment shall receive five weeks paid vacation.

With respect to [Code No. 2.6.\(1\)B](#) and in addition to the regular holidays listed therein, each full time employee of the Town shall be allowed to have an additional paid holiday each year of their choice and upon giving proper notice of the day they select in that regard as might otherwise be required by such Personnel Policy of the Town.

BE IT ORDAINED by the Town Council for Bourbon, Indiana, that the above and foregoing Amendments to the Personnel Policy of the Town of Bourbon, Indiana be and hereby are adopted effective with the calendar year 1998.

This Ordinance shall be in full force and effect after its passage according to law.

(Ordinance No. 1997-12)

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2.7 AN ORDINANCE ELIMINATING A PARK BOARD OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA AND REPEALING THE ORDINANCE CREATING SAID PARK BOARD

BE IT ORDAINED by the Town Board of the incorporated Town of Bourbon, Marshall County, Indiana that:

§2.7.1. The Park Board for the Town of Bourbon, Marshall County, Indiana, is hereby dissolved and eliminated, and the duties with respect to the care and maintenance of the park areas for the Town are hereby returned to the Board of Trustees of said park.

§2.7.2. Ordinance Number 1978-3 which created the Park Board for the Town of Bourbon, Marshall County, Indiana, is hereby repealed.

§2.7.3. This Ordinance shall be in full force and effect from and after its passage and the publication thereof is provided by law.

(Ordinance 1981-2 passed August 5, 1981)

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2.8 AN ORDINANCE OF THE TOWN OF BOURBON CREATING A DEPARTMENT OF ECONOMIC DEVELOPMENT TO BE CONTROLLED BY A COMMISSION KNOWN AS THE BOURBON ECONOMIC DEVELOPMENT COMMISSION

WHEREAS the Town of Bourbon, Indiana, is desirous of increasing its employment opportunities, diversify its industry and increase its tax base all to the end of improving prosperity, economic stability and general welfare of the Town; and

WHEREAS the General Assembly of the State of Indiana has enacted I.C. 36-7-12 entitled "Economic Development and Pollution Control" as the same may be sometimes amended and supplemented (the Act); and

WHEREAS the creation of the Bourbon Economic Development Commission to serve as a conduit for the issuance of economic development revenue bonds of the Town of Bourbon is needed and will serve a vital interest in and for said Town, all to carry out the duties and the powers set forth in the Act.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Town Trustees of the Town of Bourbon, Indiana as follows:

§2.8.1. There is hereby created the Bourbon Economic Development Commission under the provisions of I.C. 36-7-12-4, which Commission shall be charged with carrying out the provisions of this ordinance and in accordance with the Act.

§2.8.2. That said Commission shall be composed of three (3) members to be appointed as follows:

All of said members shall be appointed by the Town Board President, after nomination of one such member by the Town Board, one member by the Town Board President and one member by the Marshall County Council.

§2.8.3. That the Commission member nominated by the Town Board President shall serve an initial term of three (3) years commencing from the date of his appointment and ending January 31, 1987; the member nominated by the Town Board shall serve a term of two (2) years commencing from the date of his appointment and ending January 31, 1986; the member nominated by the County Council shall serve a term of one (1) year commencing from the date of his appointment and ending January 31, 1985;

§2.8.4. That at the expiration of the respective terms of each of the original Economic Development Commission, their respective successors shall be selected and nominated before the expiration of the term in the same manner as the original commissioner and each succeeding commissioner shall serve for a term of four (4) years. A commissioner shall hold over after the expiration of his term until his successor is appointed and has qualified.

§2.8.5. Said Commission is formed and has all of the powers and all of the duties contained in I.C. 36-7-12 as the same may be amended and supplemented from time to time.

§2.8.6. This ordinance cancels, terminates and supersedes prior ordinances and resolutions relative to subject matter hereof or in conflict herewith.

§2.8.7. That this ordinance shall be in full force and effect from and after its passage and due execution by the Board of Town Trustees of the Town of Bourbon.

(Ordinance Number 1984-2, passed February 1, 1984)

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2.9.1 AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE COLLECTION OF FEES FOR EMERGENCY AMBULANCE SERVICES BY THE BOURBON, BOURBON TOWNSHIP, EMERGENCY MEDICAL SERVICE

Editor's Note: REPLACED - see [§2.9.2](#).

+/- (REPLACED) §2.9.1 EMERGENCY AMBULANCE SERVICE FEES Page 1

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+/- (REPLACED) §2.9.1 EMERGENCY AMBULANCE SERVICE FEES Page 2

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2.9.2 AN ORDINANCE ESTABLISHING AND PROVIDING FOR THE COLLECTION OF FEES FOR EMERGENCY SERVICES BY THE BOURBON/BOURBON TOWNSHIP EMERGENCY MEDICAL SERVICE

WHEREAS, the Town of Bourbon and Bourbon Township have heretofore established an Emergency Medical Service for the town and township, and,

WHEREAS, it is the desire of the town and township to establish pursuant to statutory authority the reasonable fees to be charged and collected for emergency ambulance services,

IT IS THEREFORE ORDAINED, by the Town Council of incorporated Town of Bourbon, Marshall County, Indiana

§2.9.2(1) That the Emergency Medical Service for the Town of Bourbon and Bourbon Township shall make the following charges for services rendered:

A. Residents of the Town of Bourbon and Bourbon Township:

(in)	Emergency Calls	\$75.00	
	Mileage (per loaded mile)	1.75	
	Oxygen and/or other supplies		25.00
(ii)	Transfers	60.00	
	Mileage (per loaded mile)	1.75	
	Oxygen and/or other supplies		25.00
(iii)	Service Call	50.00	

B. Non-residents of the Town of Bourbon and Bourbon Township:

(i)	Emergency calls	110.00	
	Mileage (per loaded mile)	2.00	
	Oxygen and/or other supplies		35.00
(ii)	Transfers	90.00	
	Mileage (per loaded mile)	2.00	
	Oxygen and/or other supplies		35.00
(iii)	Service Call	75.00	

C. Where Emergency Medical Service Personnel are kept waiting on calls made outside Bourbon and Bourbon Township for any reason as a result of any call, an additional charge of \$15.00 per hour, per person, for such waiting time shall be charged.

§2.9.2(2) The forgoing rates and charges shall be in effect from and after the adopted of this ordinance together with the adoption of a resolution to the same effect or other similar action by the township officials of Bourbon Township.

PASSED by the Town Council of the Town of Bourbon, Marshall County, Indiana, this 16<sup>th</sup> day of October, 1990.

(Ordinance 1990-5)  
(Formerly 2.8A)

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### 2.9.3 AN ORDINANCE ALLOWING THE CLERK-TREASURER TO PAY CERTAIN EMS CLAIMS PRIOR TO THE EMS ADVISORY BOARD MEETINGS

THEREFORE, BE IT ORDAINED by the Town Council of Bourbon, Indiana, that the Clerk-Treasurer be allowed to pay EMS claims prior to the EMS Advisory Board meetings.

Such claims shall still be supported by a fully itemized claim form, and be reviewed at the next regular or special meeting following pre-approved payment of expense.

Approved and adopted this 19<sup>th</sup> day of January, 1999, by the Town Council of the Town of Bourbon, Marshall County, Indiana.

(Ordinance No. 1999-2)

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### 2.10 AN ORDINANCE ESTABLISHING PROMOTION ACCOUNT

BE IT ORDAINED, by the Town Board of the Town of Bourbon, Indiana that:

§2.10.1. An account shall be established within the general fund of said Town designated as the Promotional Account on an annual basis in a sum not to exceed One Thousand Dollars (\$1000.00)

which fund or account shall be used for promotional purposes or public relation purposes on behalf of said Town as may be required.

§2.10.2. This Ordinance shall be in full force and effect as of the date of passage and shall be retroactive as to any prior account that said Town shall have had under this designation through to the date of this Ordinance.

(Passed December 3, 1986 - Ordinance No. 1986-5).

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2.11 AN ORDINANCE REQUIRING VIOLATORS OF TOWN ORDINANCES TO BE RESPONSIBLE FOR THE TOWN'S LEGAL EXPENSES FOR THE ENFORCEMENT OF SAID ORDINANCES

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

That the Municipal Code of the Town of Bourbon, Indiana be and hereby is amended with respect to each and every provision thereof allowing for the Town's enforcement of certain ordinances and provisions thereof so that:

In any instance where the Town of Bourbon, Indiana incurs legal or other expenses in the enforcement of any ordinance or other provision of its Municipal Code, the person or party found to have violated such ordinance or provision shall in addition to any fine or other penalty ordered as a result of any violation thereof be required to reimburse the Town for any such legal or other expenses incurred thereby in the enforcement of such ordinances or provisions.

That this amendment to the Municipal Code shall take effect upon passage hereof and the proper publication of this Ordinance as required.

Passed and adopted by the Town Council for Bourbon, Indiana this 14<sup>th</sup> day of December, 1999.

(Ordinance No. 1999-7)

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2.12 AN ORDINANCE ALLOWING PERSONS TO OBTAIN VIDEO RECORDINGS FROM POLICE VEHICLE CAMERAS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOURBON, INDIANA, THAT

Copies of video tapes taken by cameras operating from town police cars may be obtained for the fee set out hereafter by the following parties, to wit:

1. Any person who has been videotaped;
2. Any party who has the consent to receive such copy from a person who has been videotaped thereon; and/or
3. Any party who obtains a valid subpoena for the production of such copy.

An appropriate party requesting a copy of such videotape as set out hereinabove shall be charged Fifty dollars (\$50.00) for the provision of such video tape copy.

PASSED AND ADOPTED by the Town Council of the Town of Bourbon, Indiana, this 6<sup>th</sup> day of October, 1998.

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2.13.1 AN EMERGENCY ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR TWO DEPARTMENTS OF THE TOWN OF BOURBON, INDIANA FOR THE YEAR 1990

Editor's Note: FISCAL - One Time - valid in 1990.

+/- (FISCAL - One Time) #1991-2: EMERGENCY TRANSFER (1990)

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2.13.2 AN EMERGENCY ORDINANCE PROVIDING FOR THE TRANSFER OF FUNDS FROM THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO THE POLICE DEPARTMENT FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, FOR THE YEAR OF 1991

Editor's Note: FISCAL - One Time - valid in 1991.

+/- (FISCAL - One Time) #1991-4: EMERGENCY TRANSFER (1991)

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2.13.3 AN EMERGENCY ORDINANCE PROVIDING ADDITIONAL APPROPRIATIONS FOR SEVERAL FUNDS FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA FOR THE YEAR 1991.

Editor's Note: FISCAL - One Time - valid in 1991.

+/- (FISCAL - One Time) #1991-5: ADDITIONAL APPROPRIATIONS (1991)

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2.14 AN ORDINANCE AUTHORIZING A BLANKET BOND TO REPLACE INDIVIDUAL BONDS TO COVER THE FAITHFUL PERFORMANCE OF TOWN EMPLOYEES, TOWN COUNCIL MEMBERS AND THE CLERK-TREASURER

WHEREAS, IC 5-4-1-18 allows for the authorization of a blanket bond to cover the faithful performance of all employees, commission members, clerk-treasurers and persons acting on behalf of a local government unit; and

WHEREAS, the Town Council for the Town of Bourbon, Marshall County, Indiana, has determined that it is in the best interest of the Town of Bourbon to have a blanket bond to cover the faithful performance of all employees rather than individual bonds on just a few employees.

NOW, THEREFORE, BE IT ORDAINED that authorization is hereby granted for the procurement of a blanket bond to cover all employees of the Town of Bourbon thereby replacing the individual bonds that cover only a few employees.

IT IS FURTHER ORDAINED that this blanket bond shall be obtained as soon as possible after the approval and adoption of this Ordinance.

Approved and adopted by the Town Council for the Town of Bourbon, Marshall County, Indiana, this 7<sup>th</sup> day of June, 1994.

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### 2.15 AN ORDINANCE CREATING A DEDICATED FUND FOR THE REPLACEMENT OF FIRE EQUIPMENT

WHEREAS, the Town of Bourbon, Indiana wishes to enter into an agreement with Bourbon Township of Marshall County, Indiana so that said Township and the Town of Bourbon can deposit into an account of the Town certain funds ultimately to provide for the replacement of the pumper truck providing fire protection for residents of said Township and Town;

WHEREAS, in order to insure that such account to be established by the Town of Bourbon, Indiana is kept separate from its general fund, is continuing in nature and is dedicated for the express purpose of ultimately allowing for the replacement of such pumper truck or other fire equipment as said Town and Township might agree;

THEREFORE IT IS ORDAINED as follows:

That a separate fund is hereby created to be designated as the Fire Equipment Replacement Fund,

That the Town of Bourbon, Indiana and Bourbon Township of Marshall County, Indiana may make deposits to such fund as such governmental entities may hereafter agree,

That such fund shall be maintained as a fund separate from the general fund or other accounts of the Town of Bourbon, Indiana,

That such fund shall be continuing in nature and shall not be drawn upon except for the specific purpose that such fund is created for pursuant to this Ordinance,

That the purpose of this fund shall be specifically to provide equipment for fire protection purposes for the residents of the Town of Bourbon, Indiana and Bourbon Township, Marshall County, Indiana, and

That the Town of Bourbon, Indiana and Bourbon Township, Marshall County, Indiana by their proper elected officials shall hereafter enter into a written agreement which will define how the Clerk-Treasurer of said Town may draft against such fund for the stated purpose of the same.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana this 15<sup>th</sup> day of October, 1996.

(Ordinance No. 1996-5)

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## 2.16.1 AN ORDINANCE ESTABLISHING A FIXED ASSET CAPITALIZATION POLICY

Ordained by the Town Council of the Town of Bourbon, Indiana that

Whereas, the Town Council is the governing body of the Town of Bourbon, in Marshall County, in the State of Indiana, and

Whereas, the Town Council of the Town of Bourbon, Indiana so desires to establish a capitalization policy for the Town and its various Departments and Utilities (Enterprise Funds).

Now therefore, Be it ordained by the governing body of the Town of Bourbon in Marshall County, in the State of Indiana:

### Section 1. DEFINITIONS AND PROVISIONS

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

#### “Tangible Assets”

Assets that can be observed by one or more of the physical senses. They may be touched and in some environments heard and smelled.

#### “Fixed Assets”

Tangible assets of a durable nature employed in the operating activities of the unit and that are relatively permanent and are needed for the production or sale of goods or services are termed property, plant and equipment or fixed assets. These assets are not held for sale in the ordinary course of business. This broad group is usually separated into classes according to the physical characteristics of the items (e.g. land, buildings, improvements other than buildings, machinery and equipment, furniture and fixtures).

#### “Capital Outlays”

Expenditures which benefit both the current and the future fiscal periods. This includes the cost of acquiring land or structures; construction or improvement of buildings, structures or other fixed assets; and equipment purchases having an appreciable and calculable period of usefulness. These are expenditures resulting in the acquisition of or addition to the government’s general fixed assets.

#### LAND

This Town will capitalize all land purchases, regardless of cost. Exceptions to land capitalization are land purchase outright as easements, or right-of-way for infrastructure. Examples are roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, parking meters, street signs, viaducts, and storm water collection.

Original cost of land will include the full value given to the seller, including relocation, legal services



incidental to the purchase (including title work and opinion), appraisal and negotiation fees, surveying and costs for preparing the land for its intended purpose (including contractors and/or Town employees [salary and benefits], such as clean-up, demolishing buildings, excavating, and/or inspection.

A department will record donated land at fair market value on the date of transfer plus any associated costs.

Purchases made using Federal or State funding will follow the source funding policies and above procedures.

#### “MACHINERY AND EQUIPMENT”

The definition of machinery and equipment is: an apparatus, tool or conglomeration of pieces to form a tool. The tool will stand alone and not become a part of a basic structure or building.

This Town will capitalize and tag items with an individual value equal to or greater than \$1000.00. *(Limit changed to \$5000. See §2.16.2)* Machinery combined with other machinery to form one unit with a total value greater than the above mentioned limit will be one unit.

Shipping charges, consultant fees, and any other cost directly associated with the purchase, delivery, or set-up, (including contractors and/or Town Works [Salary and Benefits]), which makes such equipment operable for its intended purpose will be capitalized.

Improvements or renovations to existing machinery and equipment will be capitalized only if the results meet all of the following conditions.

1. Total costs exceed \$1000.00  
*(Limit changed to \$5000. See §2.16.2)*
2. Useful life is extended two or more years.
3. Total costs will be greater than the current book value and less than the fair market value.

#### EXAMPLES INCLUDE:

A work truck being equipped with screens, lights, or radios for use as a single unit through its life expectancy is considered one unit.

If police cars are constantly changing light bars or radios to other vehicles, the Town will capitalize each piece of equipment separately, if it meets the required dollar amount.

A department’s computer (CPU, monitor, keyboard, and printer) is considered one unit.

Departments will record donated machinery and equipment at fair market value on the date of the transfer with any associated costs.

Purchase made using Federal or State funding will follow the source funding policies and above procedures.

#### BUILDINGS

A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roof, heating, cooling, plumbing, lighting or sprinkler systems, or any part of the basic building. The department will include the cost of items designed or purchased exclusively for the building.

A department's new building will be capitalized only if it meets the following conditions.

1. The total costs exceeds \$10,000.00, and
2. The useful life is greater than five years.

A department improving or renovating an existing building will capitalize the costs only if the results meet all the following conditions:

1. The total cost exceeds \$10,000.00
2. The useful life is extended five or more years;
3. The total cost will be greater than the current book value and less than the fair market value.

Capital building costs will include preparation of land for the building, architectural and engineering fees, bond issuance fees, interest costs (while under construction), accounting cost if material and any costs directly attributable to the construction of the building.

A department will record donated buildings at fair market value on the date of transfer with any associated costs.

Purchases made with Federal or State funding will follow the source funding policies and above procedures.

### IMPROVEMENTS OTHER THAN BUILDINGS

The definition of this group is improvements to land for better enjoyment, attached or not easily removed, and will have a life expectancy of greater than five years.

Examples of this are walks, parking areas and drives, golf club paths, fencing, retaining walls, pools, outside fountains, planter underground sprinkler systems, and other similar items.

Improvements do not include roads, streets, or assets that are of value only to the public. For example, Main Street is a public street with greatest value to the public. Roads or drives upon Town-owned land that provide support to facilities are assets. A sidewalk down the road for public enjoyment is an infrastructure improvement and is not capitalized. However, sidewalks installed upon Town-owned land for use by the public and for the support of our facilities are capital assets.

This Town will capitalize new improvements other than buildings only if it meets the following conditions:

1. The total cost exceeds \$10,000.00, and
2. The useful life is greater than five years.

A department will capitalize improvements or renovations to existing improvements other than buildings only if the result meets the following conditions:

1. The total cost exceeds \$10,000.00
2. The assets useful life is extended five or more years
3. The total cost will be greater than the current book value and less than the fair market value

A department's donated improvements other than buildings will be recorded at fair market value on the

date of transfer with any associated costs.

Purchases made using Federal or State funding will follow source funding policies and above procedures.

#### “HISTORICAL COSTS”

The cash equivalent price for exchanged goods or services at the date of acquisition. Land, buildings, equipment, and most inventories are common examples of items recognized under the historical cost attribute.

#### “ENTERPRISE FUNDS”

Those funds used to account for operations (a) that are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination or revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance public policy, management control, and other purposes.

The enterprise funds of the Town of Bourbon, Indiana shall include the municipally owned water and sewage utilities. Operation of utilities shall require enterprise fund accounting and reporting.

### Section 2. RECORDING AND ACCOUNTING

The Town and its various departments shall classify capital expenditures as capital outlays with the fund from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Manual. The cost of property, plant, and equipment includes all expenditures necessary to put the asset into position and ready for use. For purposes of recording fixed assets of the Town and its Departments, the valuation of assets shall be based on historical cost or where the historical cost is indeterminable, by estimation for those assets in existence.

The Town’s municipally owned utilities shall record acquisition of Fixed Assets in accordance with generally accepted accounting principals. When an asset is purchased for cash, the acquisition is simply recorded at the moment of cash paid, including all outlays relating to its purchase and preparation for intended use. Assets may be acquired under a number of other arrangements including:

1. Assets acquired for a lump-sum purchase price
2. Purchase on the deferred payment plan
3. Acquisition under capital lease
4. Acquisition by exchange of non-monetary assets
5. Acquisition by issuance of securities
6. Acquisition by self-construction
7. Acquisition by donation or discovery

Some of these arrangements present special problems relating to the cost to be recorded, for example, in utility accounting, interest during a period of construction has long been recognized as a part of the asset cost. Refer to an intermediate will illustrate the recording of acquisition of assets under the aforementioned acquisition arrangements. For purposes of recording fixed assets of the utilities the evaluation of assets shall be based on historical cost.

In addition, an asset register (prescribed form 211) shall be maintained to provide a detail record of the governmental unit.

Section 3. “SAFEGUARDING OF ASSETS”

Be it ordained that accounting controls be designed and implemented to provide reasonable assurances that:

1. Capital expenditures made by the Town, its various Departments and Utilities be in accordance with management’s authorization as documented in the minutes.
2. Transactions of the Utilities be recorded as necessary to permit preparation of financial statements in conformity with generally accepted principals.
3. Adequate detailed records be maintained to assure accountability for Town- and Utility-owned assets
4. Access to assets be permitted in accordance with the existing assets at least every two years and appropriate action taken with respect to any differences.
5. The recorded accountability for assets be compared with the existing assets at least every two years and appropriate action taken with respect to any difference.

Ordained and passed by the Town Council of Bourbon, Indiana on this 2<sup>nd</sup> day of July, 1996.

(Ordinance No. 1996-6)

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2.16.2 AN ORDINANCE AMENDING ORDINANCE 1996-6 THAT ESTABLISHED A FIXED-ASSET CAPITALIZATION POLICY

WHEREAS, the Town Council of Bourbon, Indiana has decided to amend its Fixed-Asset Capitalization Policy to increase the minimum capitalization value to Five Thousand Dollars (\$5,000.00) instead of what is currently provided in said Ordinance.

BE IT ORDAINED by the Town Council of Bourbon, Indiana, that: Ordinance 1996-6, which established a Fixed-Asset Capitalization Policy for said Town shall be and hereby is amended to provide a minimum capitalization value of Five Thousand Dollars (\$5,000.00) instead of the One Thousand Dollar (\$1,000.00) minimum now provided in such Ordinance.

That this Amendment shall take effect upon the passage hereof, but otherwise Ordinance 1996-6 shall remain in full force and effect as previously adopted by said Town Council, except as now amended hereby.

Passed and adopted by the Town Council of Bourbon, Indiana, this 12<sup>th</sup> day of June, 2001.

(Ordinance 2001-4)

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2.17.1 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1993-1: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.2 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1994-1: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.3 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1995-1: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.4 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1996-0: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.5 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1997-0: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.6 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1998-0: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.7 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #1999-0: EARLY PAYMENT OF CERTAIN CLAIMS

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2.17.8 AN ORDINANCE ALLOWING THE CLERK/TREASURER TO PAY CERTAIN TYPES OF CLAIMS PRIOR TO COUNCIL ALLOWANCE

Editor's Note: REPLACED - See [Ordinance 2003-1](#)

**+/-** (REPLACED) #2000-0: EARLY PAYMENT OF CERTAIN CLAIMS

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2.18.1 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA DESIGNATING PURCHASING AGENTS FOR SAID TOWN

WHEREAS, IC 5-22 (the "Act") applies to every expenditure of public funds by a governmental body; and

WHEREAS, the Town of Bourbon (the "Town") is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town to establish a purchasing agency for the Town; and

WHEREAS, the Town Council of the Town desires to establish a purchasing agency for the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

1. The Town Council hereby determines that it is the purchasing agency for the Town.

2. The Town Council hereby designates the following persons to serve as purchasing agents for the Town:

- (a) the elected Clerk-Treasurer
- b. the Town Marshall
- c. the heads of the Sewer, Water, Street, Fire, EMS, and Park Departments
- d. such other Town employees as are designated in writing to be purchasing agents, such designation to be in writing.

3. That this Ordinance shall be in full force and effect from and after its passage, and publication as required by law.

PASSED AND ADOPTED this 21<sup>st</sup> day of July, 1998.

(Ordinance No. 1998-5)

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2.18.2 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA, ESTABLISHING PURCHASING RULES AND REGULATIONS

WHEREAS, IC 5-22 (the “Act”) applies to every expenditure of public funds by a governmental body; and

WHEREAS, the Town of Bourbon (the “Town”) is a governmental body under the Act; and

WHEREAS, the Act requires the Town to establish certain purchasing rules and polices for the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

Section 1. The following are the purchasing rules for the Town of Bourbon, Indiana:

A. Purchase of Supplies Manufactured in the United States

Supplies manufactured in the United States shall be specified for all Town purchases and shall be purchased unless the Town determines that:

- 1. The supplies are not manufactured in the United States in reasonably available quantities;
- 2. The price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere;
- 3. The quality of supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- 4. The purchase of supplies manufactured in the United States is not in the public interest.

## B. Protection of Offers; Status of Documents as Public Records

1. Protection of Offers Prior to Opening. The purchasing agent shall retain all offers received in a secure location prior to the date and time at which the offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.
2. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers. The purchasing agents shall maintain such offers in their own offices, as well as a duplicate set of records in the Office of the Clerk-Treasurer.
3. Public Record Status of Bids. Bids submitted in response to an invitation for bids must be available for public inspection and copying after the time of the bid opening. Accepted bids with all necessary accompanying documentation will be kept for inspection in the designated cabinets.
4. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed. A copy of the register will also be kept in the designated cabinet.
5. Discussions with Offerors Responding to a Request for Proposals. The purchasing agent may conduct discussions with, and best and final offers may be obtained from, responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.
6. Delay of Opening of Offers. When the Town Council makes a written determination that it is in the Town's best interests, offers may be opened after the time stated in the solicitation. The date, time, and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

## C. Evidence of Financial Responsibility

1. Purchases Less than \$25,000.00. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.00.
2. Purchases Between \$25,000.00 and \$100,000.00. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.
3. Purchases over \$100,000.00. The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of purchase.
4. Retention of Bonds or Checks. Checks and other evidence of financial responsibility shall be retained in a secure place.

## D. Modification and Termination of Contracts.

1. Price Adjustments. The purchasing agent may include provisions to permit price adjustments in a



purchase contract. The following provisions for price adjustments may be included:

- (a) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of a performance as possible.
- (b) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
- (c) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustments of profit or fee, all as specified in the contract or subsequently agreed upon;
- (d) Price adjustments must be computed in such other manner as the contracting parties may eventually agree upon;
- (e) In the absence of agreement by the parties, price adjustments must be computed by a unilateral determination by the governmental body of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the governmental body in accordance with applicable rules adopted by the governmental body.

2. Adjustments in Time or Performance. The purchasing agent may include provisions in a purchase contract concerning adjustments for time or performance under the contract.

3. Unilateral Purchase Rights of Town. The Purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time or performance.

4. Quantity Variations. The purchasing agent may include in a purchase contract, provisions dealing with variations between estimated quantities of work in a contract and the actual quantity delivered.

E. Purchase of Services. The Town determines that each elected Town official may purchase services in whatever manner the purchaser deems reasonable.

The Town purchasing agency may not require any Town purchasing agent or any Town-elected official, to purchase services in any particular manner; except that the purchase of services that exceed \$1,000.00 shall be approved by the Town purchasing agency.

F. Publication of Notices, Invitation for Bids.

1. All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the *Bourbon News-Mirror*.

The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. A notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least ten (10) days prior to the date the bids will be open.

2. Request for proposals. All notices of request for proposals shall be published in accordance with I.C. 5-3-1 in the *Bourbon News-Mirror*. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least seven (7) days prior to the date the proposals will be open.

3. Request for specifications. All notices of request for specification shall be published in accordance with I.C. 5-3-1 in the *Bourbon News-Mirror*. The purchasing agent shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2) times, at least one (1) week apart. The second publication must occur at least seven (7) days prior to the date the proposal will be opened.

4. Electronic notices. Whenever a notice or other material, including specifications, and invitation for bids, requests for proposals or requests for specifications is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

#### G. Receiving Offers.

1. Opening of Offers. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to request for proposals must be opened to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the Request for Specifications.

2. Electronic receipt of offers. The purchasing agent may receive electronic offers in response to an invitation to bid, request for proposals or a request for specification.

An electronic offer may only be received if:

- (a) the solicitation includes a procedure for the electronic submission of the offer;
- (b) the purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

H. Correction and Withdrawal of Bids. An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may not supplement an inadvertently erroneous bid after the time at which the bids were opened.

A bidder may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than twenty-four (24) hours after the time at which the bids were opened.

I. Cancellation of Solicitation. When the purchasing agent makes a written determination that it is in the Town's best interest, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

J. Small Purchases. Any purchasing agent may purchase supplies with an estimated cost of less than \$500.00 per purchase on the open market without inviting or receiving quotes, and without receiving any additional approvals from the purchasing agency or from a supervising employee; any purchasing agent may purchase supplies with an estimated cost of from Five hundred one dollars (\$501.00) to Two thousand five hundred dollars (\$2,500.00) per purchase on the open market without inviting or receiving quotes, but only with the prior approval of that purchasing agent's direct supervisor; and any purchasing

agent may purchase supplies with an estimated cost of from Two thousand five hundred one dollars (\$2,501.00) to Twenty-five thousand dollars (\$25,000.00) per purchase on the open market without inviting or receiving quotes, but only with the prior permission of the purchasing agency.

All purchasing agents shall complete the required forms as required by statute and a copy of said forms are attached hereto and made a part hereof.

K. That this Ordinance shall be in full force and effect from and after its passage, and publication as required by law.

Passed and adopted this 21<sup>st</sup> day of July, 1998.

(Ordinance No. 1998-6)

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2.19 AN ORDINANCE TO SUBMIT TO THE VOTERS OF THE TOWN OF BOURBON THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION FOR APPROVAL OF RATES AND CHARGES FOR THE BOURBON WATER DEPARTMENT

Editor's Note: EXPIRED - one-time referendum question

**+/-** (EXPIRED) #1983-8: REFERENDUM ON REMOVAL FROM IURC

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2.20 AN ORDINANCE OF THE TOWN OF BOURBON, INDIANA CREATING A DEPARTMENT OF STORM WATER MANAGEMENT

WHEREAS, I.C. 8-1.5-5-1 et seq. allows municipalities to adopt the provisions of said chapter ordinance thus creating a Department of Storm Water Management.

WHEREAS, the Town of Bourbon has reviewed the advantages and disadvantages of establishing such a Department and desires to create a Department of Storm Water Management.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BOURBON, INDIANA, HEREBY ENACTS THE FOLLOWING ORDINANCE CREATING A DEPARTMENT OF STORM WATER MANAGEMENT.

Section 1. A Department of Storm Water Management is hereby established for the Town of Bourbon, Indiana, to be controlled by a Board of Directors consisting on three (3) Directors. Said Directors shall be appointed by the Executive of the Town of Bourbon and not more than two (2) of said Directors may be of the same political party.

Section 2. The terms of office of the Directors shall be staggered so that one of the Directors shall serve an initial term of one (1) year; one of the Directors shall serve an initial term of two (2) years; and one of said Directors shall serve an initial term of three (3) years. All of said initial terms shall begin effective as of January 1, 1997. The Executive, when making the appointment of Directors, shall specify which

Director shall serve which initial term. From and after the initial term, each Director so appointed shall serve a term of three (3) years. The Executive of the Town may remove a Director at any time when in the judgment of the Executive it is in the best interest of the Department.

Section 3. The Board created pursuant to the terms of this Ordinance shall have those powers provided for under I.C. 8-1.5-3-4(a), as the same may be amended from time to time, which are as follows:

(a) The board has general supervisory powers over the utilities under its control, with responsibility for the detailed supervision of each utility vested in its superintendent, who is responsible to the board for the business and technical operation of the utility. The board shall:

- (1) fix the number and compensation of employees;
- (2) adopt rules governing the appointment of employees including making proper classifications and rules to:
  - (A) determine the eligibility of applicants
  - (B) determine by competitive examination the relative fitness of applicants for positions
  - (C) establish eligible lists arranged according to the ratings secured
  - (D) provide for the appointment of those having the highest ratings; and
  - (E) provide for the promotion of employees
- (3) subject to IC 36-4-9-2, appoint a superintendent or manager of each utility under its control who is responsible to the board for the business and technical operation of the utility; the board shall make the appointment on the basis of fitness to manage the particular utility to which he is to be assigned, taking into account his executive ability and his knowledge of the utility industry;
- (4) subject to IC 36-4-9-12, hire attorneys when required for the operation of the utility;
- (5) hire professional or expert personnel when required for the operation of the utility;
- (6) submit a budget of its financial needs for the next year in detail required by the municipal legislative body;
- (7) recommend to the legislative body reasonable and just rates and charges for services to the patrons of each utility;
- (8) appropriate, lease, rent, purchase, and hold all real and personal property of the utility;
- (9) enter upon lands for the purpose of surveying or examining the land to determine the location of any plant or appurtenances;
- (10) award contracts for:
  - (A) the purchase of capital equipment
  - (B) the construction of capital improvements
  - (C) other property or purposes that are necessary for the full and efficient construction, management, and operation of each utility;
- (11) adopt rules for the safe, economical, and efficient management and protection of each utility;
- (12) deposit at least weekly with the municipal fiscal officer all money collected from each utility to be kept in a separate fund subject to the order of the board; and

(13) make monthly reports to the fiscal officer of each of the receipts and disbursements of money belonging to each utility and an annual report of the condition of the utility.

In addition thereto, the Board shall have the powers and duties set for in I.C. 8-1.5-5-6 as the same may be amended from time to time, as follows:

- (1) hold hearings following public notice
- (2) make findings and determinations
- (3) install, maintain, and operate a storm water collection and disposal system
- (4) make all necessary or desirable improvements of the grounds and
- (5) Issue and sell bonds of the district in the name of the municipality for the acquisition, construction, alteration, addition, or extension of the storm water collection and disposal system or for the refunding of any bonds issued by the board.

All of the rights and duties of said Board shall be found as in the statute creating and allowing for storm water management systems being I.C. 8-1.5-5-1 et seq., which is hereby incorporated by reference.

Passed and adopted this 15<sup>th</sup> day of October, 1996.  
(Ordinance No. 1996-7)

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**2.21.1 AN ORDINANCE SETTING THE SALARIES FOR TOWN OFFICERS AND EMPLOYEES FOR THE YEAR 1989 FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

Editor's Note: EXPIRED - Salary for 1989

**+/-** (EXPIRED) #1988-6: SALARY for 1989

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**2.21.2 AN ORDINANCE SETTING THE SALARIES FOR TOWN OFFICERS AND EMPLOYEES FOR THE YEAR 1990 FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

Editor's Note: EXPIRED - Salary for 1990

**+/-** (EXPIRED) #1989-4: SALARY for 1990

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**2.21.3 AN ORDINANCE SETTING THE SALARIES FOR TOWN OFFICERS AND EMPLOYEES FOR THE YEAR 1991 FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

Editor's Note: EXPIRED - Salary for 1991

+/- (EXPIRED): SALARY for 1991

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2.21.3A AN ORDINANCE TO AMEND THE SALARY ORDINANCES FOR 1990 AND 1991 FOR THE TOWN OF BOURBON, INDIANA

Editor's Note: EXPIRED - Salary Amendments for 1990 and 1991

+/- (EXPIRED) #1990-7: SALARY Amendments for 1990 and 1991

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2.21.3B AN ORDINANCE TO AMEND THE SALARY ORDINANCE FOR 1991 SALARIES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary Amendments for 1991

+/- (EXPIRED): SALARY Amendments for 1991

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2.21.3C AN ORDINANCE TO AMEND THE SALARY ORDINANCE FOR 1991 FOR THE TOWN OF BOURBON, INDIANA

Editor's Note: EXPIRED - Salary Amendments for 1991

+/- (EXPIRED): SALARY Amendments for 1991

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2.21.4 AN ORDINANCE SETTING THE SALARIES FOR 1992 FOR TOWN OFFICERS AND EMPLOYEES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1992

+/- (EXPIRED) #1991-9: SALARY for 1992

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2.21.5 AN ORDINANCE SETTING THE SALARIES FOR 1993 FOR TOWN OFFICERS AND EMPLOYEES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1993

+/- (EXPIRED) #1992-5: SALARY for 1993 - Page 1

+/- (EXPIRED) #1992-5: SALARY for 1993 - Page 2

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**2.21.5A AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR THE YEARS 1992 AND 1993**

BE IT ORDAINED by the Town Council for the Town of Bourbon, Marshall County, Indiana that Section 2.5A of the Municipal Code of such Town is hereby amended as follows:

2.21.5A(1) - PAID HOLIDAYS: Town employees are to be paid at their regular hourly rate for the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Election Day, Thanksgiving Day, the following Thanksgiving Day, and Christmas, effective in 1992.

2.21.5A(2) - ACCUMULATION OF SICK DAYS: Effective January 1, 1993, Town employees shall be allowed to accumulate up to ten days for use as required and from the annual allotment of the same.

IT IS FURTHER ORDAINED that the position of Part-Time Lab Technician be created to be paid from the Utilities Departments. Such a Lab Technician will work no more than 1,000 per year at a rate of \$6.75 for the years 1992 and 1993, to be effective December 5, 1992.

Passed by the Town Council for the Town of Bourbon, Marshall County, Indiana this 15<sup>th</sup> day of December, 1992.

(Ordinance 1992-7)

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**2.21.5B AN ORDINANCE AMENDING THE SALARIES FOR 1993 FOR TOWN OFFICERS AND EMPLOYEES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

Editor's Note: EXPIRED - Salary Amendment for 1993

+/- (EXPIRED) #1993-8: SALARY Amendment for 1993

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**2.21.6 AN ORDINANCE SETTING THE SALARIES FOR 1994 FOR TOWN OFFICERS AND EMPLOYEES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

Editor's Note: EXPIRED - Salary for 1994

+/- (EXPIRED) #1993-14: SALARY for 1994 - Page 1

+/- (EXPIRED) #1993-14: SALARY for 1994 - Page 2

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2.21.6A AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR 1994 FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary Amendment for 1994

+/- (EXPIRED) #1994-3: SALARY Amendment for 1994

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2.21.6B AN ORDINANCE AMENDING THE SALARY ORDINANCE FOR 1994 FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary Amendment for 1994

+/- (EXPIRED) #1994-5: SALARY Amendment for 1994

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2.21.7 AN ORDINANCE SETTING THE SALARIES FOR 1995 FOR TOWN OFFICERS AND EMPLOYEES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1995

+/- (EXPIRED) #1994-13: SALARY for 1995 - Page 1

+/- (EXPIRED) #1994-13: SALARY for 1995 - Page 2

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2.21.7A ADDENDUM TO ORDINANCE 1994-13

Editor's Note: EXPIRED - Salary Addendum for 1995

+/- (EXPIRED) SALARY Addendum for 1995

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2.21.8 AN ORDINANCE SETTING THE SALARIES FOR 1996 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1996

+/- (EXPIRED) #1995-3: SALARY for 1996 - Page 1

+/- (EXPIRED) #1995-3: SALARY for 1996 - Page 2

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2.21.9 AN ORDINANCE SETTING THE SALARIES FOR 1997 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1997

+/- (EXPIRED) #1996-10: SALARY for 1997 - Page 1

+/- (EXPIRED) #1996-10: SALARY for 1997 - Page 2

+/- (EXPIRED) #1996-10: SALARY for 1997 - Page 3

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2.21.10 AN ORDINANCE SETTING THE SALARIES FOR 1998 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1998

+/- (EXPIRED) #1997-9: SALARY for 1998 - Page 1

+/- (EXPIRED) #1997-9: SALARY for 1998 - Page 2

+/- (EXPIRED) #1997-9: SALARY for 1998 - Page 3

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2.21.11 AN ORDINANCE SETTING THE SALARIES FOR 1999 FOR TOWN OFFICERS AND EMPLOYEES AND FOR THE PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 1999

+/- (EXPIRED) #1998-10: SALARY for 1999 - Page 1

+/- (EXPIRED) #1998-10: SALARY for 1999 - Page 2

+/- (EXPIRED) #1998-10: SALARY for 1999 - Page 3

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2.21.11A AN AMENDMENT TO ORDINANCE 1998-10

Editor's Note: EXPIRED - Salary Amendment for 1999

+/- (EXPIRED) SALARY Amendment for 1999

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2.21.11B AN AMENDMENT TO ORDINANCE 1998-10

Editor's Note: EXPIRED - Salary Amendment for 1999

+/- (EXPIRED) SALARY Amendment for 1999

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2.21.12 AN ORDINANCE SETTING THE SALARIES FOR 2000 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 2000

+/- (EXPIRED) #1999-5: SALARY for 2000 - Page 1

+/- (EXPIRED) #1999-5: SALARY for 2000 - Page 2

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2.21.13 AN ORDINANCE SETTING THE SALARIES FOR 2001 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 2001

+/- (EXPIRED) #2000-7: SALARY for 2001 - Page 1

[+/-](#) (EXPIRED) #2000-7: SALARY for 2001 - Page 2

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### 2.21.13A AN ORDINANCE AMENDING CURRENT SALARY ORDINANCE

Editor's Note: EXPIRED - Salary Amendment for 2001

[+/-](#) (EXPIRED) #2001-5: SALARY Amendment for 2001

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### 2.21.14 AN ORDINANCE SETTING THE SALARIES FOR 2002 FOR TOWN OFFICERS AND EMPLOYEES AND FOR PAYMENT OF CERTAIN OTHER SERVICES FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: EXPIRED - Salary for 2002

[+/-](#) (EXPIRED) #2001-7: SALARY for 2002 - Page 1

[+/-](#) (EXPIRED) #2001-7: SALARY for 2002 - Page 2

[+/-](#) (EXPIRED) #2001-7: SALARY for 2002 - Page 3

## TITLE III - PUBLIC WORKS

[3.1](#) Publicly Owned Sewer Facilities

[3.2.1](#) Administrative Procedures for Water and Sewage Utilities

[3.2.1A](#) Amendment to the Administrative Procedures for Water and Sewage Utilities

See Also:

[Resolution](#), 8-3-2009, regarding Water Leaks and Billing

[3.3.1](#) Sewage Use and Rates

[3.3.2](#) Sewage Use and Rates - 1995

[3.3.3](#) Sewage Use and Rates - 1997

[3.3.3A](#) Amendment Defining Delinquent Bills

[3.4.1](#) Water Use and Rates

[3.4.2](#) Water Use and Rates - 1990

[3.4.2A](#) Amendment to Correct Fire Protection Charges

[3.4.3](#) Water Use and Rates - 1995

[3.4.4](#) Lawn Sprinklers

[3.4.5](#) Use of Public Water Supply Distribution System

[3.4.6](#) Water Use and Rates - 1997

[3.4.7](#) Public Drinking Fountain Rates

- [3.4.8](#) Use of Public Water Supply Distribution System
  - [3.4.9](#) Water Reconnection (*not found*)
  - [3.5](#) Street Lighting Contract
  - [3.6.1](#) Garbage Collection
  - [3.6.1A](#) Amendment Barring Yard Waste From Collection
  - [3.6.2](#) Fees for the Collection of Refuse
  - [3.6.2A](#) Amendment to Fees for the Collection of Refuse
  - [3.7](#) Meter Deposit and Turnoff/Turnon Fee
  - [3.8.1](#) Storm Water Utility
- See Also:
- [Ordinance No. 2007-1](#), 2-15-2007, Limiting Town's Liability for Stormwater Damage
- [3.9](#) Acceptance of State Grant to Improve Water Utilities

### 3.1 AN ORDINANCE FOR USE OF PUBLICLY OWNED SEWER FACILITIES

AN ORDINANCE establishing the rules and regulations for the discharge of wastewaters into the wastewater treatment system of the Town of Bourbon, Indiana, to-wit:

WHEREAS, the Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, and as Amended, (all hereinafter referred to as the “Act”) together with other Federal and State Legislation and Regulations have required more thorough wastewater treatment programs in municipalities of this State and Country; and

WHEREAS, the Town of Bourbon, Indiana, seeks to provide for the use of its wastewater treatment facility by persons and concerns served by it without damage to the physical facilities of such system, without impairment of the normal function of collecting, treating and discharging domestic and other wastewater, and without the discharge by this Town’s wastewater treatment system of pollutants which would violate the discharge allowed under its National Pollutant Discharge Elimination System (NPDES) permit and the applicable rules of all governmental authorities with jurisdiction over such discharges and said wastewater treatment system and its facilities.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Bourbon, Indiana, as follows:

#### SECTION 1. DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Ordinance or as used in the rules and regulations adopted by the Town Council to implement the provisions of this Ordinance shall be as follows:

101. “ACT” - The Federal Water Pollution Control Act (PL 92-500) as amended by the Clean Water Act (PL 95-217) of 1977.

102. “Applicable Pretreatment standard” - Any pretreatment limit or prohibitive standard (Federal, State and/or local) contained in the Ordinance and considered to be the most restrictive with which non-

domestic users will be required to comply.

103. “Average Monthly Discharge Limitation” - The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all daily discharges measure through a calendar month divided by the number of daily discharges measured during that month.

104. “Biochemical Oxygen Demand” or (BOD) of sewage, sewage effluent, polluted water, or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20 degrees Centigrade. The laboratory determination shall be made in accordance with the methods contained in 40 CFR 136 or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this Ordinance.

105. “Categorical Pretreatment Standard” - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to a specific category of industrial users.

106. “CFR” shall mean Code of Federal Regulations.

107. “Chemical Oxygen Demand” (COD) of sewage, sewage effluent, polluted waters, or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with the methods contained in 40 CFR 136 or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to this Ordinance.

108. “Composite Sample” - A composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the composition period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

109. “Cooling Water”

109.1 “Contact Cooling Water” shall mean any water used for heat exchange in a manufacturing process. The cooling water may come in direct contact with a manufacturing product, equipment or contaminate or anything else that alters the chemical or physical characteristics of the water other than temperature.

109.2 “Non-Contract Cooling Water” shall mean any water used for heat exchange in a manufacturing process. The cooling water shall not at any time come into direct contract with any manufacturing product, equipment contaminant or anything else that would alter the chemical or physical characteristics of the water other than temperature.

110. “Daily Discharge” - Discharge of a pollutant “measured during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling.”

111. “Effluent” shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

112. “Emergency” shall mean a combination of unforeseen circumstances which require an immediate remedy. Said emergency shall be declared by the Town Council and shall be limited to a specific time period.

113. “U.S. Environmental Protection agency, or EPA” - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of the agency.
114. “Garbage” shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
115. “Grab sample” - A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.
116. “Ground Garbage” shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
117. “Industrial User” - Any Industrial or commercial establishment that discharges Industrial (process) wastewater to a publicly owned treatment works.
118. “Industrial Waste Permit” - A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the city.
119. “Industrial Wastes” shall mean any solid, liquid or gaseous substance or form of energy discharges, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource.
120. “Influent” shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
121. “Interference” - the inhibition or disruption of the POTW treatment processes or operations which contributed to a violation of any requirement of the City’s NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the act (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.
122. “Major Contributor” - A contributor that: (a) has a flow of more than twenty-five thousand (25,000) gallons per average workday; (b) has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act; (c) has a flow greater than five percent of the total POTW influent; (d) has in its wastes toxic pollutants as defined pursuant to Section 307 of the act or State statutes and rules, or (e) is found by the City, State, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either by itself or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.
123. “Mass Emission Rate” shall mean the amount of a pollutant to the Bourbon sewer system as measured in a weight per unit time. The Mass Emission Rate may be expressed but not limited to such terms as pounds per day, kilograms per day, or pounds per hour.
124. “Maximum Daily Discharge Limitations” - Highest allowable “daily discharge.”

125. "Normal Domestic Sewage" as defined for the purpose of determining eligibility for payment of surcharge shall mean sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter, an average daily BOD of not more than 200 milligrams per liter.
126. "NPDES Permit" - National Pollutant Discharge Elimination System Permit which sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 95-217.
127. "O & M" shall mean operation and maintenance.
128. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
129. "Person" - Any and all persons, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or the legal representatives, agents or assigns. The masculine gender includes the feminine, the singular includes the plural where indicated by the context.
130. "pH" shall mean the logarithm (to the base of 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atom per liter of solution.
131. "Pollutant" - Any physical parameter or substance which, when discharged into (in) the influent waters of the POTW or (ii) the waters of the state, would alter the physical, chemical, biological or radiological integrity of those waters. The terms shall include, but not be limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.
132. "POTW" shall mean Public Owned Treatment Works.
133. "Pretreatment" - the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 40 CFR 403.6(d).
134. "Pretreatment Requirements" - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.
135. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
136. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and from storm water, surface water and industrial wastes.
137. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such runoff, surface and

storm waters as may be present.

138. “Sewage Treatment Plant” or “Wastewater Treatment Plant” shall mean the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

139. “Sewer” shall mean a pipe or conduit for carrying sewage or other waste liquids.

139.1 “Combined Sewer” shall mean a sewer which carries both storm, surface and ground water runoff and sewage.

139.2 “Public Sewer” shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.

139.3 “Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface and ground water drainage excludes sewage.

140. “Sewer System” shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.

141. “Shall” is mandatory; “may” is permissible.

142. “Sludge” - Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act PL 94-580.

143. “Standard Industrial Classification (SIC): - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

144. “Standard Methods: - The laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

145. “Superintendent” shall mean the Superintendent of the Sewage Treatment Facilities (or Wastewater Treatment Plant) of the Town of Bourbon or its duly authorized representative.

146. “Suspended Solids” shall mean solids which either float on the surface or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in “Standard Methods.”

147. “Toxic Amount” - Concentrations of any pollutant or combination of pollutants which upon exposure to any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to section 307(a) of PL 95-217.

148. “Toxic Pollutant” - Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic affects.



149. "Town" shall mean the Town of Bourbon, Indiana or any duly authorized officials action in its behalf.

150. "Upset" shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities.

151. "User" - Any person that discharges, causes, or permits the discharge of wastewater into the sewerage system.

152. "Wastewater, Constituents and Characteristics" - The individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and other parameters that serve to define, classify, or measure the contents, quality, quantity; and strength of wastewater.

153. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

## SECTION II. PROHIBITED DISCHARGES

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

201.1 Any liquid or vapor having a temperature that would inhibit biological activity in the POTW resulting in interference, but in no case shall the wastewater cause a temperature higher than 104 degrees Fahrenheit at the introduction to the POTW but in no way shall the temperature of the liquid or vapor exceed 104 degrees Fahrenheit.

201.1(a) Any non-contact cooling water with a total flow rate in excess of 10,000 gpd. Industry shall obtain NPDES and any other necessary permits and discharge the non-contact cooling water to any approved discharge point. Industry may elect to recycle non-contact cooling water in lieu of discharging.

201.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.

201.3 Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW.

201.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

201.5. Any garbage that has not been properly ground.

201.6. Any ashes, cinders, sand, mud, shavings, wood, metal, glass, rags, feathers, tar, plastics, pauch manure, butchers offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or any other interference with the proper operation of the sewage system or the Sewage Treatment Plan.

201.7 Any waters or wastes having a pH lower than 6 or higher than 9 or having any other corrosive property capable causing damages or posing hazards to the structures, equipment or personnel of the Sewage Utility.

201.8 Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

201.9 Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW. In addition, any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction to injure or interfere with any wastewater treatment process, or constitute a hazard to humans or animals.

201.10 Any toxic radioactive isotopes, without a special permit. The radioactive Isotopes 1131 and P32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewage system.

201.11 Any slug load of pollutants including any oxygen demanding pollutants such as BOD, Suspended Solids, etc. released in a single extraordinary discharge of such volume or strength as to cause interference to the POTW.

201.12 Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be required to handle such materials in the collection system at the Sewage Treatment Plant.

201.13 Any water or wastes containing polychlorinated biphenyls (PCB's).

201.14 Any waters with objectionable color not removed in the treatment process.

201.15 Any water or flows from roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

202. Responsibility of Obstructing or Damaging Sewers. Any person violating any ordinance provision or who discharges or causes a discharge that produces a deposit or obstruction, or causes damage to the Town's wastewater disposal system will be liable to the Town for any expense, loss or damage cause by the violation or discharge. The Town will bill the discharger for the costs incurred for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed cost would constitute a violation enforceable under ordinance provisions.

203. General Provisions.

203.1 Dilution: Dilution of the effluent from a treatment works or from any wastewater source is not acceptable as a method of treatment of wastes in order to meet the standards set forth in 201 and 204. Rather it shall be the obligation of any person discharging contaminants of any kind to the waters of the state to provide the best degree of treatment of wastewater consistent with technological feasibility, economic reasonableness and sound engineering judgement. In making determination as to what kind of treatment is the "best degree of treatment" within the meaning of this paragraph, any person shall consider the following:

(a) what degree of waste reduction can be achieved by process change, improved housekeeping, and

recover of individual waste components for reuse; and

(b) whether individual process wastewater streams should be segregated or combined.

In any case, measurement of contaminant concentrations to determine compliance with the effluent standards shall be made at the point immediately following the final treatment process and before mixture with other waters, unless another point is designated by the Town. If necessary, the concentrations so measured shall be recomputed to exclude the effect of any dilution that is improper under 201 and 204.

203.2 Background Concentrations: Because the effluent standards in 20 and 204 are based upon concentrations achievable with conventional treatment technology that is largely unaffected by ordinary levels of contaminants in intake water, they are absolute standards that must be met without subtracting background concentrations. However, it is not the intent of these regulations to require treatment when only traces of contaminants are added to the background. Compliance with the numerical effluent standards result entirely from influent contamination, evaporation, and/or the incidental addition of traces of materials not utilized or produced in the activity that is the source of the waste.

203.3 Sampling: Except as otherwise specifically provided in 201 and 204, compliance with the numerical standards in 201 and 204 shall be determined on the bases of a twenty-four (24) hour composite samples.

203.4 Contact Cooling Water: A penalty of 10 times the normal sewer use rate of billing shall be assessed to the industry each month for treatment of any contact cooling water discharged to the Town's wastewater treatment facilities.

Industries shall install flow metering devices that measure, totalize and record the amount of contact cooling water used in manufacturing processes. The flow meters shall be accurate to within 2% over the entire flow range. The meter shall be accessible to Town Personnel at all times for inspection of proper operation or tampering, and to record the amount of cooling water discharged to the Town sewers, each month.

204. Toxic and Other Pollutants. No existing discharger as of the effective date of this Ordinance shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following value as measured at the point where the entire wastewater flow from the industrial user enters the Town's sewer system.

Maximum Daily Discharge  
Constituent Limitations (mg/l)

- d. a temperature higher than 104°F or 40°C;
- e. a pH lower than 6.0 or higher than 9.0;
- f. 0.1 mg/l arsenic;
- g. 0.20 mg/l cadmium
- h. 5.0 mg/l hexavalent chromium (Cr<sup>+6</sup>) for one day, or 0.09 mc/l hexavalent chromium for any thirty consecutive day average.
- i. 0.1 mg/l copper
- j. 0.1 mg/l cyanide
- k. 0.1 mg/l lead
- l. 0.1 mg/l mercury

- m. 0.1 mg/l nickel
- n. 0.1 mg/l silver
- o. 0.50 mg/l zinc
- p. 10 mg/l phosphorus (total P);
- q. 20 mg/l ammonia (as N);
- r. 100 mg/l oil and grease (animal or vegetable origin)
- s. 100 mg/l oil and grease (mineral or petroleum oil)
- t. 0.5 mg/l phenolic compounds which cannot be removed by the Town's wastewater treatment process;
- u. Any of the above, a through r, in other concentration than stated above if applicable state or federal regulations, or regulations of the Council set different maximum concentrations;
- v. Any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board.

The Town may impose mass emission rate limitations on dischargers if it is believed that dilution is being used to meet the Pretreatment Standards or Requirements of this Ordinance. These standards do not override the other standards established by Federal or State Agencies or Departments, or as may be amended.

205. Categorical Standards. The Town will enforce applicable Federal, State, and local standards and regulations. A discharger of industrial wastes shall meet the most stringent applicable standard in all cases. These standards are required to be met at the point of discharge from the industrial pretreatment system prior to mixing with any other wastestreams.

206. Removal Credits. Where applicable, the Town may elect to initiate a program of removal credits as part of this Ordinance to reflect the POTW's ability to remove pollutants in accordance with 40 CFR Part 403.7. The program of removal credits shall be explained in the Wastewater Permit of the user, as issued.

### SECTION III. CONTROL AND PROHIBITED WASTES.

300. Regulatory Actions. If wastewaters containing any substance described enter into the sewer system of the Town or to any sewer system tributary thereto, the Superintendent and Town Council may take action necessary to:

300.1 Prohibit the discharge of such wastewater.

300.2 Require a discharger to demonstrate that in-house modifications will reduce or eliminate the discharge of such substance in conformity with this Ordinance.

300.3. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.

300.4 Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the Town for handling and treating excess loads imposed on the treatment system.

300.5 Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Ordinance.

300.6 The Town may suspend the wastewater treatment service and/or the Wastewater Permit of a discharger if it appears to the Town that an actual or threatened discharge presents an imminent danger to the welfare of the persons, to the environment, to the operation of the POTW, or violates any pretreatment limits of any Wastewater Permit. Any discharger notified of the suspension of Wastewater service and/or the discharger's Wastewater permit must, within a reasonable period of time, as determined by the Town, cease all discharges. If the discharger fails to comply voluntarily with the suspension order within the specified time, the Town must immediately commence judicial proceedings to compel the discharger's compliance with the order. The Town can reinstate the wastewater permit and/or the wastewater treatment service and terminate judicial proceedings provided the discharger can prove the elimination of the noncomplying discharge or conditions.

301. Submission of Plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Superintendent for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or other of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to and prior approval of the Superintendent. All submissions will be reviewed and approved in timely manner.

302. Pretreatment Facilities Operations. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.

303. Admission to Property. Whenever it shall be necessary for the purpose of these rules and regulations, the Superintendent, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

303.1 Copying any records required to be kept under the provisions;

303.2 Inspecting any monitoring equipment or method; and

303.3 Sampling any discharge of wastewater to the treatment works.

The Superintendent may enter upon the property at any hour under emergency circumstances.

The Town shall observe all safety rules applicable to the premises established by the industrial users, and the user shall be held harmless for injury or death to the Town employees. The Town shall indemnify the user against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the user to maintain safe conditions.

304. Protection from Accidental Discharge. Each Industrial or other user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved before construction of the facility. Review and approval of such plans and operating procedure shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this

Ordinance.

305. Reporting of Accidental Discharge. If, for any reason, a user does not comply with or will be unable to comply with any prohibition or limitation in this Ordinance, the user responsible for such discharge shall immediately notify the superintendent so that corrective action may be taken to protect the treatment systems. In addition, a written report addressed to the superintendent detailing the date, time and cause of the accidental discharge, the quantity and the characteristics of the discharge, and corrective action taken to prevent future discharge, shall be filed by the responsible users within five (5) days of the occurrence of the noncomplying discharge.

#### SECTION IV. USER WASTEWATER MONITORING AND REPORTING

400. Discharge Reports.

400.1 Any discharger subject to applicable pretreatment standards shall be required to file up to 12 times annually Discharge Reports with the Superintendent. The Superintendent may require any other users discharging or proposing to discharge into the treatment system to file such periodic reports on forms provided by the Superintendent.

400.2 The discharge report shall include, but shall not be limited to, nature or process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to the discharge reports, the superintendent may require information in the form of Industrial Discharge Permit Applications and self-monitoring reports.

401. Compliance Schedule Reports for Non-Compliance Industries. Any non-categorical industry which is not in compliance with the Town's ordinance limitations must develop a compliance schedule during the time the industry must meet the Town's standards. The schedule should contain Increments of progress (hiring engineers, starting construction, etc.), which correspond to specific dates for their completion. These represent major events leading to the operation of pretreatment equipment to meet the Town's pretreatment standards. All users subject to these conditions must submit a progress report to the Town no later than 14 days following each date in the compliance schedule. This report must include whether it complied with the increment of progress to be met on that date, the reason for delay if the date was not met, and the steps being taken to return to compliance. In no event can more than 9 months elapse between progress reports.

402. Baseline Reports. Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made on a category, whichever is later, existing users subject to the Categorical Pretreatment Standards shall submit to the Town a report containing the information listed in paragraph 403.12(b) of the General Pretreatment Regulations (40 CFR 403).

403. Compliance Schedule Reports for Categorical Industries. Whenever a user subject to Categorical Pretreatment Standards is not meeting the standards at the time of promulgation of that standard, a compliance schedule report shall be filed with the Superintendent. The schedule shall contain increments of progress (i.e., hiring an engineer, completing plans, commencing construction, etc.) which correspond to specific dates for their completion.

404. Compliance Date Report. Within 90 days following the date for final compliance with an applicable pretreatment standard, any user subject to those standards must submit to the city a report

indicating the nature and concentration of all pollutants in the discharge generated from the regulated process which are limited by Categorical Pretreatment Standards.

The report must also state whether applicable standards are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharge into compliance. This statement should be signed by an authorized representative of the user.

#### 405. Records and Monitoring.

405.1 All users who discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Ordinance and any applicable State and Federal pretreatment standards or requirements.

405.2 Such records shall be made available upon request by the Superintendent. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Agency upon demand. A summary of such data indicating the Industrial user's compliance with this Ordinance shall be prepared semi-annually and submitted to the Superintendent as a part of the Discharge Report. All records must be kept on file for a period of three (3) years. If any action is being taken, records must be kept through a period in which all appeals have been exhausted.

405.3 The owner or operator of any premises or facility discharging wastes into the system shall install at his own cost and expense suitable monitoring equipment to facilitate the accurate observation sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

405.4 The monitoring equipment shall be located and maintained on the user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Superintendent may allow such facility (a below ground sampling manhole) to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

405.5 When more than one user can discharge into a common sewer, the Superintendent may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Superintendent may require that separate monitoring facilities be installed for each separate discharge.

405.6 Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Superintendent's requirements and all applicable construction standards and specifications.

#### 406. Inspection, Sampling and Analysis.

406.1 Compliance Determination: Compliance determination with respect to Section II prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period or over a longer or shorter time span, as determined necessary by the Superintendent to meet the needs of specific circumstances.

406.2 Analysis of Industrial Waste Waters: Laboratory tests of industrial wastewater shall be performed in accordance with the procedures established by the U.S. Environmental Protection Agency contained in 40 CFR, Part 136, as amended.

406.3 Sampling Frequency: Sampling of Industrial wastewater for the purpose of compliance determination with respect to Section 11 prohibitions and limitations will be done at such intervals as the Superintendent may designate. However, it is the intention of the Superintendent to conduct compliance sampling or to cause such sampling to be conducted for all major contributing industries at least once per year.

407. Upsets. Any discharger that experiences an upset in operations which places the discharger in a temporary state of noncompliance with this Ordinance or the Permit must inform the Town within 24 hours of the upset occurrence. When such information is given orally, a written report must be sent to the Town within five days. The report must specify:

1. Description of the upset, the cause, and the upset's impact on the discharger's compliance status.
2. Duration of noncompliance, including times and dates of non-compliance.
3. Steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

A documented and verified operating upset can be an affirmative defense to any enforcement action brought by the Town against a discharger for noncompliance if the requirements of 40 CFR 403.15(c) are met.

## SECTION V. INDUSTRIAL DISCHARGE PERMIT SYSTEM

500. Wastewater Discharge Permits Required. All major contributing industries proposing to connect to or discharge into any part of the wastewater treatment system must first obtain a discharge permit.

All existing major contributing industries connected to or discharging to any part of the Town system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of this Ordinance.

501. Permit Application. Users seeking a wastewater discharge permit shall complete and file with the Town Clerk/Treasurer's Office an application on the form prescribed by the Superintendent and accompanied by the applicable fee. This application must be reviewed and approved by the Superintendent. In support of this application, the user shall submit the following information:

501.1 Name, address and SIC number of applicant;

501.2 Volume of wastewater to be discharged;

501.3 Wastewater constituents and characteristics including, but not limited to, those set forth in Section II of this Ordinance as determined by a reliable analytical laboratory;

501.4 Time and duration of discharge;

501.5 Average and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;



501.6 Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;

501.7 Description of activities, facilities and plan processes on the premises including all materials and types of materials and types of materials which are, or could be discharged;

501.8 Each product produced by type, amount and rate of production;

501.9 Number and type of employees and hours of work;

501.10 Any other information as may be deemed by the superintendent to be necessary to evaluate the permit application.

The Industrial User shall submit all current data applicable to manufacturing and treatment processes and shall submit to the Superintendent in writing a description of planned changes in said processes within thirty days of the changes if they impact the Industrial User's discharge. The Superintendent will review and evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Clerk/Treasurer's Office may issue a wastewater discharge permit subject to the terms and conditions herein.

502. Permit Fees. It is the purpose of this section to provide for the payment of fees from Industrial Users to the Town to compensate the Town for the cost of administration of the pretreatment program established herein. The Town Council shall adopt fees and charges which may include:

- (1) Fees for monitoring inspections and surveillance procedure;
- (2) Fees for permits;
- (3) Fees for filing appeals; and
- (4) Fees for reviewing accidental discharge procedures and construction.

Permit fees will be based on total program costs and reviewed annually by the Town Council. The program cost will be prorated based on the total of industrial waste water contributed by each permitted industry and billed annually. The percentage of flow contributed by each permitted industry will be calculated using the average annual flow contributed in the preceding year.

503. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Ordinance and all other regulations, user charges and fees established by the Town. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this Ordinance and applicable State and Federal regulations. Permit conditions will include the following:

503.1 The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;

503.2 The maximum wastewater constituents and characteristics;

503.3 Limits on rate and time of discharge or requirements for flow regulations and equalization;

503.4 Requirements for installation of inspection and sampling facilities, and specifications for

monitoring programs;

503.5 Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;

503.6 Description of removal credits granted by permit to the user by the Town;

503.7 Compliance schedules;

503.8 Other conditions to ensure compliance with this Ordinance.

504. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year or may be stated to expire on a specific date. If the user is not notified by the Superintendent thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for three (3) months. The terms and conditions of the permit may be subject to modification and change by the responsible official during the life of the permit, as limitations or requirements as identified in Section II are modified and changed. The user shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

505. Transfer of a Permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new or changed operation.

506. Revocation of Permit. If the governing State or Federal regulations change, the Town may revoke the permit granted. Additionally, any user who violated the following conditions of his permit or of this Ordinance, or of applicable State and Federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:

506.1 Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;

506.2 Failure of the user to report significant changes in operations or wastewater constituents and characteristics;

506.3 Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

506.4 Violation of conditions of the permit; or

506.5 Falsifying reports or tampering with samples.

507. Confidential Information. Information and data furnished to the Town with respect to the nature and frequency of discharge will be made available to the public or other governmental agencies without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade

secrets or secret processes will not be made available for inspection by the public but will only be made available upon written request to governmental agencies for uses related to the permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report will be available for use by any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Town as confidential will not be transmitted to any governmental agency or to the general public by the Town unless a ten-day notification is given to the discharger.

508. Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, report, or other document required by the Ordinance or other applicable regulations, or who tampers with or knowingly renders inaccurate any monitoring device, will, upon conviction be punished by the imposition of a civil penalty as required by local and State statutes.

## SECTION VI. ENFORCEMENT PROCEDURES

600. Notification of Violation. Whenever the Superintendent finds that any person has violated or is violating this Ordinance, or any prohibition, limitation or requirement contained herein, the Superintendent shall serve upon such person a written notice either personally or by certified or registered mail, stating the nature of the alleged violation. Within ten (10) days of the date of receipt of the notice, the discharger must respond personally or in writing to the Town advising of its position with respect to the allegations. Thereafter, the parties must meet to determine the seriousness of the allegations and where necessary, establish a plan for the satisfactory correction of the violation.

### 601. Show Cause Hearing.

601.1 If the violation is not corrected by timely compliance the Superintendent may order any person who causes or allows an unauthorized discharge to show cause before the Town Council why service should not be terminated. A notice shall be served on the offending party specifying the time and place of the hearing to be held by the Town Council regarding the violation, and directing the offending party to show cause before said Town Council why an order should not be made directing the termination of the service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

601.2 The Town Council may itself conduct the hearing and take the evidence or may designate any of its members or any officer to:

(a) Issue in the name of the Town Council notices of hearings and requesting the attendance and testimony of witnesses and the production of such evidence relevant to any matter involved in any such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town Council for action thereon.

601.3 At any public hearing, testimony taken before the Town Council or any person designated by it, must be under oath and recorded stenographically. The transcript, so recorded, will be made available to

any member of the public of any part of the hearing upon payment of the usual charges.

601.4 After the Town Council has reviewed the evidence, it may issue an order to the party responsible for the discharge, directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

602. Legal Action. Any discharge in violation of the substantive provisions of this Ordinance or an order of the Town Council shall be considered a public nuisance. If any user discharges sewage, industrial wastes, or other wastes into the Town treatment system contrary to the substantive provisions of this Ordinance or any order of the Town Council, the Town Attorney shall commence an action for appropriate legal and/or equitable relief.

603. Annual Publication of Violators. A list of discharges which were subject of significant enforcement proceedings pursuant to the provisions of this Ordinance or State or Federal regulations during the previous calendar year, shall be published annually by the Town in the largest daily newspaper published in the Town. The list shall summarize the enforcement actions taken against the discharges during the calendar year in which violations:

603.1 Remained uncorrected forty-five (45) or more days after notification of noncompliance;

603.2 Which have exhibited a pattern of noncompliance over that one (1) year period; or

603.3 Which involve failure to accurately report noncompliance;

603.4 Which resulted in the Town exercising its emergency authority.

604. Discharger's Right of Appeal. Any discharger has the right to request in writing an interpretation or ruling by the Town on any matter covered by the ordinance and entitled to a written reply within 45 days. In the event that such an inquiry is by the affected discharger and deals with matters of compliance with the Ordinance or deals with the Permit, receipt of the discharger's request will delay all enforcement proceedings, until he receives the written reply.

## SECTION VII. PENALTY COSTS

Any user who is found to have violated an order of the Town Council or who failed to comply with any provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense. Each day on which a violations hall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Town may recover its reasonable attorney's fees, court costs, court ordered fees, fines or civil penalties assessed against the Town resulting from violations of this Ordinance and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulations issued hereunder.

## SECTION VIII. SAVINGS CLAUSE

If any provision, paragraph word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

## SECTION IX. CONFLICT

All ordinances or parts of ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

## SECTION X. EFFECTIVE DATE

This Ordinance shall be in full force and effect after proper publication of the same as may be required by applicable Indiana laws for purposes of its enforcement.

Passed and adopted upon final vote and reading by the Town Council of the Town of Bourbon, Indiana, this 20<sup>th</sup> day of December, 1989.

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### 3.2.1 AN ORDINANCE ESTABLISHING ADMINISTRATIVE PROCEDURES FOR THE WATER UTILITY AND SEWAGE WORKS OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS, the Town Council of the Town of Bourbon desires to establish uniform administrative procedures for dealing with the Customers of the Water Utility and Sewage Works.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, as follows:

#### Section 1. APPLICATION FOR NEW SERVICES

Concurrent with application for a building permit an application shall be made for any new water, sanitary sewer, and storm sewer service related thereto. Said application for new utility service shall be on forms established by the Utilities Superintendent and shall be accompanied by a fee of fifty (\$50.00) dollars to provide for the cost of on-site inspection of all new utility service connections contained in the application.

#### Section 2. TAPPING CHARGES

The Town of Bourbon will construct or have constructed on its behalf all sanitary building sewers, water services, storm sewer services located within the public rights of way. The property owner for whom any such service will be constructed shall pay the Town for the Cost thereof. If constructed by Town forces, payment will be based on the cost of equipment and labor as periodically established by the Utilities Superintendent and adopted by the Town Council plus the actual cost of materials used. If the Town employs a private contractor for such construction, the property owner shall be charged for the entire contract cost.

It shall be the responsibility of the property owner to make arrangements with, and pay for a private excavation contractor to install building sewers, water services and storm sewer services from the public right-of-way to the building being connected. Said services shall be designed to conform to minimum standards for building services. It shall thereafter be the responsibility of the property owner to maintain the services from the public right-of-way to the building being served in a sanitary working condition so as to prevent contamination of the town's publicly owned system(s).

A written agreement between the property owner and the Town is required prior to the construction of any new sanitary building sewer, water service, or storm sewer service.

### Section 3. WATER METER SECURITY DEPOSIT

A proposed customer of the water utility who does not own the property at which service is requested shall deposit with the Clerk-Treasurer before initiation of such service the sum of Forty Dollars (\$40.00) (*changed to \$80.00 by §3.2.1A*) as a security deposit. At such time that said customer discontinues use of such water utility and after the Clerk-Treasurer has determined that the customer has paid all amounts due therefor, the said deposit shall be returned to the depositor. No interest will accrue to the security deposit.

### Section 4. TRANSFER OF SERVICE

A final reading for water and sewage service may be requested by a tenant who rents or leases a property or the property owner effected at or after the time of permanently vacating the property, notwithstanding contractual service agreements to the contrary. Upon receiving such a request, a final reading of the water meter will be scheduled with the Utilities Superintendent. If the final reading is obtained prior to computation of the current monthly water and sewage bills for which the normally scheduled monthly meter reading has already occurred, the additional water consumption and sewage usage will be added to the customer's bill prior to mailing - there should be no assessment for additional base charges for either the Water Utility or Sewage Works for any additional usage in this case. If the final water meter reading occurs after the calculation of the current normally scheduled monthly meter reading, then the final bill will include water base charge for one month plus commodity charge and sewage base charge for one month plus flow charge and sewage base charge for one month plus flow charge for the period from the last monthly meter reading until the final reading.

In the case of rental or leased properties, after a final billing, the account will immediately revert to the property owner or the succeeding tenant may arrange simultaneous transfer. The property owner or successive tenant will be charged the commodity charge for water and the flow charge for sewage from the last water meter reading plus monthly base charge for one month for water and sewage.

In the case where a property has been sold, the new owner will be responsible for water and sewage flow charges and full monthly base charges from the date of the final billing of the previous owner regardless of the date on which the new owner requests initiation of service.

There is no fee for final billing or initiation of water and/or sewage service.

### Section 5. SERVICE TURN ON

A fee of \$25.00 payable in advance is required for each water service turn on whether it is a result of non-payment of water and/or sewage bills or for plumbing repairs, emergency, or other reasons. Turn ons will be only be scheduled during regular working hours of the Town Utility Personnel, except when the Utilities Superintendent accedes to the request as constituting an emergency such turn on will be accommodated as promptly as personnel availability permits.

Shut off and/or non-use of water service for any reason will not exempt the customer from base charges during the period of shut off or non-use

Shut off of water service at the curb stop shall not be done by anyone other than Town utility personnel

unless authorized in writing by the Utilities Superintendent.

## Section 6. PERMANENT DISCONTINUANCE OF SERVICE

A customer may request in writing to the Clerk-Treasurer for permanent discontinuance of service to forestall monthly payments of commodity and base charges for water and flow and base charges for sewage. If such request is granted by the Utilities Superintendent it will be conditioned upon the property owner agreeing to (1) arrange for and pay all costs associated with the permanent disconnection of the sanitary building sewer at or near the public right-of-way (property) line with appropriate plugging and marking of the end of the sanitary building sewer at that location and (2) arrange for and pay all costs associated with the permanent disconnection of the building water service at or near the public right-of-way (property) line or on the customer side of the meter vault both in accordance with requirements of the Town and under the inspection of the Utilities Superintendent.

Service at this property may only be reinstated when the property owner arranges for and pays all costs associated with necessary re-connection of (1) and (2) above. In the event that the Town has determined or determines that the sanitary building sewer or building water service in the public right-of-way requires replacement for any reason, the property owner will also be assessed the usual and customary charges for reinstalling these services.

Town Utilities can be turned off to vacant or unused commercial properties in the town without having to permanently disconnect the utilities to such properties.

*(Added by [Ordinance No. 2006-6](#), 12-12-2006.)*

## Section 7. PAST DUE ACCOUNTS

Water and sewage accounts not paid in full by the 26<sup>th</sup> day of the month in which the current billing was issued will be declared delinquent and a ten (10) percent late fee added thereto. If the payment is not received by the 26<sup>th</sup> day of the month following issuance of the billing for the prior month, then termination of service will occur.

The Clerk-Treasurer may enter into agreements for collection of past due accounts. Failure of the customer to meet agreed upon conditions in any such agreement shall be cause for termination of service without further notice.

Any person or concern, who becomes more than 14 days overdue in the payment of their monthly statement for water without making acceptable payment arrangements with the Clerk-Treasurer shall have their water services shut off without any further notice to such user.

*(Amendment by [Ordinance No. 2007-03](#), 10-9-2007.)*

## Section 8. RETURNED CHECK FEES

Checks returned to the Town with insufficient funds to cover their cashing will not be redeposited by the Town. Upon notification, the customer must within five (5) days bring the Water Utility and Sewage Works accounts current through the last billing by payment in full of all charges by either cash, money order, certified check, or cashier's check payable to the Town of Bourbon.

A charge of twenty-five (\$25.00) dollars shall be assessed for handling checks returned to the Town with insufficient funds. Such charge shall be added to any unpaid bills of the customer and must be paid before service will be reinstated.

All ordinances and parts of ordinances in conflict herewith are hereby repealed. Ordinances 1970-6 and 1989-9 are hereby repealed in the their entirety.

Passed and adopted by the Town Council of the Town of Bourbon this 5<sup>th</sup> day of March, 1996)

(Ordinance No. 1996-2)

See Also: [Ordinance No. 2004-6](#), adopted 11-9-2004, regarding property owner responsibility for utility charges.

And: [Ordinance No. 2010-03](#), adopted 6-8-2010, requiring connection to Town Water Utility.

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**3.2.1A AN AMENDMENT TO THE ORDINANCE ESTABLISHING ADMINISTRATIVE PROCEDURES FOR THE WATER UTILITY AND SEWAGE WORKS OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

WHEREAS, the Town Council of the Town of Bourbon has determined that Ordinance 1996-1 (1996-2) needs to be amended so as to provide that the water meter security deposit provided by Section 3 of such Ordinance should be increased immediately to \$80.00.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana,

That [Section 3 of Ordinance 1996-1 \(1996-2\)](#) shall be amended hereby to provide that the water meter security deposit referred to in that Section shall now be increased to \$80.00 effective as of the date of this Ordinance Amendment.


IT IS FURTHER STATED that other than with respect to this increase in such security deposit provision, Ordinance No. 1996-1 shall remain in full force and effect as enacted.


PASSED AND ADOPTED by the Town Council of the Town of Bourbon, Indiana on all remaining readings this 2<sup>nd</sup> day of June, 1998.

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**3.3.1 AN ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BOURBON, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH**

Editor's Note: REPLACED - The current rates ordinance for property served by the sewage works is [Ordinance No. 2008-2](#)

 (REPLACED) #1968-2: SEWAGE WORKS RATES - Page 1

 (REPLACED) #1968-2: SEWAGE WORKS RATES - Page 2



- +/- (REPLACED) #1968-2: SEWAGE WORKS RATES - Page 3
  - +/- (REPLACED) #1968-2: SEWAGE WORKS RATES - Page 4
  - +/- (REPLACED) #1968-2: SEWAGE WORKS RATES - Page 5
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**3.3.2 AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BOURBON, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH**

Editor's Note: REPLACED - The current rates ordinance for property served by the sewage works is [Ordinance No. 2008-2](#)

- +/- (REPLACED) #1995-5: SEWAGE WORKS RATES - Page 1
  - +/- (REPLACED) #1995-5: SEWAGE WORKS RATES - Page 2
  - +/- (REPLACED) #1995-5: SEWAGE WORKS RATES - Page 3
  - +/- (REPLACED) #1995-5: SEWAGE WORKS RATES - Page 4
  - +/- (REPLACED) #1995-5: SEWAGE WORKS RATES - Page 5
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**3.3.3 AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF BOURBON, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AND OTHER MATTERS CONNECTED THEREWITH**

Editor's Note: REPLACED - The current rates ordinance for property served by the sewage works is [Ordinance No. 2008-2](#)

- +/- (REPLACED) #1997-11: SEWAGE WORKS RATES - Page 1
- +/- (REPLACED) #1997-11: SEWAGE WORKS RATES - Page 2
- +/- (REPLACED) #1997-11: SEWAGE WORKS RATES - Page 3
- +/- (REPLACED) #1997-11: SEWAGE WORKS RATES - Page 4
- +/- (REPLACED) #1997-11: SEWAGE WORKS RATES - Page 5

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### 3.3.3A AN ORDINANCE AMENDING ORDINANCE 3.2.3 DEFINING DELINQUENT BILLS

Editor's Note: NOT APPLICABLE - This section amends an ordinance which was later replaced. The definition is now contained in [Section 5 of Ordinance No. 2008-2](#)

+/- (NOT APPLICABLE) #2000-4: PAYMENT DELINQUENCY DEFINITION

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### 3.4.1 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICES RENDERED BY THE WATER UTILITY

Editor's Note: REPLACED - The current water rates ordinance is [Ordinance No. 2008-3](#)

+/- (REPLACED) #1982-2: WATER RATES - Page 1

+/- (REPLACED) #1982-2: WATER RATES - Page 2

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### 3.4.2 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICES RENDERED BY THE WATER UTILITY FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: REPLACED - The current water rates ordinance is [Ordinance No. 2008-3](#)

+/- (REPLACED) #1990-2: WATER RATES - Page 1

+/- (REPLACED) #1990-2: WATER RATES - Page 2

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### 3.4.2A A RETROACTIVE AMENDMENT TO ORDINANCE 1990-2 WHICH ESTABLISHED RATES AND CHARGES FOR THE WATER UTILITY IN THE TOWN OF BOURBON, AND WHICH AMENDMENT NOW CORRECTS AN INADVERTENT ERROR IN THE CHARGES INDICATED FOR PRIVATE FIRE PROTECTION AS SET OUT IN SUCH ORDINANCE

Editor's Note: NOT APPLICABLE - Private fire protection rates are now a specific part of the Water Rates Ordinance, [Ordinance No. 2008-3](#)

+/- (NOT APPLICABLE) PRIVATE FIRE PROTECTION WATER RATE

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**3.4.3 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICES RENDERED BY THE WATER UTILITY FOR THE TOWN OF BOURBON, MARSHALL COUNTY**

Editor's Note: REPEALED - This Ordinance was explicitly repealed by [Ordinance No. 1997-10](#). The current water rates ordinance is [Ordinance No. 2008-3](#)

**+/-** (REPEALED) #1995-4: WATER RATES - Page 1

**+/-** (REPEALED) #1995-4: WATER RATES - Page 2

**+/-** (REPEALED) #1995-4: WATER RATES - Page 3

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**3.4.4 AN ORDINANCE AMENDING THE WATER RATE ORDINANCE CONCERNING RATES AND CHARGES TO BE COLLECTED FROM THE OWNERS OF PROPERTY SERVED BY THE TOWN OF BOURBON AS TO SPECIAL RATES FOR LAWN SPRINKLERS**

Editor's Note: NOT APPLICABLE - This amendment removes the sprinkling credit from a previous rates ordinance. The rates ordinance has been replaced by [Ordinance No. 2008-3](#)

**+/-** (NOT APPLICABLE) #1983-1: REMOVING SPRINKLING CREDIT

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**3.4.5 AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE USE AND CONNECTION TO THE PUBLIC WATER SUPPLY DISTRIBUTION SYSTEM OF THE TOWN OF BOURBON, INDIANA**

WHEREAS, the Indiana Department of Environmental Management Board, in conjunction with the rules and regulations promulgated by the United States Environmental Protection Agency, has enacted 320 IAC 3-9.1 to establish requirements for the protection of public water supplies from the introduction of contaminants through improper cross connections; and

WHEREAS, the Town of Bourbon, Indiana, seeks to provide for the use of its public water supply distribution system by persons and concerns served by it without injury to the public health created by cross connections, particularly those which would violate the applicable rules of any governmental authority with jurisdiction over the same.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF BOURBON, INDIANA, THAT:

1. It shall be illegal for any person or concern to make connection to the public water supply system of the Town of Bourbon, Indiana, including water hydrants or other connections thereto except for:

- (a) Fire Department officials during the course of fighting fires and/or training exercises directly related thereto;
  - (b) Water Department and/or other Town Department officials for the purpose of filling the Town's water carrying vehicles, provided that such vehicles have approved back flow prevention devices installed and properly maintained.
2. Any situation that may require connection otherwise to the fire hydrant or other connections of the public water supply distribution system that is not specifically covered by this Ordinance shall be at the discretion of the waterworks superintendent who in order to grant such connection(s) shall be then certified by the Indiana Department of Environmental Management Board as to the operation of a public water supply distribution system.
3. Any person violating any of the terms of this Ordinance may be fined in any sum not exceeding \$100.00 for any single violation hereof and the cost of any damages caused to Town property as a result of any improper connection hereunder.
4. This Ordinance shall become law upon its passage by the Town Council for Bourbon, Indiana and upon the signature of the same by its president and other members along with the attestation of the Clerk/Treasurer of said Town.

Passed by the Town Council of the Town of Bourbon, Indiana, this 19<sup>th</sup> day of May, 1993.

(Ordinance No. 1993-9)

3.4.6 AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR THE USE AND SERVICES RENDERED BY THE WATER UTILITY OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Editor's Note: REPEALED - by [Ordinance No. 2008-3](#)

+/- (REPEALED) #1997-10: WATER RATES AND CHARGES - Page 1

+/- (REPEALED) #1997-10: WATER RATES AND CHARGES - Page 2

3.4.7 AN ORDINANCE CORRECTING THE ESTABLISHMENT OF THE RATES FOR THE DOWNTOWN DRINKING FOUNTAIN

Editor's Note: NOT APPLICABLE - Drinking fountain rates are now a specific part of the Water Rates Ordinance, [Ordinance No. 2008-3](#)

+/- (NOT APPLICABLE) #1986-6: DRINKING FOUNTAIN WATER RATE

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3.4.8 AN ORDINANCE PROVIDING FOR A CHARGE FOR RECONNECTION OF WATER SERVICE AFTER SAID SERVICE HAS BEEN CUT OFF AND DISCONTINUED FOR NONPAYMENT OF CHARGES

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Indiana:

§3.4.8(1) A minimum charge of \$10.00 is hereby imposed for the reconnection of and resumption of water service for any customer who service has been cut off for failure to make payments of charges in compliance with the Town ordinances concerning water service.

§3.4.8(2) In the event that any customer shall have his water service cut off for failure to make payments of charges on more than one accession, the minimum charge of \$25.00 is hereby imposed for the reconnection of and resumption of water services for such customer for the second or any subsequent reconnection of resumption of water service.

Any sums received for such charges shall go into the general fund of the Bourbon Water Company.

(Ordinance No. 1970-6)

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3.5 AN ORDINANCE APPROVING A STREET LIGHTING CONTRACT

§3.5.1. BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshal County, in the State of Indiana, that said Town makes and enters into a contract with Northern Indiana Public Service Company, an Indiana corporation, for lighting the streets of said Town, and that the contract and the form now here presented to the Board of Trustees are authorized to execute the same in the name of and for and on behalf of said Town, and that the Clerk is authorized to attest the same with his signature and affix the corporate seal of said Town and when the same is executed either by the President or a majority of the Board of Trustees and attested by the Town Clerk and duly executed by the Northern Indiana Public Service Company, it shall be in full force and effect.

§3.5.2. This Ordinance is passed upon the same day and the same meeting of which it is introduced and it is passed by unanimous consent of all the members of the Board of Trustees present and there are present and voting at least two-thirds of the Board of Trustees.

§3.5.3. The Clerk to identify said contract is hereby directed to spread a copy of said contract on the records following this ordinance.

§3.5.4. This Ordinance shall be in full force and effect from and after its passage.

(Approved August 7, 1985 - Ordinance No. 1985-2)  
(Formerly 3.3)

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3.6.1 AN ORDINANCE CONCERNING THE DISPOSAL OF GARBAGE AND SOLID WASTE FOR THE TOWN OF BOURBON

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§3.6.1(1) It shall be unlawful for any person to burn, bury or dump garbage or solid waste within the limits of the Town, including the area formerly known as the “Town Dump”.

§3.6.1(2) All garbage and solid waste shall be placed in suitable covered containers for collection.

§3.6.1(3) All residents shall place their garbage in solid waste containers at a convenient place for the collector to pick up at the appropriate times. The current days for collection of garbage and solid waste are now Tuesday and Friday of each week.

§3.6.1(4) The person or firm who is collecting the garbage and solid waste shall have the right to refuse to collect the garbage or solid waste of any residents who do not comply with the foregoing provisions.

§3.6.1(5) Any person who violates any provision of this Ordinance shall be subject to a fine of not less than Five Dollars (\$5.00) for each separate offense.

§3.6.1(6) No resident of the Town of Bourbon, Indiana, nor any other person or firm shall place any grass clippings, leaves, limbs, or other natural materials with their garbage or trash for collection by the concern contracted with by said Town for the collection of garbage, trash or other solid waste for the Town of Bourbon, Indiana. Any person who violates this Sub-Section shall be subject to a fine of not less than \$100.00 for each separate offense.

*(Added by [§3.6.1A](#))*

(Passed August 15<sup>th</sup>, 1973)  
(Formerly 3.5)

3.6.1A AN AMENDMENT TO ORDINANCE 3.5.1 CONCERNING THE DISPOSAL OF GARBAGE AND SOLID WASTE FOR THE TOWN OF BOURBON

BE IT ORDAINED BY THE TOWN COUNCIL OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

Ordinance [3.6.1](#) shall be amended to add thereto [Section 3.6.1\(6\)](#) which shall read as follows:

No resident of the Town of Bourbon, Indiana, nor any other person or firm shall place any grass clippings, leaves, limbs, or other natural materials with their garbage or trash for collection by the concern contracted with by said Town for the collection of garbage, trash or other solid waste for the Town of Bourbon, Indiana. Any person who violates this Sub-Section shall be subject to a fine of not less than \$100.00 for each separate offense.

Effective upon passage by the Town Council for the Town of Bourbon, Indiana, and after proper publication hereof as may be required.

(Passed and adopted on May 5, 1992)  
(Formerly 3.5A)

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### 3.6.2 AN ORDINANCE ESTABLISHING FEES FOR THE COLLECTION OF REFUSE

BE IT ORDAINED, by the Town Board of the Town of Bourbon, Indiana, that:

§3.6.2(1) The Following fee be established for refuse collection, which fee is reasonably related to the cost of such collection services for the year 1987, to-wit:

Residential      \$3.50 per month per residence  
(*\$13.00 per month by [Ordinance No. 2010-01](#)*)

§3.6.2(2) The above rate is hereby established on the base of one (1) pickup per week and such service shall not be provided to any commercial business nor shall there be a "Spring Cleanup" pickup provided for the year 1987 as had been provided in the past.

§3.6.2(3) For purposes of this Ordinance "commercial" shall mean and include restaurants and taverns, hospitals and nursing homes, filling stations, motels and retail stores and other similar or like businesses.

§3.6.2(4) This Ordinance shall be in full force and effect as of January 1, 1987.

(Passed December 3, 1986 - Ordinance No. 1986-4)

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### 3.6.2A AN ORDINANCE TO AMEND THE FEE CHARGED FOR COLLECTION OF REFUSE

Editor's Note: REPLACED - by [Ordinance No. 2010-01](#)

+/- (REPLACED) #1993-4: REFUSE COLLECTION FEE

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### 3.7 AN ORDINANCE REQUIRING THE PAYMENT OF A METER DEPOSIT FOR PERSONS RENTING PROPERTY IN THE TOWN OF BOURBON, INDIANA, AND REQUIRING A TURNOFF/TURNON FEE FOR PEOPLE WHO REQUEST TERMINATION OF UTILITY SERVICES WHILE ABSENT FROM THE TOWN FOR AN EXTENDED PERIOD OF TIME

WHEREAS, it has been determined that it is necessary for the Water Utility for the Town of Bourbon, Indiana, to require meter deposits of persons renting properties using such Water Utility; and

WHEREAS, it is also been found to be necessary to permit such Water Utility to charge a turnoff/turnon fee for persons who request termination of utility services while they are out of town for extended periods of time.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY the Board of Trustees of the Town of Bourbon, Indiana:

That the Bourbon Town Code be and hereby is amended by adding Section 3.7 as follows:

SECTION 3.7

§3.7.1. Any person(s) who shall rent property served by the Water Utility of the Town of Bourbon, Indiana, under separate meter thereto shall be required to deposit with the Clerk/Treasurer of said Town before the provision of such service the sum of \$30.00 as a meter deposit for the provision of such water utility to said rented property. At such time that said person(s) shall terminate their use of such water utility and after the Clerk/Treasurer has determined that such person(s) has complied with all regulations relating to the supplying of such water utility to said rented property and paid all amounts due therefore, the said deposit shall be returned to that person or their designate.

§3.7.2. Any person(s) whose residence is served by the Town of Bourbon, Indiana, Water Utility and who is going to be absent from such residence for a period of excess of 30 days, upon payment to the Clerk/Treasurer of said town of the sum of \$10.00, may request that their water service be turned off during the period of their absence from said town and that such service be turned on again upon their return. The resident shall upon payment of such sum notify the Clerk/Treasurer of the turnoff date and the turnon date requested thereby. During such period when the water service is turned off to their residence, such party shall not be charged any minimum billing by the Water Utility or any other charge thereby other than for such turnoff/turnon service as set out herein.

§3.7.3. Effective Date:

This Ordinance shall be in full force and effect 30 days from the day of its passage and publication as provided by law.

(Passed and adopted December 7, 1988)

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3.8.1 ORDINANCE OF THE STORM WATER UTILITY OF THE TOWN OF BOURBON, INDIANA

Editor's Note: REPLACED - by [Ordinance No. 2006-02](#)

+/- (REPLACED) #2001-1: STORM WATER UTILITY - Page 1

+/- (REPLACED) #2001-1: STORM WATER UTILITY - Page 2

+/- (REPLACED) #2001-1: STORM WATER UTILITY - Page 3

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3.9 AN ORDINANCE ACCEPTING A GRANT FROM THE STATE OF INDIANA'S COMMUNITY DRINKING WATER AND WASTE WATER PROGRAM



BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

That, whereas the Town of Bourbon, Indiana has been awarded a grant from the Community Drinking Water and Wastewater Program in the sum of \$300,000.00, and

That, whereas it would be in the best interest of Bourbon, Indiana to accept such grant so that said Town can improve its water utilities.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF BOURBON, INDIANA that it accepts the grant offered by the State of Indiana as described herein and directs the proper officials of the Town to take all steps necessary to receive the designated sum of money by way of such grant.

Passed and adopted by the Town Council for Bourbon, Indiana this 12<sup>th</sup> day of September, 2000.

(Ordinance No. 2000-4)

#### TITLE IV - TRAFFIC CODE

- [4.1](#) General Provisions
- [4.2.1](#) Traffic Rules - Traffic Signs, Speed Limits, and Parking
- [4.2.2](#) Additional Traffic Rules
- [4.2.3](#) Truck Routes
- [4.2.4](#) Additional Traffic Rules
- [4.2.5](#) Removal of Traffic Signs
- [4.2.6](#) Addition of Traffic Signs
- [4.2.7](#) Additional Traffic Rules
- [4.2.8](#) Speed Limits
- [4.2.9](#) Additional Traffic Rules
- [4.2.10](#) Direction of Alley
- [4.2.11](#) Speed Limits
- [4.2.12](#) Additional Stop Signs
- [4.2.13](#) Additional Traffic Rules
- [4.2.14](#) Speed Limits
- [4.2.15](#) Additional Traffic Signs
- [4.2.16](#) Additional Traffic Signs
- [4.3](#) Pedestrians
- [4.4.1](#) Bicycles
- [4.4.2](#) Bicycle Riding Prohibited in Downtown Area  
See Also: (Golf Carts)  
[Ordinance No. 2009-3](#), 10-13-2009
- [4.5.1](#) Parking Prohibitions
- [4.5.2](#) Parking Prohibitions
- [4.5.3](#) Parking Prohibitions
- [4.5.4](#) Parking Prohibitions

- [4.5.5](#) Prohibition of Heavy Truck Parking in Residential Areas
- [4.6.1](#) Weight Limits for Certain Streets
- [4.6.2](#) Weight Limits for Certain Streets
- [4.6.3](#) Weight Limits for Certain Streets

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## 4.1 GENERAL PROVISIONS

BE IT ORDAINED by the Town of Bourbon, Indiana, that:

### §4.1.1. Authority of Police and Fire Department Officials:

(a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police, to enforce all street traffic laws of the Town and all state vehicle laws applicable to street traffic in the Town.

(b) Officers of the Police Department or such officers as are assigned by the Chief of Police, are authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in the event of a fire or other emergency, to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the Fire Department when at the scene of a fire may direct or assist the Police in directing traffic.

§4.1.2. It is a misdemeanor for any person to do forbidden acts or fail to perform any act required in this traffic code and further no person shall willfully fail or refuse to comply with any lawful order or direction of the Police office or Fire Department official.

§4.1.3. The State of Indiana traffic laws regulating speed, turning, signs, and other driving matters shall be applicable on all streets within the Town.

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## 4.2.1 AN ORDINANCE ESTABLISHING THE LOCATION AND AFFECT OF CERTAIN TRAFFIC SIGNS AND TRAFFIC REGULATIONS AND REPEALING CERTAIN SECTIONS OF THE TOWN CODE IN CONFLICT THEREWITH

BE IT ORDAINED by the Town Board of the incorporated Town of Bourbon, Marshall County, Indiana that:

§4.2.1(1) Sections 12-116, 12-117, 12-118, 12-119, 12-120, and 12-121 of the Town Code of Bourbon, Indiana, together with any amendments thereof or additions thereto which may have been made since the adoption of said Code are hereby expressly repealed.

§4.2.1(2) There is hereby adopted new provisions in regard to those sections which shall be a part of the Code for the Town of Bourbon, Indiana as follows:

Stop Signs

1. West Center Street and South Fribley Street., SE corner
2. West Center Street and South Greer St., SE corner
3. West Center Street and South Ecker St., SE corner
4. West Center Street and Bourbon St., SE and NW corners
5. West Center Street and Old U.S. 30 West, SW corner
6. West Center Street and Thompson St., NW corner
7. East Center Street and Washington St., SE and NW corners
8. East Center Street and Washington St., SE and NW corners
9. East Center Street and Thayer St., SE and NW corners
10. East Center Street and Lincoln St., NW corner
11. East Center Street and Old U.S. 30 East, NE corner
12. East Center Street and Rose Lane, NW corner
13. East Center Street and Bestmart Driveway, SE corner
14. Old U.S. 30 West and Beachwood Avenue, NW corner
15. Old U.S. 30 West and Ecker St., NW corner
16. Old U.S. 30 West and Third St., NW corner
17. Old U.S. 30 East and Bestmart Driveway, NW corner
18. Old U.S. 30 East and U.P.S. Driveway, SE corner
19. West Quad Street and South Fribley St., NE corner
20. West Quad Street and South Greer Street., NW corner
21. West Quad Street and South Ecker St., NW and SE corners
22. West Quad Street and Third St., NW corner
23. West Quad Street and South Bourbon St., NW and SW corners
24. West Quad Street and South Thompson St., SE corner
25. East Quad Street and South Washington St., NW corner
26. East Quad Street and South Harris St., SW corner
27. West Jackson Street and South Ecker St., NE corner
28. West Jackson Street and South Thompson St., NW and SE corners
29. East Jackson Street and South Harris St., SW corner
30. West Pine Street and North Thompson St., NE corner
31. Old U.S. 30 West and West North St., NE corner
32. West Clay Street and South Bourbon St., NE corner
33. West Clay Street and South Thompson St., NW corner
34. East Clay Street and South Harris St., SW corner
35. East Jackson Street and S. Washington St., SE corner
36. West Park Street and Beechwood Avenue, NE corner
37. West Park Avenue and Caldwell Drive, NW corner
38. West Park Avenue and Maplewood Avenue, SW corner
39. West Park Avenue and North Ecker St., SE corner
40. West Park Avenue and N. Bourbon St., SW and NE corner
41. West Park Avenue and N. Thompson St., SW and NE corner
42. East Park Avenue and N. Thayer St., SW corner
43. West Sunset Avenue and Beechwood Avenue, NE corner
44. West Sunset Avenue and Caldwell Drive, SW and NE corners
45. West Sunset Avenue and Maplewood Avenue, SW corner
46. West Sunset Avenue and S. Bourbon St., NE corner

47. East Sunset Avenue and N. Harris St., SW and NE corner
48. East Sunset Avenue and S. Washington St., SW, SE, NW, NE corners
49. East Clay Street and S. Washington St., SW, SE, NW, NE corners
50. West North Street and N. Bourbon St., SW, SE, NW, NE corners
51. West North Street and N. Thompson St., SW, SE, NW, NE corners
52. East Norther Street and N. Thompson St., SW, SE, NW, NE corners
53. East North Street and N. Washington St., SW, SE, NW, NE corners
54. East Florence Street and N. Harris Street., SW, SE, NW, NE corners
55. West Liberty St. and Caldwell Drive, SE corner
56. West Liberty St. and N. Bourbon St., NE corner
57. West Liberty St. and N. Thompson St., NE and SW corners
58. East Liberty St. and N. Washington St., NW and SE corners
59. East Liberty St. and N. Harris St., NW and SE corners
60. East Liberty St. and N. Lincoln St., NW and SE corners
61. East Jefferson St. and N. Lincoln St., NW and SE corners
62. East Jefferson St. and N. Lincoln St., SE corners
63. West Pine Street and N. Thompson St., NE corner
64. East Pine Street and N. Thayer St., SW corner
65. East Jefferson St. and N. Harris St., NE and SW corners
66. West Florence St. and N. Thompson St., NE corner All Corners (*Modified by [Ordinance No. 2002-8](#)*)
67. East Florence St. and N. Washington St., NW and SE corners
68. East Florence St. and N. Thayer St., NW and SE corners All corners (*Modified by [§4.2.7](#)*)
69. West College St. and N. Thompson St., NW and SE corners
70. East College St. and N. Harris St., NE corner
71. East College St. and N. Washington St., NW and SE corners
72. Shaffer Road and N. Washington St., NW and SE corners
73. Shaffer Road and N. Harris St., NW and SE corners
74. Shaffer Road and N. Thayer St., NW and SE corners
75. Shaffer Road and N. Lincoln St., NW corner
76. Shaffer Road and West School Drive, SE corner
77. Shaffer Road and East School Drive, SE corner
78. Virginia Avenue and N. Washington St., SE and NW corners
79. Virginia Avenue and N. Washington St., SE and NW corners
80. Rose Lane and Pansy Court, NE corner
81. Rose Lane and Aster Court, NE corner
82. Rose Lane and Tulip Court, NE corner
83. Rose Lane and Crocus Court, NE corner
84. East Douglas Street and S. Washington St., SW corner
85. West Douglas Street and S. Bourbon St., NE, SW, NW corners
86. 12B Road and Elm Road, NE, NW, SE, SW corners (*Addition by [§4.2.2](#) and [§4.2.4](#)*)
87. Clay Street at the intersection with Bourbon Street (*Addition by [§4.2.2](#) and [§4.2.4](#)*)
88. Thayer Street, both directions, at the intersection with North Street (*Addition by [§4.2.6](#)*)
89. Jefferson Street, each corner, at intersection with Thayer Street (*Addition by [§4.2.7](#)*)
90. Jefferson Street, each corner, at intersection with Pine Street (*Addition by [§4.2.7](#)*)
91. South Thompson Street between Clay and Douglas Streets (*Addition by [§4.2.9](#)*)
92. Bourbon Street, north- and south-bound, at Park Avenue (*Addition by [§4.2.12](#)*)
93. Maplewood and Liberty Streets (*Addition by [§4.2.15](#)*)
94. Aster Court and Rose Lane (*Addition by [§4.2.15](#)*)
95. Crocus Street and Rose Lane (*Addition by [§4.2.15](#)*)
96. Tulip Street and Rose Lane (*Addition by [§4.2.15](#)*)

97. Frank Street, in both directions, where it intersects Bourbon Street (*Addition by [Ordinance No. 2005-2](#)*)
98. Legend Street at Old US 30 (*Addition by [Ordinance No. 2006-7](#)*)
99. Legend Drive, in both directions, where it intersects W. Center Street (*Addition by [Ordinance No. 2007-04](#)*)
100. Legend Drive, in both directions, where it intersects Beechwood Street (*Addition by [Ordinance No. 2007-04](#)*)

§4.2.1(3) There is hereby adopted new provisions in regard to those sections which shall be a part of the Code for the Town of Bourbon, Indiana as follows:

#### Yield Right-of-Way Signs

1. West Jackson St. and S. Bourbon St., SW and NE corners
2. Ledgend Drive and Beechwood, NE corner
3. Ledgend Drive and Old U.S. 30 West, SW corner
4. East North St. and N. Harris St., SE and NW corner
5. East North St. and N. Thayer St., SE and NW corner
6. East Park St. and N. Washington St., SE and NW corners
7. East Park St. and N. Harris St., SW and NE corners
8. West Sunset Avenue and N. Thompson St., SE and NW corners
9. East Sunset Avenue and N. Washington St., SE and NW corners
10. West Jefferson St. and N. Thompson St., SW and NE corners
11. East Jefferson St. and N. Thayer St., SW and NE corners
12. East Pine St. and N. Washington St., NE and SW corners
13. East North St. and Third St., SE corner
14. West Liberty St. and Maplewood, SE, NE, NW corners
15. North Harris St. and East Pine St., NW and SE corners
16. East Jefferson St. and N. Washington St., NW and SE corners
17. East Sunset St. and North Thayer St., NW and SE corners
18. South Thayer Street and the alley to the Water Works (*Addition by [§4.2.13](#)*)

§4.2.1(4) There is hereby adopted a new section which shall be added to the Town Code of Bourbon, Indiana, which sections shall be as follows:

#### Through Streets

1. Shaffer Road from N. Main St. to the Corporation Limits
2. College St. between N. Main St. and N. Harris St.
3. East Liberty St. from S. Bourbon St. and Triton High School
4. West Quad Street between S. Fribley St., and S. Main St.
5. Center St. within the Corporation Limits
6. Rose Lane between East Center St. and the Corporation Limits

§4.2.1(5) There is hereby adopted a new section which shall be added to the Town Code of Bourbon, Indiana, which section shall be as follows:

#### No U-Turn

It is hereby authorized and ordered that “No U-Turn” Signs be placed at the following intersection locations, and it shall be unlawful for any person to violate said signs:

1. State Road 331 (North Main) and Park Street
2. State Road 331 (North Main) and North Street
3. State Road 331 (South Main) and Quad Street

§4.2.1(6) There is hereby adopted a new section which shall be added to the Town Code of Bourbon, Indiana, which section shall be as follows:

#### Speed Limit Signs

There shall be a speed limit of twenty (20) miles per hour on the specified locations of the streets hereafter set forth, that signs indicating such speed limit shall be placed in appropriate locations along said streets, and that it shall be unlawful for any person to violate such speed limits in the following locations:

1. Beachwood Avenue; Liberty Avenue; (*Modified by [Ordinance No. 2007-04](#)*) Park Avenue; Maplewood Avenue; All in Westwood Park Addition
2. Center Street between Bourbon Street and Harris Street
3. East Liberty Street from State Road 331 to Triton High School (to and including)
4. Rose Lane; Aster Court; Tulip Court; Crocus Court; and Pansy Court, all in the Willard R. Lemler Addition.
5. East Sunset Drive to and including the Town Park.
6. Thayer Street from Liberty to Florence (*Addition by [§4.2.8](#)*)
7. Florence Street from Thayer to Harris (*Addition by [§4.2.8](#)*)
8. Pine Street from Thayer to Harris (*Addition by [§4.2.8](#)*)

In addition thereto, there shall be a speed limit of 30 M.P.H. on all other streets within the Town of Bourbon, and it shall be unlawful for any person to travel on any street within the Town of Bourbon at a speed greater than 30 M.P.H.

*(Specific application to 12B Road from Lincoln Highway West to Town limits and Shaffer Road east to corporate limits by [§4.2.4](#))*

The speed limit on Lincoln Highway 300 feet west of Beechwood Avenue to Elm Road shall be 45 miles per hour. (*Addition by [§4.2.2](#) and [§4.2.4](#)*)

A speed limit of five (5) miles per hour is established for the first alley east of Thayer Street between Center and North Streets. (*Addition by [§4.2.9](#)*)

The speed limit on Sunset Drive in the Town of Bourbon, Indiana from Thayer Street to the entrance of the Bourbon Community Park shall be fifteen (15) miles per hour. (*Addition by [§4.2.11](#)*)

The speed limit on 12B Road from Fribley Street to Elm Road is shall be 40 miles per hour. (*Addition by [§4.2.14](#)*)

The speed limit on the following streets shall be changed to 25 miles per hour on each, to-wit: Liberty Street and Beechwood Street. (*Addition by [Ordinance No. 2007-04](#)*)

§4.2.1(7) There is hereby adopted an amended section which shall be a part of the Code for the Town of Bourbon, Indiana as follows:

#### Two-Hour Parking

There shall be two-hour parking from 7:00 a.m. to 6:00 p.m. on N. Main Street between Con-Rail Railroad and Park Avenue and Center Street and Thompson to Washington Street.

§4.2.1(8) There is hereby adopted an additional section to the Town Code of Bourbon, Indiana, which section shall be as follows:

### No Parking

There is hereby adopted an additional section to the Town Code of Bourbon, Indiana, which section shall be as follows:

1. On any portion of State Road 331 between Park St. and the Corporate Limits of the Town of Bourbon (North)
2. The portion of State Road 331 running from Quad St. to the Corporate Limits of the Town of Bourbon (South)
3. Shaffer Road from State Road 331 to the Corporate Limits
4. West Center Street from Old U.S. 30 on the north side to the Corporate Limits
5. The area in front of Triton Elementary School from Shaffer Road to Florence Street
6. In addition there shall be no truck parking from Old U.S. 30 on West Center to the Corporate Limits
7. Liberty Street from 331 East to the east property line of Triton Schools (*Addition by [§4.2.2](#) and [§4.2.4](#)*)
8. West side of Thayer Street from Jefferson Street to Florence Street (*Addition by [§4.2.7](#)*)
9. East side of Thayer Street from Jefferson Street to Pine Street (*Addition by [§4.2.7](#)*)
10. Florence Street, both sides, from Harris Street to Thayer Street (*Addition by [§4.2.7](#)*)
11. Pine Street, both sides, from Thayer Street to the alley (*Addition by [§4.2.7](#)*)
12. Quad Street, both sides, from Ecker Street to South Fribley Street (*Addition by [§4.2.16](#)*)
13. South side of Old U.S. 30 East (also known as East Center Street from the stoplight in the center of town eastbound to the “Y”-type junction of Center Street and Old U.S. 30 East), from Lincoln Street to the East Corporate Limits. (*Addition by [§4.5.2](#)*)
14. In the parking lot of the EMS Building located at the corner of North and Main unless such vehicle is an emergency service unit or the vehicle of a person operating the same or providing any other emergency service from such location. (*Addition by [§4.5.3](#)*)
15. Both sides of Jackson Street from 331 West to Ecker Street. (*Addition by [§4.5.4](#)*)
16. Both sides of College Street from Indiana Highway 331 to Thompson Street. (*Addition by [Ordinance No. 2002-2](#)*)
17. Both sides of the 200 block of W. Florence Street. (*Addition by [Ordinance No. 2004-2](#)*)
18. W. Center from S. Bourbon to the start of Old U.S. 30, west to Beechwood. (*Addition by [Ordinance No. 2007-04](#)*)
19. W. Center from N. Bourbon to the start of Old U.S. 30, west to Beechwood. (*Addition by [Ordinance No. 2007-04](#)*)
20. N. Thompson from Center to the end of curbs thereon. (*Addition by [Ordinance No. 2007-04](#)*)
21. W. Center Street and Old U.S. 30 on both sides to the railroad tracks. (*Addition by [Ordinance No. 2007-04](#)*)
22. E. Center from S. Thayer to the start of Old U.S. 30. (*Addition by [Ordinance No. 2007-04](#)*)
23. E. Center from S. Harris to the start of Old U.S. 30. (*Addition by [Ordinance No. 2007-04](#)*)
24. E. Center and Old 30 to drive up bank entrance. (*Addition by [Ordinance No. 2007-04](#)*)

Additional Parking Restrictions:

§4.5.1Ordinance No. 2011-09, Parking at Town Offices Limited to CustomersOrdinance No. 2011-13, Handicap Parking

ALSO:

"SLOW - SCHOOL" Signs - see §4.2.7Truck Route - see §4.2.3One-Way Alley - see §4.2.10Parking of Heavy Trucks - see §4.5.5Weight Limits on Specific StreetsRose Lane and the 400 Block of East North Street: §4.6.1Ecker Street between West Center Street and West Quad Street: §4.6.2Ledgend Drive: §4.6.2See Ordinance Violations Bureau, which may supercede penalty.

(Passed November 1, 1978 - Ordinance No. 1978-2)

4.2.2 AN ORDINANCE AMENDING THE TRAFFIC CONTROL ORDINANCE OF THE TOWN OF BOURBON, INDIANA

WHEREAS, the Town Council of Bourbon, Indiana, has determined that it would be in the best interest of said municipality to make certain Amendments to the Traffic Control Ordinance therefore, and

WHEREAS, the Town Council of Bourbon, Indiana, wishes to enact the Amendments to such Traffic Control Ordinance set out hereafter.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana, that the Traffic Control Ordinance of said municipality shall be amended to provide as follows:

- (a) No on-street parking shall be allowed on Liberty Street from 331 East to the east property line of Triton Schools
- (b) A four-way stop is hereby created for the intersection of 12B road and Elm Road with proper signage to be placed thereat.
- (c) On Clay Street at the intersection with Bourbon Street the traffic control shall become a stop sign there instead of the present yield sign.
- (d) The speed limit on Lincoln Highway 300 feet west of Beechwood Avenue to Elm Road shall be 45 miles per hour.



The penalty for failure to abide by the Amendments set out to the Traffic Control Ordinance shall be as otherwise provided in such Ordinance now in effect for Bourbon, Indiana, and for violations of the same kind and character with this Ordinance amending only such prior Ordinance and not otherwise changing the same.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

(Ordinance No. 1997-6 passed and adopted May 6, 1997)

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4.2.3 AN ORDINANCE AMENDING THE TRAFFIC CONTROL ORDINANCE OF THE TOWN OF BOURBON, INDIANA TO PROVIDE DESIGNATED TRUCK ROUTES THROUGHOUT THE TOWN

WHEREAS, the Town Council of Bourbon, Indiana has determined that it would be in the best interests of said municipality to restrict larger truck traffic about the Town to certain streets only, and

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana that larger trucks shall be defined as any truck not used for personal use but designed to haul commercial or industrial loads instead and that the Traffic Control Ordinance of Bourbon, Indiana shall be amended hereby to restrict such larger trucks using only the following designated streets in and about said Town, to-wit:

Indiana 331 North and South  
 Center Street East and West  
 West Jackson Street from 331 to South Ecker  
 East Jackson Street from 331 to South Harris  
 South Harris from East Center to East Clay  
 South Fribley from West Center to End of said Street  
 East Shaffer from 331 to the Corporate Line  
 East Liberty from 331 to Triton Schools Property Line  
 East Quad from 331 to South Harris  
 West North from 331 to North Thompson  
 East North from 331 to North Washington  
 Old 30 or Lincoln Highway to Elm Road  
 12 B Road from South Fribley to Elm Road  
 Elm Road from 12 B to Old 30 or Lincoln Highway  
 South Thayer from East Center to the end of South Thayer  
 North Washington Street from East Center to East North

The penalty for failure to abide by such use restrictions shall be as otherwise provided in the Traffic Control Ordinance now in effect for Bourbon, Indiana with this Ordinance amending only such prior Ordinance and not otherwise changing the same.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

Passed and adopted by said Town Council on April 1<sup>st</sup>, 1997, on all readings upon a suspension of the rules for the same.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1997-5)

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#### 4.2.4 AN ORDINANCE AMENDING THE TRAFFIC CONTROL ORDINANCE OF THE TOWN OF BOURBON, INDIANA

WHEREAS, the Town Council of Bourbon, Indiana, has determined that it would be in the best interest of said Municipality to make certain Amendments to the Traffic Control Ordinance thereof, and

WHEREAS, the Town Council of Bourbon, Indiana, wishes to enact the Amendments to such Traffic Control Ordinance set out hereafter.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana, that the Traffic Control Ordinance of said municipality shall be amended to provide as follows:

- (a) no on-street parking shall be allowed on Liberty Street from 331 East to the east property line of Triton Schools.
- (b) A four-way stop sign is hereby created for the intersection of 12B Road and Elm Road with proper signage to be placed thereat.
- (c) On Clay Street at the intersection with Bourbon Street the Traffic Control shall become a stop sign there instead of the present yield sign.
- (d) The speed limit on 12B Road from Lincoln Highway West to the Town limits of Bourbon, Indiana, shall be 30 miles per hour.
- (e) The speed limit for Shaffer Road east to the corporate limits shall be 30 miles per hour.
- (f) The speed limit on Lincoln Highway 300 feet west of Beechwood Ave. to Elm Road shall be 45 miles per hour.

The penalty for failure to abide by the Amendments set out to the Traffic Control Ordinance shall be as otherwise provided in such Ordinance now in effect for Bourbon, Indiana, and for violations of the same kind and character with this Ordinance amending only such prior Ordinance and not otherwise changing the same.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

Passed and adopted by said Town Council on May 6, 1997 on all readings upon a suspension of the Rules for the same.

(Ordinance No. 1997-6)

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4.2.5 AN ORDINANCE REQUESTING THE REMOVAL OF SIGNS FROM THE INTERSECTION OF MAIN STREET AND CENTER STREET IN THE TOWN OF BOURBON

BE IT ORDAINED, BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§ 4.2.5(1). There is hereby adopted a new section to the Code for the Town of Bourbon, Indiana, which section shall read as follows:

“It shall be permissible at the intersection of Main Street and Center Street in the Town of Bourbon, Indiana (State Road 331 and Old U.S. 30) for a person to make a right turn when the traffic signal at said intersection is red, after first stopping to be sure that no traffic is coming, in accordance with Indiana law as to right turns on a red signal.”

§4.2.5(2). It is further ordained that the State Highway Department is requested to remove the posted signs from said intersection which signs presently state “no turn on red”, in accordance with the foregoing provisions.

(Ordinance No. 1983-2 passed June 1, 1983)  
(Formerly 4.2B)

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4.2.6 AN ORDINANCE ESTABLISHING STOP SIGNS ON THAYER STREET AT THE NORTH INTERSECTION THEREOF

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOURBON, INDIANA, AS FOLLOWS:

That there is hereby adopted a new provision with respect to the placement of stop signs in the Town of Bourbon, Indiana, as set out in such Ordinance establishing the same shown at Town Code Section 4.2.1 (2) and so that stop signs shall now be placed on Thayer Street in both directions at the intersection thereof with North Street in the Town of Bourbon, Indiana.

Passed and adopted by the Board of Trustees of the Town of Bourbon, Indiana, this 2<sup>nd</sup> day of May, 1990.

(Formerly 4.2.21)

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4.2.7 ORDINANCE ESTABLISHING CERTAIN TRAFFIC CONTROLS IN THE TOWN OF BOURBON, INDIANA, AND IN MODIFICATION AND AMENDMENT OF TOWN CODE

SECTION 4.2

BE IT ORDAINED BY THE COUNCIL OF TRUSTEES OF THE TOWN OF BOURBON, INDIANA, AS FOLLOWS:

That there are hereby adopted certain changes to the Traffic Controls provided for the Town of Bourbon, Indiana, at Town Code §4.2.1 as amended and so that:

Stop signs shall now be placed on Jefferson Street at each corner thereof as the same intersects with Thayer Street; at each corner thereof as the same intersects with Pine Street; and on each corner of Florence and Thayer Street as they intersect; and

No parking signs shall now be placed on the west side of Thayer Street from Jefferson Street to Florence Street, on the east side of Thayer Street from Jefferson Street to Pine Street; on both sides of Florence Street from Harris Street to Thayer Street; and on both sides of Pine Street from Thayer Street to the alley; and slow school signs shall be placed on the east side of the Thayer Street at the center of the 600 block thereof; the south side of Pine Street at the center of the 300 block thereof; and on the south side of Florence Street at the center of the 300 block thereof.

That these traffic controls shall take effect upon proper publication of this ordinance and on placement of signs reflecting such traffic controls.

This ordinance shall act to modify and amend any prior Ordinance of the Town of Bourbon, Indiana relative to the Town of Bourbon, Indiana relative to traffic controls therein and which may be in conflict with the terms and provisions hereof.

(Ordinance No. 1990-8 passed and adopted by the Council of Trustees of the Town of Bourbon December 18, 1990)

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4.2.8 AN ORDINANCE ESTABLISHING ADDITIONAL SPEED LIMIT SIGNS ON VARIOUS STREETS IN THE TOWN OF BOURBON, INDIANA

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

That Town Code Section 4.2.1, which establishes the speed limit on certain streets in the Town of Bourbon, Indiana, is hereby amended so that the speed limit shall now be 20 miles per hour on Thayer Street from Liberty to Florence, on Florence Street from Thayer to Harris and on Pine Street from Thayer to Harris.

This Amendment shall take effect immediately upon proper publication and violation hereof shall be subject to the penalties provided in the Town Code Section being amended hereby and/or in the applicable Code Sections providing such penalties for Town Code Section 4.2.1.

(Ordinance No. 1993-15 passed and adopted by the Town Council of Bourbon, Indiana November 16, 1993)

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4.2.9 AN ORDINANCE ESTABLISHING TRAFFIC SIGNS AND REGULATIONS WITH RESPECT TO AN ALLEY BETWEEN CENTER AND NORTH STREETS AND WITH RESPECT TO SOUTH THOMPSON STREET IN THE TOWN OF BOURBON

BE IT ORDAINED by the Town Council for the Town of Bourbon, Marshall County, Indiana, that:

There is now established for the first alley east of Thayer Street between Center and North Streets of the Town of Bourbon, Indiana, a speed limit of five (5) miles per hour for such alley and the proper employees of the Town shall place appropriate signage in and about such alley reflecting said speed limit.

There shall now be stop signs placed on South Thompson Street in said Town between Clay and Douglas Streets and the proper employees of the Town shall place appropriate signage on said street reflecting such further regulation thereof.

This Ordinance shall be enforceable pursuant to Ordinance 4.1 et seq. as set out in the Municipal Code of the Town of Bourbon, Indiana.

(Passed and adopted by the Town Council of the Town of Bourbon, Indiana, April 7, 1992)

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4.2.10 ORDINANCE ESTABLISHING TRAFFIC DIRECTION OF ALLEY

WHEREAS, the Town Council for the Town of Bourbon, Indiana, has been requested by officials of the United States Post Office in Bourbon, to direct traffic in the alley west of Main Street between Park Avenue and North Street in only one direction that being South, and

WHEREAS, it is the desire of the Town Council for said Town to provide for one direction traffic only in such alley.

IT IS THEREFORE ORDAINED by the Town Council of the Town of Bourbon, Indiana that:

The first alley west of Main Street between Park Avenue and North Street shall upon the passage of this ordinance be used only by vehicular traffic traveling south in such alley.

The appropriate employee(s) is authorized to place appropriate signage in and about such alley directing users thereof of its one-way status from and after the passage of this Ordinance.

(Ordinance No. 1993-3 passed by the Town Council of the Town of Bourbon, Indiana, January 5, 1993)

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4.2.11 AN ORDINANCE ESTABLISHING A SPEED LIMIT ON SUNSET DRIVE FROM THAYER STREET TO THE ENTRANCE OF THE BOURBON COMMUNITY PARK

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

That Section 4.2.1 of the Municipal Code of the Town of Bourbon, be and hereby is amended so that the speed limit on Sunset Drive in the Town of Bourbon, Indiana from Thayer Street to the entrance of the Bourbon Community Park shall be fifteen (15) miles per hour.

That Town employees are further authorized to place proper signage on said street noting the state speed limit.

*See [Ordinance Violations Bureau](#), which may supercede penalty.*

(Ordinance No. 1993-7 passed and adopted by the Town Council of Bourbon, Indiana, April 20, 1993)

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#### 4.2.12 AN ORDINANCE ESTABLISHING STOP SIGNS AT THE CORNERS OF PARK AVENUE

BE IT ORDAINED by the Town Council for the Town of Bourbon, Marshall County, Indiana, that:

There is now established for the intersection of Bourbon Street and Park Avenue stop signs on both the northbound and the southbound lanes of Bourbon Street and the proper employees of the Town shall place appropriate signage in and about such corners reflecting such further regulation thereof.

This Ordinance shall be enforceable pursuant to Ordinance 4.1 et. seq. as set out in the Municipal Code of the Town of Bourbon, Indiana.

Passed and adopted by the Town Council of the Town of Bourbon, Indiana, this 20<sup>th</sup> day of September, 1994.

(Ordinance No. 1994-10)

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#### 4.2.13 AN ORDINANCE AMENDING THE TRAFFIC CONTROL ORDINANCE OF THE TOWN OF BOURBON, INDIANA

WHEREAS, the Town Council of Bourbon, Indiana at a meeting held on March 4, 1997 determined that it would be in the best interest of said municipality to place a yield sign at the intersection of south Thayer Street and the alley to the Water Works, and whereas, said Town Council wishes to amend the existing traffic control ordinance of the Town of Bourbon, Indiana to include the requirement of such yield sign(s).

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana that a yield sign(s) be placed at the intersection of south Thayer Street and the alley to the Water Works in Bourbon, Indiana and that the penalty for failure to abide by such yield sign shall be as otherwise provided in the traffic control ordinance now in effect for Bourbon, Indiana, with this Ordinance amending only prior ordinance and not otherwise changing the same.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana. Passed and adopted by the Town Council for the Town of Bourbon, Indiana on March 18, 1997 on all readings upon a suspension of the rules for the same.

(Ordinance No. 1997-3)

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4.2.14 AN ORDINANCE AMENDING THE CURRENT SPEED LIMIT REGARDING A PORTION OF 12B ROAD

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOURBON, INDIANA THAT: Section 4.2.1 of the Municipal Code of the Town of Bourbon, Indiana be and hereby is amended so that the speed limit on 12B Road from Fribley Street to Elm Road is increased to 40 miles per hour.

Upon the passage of this Ordinance, town employees are further authorized to place proper signs on 12B Road noting the increased speed limit as allowed hereby.

PASSED AND ADOPTED by the Town Council of the Town of Bourbon, Indiana on all remaining readings this 4<sup>th</sup> day of August, 1998.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1998-4.27)

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4.2.15 AN ORDINANCE ESTABLISHING ADDITIONAL TRAFFIC SIGNAGE FOR CERTAIN STREETS OF BOURBON, INDIANA

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

That section 4.2.2 of the Municipal Code of the Town of Bourbon, Indiana be and hereby is amended so that stop signs shall be added to the following intersections, to-wit:

Maplewood and Liberty Streets;  
Aster Court and Rose Lane;  
Crocus Street and Rose Lane; and,  
Tulip Street and Rose Lane;

That Section 4.2.1 of the Municipal Code of the Town of Bourbon, Indiana be and hereby is amended so that no parking signs shall be placed on the east side of South Thayer Street from east Center Street to the end of that street.

That these amendments to the Municipal Code shall take effect upon passage hereof and the proper publication of this Ordinance as required.

Passed and adopted by the Town Council for Bourbon, Indiana this 14<sup>th</sup> day of December, 1999.

(Ordinance No. 1999-6)

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#### 4.2.16 AN ORDINANCE ESTABLISHING ADDITIONAL PARKING SIGNAGE FOR QUAD STREET

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA:

That Section 4.2.1 of the Municipal Code of the Town of Bourbon, Indiana be and hereby is amended so that no parking signs shall be placed on both sides of Quad Street from Ecker Street to South Fribley Street.

That this amendment to the Municipal Code shall take effect upon passage hereof and the proper publication of this Ordinance as required.

Passed and adopted by the Town Council for Bourbon, Indiana this 13<sup>th</sup> day of March, 2001.

(Ordinance No. 2001-3)

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#### 4.3 PEDESTRIANS

BE IT ORDAINED by the Town Board of Trustees of the Town of Bourbon, Indiana:

§4.3.1. Pedestrians shall be subject to traffic-control signals unless there are no traffic-control signals or said signals are not in operation, which in said event, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be, to yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. However, no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of the vehicle, which is so close that it is impossible for the driver to yield.

§4.3.2. Pedestrians shall move, whenever practical, upon the right half of the crosswalks. No pedestrians shall cross a roadway at any place other than at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

§4.3.3. Every pedestrian crossing a roadway at a point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

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#### 4.4.1 BICYCLES

BE IT ORDAINED by the Town Board of Trustees for the Town of Bourbon, Indiana that:



§4.4.1(1) The purpose of this chapter is to regulate bicycles during their operation upon any public street, alley, sidewalk, or bike-way for the Town of Bourbon, Indiana.

§4.4.1(2) Every person riding a bicycle within the Town shall be subject to all traffic laws, signs, and signals except those provisions of law or ordinances which by their nature, do not apply to bicycle riders.

§4.4.1(3) A person riding a bicycle shall not ride other than upon a permanent and regular seat attached thereto nor carry any passenger other than upon a firmly attached auxiliary seat, specifically designed for carrying infants. Not more than one infant carrier seat shall be permitted on a bicycle.

§4.4.1(4) When operating a bicycle upon a roadway, bicycle riders shall drive as near to the right hand side as is practical, no more than two abreast.

§4.4.1(5) No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

§4.4.1(6) No person riding any bicycle shall attach it or himself to any vehicle upon a roadway.

§4.4.1(7) Whoever violates any provision of this chapter shall be fined not less than \$5.00 nor more than \$50.00 or by impoundment of the person's bicycle for a period of not more than thirty (30) days.

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#### 4.4.2 AN ORDINANCE PROHIBITING BICYCLE RIDING IN THE DOWNTOWN AREA

WHEREAS, the Town Council of Bourbon, Indiana, by its proper trustees, has determined that an unsafe condition exists in certain individuals operating bicycles on certain sidewalks of the Town of Bourbon, Indiana;

WHEREAS, the Town of Bourbon is committed to the general well being of the citizens of said Town and by its Town Council believes it to be in the best interest of said Town to restrict the use of bicycles on certain sidewalks in said Town;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Trustees of the Town Council of Bourbon, Indiana, as follows:

That no person shall ride or otherwise operate a bicycle upon the sidewalks running along Center Street from Washington Street to Bourbon Street and along Main Street from Park Street to the Railroad in the Town of Bourbon, Indiana, it being understood that walking along side said bicycle upon such sidewalk shall not constitute operation thereof;

That failure to comply with this Ordinance will result in the following penalties:

§4.4.2(1) Upon the first violation hereof, the bicycle of the offending party who was riding or otherwise operating the same in violation hereof shall be confiscated and held by the Chief of Police for said Town for a period of two weeks after which time such bicycle shall be returned to such party.

§4.4.2(2) Upon second violation hereof in any calendar year, the bicycle of the offending party who was

riding or otherwise operating the same in violation hereof shall be confiscated and sold after thirty (30) days have expired from the time of said confiscation with the proceeds from any such sale to be paid into the General Fund of said Town.

That the Bourbon Police Department or any Officer thereof shall be charged with the enforcement of this Ordinance.

That any party found to have violated this Ordinance and which violation may have resulted in the confiscation of their bicycle hereunder may appeal such confiscation to the Board of Trustees of such Town and be heard thereon at the next regular meeting of such Trustees.

That the Board of Trustees of such Town shall have the right to modify any confiscation decision made hereunder or rescind any Order of Sale pursuant hereto so long as such appeal request is filled with the Clerk/Treasurer of such Town on or before thirty (30) days after such confiscation hereunder takes place.

See [Ordinance Violations Bureau](#), which may supercede penalty.

This Ordinance shall be in full force and effect thirty (30) days from the date of this passage and publication as provided by Law.  
(Passed September 6, 1989)

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**4.5.1 AN ORDINANCE PROHIBITING THE PARKING OF MOTOR VEHICLES ON CERTAIN TOWN STREETS AT CERTAIN TIMES AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

BE IT ORDAINED by the Town Board of Trustees for the Town of Bourbon, Marshall County, Indiana that:

§4.5.1(1) From and after the passage of this ordinance with respect to those streets bounded and including Park Street on the North to Quad Street on the South and from Washington Street on the East to Thompson Street on the West, no person during the hours of 9:00AM and 12:00 Noon each day shall park any automobile or other motor vehicle on or along the side of any such designated street with odd building numbers thereon and no person during the hours between 12:00 noon and 4:00 P.M. each day shall park any automobile or other motor vehicle on or along the even numbered side streets as designated herein, provided that this ordinance shall not apply to that portion of any such street marked or posted, on either or both sides, with permanent parking prohibition; provided further that this ordinance shall not apply from April 15 through November 15, inclusive of any year.

§4.5.1(2) Any person violating any provision of this ordinance or failing to comply with any provision of this ordinance shall be punished by a fine not exceeding Ten Dollars (\$10.00) and any automobile or other motor vehicle illegally parked in the violation of this ordinance may be impounded by the Police Department and the owner of any such impound vehicle shall be liable to said Police Department and the Town of Bourbon, Indiana, for the costs of impounding, towing and storage of such vehicle.

§4.5.1(3) This ordinance shall be effective on and after its due passage, execution and publication.

(Ordinance No. 1984-5 passed November 7, 1984)

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4.5.2 AN ORDINANCE PROHIBITING THE PARKING OF MOTOR VEHICLES ON OLD US 30 FROM LINCOLN STREET EASTBOUND TO CORPORATE LIMITS AND PROVIDING PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED by the Town Council for the Town of Bourbon, Marshall County, Indiana, that:

§4.5.2(1) From and after the passage of this ordinance there shall be no parking of any motorized vehicle on the South side of Old U.S. 30 East (also known as East Center Street from the stoplight in the center of town eastbound to the “Y”-type junction of Center Street and Old U.S. 30 East) at any time, from Lincoln Street to the East Corporate Limits.

§4.5.2(2) Any person violating any provision of this ordinance or failing to comply with any provision of this ordinance shall be punished by a fine not exceeding Ten Dollars (\$10.00) and any automobile or other motorized vehicle illegally parked in violation of this ordinance may be impounded by the Police Department and the Owner of any such impounded vehicle shall be liable to said Police Department and the Town of Bourbon, Indiana, for the costs of impounding, towing and storage of such vehicle.

§4.5.2(3) This ordinance shall be effective on and after its due passage, execution and publication.

(Passed and adopted by the Town Council for the Town of Bourbon, Marshall County, Indiana, May 2, 1995)  
(Formerly 4.8)

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4.5.3 AN ORDINANCE PROHIBITING PARKING IN THE LOT FOR THE EMS BUILDING LOCATED AT THE CORNER OF NORTH AND MAIN STREETS AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

BE IT ORDAINED by the Town Council for Bourbon, Indiana, that:

From and after the passage of this Ordinance, it shall be prohibited for any vehicle to be parked in the parking lot of the EMS Building located at the corner of North and Main unless such vehicle is an emergency service unit or the vehicle of a person operating the same or providing any other emergency service from such location.

Any person violating this Ordinance shall be punished by a fine not exceeding Ten Dollars (\$10.00) and any automobile other motor vehicle illegally parked in violation of this Ordinance may be impounded by the Police Department and the owner of any such impounded vehicle shall be liable to said Police Department and the Town of Bourbon, Indiana for the costs of impounding, towing and storage of such vehicle.

This Ordinance shall be effective on and after its due passage, execution and publication.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana, this 1<sup>st</sup> day of October, 1996.

(Ordinance No. 1996-8)

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**4.5.4 AN ORDINANCE IMPOSING A PARKING BAN ON BOTH SIDES OF JACKSON STREET FROM 331 WEST TO ECKER STREET IN BOURBON, INDIANA**

BE IT ORDAINED by the Town Council of Bourbon, Indiana as follows:

That Section of 4.2.1 of the Municipal Code of the Town of Bourbon, Indiana, be and hereby is amended so that parking shall be prohibited on both sides of Jackson Street from 331 West to Ecker Street in said Town.

That Town employees are further authorized to place proper signage on said Street noting such parking ban and violations of such Ordinance as now Amended shall be subject to the provisions of 4.2.1 of such Municipal Code.

Based on final readings by the Town Council of Bourbon, Indiana, this 2<sup>nd</sup> day of June, 1998.

(Ordinance No. 1998-4.2.8)

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**4.5.5 AN ORDINANCE RESTRICTING THE PARKING OF HEAVY TRUCKS**

WHEREAS, it appears that an increasing number of heavy truck including but not limited to semitractors, semitrailers, refrigerated trailers and trucks exceeding five (5) tons are being parked for extended periods of time in residential areas of Town; and,

WHEREAS, the use of and/or parking of trucks and trailers of this sort for extended times therein is contrary to the character of residential areas of the Town; and,

WHEREAS, the use of and/or parking such trucks and trailers in residential areas of the Town increases polluted air, creates excessive noise, places unreasonable burdens upon the residents of the immediate area in gaining access to their own residences, detracts from the character of the residential neighborhood, deters the proper maintenance of those residential streets in a clean and safe condition, has an adverse affect upon the value of the real property in those areas, is a threat to the safety of children and other pedestrians and is otherwise a detriment to the peace, comfort, convenience, health, safety and welfare of the residents of the immediate neighborhood and thus the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA THAT:

It shall be unlawful for any person to park a semitrailer, semitruck or a truck exceeding five (5) tons in weight anywhere in any residential zone of the Town, as designated by the zoning ordinances and

zoning maps of the Town of Bourbon, Indiana. This prohibition hereby imposed shall not apply to the parking or standing of a semitrailer, semitruck, or other truck exceeding five (5) tons for the purpose of making pick-ups or deliveries from or to any building or structure located within such residential zone, or for the purpose of delivering materials to be used in the repair, alteration, remodeling or construction of any such building or structure for which a building permit has been obtained. The prohibition imposed hereby shall apply not only on public streets but also on private property including but not limited to driveways and parking areas even if off the street or right of way.

It shall be unlawful for the operator of any semitractor, any refrigerator trailer or any truck exceeding five (5) tons to permit said vehicle or refrigerator trailer to idle or operate its refrigerator unit for a period greater than fifteen (15) minutes within the Town limits.

The Bourbon Police Department shall enforce the provisions of this Ordinance and upon a violation, shall issue a citation directly to the operator of such truck or trailer, or if he or she cannot be found or is not in the immediate vicinity, by placing a copy of the citation under the windshield wiper of such truck or to otherwise affix the same to any refrigerated trailer found in violation of this Ordinance.

Any violation of this Ordinance shall require the payment of a fine in an amount not to exceed Fifty dollars (\$50.00) for the first such violation and then a fine of an amount not to exceed Two hundred fifty dollars (\$250.00) for any additional violations in any calendar year plus anyone found to be in violation of this Ordinance shall be responsible for and pay the Town's attorney fees and costs in the enforcement of this Ordinance.

Passed and adopted by the Town Council for Bourbon, Indiana this 14<sup>th</sup> day of August, 2001.

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4.6.1 AN ORDINANCE PROHIBITING TRUCKS OF MORE THAN A CERTAIN WEIGHT FROM TRAVELING ON ROSE LANE AND THE 400 BLOCK OF EAST NORTH STREET IN THE TOWN OF BOURBON, INDIANA

BE IT ORDAINED, by the Town Board of the Incorporated Town of Bourbon, Marshall County, Indiana, that:

Vehicles of a weight exceeding ten tons including any load carried thereon or pulled thereby shall be prohibited from operating on Rose Lane and on the 400 block of East North Street all in the Town of Bourbon, Indiana.

IT IS FURTHER ORDAINED, that the appropriate department of said Town is requested to place signs indicating that such use of said streets is prohibited and at appropriate locations thereon;

Any person violating this provision of this Ordinance or failing to comply with any provision of this Ordinance shall be punished by a fine not exceeding fifty dollars (\$50.00) for each violation thereof.

This Ordinance shall be effective on and after its due passage, execution and publication.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1989-2 passed and adopted April 5, 1989)

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4.6.2 AN ORDINANCE PROHIBITING TRUCKS OF MORE THAN A CERTAIN WEIGHT FROM TRAVELING ON ECKER STREET

BE IT ORDAINED, by the Town Board of the Incorporated Town of Bourbon, Marshall County, Indiana, that:

Vehicles of a weight exceeding ten tons including any load carried thereon or pulled thereby shall be prohibited from operating on Ecker Street between West Center Street and West Quad Street all in Bourbon, Indiana.

IT IS FURTHER ORDAINED that the appropriate Department of said Town is requested to place signs indicating that such use of said Street is prohibited and at appropriate locations thereon;

Any person violating any provision of this Ordinance or failing to comply with any provision of this Ordinance shall be punished by a fine not exceeding \$50.00 for each violation hereof.

This Ordinance shall be effective on and after its due passage, execution and publication.

(Ordinance No. 1988-1 adopted January 20, 1988)

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4.6.3 AN ORDINANCE PROHIBITING TRUCKS OR MORE THAN A CERTAIN WEIGHT FROM TRAVELING ON LEDGEND DRIVE

BE IT ORDAINED, by the Town Council of Bourbon, Indiana, that:

Vehicles of a weight exceeding ten tons including any load carried thereon or pulled thereby shall be prohibited from operating on Ledgend Drive in Bourbon, Indiana.

IT IS FURTHER ORDAINED that the appropriate Department of said Town is requested to place signs indicating that such use of said street is prohibited and at appropriate locations thereon; and

Any person violating any provision of this Ordinance for failing to comply with any provision hereof shall be punished by a fine not exceeding \$50.00 for each violation hereof. This Ordinance shall be effective on and after its due passage, execution and publication.

Passed and adopted by the Town Council of Bourbon, Indiana, this 1<sup>st</sup> day of September, 1992.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance 1992-6)  
(Formerly 4.6.2)

## TITLE V - GENERAL REGULATIONS

- [5.1](#) Dogs and Cats
- [5.1A](#) Amendment Charging Service Fee for Animal Care
- [5.2](#) Abandoned Vehicles
- [5.3.1](#) Nuisances
- [5.3.1A](#) Amendment Including Weeds and Vegetation
- [5.3.2](#) Prohibition of Burning Waste
- [5.4](#) Use and Obstruction of Sidewalks
- [5.5](#) Vacant Structures
- [5.6](#) Construction of Sidewalks
- [5.7](#) Trees
- [5.8](#) Fire Protection
- [5.9](#) Pets Excluded from Parks
- [5.10.1](#) Skateboards
- [5.10.1A](#) Inclusion of Rollerblades
- [5.10.2](#) Requirement for Protective Gear while Using Skateboard Ramp
- [5.11](#) Curfew for Town Parks
- [5.12](#) Curfew for Fifteen, Sixteen, and Seventeen Year Old Individuals
- [5.13](#) Loitering

See Also:

- [Ordinance No. --](#), 6-8-2010, Banning Certain Individuals from Town Parks
- [Ordinance No. 2011-07](#), 6-10-2011, Requires Posting of House/Business Address
- [Ordinance No. 2011-11](#), 12-13-2011, Prohibits Consumption of Alcohol in Town Parks
- [Ordinance No. 2011-12](#), 12-13-2011, Prohibits Discharge of Weapons

### 5.1.1 DOGS AND CATS

BE IT ORDAINED by the Town Board of Trustees for the Town of Bourbon, Indiana that:

§5.1.1(1) It shall be unlawful for the owner or any person in charge of any cattle, sheep, bees, chickens, swine, rabbits, or goats and fowl to keep or to suffer or to permit any such animal to be kept within the Town for more than forty-eight (48) hours at any time, unless Sunday intervenes, and then for not more than seventy-two (72) hours.

§5.1.1(2) Any person, firm, or corporation who shall suffer any dog to frequent or remain in his, her or its house, building, enclosure or premises and who shall there feed, lodge or otherwise retain such dog, shall be considered as harboring the same within the meaning of this ordinance.

§5.1.1(3) It shall be unlawful for any person, firm or corporation being the owner or keeper of any dog or cat to suffer or permit such dog or cat to trespass on the property of any person within the limits of the Town or suffer to permit such dog or cat to be or go unattended upon or over the premises of any person, firm, or corporation or upon a street, sidewalk, alley or public place within the limits of the town or upon

a park or cemetery of the town. Dogs or cats causing such annoyance may be picked up by a police officer of the Town and forthwith destroyed unless claimed by the owner under the provisions of section 7 of this Ordinance. If, in the best judgment of the town marshal it is necessary for any good reason to retain a dog or cat in order to protect the citizens, said town marshal shall be authorized to retain, according to the state statute, said dog or cat.

It shall be required for anyone walking an animal covered by such ordinance to do so with a leash or other appropriate method of controlling such animal and to retrieve and properly dispose of any waste caused by such animal during any such walk.

Amended by [Ordinance No. 2008-7](#), adopted 11-13-2008.

§5.1.1(4) It is hereby made the duty of the town marshal of the Town or anyone acting under his authority to take to a veterinarian clinic or any other facility designated by the Board of Trustees, all dogs and cats found running on the streets, alleys or public places or upon the property of one other than the owner of such dog or cat. (See [§5.1A](#) regarding potential charges)

§5.1.1(5) All dogs or cats which are placed in the designated facility or veterinarian clinic by the police department must properly be kept in such facility or clinic for at least three (3) days, after which such dog or cat may be destroyed or given to a new owner; provided that such new owner shall first secure a dog license tag and have the animal properly vaccinated. It is further provided that in every case before a dog or cat is released from the facility or clinic, a fee shall be paid to the operator of the designated facility or clinic. Such fee shall be the standard fee for which that facility or clinic charges for keeping of a dog or cat.

§5.1.1(6) It shall be unlawful for any person or persons not residents of said town to release any dog, cat or other animal within the corporate limits of said Town for the purpose of abandoning such animal therein.

§5.1.1(7) *Replaced. Refer to [Ordinance No. 2002-6](#), adopted --/--/2002.*

[+/-](#) { view archive }

§5.1.1(8) Every animal which bites a person shall be promptly reported to the town marshal and shall thereupon be securely quarantined at the direction of the town marshal for a period of ten (10) days and shall not be released from such quarantine, except by written permission of the town marshal. At the discretion of the town marshal, such quarantine may be on the premises of the owner, or at the owner's option and expense in a veterinarian clinic of his choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the discretion of the town marshal. The owner, upon demand made by the town marshal, shall forthwith surrender any animal which has bitten a human or which is suspected of having been exposed to rabies or supervised quarantine, which expense shall be borne by the owner.

§5.1.1(9) Any person violating any of the provisions of this ordinance shall, upon conviction, be fined any sum not exceeding the sum of \$50.00 for each offense

See [Ordinance Violations Bureau](#), which may supercede penalty.

§5.1.1(10) This Ordinance shall be in full force and effect from and after its passage, signing, attestation and legal publication.



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5.1A AN AMENDMENT TO ORDINANCE 5.1 OF THE TOWN OF BOURBON, INDIANA

BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana, that Ordinance 5.1 of the Municipal Code of such Town is hereby amended to add the following Subsection, to-wit:

§5.1A In the event that the Town Marshall or any other Town employee shall come into the possession of a dog, cat or other animal which is not being properly attended to or cared for in violation of Ordinance 5.1 of the Town of Bourbon, Indiana, there shall be a service charge of \$20.00 per day, per animal taken possession over assessed to the owner of said animal prior to the release of the same thereto.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1992-3 passed and adopted July 21, 1992)

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5.2 AN ORDINANCE CONCERNING WRECKED, JUNKED OR ABANDONED VEHICLES, DECLARING THEM TO BE A NUISANCE, AND PROVIDING FOR THE REMOVAL OR DISPOSITION OF THEM

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOURBON, INDIANA:

§5.2.1. The keeping, parking, or storing of any wrecked, junked, or abandoned vehicle, or part thereof, on private or public property, exposed to public view, except as provided in this Ordinance, is hereby declared to be a nuisance.

It shall be unlawful for any person to keep, park, or store any wrecked, junked, or abandoned vehicle or other vehicle, or parts thereof, on public or private property within the Town, not kept in a garage, or other enclosure so as not to be exposed to public view, except as otherwise set forth in this Ordinance.

For the purpose of this Ordinance, any vehicle which is not maintained in a usable and running condition shall be considered a junked vehicle.

§5.2.2. Any vehicle shall be deemed to be a junked vehicle within the terms of this ordinance if such vehicle does not have attached thereto a valid and current license plate from the State of Indiana. However, such license plat shall not be the sole factor in determining the status of such vehicle.

§5.2.3. Nothing contained in this Ordinance shall be construed to apply to any person lawfully engaged in the junk business; the garage, body shop, or other vehicle repair business; auto sales business; or other lawful business; provided that said business is conducted in a properly zoned area, and the automobiles, or other vehicles are kept, stored or parked as a necessary part of the conducting of such business.

§5.2.4. Any person not engaged in business as provided in Section 3., owning or having on their property a motor vehicle kept, parked, or stored in view of the public for the purpose of being repaired or for the purpose of providing parts for another vehicle, may obtain a temporary permit for the keeping

of such vehicle for the purpose of repair or providing parts, from the Clerk-Treasurer of the Town, which permit shall be valid for not to exceed thirty (30) days, upon the payment of the fee of One Dollar (\$1.00), which permit shall not be renewable.

§5.2.5. The Police Department, or any member thereof, is hereby authorized to issue a written demand to the owner, occupant, agent, or person in possession of the premises which any wrecked, junked or abandoned motor vehicle is kept in violation of this article, notifying such person to remove such vehicle from the premises within ten (10) days from the receipt of such notice. Upon the failure or refusal of such person to remove such vehicle within the time specified, the Police Department may remove such vehicle and impound the vehicle at the owner's expense. Such owner shall have ten (10) days in which to reclaim the vehicle, by paying the expense of such removal and storage. If such vehicle is not reclaimed within such time, such vehicle shall be sold for junk or at public auction by the Town. Any money received over the expense of such removal and storage shall be returned to the owner.

In the alternative, the owner of such wrecked, junked or abandoned motor vehicle shall be liable to a penalty of Ten Dollars (\$10.00) per day for each day during which said wrecked, junked, or abandoned vehicle is kept in violation of this article after such owner has received notice to remove such motor vehicle as above provided, and the collection of this penalty may be enforced by appropriate civil action in any court of competent jurisdiction.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1971-2 passed June 2, 1971)

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### 5.3.1 NUISANCES

Replaced by [Ordinance No. 2002-9](#), adopted 10-8-2002.

To review the previous (replaced) version:

+/- Section 5.3, before replacement, Page 1

+/- Section 5.3, before replacement, Page 2

+/- Section 5.3, before replacement, Page 3

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### 5.3.1A AN ORDINANCE AMENDING CODE SECTION 5.3.10(C) OF THE BOURBON TOWN CODE CONCERNING REMOVAL OF WEEDS AND OTHER VEGETATION ON PROPERTIES WITHIN SAID TOWN

*This amendment is void. It amends material that was subsequently replaced.*

+/- Section 5.3.1A

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5.3.2 AN ORDINANCE PROHIBITING BURNING WITHIN THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA WITHOUT THE PERMISSION OF A SPECIAL RESOLUTION OF THE TOWN COUNCIL THEREOF

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, MARSHALL COUNTY, INDIANA THAT:

5.3.1(13) It shall be unlawful for any person, firm or other organization to burn leaves, grass, garbage, rubbish, or organic materials in the Town of Bourbon, Indiana, unless such burning might be authorized by the Town Council thereof by special resolution setting out during what times of the year and what time of day such burning might be accomplished. Personal recreational fires are permitted from April 1<sup>st</sup> to October 31<sup>st</sup> each year from the hours of 6:00 p.m. to 12:00 a.m. A "recreational fire" must be attended by at least 1 person at all times, can only be fueled by clean firewood and absolutely no other materials, and can only be allowed to burn during the time period previously described. Any person violating the terms of this Ordinance may be fined in any sum not exceeding \$100.00 for any single violation hereof and further shall be subject to any other appropriate civil or administrative action to enforce the provisions hereof. The officers of the Bourbon Police Department are hereby authorized and instructed to order the extinguishing of any fire that does not comply with this ordinance or has not been authorized by special resolution by the Town Council. This Ordinance shall be in full force and effect from after its passage and the publication thereof as provided by law.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Passed 7-8-08, 2008)

+/- { *view archive* } Amended by [Ordinance No. 2008-04](#), adopted 7-8-2008.

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5.4 AN ORDINANCE CONCERNING THE USE AND OBSTRUCTION OF SIDEWALKS WITHIN THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§5.4.1. It is unlawful for any person, firm, or other organization to place any tables, benches, containers, stands, vending machines, or any other items on any areas which have been designated and constructed as sidewalks within the Town of Bourbon, or to allow any such obstruction to be placed on any sidewalks, so as to obstruct complete and full access to all portions of all sidewalks at any time.

§5.4.2. The Board of Trustees of the Town of Bourbon may, upon proper written application, give permission for the temporary placement of obstructions on the sidewalks of the town for special events such as holiday celebrations, special sales, or other suitable special occasions. Such permission may be granted only for limited specifically designated times and for specifically designated purposes within the

discretion of the Board of Trustees.

§5.4.3. It shall also be considered a violation under this ordinance when anyone shall remove, without permission of the then sitting Town Board of Trustees, or otherwise make impassable any sidewalk now existing in the Town of Bourbon, Indiana unless such removal shall be for the purpose of the immediate replacement of the sidewalk.

§5.4.4. Any person violating any of the terms of this Ordinance may be fined in any sum not exceeding \$100.00 for any single violation hereof, and shall be subject to any appropriate civil cation to enforce the provisions hereof.

See [Ordinance Violations Bureau](#), which may supercede penalty.

§5.4.5. This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1977-3)

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5.5 AN ORDINANCE DEFINING SUBSTANDARD VACANT STRUCTURES FOR THE TOWN OF BOURBON, INDIANA, DESCRIBING THE DUTIES OF OWNERS TO MAINTAIN MINIMUM STANDARDS FOR VACANT STRUCTURES, DESIGNATING THE DUTY OF THE TOWN BOARD, OR REPRESENTATIVES THEREOF, PROVIDING FOR NOTICE TO THE OWNERS AND DESCRIBING THE PROCEDURES FOR THE REMOVAL OF SUBSTANDARD VACANT STRUCTURES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOURBON, INDIANA;

§5.5.1. The meaning of the terms used in this Ordinance shall be as follows:

Owner. Any person who, alone, jointly or severally with others:

(a) shall have legal title to any premises wherein a structure is located, with or without accompanying actual possession thereof.

(b) shall have charge, care or control of any such premises as owner or agent of the owner, as land contract buyer, or as executor, administrator, trustee or guardian of the estate of the owner.

Structure. Any building of any nature whatsoever, including but not limited to houses, garages, sheds, storehouses, storerooms, and industrial buildings.

Vacant Structure. Any structure not being inhabited as a home or outbuilding not being used in conjunction with residential habitation, or any commercial or industrial structure not being used for commercial or industrial purposes.

§5.5.2. The purpose of this article is to promote the health, safety and general welfare of the residents of the Town by establishing standards for the removal of the vacant structures located on real estate within the Town limits, when such structures are determined to be substandard or detrimental to the health,

safety, and general welfare of the persons inhabiting adjacent premises or to the residents of the Town in general.

§5.5.3. It shall be the duty of the owners of any vacant structure to maintain such structure in accordance with the following minimum standards

- (a) Every vacant structure shall be kept in a clean and sanitary manner with windows, doors, gutters, porches, screens, chimneys, roofs, and all other fixtures kept in good repair.
- (b) Every premises wherein a vacant structure is located shall be kept free of rubbish, trash, garbage, and other waste materials.
- (c) Every vacant structure shall be kept free of rodents, insects, and other pests; together with the premises upon which the structure is located.
- (d) Every premises where a vacant structure is located shall be kept free of high grass and weeds; and trees and shrubs shall be kept trimmed.
- (e) Every vacant structure shall have a safe and unobstructed means of ingress and egress and all steps and walks shall be kept in good repair.
- (f) Every vacant structure shall have a foundation, floors, walls, ceilings, and roofs which shall be reasonably weathertight, watertight, and rodent-proof.
- (g) The yards and premises of every vacant structure shall be drained so as to prevent the accumulation of surface water.

§5.5.4. Any appropriate Town official so designated by the Board of Trustees shall diligently make inspections of all vacant structures to determine whether such structures are being maintained in compliance with the standards prescribed under Section 3. For the purpose of making inspections, such officer shall conform to all applicable state laws regarding right of entry.

§5.5.5. Whenever, after inspection, the appropriate Town officer determines that a violation of the minimum requirements under Section 3 exists, he shall notify the owner of the premises involved and such notice shall:

- (a) Be in writing
- (b) Include a statement of the reasons why it is being issued.
- (c) Allow at least sixty (60) days for the performance of any act required to correct any violations cited in such notice.
- (d) Be served on the owner; provided that such notice shall be deemed sufficient if a copy served personally upon such owner, or if a copy is sent by certified mail to the owner's last known address and a copy is posted in a conspicuous place on or about the vacant structure.
- (e) Contain an outline of the remedial action which, if taken, will effect compliance with the provisions of this article.

§5.5.6. If the owner of a vacant structure shall fail to comply with any written order of the appropriate Town Officer, such Town officer shall report such failure to the Board of Trustees of the Town, which Board of Trustees shall notify the owner of a hearing on such matters contained in the written orders of the appropriate Town official, and shall set a hearing date at least ten (10) days subsequent to the notice of hearing to the owner of the vacant structure involved.

§5.5.7. After a hearing, the Board of Trustees shall make a finding as to whether or not the vacant structure in violation of Section 3. and shall make such orders as are deemed proper in regard to the structure and premises involved.

§5.5.8. Any person who may be aggrieved by the action of the Board of Trustees in affirming an order of the appropriate Town Official shall have the right to appeal to the circuit court in accordance with the law of the State of Indiana.

§5.5.9. If any owner fails to comply with the order made under the provisions of this article, the appropriate officer of the Town shall cause the vacant structure to be removed or demolished, and the premises to be placed in such condition as to comply with this article.

The cost of removing or demolishing such vacant structure and of improving the premises shall be a lien against the real property. Such costs shall be placed upon the tax rolls as a lien and may be foreclosed in any manner as the Town may determine.

Upon a final order to remove or demolish a vacant premises, the owner shall have 72 hours to elect in writing whether to retain the materials salvaged. In the event of such election, the owner shall show to the appropriate Town official proof of prior arrangements to have such materials hauled from the premises.

If the Town shall have such salvaged materials removed, such materials shall be sold by the Town, if such sale is practical, and any funds received shall be applied to the cost of removal and improving the premises. Should any funds remain after all the costs are paid, such funds shall be returned to the property owner.

§5.5.10. In addition to all other remedies prescribed by the Ordinance, the violation of any part of this Ordinance shall be deemed sufficient to declare any vacant structure to be a public nuisance, and the same shall be subject to injunctive relief to abate such nuisances.

*See [Ordinance Violations Bureau](#), which may supercede penalty.*

(Ordinance No. 1970-4 passed November-4)

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## 5.6 Sidewalks

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§5.6.1. Construction Materials. All sidewalks constructed within the Town shall be either dimension stone or cement, and shall be constructed or repaired in compliance with the provisions of this Chapter

and all ordinances, amendatory thereof, hereafter passed, as to the size quality, composition, grading and foundation.

§5.6.2 Construction Dimensions. All sidewalks hereafter constructed or repaired within the Town shall be of the following width: On Main Street in the business district from the Pennsylvania Railroad on the South to Third Street on the North; and on Center Street between East Main Street on the East and Thompson Street on the West shall be not less than eight (8) feet in width, and all other sidewalks on Main Street and Center Street shall not be less than five (5) feet in width. All other sidewalks within the Town shall not be less than four (4) feet in width.

§5.6.3. Construction Grades - Conformance Required. All sidewalks shall conform in general to the grades heretofore established and to conform in height with sidewalks that may heretofore have been installed and constructed so that any new sidewalks may meet any sidewalk theretofore constructed without any step or break and so that all may present a smooth walking surface. When any question exists as to the grade, application should be made to the Trustees of the Town, who will take steps to establish a grade therefore, which grade so fixed shall be taken as the fixed and established grade for sidewalks on that street. All sidewalks five (5) feet in width shall be built with the interline of the walk on the street line of the lot, and all walks four (4) feet in width shall be built with the inside of the walk one (1) foot from the street line of the walk.

§5.6.4. Replacement Procedure or Repair-Resolution Required. Whenever the Board of Trustees of the Town deem it necessary to improve, construct or repair any sidewalk or sidewalks within the Town they shall by resolution, declare the necessity therefore and adopt a final resolution, declare the necessity therefore and adopt a final resolution therefore and shall therein order and require the owner or owners of abutting property to improve, construct or repair their own sidewalk or sidewalks, designated in such resolution the kind of walk to be constructed or the repairs required.

§5.6.5. Notice Required. A description of the lot, lots or parcels of ground in front of which a walk is proposed to be constructed or repaired, the name or names of the owner or owners of the abutting property shall be included in the notice of the passage of the resolution given to the owner or owners by the Clerk-Treasurer in person or by mail; provided that it shall be sufficient in said notice to give the name or names of the abutting property owners as they appear on the assessor's books of Marshall County. Such property owners shall have thirty (30) days from the date of the notice within which to construct such walk or walks or to make repairs required by said resolution and notice.

§5.6.6. Failure to Comply - Procedure by Board. Should any property owner fail to construct his walk or make such repairs, within the time fixed in this chapter, the Town, by and through its proper officer's and agents may cause such walk or walks to be constructed or repaired without notice to any person or further order from the Board of Trustees, by independent contract, as provided for in this chapter, and the entire cost of the improvement herein provided for shall be assessed against the lot, lots or parcels of land, abutting upon such walk, and collected as special assessment in the manner provided by law. If any person shall build or repair his own walk, he must do so in conformity with the resolutions for the construction and repair of the same and to the approval of the Board.

§5.6.7. Letting of Bids. The Board of Trustees shall meet on the first Thursday evening of the month of June of each year at the Town Hall at 7:30 p.m. At which time and place sealed bids shall be publicly opened and duly considered for the letting of a general contract for the improvement, construction and repairing of all sidewalks of a specified material within the Town for the succeeding year, which the property owner shall fail to construct or repair within the time fixed in this chapter. Each bid must be accompanied by a statutory affidavit of non-collusion and a certified check to be drawn on the First State Bank of Bourbon, and made payable to the Town, for the sum of One Hundred Dollars (\$100.00)

to insure the execution of the contract for which said bids are made and that he will give a bond with surety to be approved by the Board of Trustees of the Town insuring the faithful performance of such work as is required in the improvement resolution and to comply with all the terms, stipulations, and conditions of this contract. The letting of such contract shall be in a manner provided by law, and the entire cost of such sidewalk improvement or repair shall be assessed against the property owner abutting upon such sidewalk or sidewalks, and the assessment thereof shall be levied and collected as authorized by law.

§5.6.8. Publication. The Clerk-Treasurer of the Town shall cause to be published for two (2) weeks, once each week, in a newspaper of general circulation printed and published in Marshall County, Indiana a notice informing the public and contractors of the general nature of the improvements to be made under this chapter and of the facts that the drawings and specifications for such proposed improvements are on file in the Clerk's office and calling for sealed proposals for such proposed work, by a day not earlier than ten (10) days after the last publication.

§5.6.9. Acceptance and Rejection of Bids. The Board of Trustees reserves the right to reject any and all bids. In case any bid is not accepted the check accompanying the same will be returned to the bidder, but if the bid is accepted and the bidder shall refuse or neglect to enter into any contract with the Town within ten (10) days from the time he shall have been notified of acceptance of the same, said check shall be forfeited to the Town as ascertained and liquidated damages for failure to do so. And if after any contract has been let by said Board it shall be made to appear that the successful bidder has been guilty of collusion, combination, understanding or agreement as defined in such affidavit of non-collusion then such contractor shall forfeit such contract and such work shall be relet by the Board of Trustees.

§5.6.10. Enforcement. The enforcement of this Ordinance shall be by the Board of Trustees of the Town, or such Town officials as the said Board of Trustees shall from time to time designate for the enforcement of said Ordinance.

§5.6.11. Violation - Penalty. Any person violating any of the provisions of this Ordinance shall upon judgment be responsible for said violation in a sum not to exceed One Thousand Dollars (\$1,000.00) and it is further provided that each day such violation or non-compliance shall be permitted to exist shall constitute a separation violation.

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## 5.7 TREES

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§5.7.1. Trimming - Cutting - Duty of Owner. It shall be the duty of any owner or owners of each lot, part of a lot, or parcel of ground situated within the limits of the Town, to trim the shade trees along the sidewalk and lawns adjacent to their said real estate and abutting thereon.

It shall be the further duty of any owner or owners of each lot, part of a lot, or parcel of ground situated within the limits of the Town to trim and maintain all trees and foliage on or adjacent to their real estate on any Town right of way or tree lawn so that such trees and/or foliage do not limit the vision of any drivers as they drive on town streets or pedestrians as they walk on town sidewalks. [[Ordinance No. 2011-04](#), adopted 3/8/2011.]



See [Ordinance Violations Bureau](#), which may supercede penalty.

§5.7.2. Procedure for Trimming. The limbs of said trees shall be cut close to the trunk, and in such a manner that the boughs, limbs and branches of all the trees, four (4) inches and over and diameter at the butt, shall not be less than ten (10) feet above the ground or walk used by pedestrians unless such trimming shall permanently injure the life of the tree; and should the branches of such tree or trees extend over on and into that part of the street or highway used by vehicles, the boughs, limbs and branches of all trees so extended shall be so cut and trimmed as to be not less than twenty (20) feet above the street over which they project.

§5.7.2.1 No tree or other foliage shall be planted in the town if such new planting shall or will limit the vision of any driver on town streets or any pedestrian on town sidewalks. [[Ordinance No. 2011-04](#), adopted 3/8/2011.]

§5.7.3. Compliance Required. It shall be unlawful to keep, maintain or cultivate trees in any of the streets, lawns, or public places in said Town excepting in the manner provided for in this Ordinance. Any person who shall fail to comply herewith, after three (3) days written notice, to be served by the Marshall shall be liable to the penalty hereinafter provided for the violation of this Ordinance. Notice to any authorized agent of the owner, or in the case the owner cannot be served in person or by agent, to the occupant of the premises shall be deemed sufficient notice to the owner herein.

§5.7.4. Instruction and Injury - Unlawful. It shall be unlawful for any person to willfully cut, break, injure or destroy any tree within the limits of the Town.

§5.7.5. Restriction on Certain Trees. It shall be unlawful to plant popular or cottonwood trees within the limits of the Town.

§5.7.6. Obstruction into Street Lights. All persons having trees on their premises or lawns which obstruct street lights shall trim them in such a manner not to obstruct the light.

§5.7.7. Notice to Property Owners. Parties receiving notice from the Marshall to trim their trees in accordance with this Ordinance must do so within ten (10) days after receipt of such notice. Otherwise the Marshall shall proceed to have it done at the expense of the owner.

§5.7.8. Violation - Penalty. Any person violating any of the provisions of this Ordinance shall upon judgment be responsible for said violation in a sum not to exceed One Thousand Dollars (\$1,000.00) and it is further provided that each day such violation or non-compliance shall be permitted to exist shall constitute a separate violation.

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## 5.8 FIRE PROTECTION

BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§5.8.1 Creation of Volunteer Fire Department. The Fire Department of the Town of Bourbon shall be a volunteer fire department as authorized by the statutes of Indiana.

§5.8.2. Appointment of Chief and Assistant Chief. The Board of Trustees shall appoint a Chief and an Assistant Chief of the volunteer fire department.

§5.8.3. Powers of Assistant Chief. The Assistant Chief of the Fire Department shall possess all of the powers of the Chief in the absence from the Town of the Chief or his temporary disability function as Chief.

§5.8.4. Chief to Appoint Members. The Chief of the Fire Department shall appoint such persons willing to serve as a member of the volunteer fire department who shall obey the rules and regulations promulgated by the Chief and approved by the Board of Trustees.

§5.8.5. Members to Abide by the Rules and Regulations. All appointees shall serve in their respective offices as such members during the period they shall continue qualified and be physically able to perform their duties as such members and faithfully discharge such duties in accordance with such rules and regulations.

§5.8.6. Chief to Keep Records and Submit Same to Clerk-Treasurer. The Chief of the Department shall be responsible for transmittal to the Clerk-Treasurer, at least once in each month, of a complete record of all alarms to which the department responded within the limits of such town and the names of all members of the department who responded thereto and the time each such member devoted to such alarm response.

§5.8.7. Fire Chief Authorized to Enter Premises to Make Inspections. The Chief of the Fire Department of said Town is hereby empowered at all times to enter into any house, building, cellar or place that shall be kept, maintained or permitted to remain within the corporate limits of the Town in such a manner as shall be a menace to the public safety from fire, or to enter any house, building, cellar or place as he shall have reasonable cause to believe to be so kept, maintained or permitted to remain and such Chief is hereby clothed with Police Authority to enable him to discharge such duty. It shall be the further duty of such Chief, whenever upon examination he shall determine that any such house, building, cellar, or place that has become a menace to public safety from fire, to immediately notify the owners or occupants of such house, building, cellar or place to at once remedy or remove the menace aforesaid, and at the same time he shall make written report of his action to the Board of Trustees.

§5.8.8. Residential Storage of Inflammable Liquids. The storage of benzine, benzol, gasoline, naphtha, their compounds, or any other highly inflammable liquid in any home or residence is limited to three (3) gallons and said inflammable liquid shall be kept in a metal container with a metal top or some other legally approved container.

§5.8.9. Fireworks - Selling of Unlawful. It shall be unlawful for any person to sell or offer for sale any firecrackers, bombs or fireworks of any nature in the Town.

§5.8.10. Fireworks - Shooting of Unlawfully. It shall be unlawful for any person to shoot or set off any firecrackers, bombs, or fireworks of any nature whatsoever within the limits of the Town.

§5.8.11. Exception for Fireworks - Organized Display. Provisions of this Section of this code shall not apply to the licensed and supervised display of fireworks.

§5.8.12. Prerequisite for Display. Any person desiring to have an organized display of fireworks shall comply with the following rules:

- a. Obtain a permit from the Chief of the Fire Department.
- b. Said permit must be signed by the State Fire Marshal of the State of Indiana.
- c. Said display must be under direct supervision of the Chief of the Fire Department.

§5.8.13. Burning in the Streets. It shall be unlawful for any person to burn any leaves, paper or other combustible material on any street or alley of said Town which is now, or may hereafter be paved with vitrified brick, asphalt, or cement, or which have been paved with one of the other kinds of modern pavement.

§5.8.14. Violation - Misdemeanor and Penalty. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class A Misdemeanor and that further, any person violating any of the provisions of this Ordinance, shall upon judgment, be responsible for said violation in a sum not to exceed One Thousand Dollars (\$1,000.00) and it is further provided that each day such violation or non-compliance shall be permitted to exist shall constitute a separate violation.

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## 5.9 PETS EXCLUDED FROM THE PARKS

WHEREAS THE TOWN OF BOURBON, by its proper trustees, maintains certain parks for the enjoyment of all of the residents of said Town;

WHEREAS THE TOWN OF BOURBON, by its trustees, has determined that the presence of pets of any kind in the parks of such Town interferes with the proper enjoyment of such parks by the residents of Bourbon, Indiana;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Trustees of the Town of Bourbon, Indiana as follows:

That no pet animal of any kind shall be allowed in any of the parks of said Town at any time whether on a leash or other restraint or not;

That failure to comply with this Ordinance shall result in the following penalties:

§5.9.1. That on the first instance of violation of this Ordinance the violator shall be warned in writing sent by regular U.S. Mail to the last know address of such violator and to the effect that they have been found to be in violation of this Ordinance;

§5.9.2. That on the second instance of violation of this Ordinance in any calendar year the violation shall be fined in the sum of twenty-five dollars (\$25.00) and for each violation thereafter shall be fined in the sum of one hundred dollars (\$100.00) for each violation;

See [Ordinance Violations Bureau](#), which may supercede penalty.

That the Bourbon Police Department or any officer thereof shall be charged with the enforcement of this Ordinance.

This ordinance shall be in full force and effect thirty (30) days from the date of its passage and publication as provided by law.

(Ordinance No. 1988-4 adopted April 20, 1988)

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### 5.10.1 SKATEBOARDS

WHEREAS THE TOWN OF BOURBON, by its proper Trustees, has determined that it is unsafe to allow the use of skateboards upon certain of the sidewalks and any of the streets of said Town;

WHEREAS THE TOWN OF BOURBON is committed to the general well-being of the citizens of said town and, by its board of trustees, believes it to be in the best interest of said town to restrict the use of such skateboards on certain sidewalks and any of the streets of said Town;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Board of Trustees of the Town of Bourbon, Indiana as follows:

That no person shall ride or otherwise operate a skateboard on any of the streets in said Town;

That no person shall ride or otherwise operate a skateboard or use rollerblades on the sidewalks running along Center Street from Washington Street to Bourbon Street and along Main Street from Sunset Drive to the railroad.

+/- { *view archive* } Amended by [§5.10.1A](#), adopted 5-9-2000.

That failure to comply with this Ordinance will result in the following penalties:

§5.10.1(1) Upon the first violation hereof, the skateboard of the offending party who was riding or otherwise operating the same shall be confiscated and held by the Chief of Police for said Town for a period of two weeks after which time such skateboard shall be returned to such party;

§5.10.1(2) Upon the second violation hereof in any calendar year, the skateboard of the offending party who was riding or otherwise operating the same shall be confiscated and destroyed after 30 days have expired from the time of such confiscation.

That the Bourbon Police Department or any officer thereof be charged with the enforcement of this Ordinance.

That any party found to have violated this Ordinance and which violation may have resulted in the confiscation of their skateboard hereunder may appeal such confiscation to the Board of Trustees of such Town and be heard thereon at the next regular meeting of such Trustees.

That the Board of Trustees of such Town shall have the right to modify any confiscation decision made hereunder or rescind any destruction order pursuant hereto so long as such appeal request is filed with the Clerk-Treasurer of such Town on or before thirty (30) days after such confiscation hereunder takes place.

See [Ordinance Violations Bureau](#), which may supercede penalty.

This Ordinance shall be in full force and effect thirty (30) days from the date of its passage and publication as provided by law.

(Ordinance No. 1988-3 adopted April 20, 1988)

5.10.1A AN ORDINANCE AMENDING SECTION 5.10.1 OF THE BOURBON TOWN CODE

Whereas, the Town Council of Bourbon, Indiana has determined that the Ordinance restricting the use of skateboards on certain sidewalks of the town needs to be amended, not only to expand the area where the use of skateboards is restricted, but also to add a restriction upon the use of rollerblades on those same sidewalks.

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Town Council of Bourbon, Indiana that: [Ordinance 5.10.1](#) of said Town, as codified in the Town Code of Ordinances shall be amended to provide that no person shall ride or otherwise operate a skateboard or use rollerblades on the sidewalks running along Center Street from Washington Street to Bourbon Street and along Main Street from Sunset Drive to the railroad.

All other provisions of [Ordinance 5.10.1](#) shall remain in full force and effect, subject to the terms of this amending Ordinance.

See [Ordinance Violations Bureau](#), which may supercede penalty.

Passed and adopted by the Town Council of Bourbon, Indiana this 9<sup>th</sup> day of May, 2000.

(Ordinance No. 2000-2)

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5.10.2 AN ORDINANCE REQUIRING THE WEARING OF APPROVED PROTECTIVE GEAR WHILE USING THE TOWN'S SKATEBOARD/BICYCLE RAMPS

WHEREAS, the Board of Trustees of the Town of Bourbon, Indiana, has concluded that it is in the best interest of those who use certain ramps and related equipment for the purpose of skateboarding and bicycle riding in the Town Park that such users should while doing so wear protective gear for their head, their elbows and their knees;

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Trustees of the Town of Bourbon, Indiana, as follows:

That any person who shall hereafter make use of the skateboarding/bicycle ramps or related equipment located in the Town Park while doing so shall be required to wear approved pads to protect their knees and their elbows and an approved helmet to protect their head.

That any person who does not wear such protective gear as required hereinabove shall be in violation of this Ordinance and upon the first violation hereof the skateboard or bicycle that such violator was using at the time of such violation shall be confiscated by the enforcing officer for a period of two weeks at which point, the same shall be returned to the violator; and in any event, any person during any calendar year who is found to be in violation hereof on more than one occasion shall have the skateboard and or

bicycle that they shall then have been using permanently confiscated by the enforcing officer upon such additional violation hereof during such calendar year.

That upon such permanent confiscation, the Bourbon Police Department shall endeavor to sell such skateboard or Bicycle at public sale upon prior notice and any proceeds of such sale shall be transferred to the Park Fund for the Town of Bourbon, Indiana.

That the Chief of Police of Bourbon, Indiana, or any officer or reserve officer of said Town shall be charged with the duty of enforcing the terms of this Ordinance. This Ordinance shall be in full force and effect thirty (30) days from the date of its passage and publication as provided by law.

(Ordinance No. 1988-7 adopted September 21, 1988)

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#### 5.11 AN ORDINANCE SETTING A CURFEW FOR TOWN PARKS

WHEREAS, the Town of Bourbon, Indiana, has received numerous complaints from residents of said Town concerning activities in the Park areas of said Town during late hours of the evening and early hours in the morning; and

WHEREAS, the Town Council for said Town after due deliberation has determined that it is in the best interests of such Town and its residents that the Parks owned and operated by said Town close each evening by 11:00 o'clock p.m. except for organized League activities that might continue beyond that hour; and

WHEREAS, even with respect to League or other organized activities, it is the hope and wish of the Town Council for said Town that those activities be completed each evening as close to or before 11:00 o'clock p.m. as possible.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF BOURBON, INDIANA THAT:

All Parks owned and operated by the Town of Bourbon, Indiana, shall close each evening at 11:00 o'clock p.m. and shall not reopen until 6:00 a.m. the following day. This Section shall not apply to League or other organized activities that may continue on beyond such hour of closing although it is the intent of this Ordinance that such activities be planned otherwise to end by such hour of closing or as soon as possible thereafter. In the event of any such activities extending beyond such hour of closing, participants or spectators thereof shall have fifteen minutes after the conclusion of such activities to vacate the Park area and not otherwise be in violation of this Ordinance. It shall be considered a violation of this Ordinance for any person charged by law with the care, custody and control over any child who has not reached the age of eighteen years of age or any parent, parents, person or persons, or any individual having temporary care, custody and control of any child under the age of eighteen years of age to allow or permit such child, ward or other person under eighteen years of age to remain in the Town Parks of Bourbon, Indiana beyond the hours set for closing of the same.

Each member of the Town Police Department is directed to take into custody any person under the age of eighteen years violating the provisions of this Ordinance and transport such minor person to his or her place of residence and thereupon determine the name of the parent, guardian or other person have the

legal custody of such minor person. It shall be the duty then of the apprehending officer to cause a citation for violation of this Ordinance to be issued to said offending parent, guardian or other custodial person of said minor child.

Failure to comply with this Ordinance shall result in the following penalties:

1. That on the first instance of violation of this Ordinance, the violator shall be verbally warned by the first apprehending officer who shall then make a report of such first violation and to the effect that said individual has been found to be in violation of this Ordinance.
2. That on the second instance of violation in any calendar year, the violator shall be fined in the sum of \$25.00 and for each violation thereafter in such calendar year shall be fined additionally in the sum of \$100.00 for each such violation.

See [Ordinance Violations Bureau](#), which may supercede penalty.

3. It is understood that any parent, guardian or other custodial person shall be penalized in the same way as set out hereinabove for any minor child in their charge who violates this Ordinance.

This Ordinance shall become law upon its passage by the Town Council for Bourbon, Indiana and upon its proper publication as required by law.

(Ordinance No. 1993-11 passed by the Town Council of the Town of Bourbon, Indiana, August 3, 1993)

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**5.12 AN ORDINANCE ESTABLISHING A CURFEW FOR FIFTEEN, SIXTEEN AND SEVENTEEN YEAR OLD INDIVIDUALS AND INDIVIDUALS YOUNGER THAN AGE FIFTEEN**

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA, THAT:

It shall be a violation of this Ordinance establishing a curfew for certain individuals seventeen years old or younger or an individual who is fifteen, sixteen or seventeen years of age to be in a public place:

- (a) between twelve o'clock a.m. on Friday and Saturday, and five o'clock a.m. on Saturday and Sunday;
- (b) after ten o'clock p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday;
- (c) before five o'clock a.m. on Monday, Tuesday, Wednesday, or Thursday.

It shall be a violation of this Ordinance and the curfew established hereby for an individual under fifteen years of age to be in a public place after ten o'clock p.m. or before five o'clock a.m. on any day.

This Ordinance shall not apply to an individual who is:

- (a) accompanied by his parents, guardian or legal custodian;
- (b) accompanied by an adult specified by his parent, guardian or legal custodian;

(c) participating in, going to or returning from:

- (1) his or her lawful employment
- (2) a school sanctioned event
- (3) a religious event.

The custodial parent, legal guardian or legal custodian of any individual who commits a curfew violation as defined by this Ordinance violates this Ordinance as does the individual over whom they hold legal custody or legal guardianship and all shall be subject to the penalties provided for the violation of this Ordinance.

Any violation of this Ordinance shall require the payment of a fine in an amount not to exceed Five hundred dollars (\$500.00). Passed and adopted by the Town Council for Bourbon, Indiana, this 5<sup>th</sup> day of March, 1996.

See [Ordinance Violations Bureau](#), which may supercede penalty.

(Ordinance No. 1996-1)

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### 5.13 LOITERING

BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA THAT:

It shall be unlawful for three (3) or more persons to assemble on any sidewalk, street corner, street crossing or at or near the mouth of any alleys of the Town, or at the park built and maintained by 1<sup>st</sup> State Bank of Bourbon at the intersection of Center and Main Streets of the town for the purpose of or resulting in the obstruction of the same or so as to hinder or delay any person passing in, upon or along the same or so as to bother or annoy the owners or occupants of the property adjacent thereto.

It shall be unlawful for anyone to be in any Town park after 10:00 p.m. unless such presence is because of an organized activity or game or being a spectator of the same which was started prior to such time with presence in the park to then end upon completion of such activity or game.

The custodial parent, legal guardian or legal custodian of any individual under the age of eighteen (18) years of age who violates this Ordinance also then shall be considered in violation of this Ordinance as is the child or individual over whom they hold parental rights, legal custody, or legal guardianship and all shall be subject to the penalties provide for the violation of this Ordinance.

Any violation of this Ordinance shall require the payment of a fine in amount not to exceed Five hundred dollars (\$500.00) for each instance of violation.

Passed and adopted by the Town Council for Bourbon, Indiana this 18<sup>th</sup> day of June, 1996.

(Ordinance No. 1996-4)



## TITLE VI - BUSINESS REGULATIONS

- [6.1](#) Solicitors
- [6.2](#) Vending Machines
- Liquor Retailer Permits (excluded)
- [6.3.1](#) Cable TV
- [6.3.2](#) Cable TV Provider Amendment
- [6.3.3](#) Cable TV Provider Amendment
- [6.3.4](#) Cable TV Provider Agreement
- [6.4](#) Smoke Detectors

See Also:

[Ordinance No. 2010-5](#), 10/--/2010, Regulating Wind Energy Conversion Systems

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### 6.1 AN ORDINANCE PROHIBITING THE SOLICITATION OF PATRONAGE IN PUBLIC PLACES AND REQUIRING A LICENSE FOR THE SOLICITATION OF PATRONAGE IN PRIVATE HOMES WITHIN THE TOWN OF BOURBON

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§6.1.1. Section 9-2 and 9-3 of the Town Code of Bourbon, Indiana, together with any amendments thereto or additions thereto which may be made since the adoption of said Code, are hereby expressly repealed.

§6.1.2. That there is hereby adopted an amended Section 9-2 which shall be a part of the Code of the Town of Bourbon, Indiana, as follows:

“Section 9-2. It shall be unlawful for any person, firm, or corporation either individually or by or through any agent, to solicit patronage, either by the sale of products or the furnishing of service upon any of the streets or in any other public places within the Incorporated Town of Bourbon.

It shall further be unlawful for any person, firm, or corporation, either individually or by or through any agent, to solicit patronage, either by the sale of products or the furnishing of service upon any of the streets or in any other public places within the incorporated Town of Bourbon, without the person soliciting such patronage first procuring a license therefor.”

§6.1.3. That there is hereby adopted an amended Section 9-3, which shall be a part of the Code for the Town of Bourbon, Indiana, which Section shall be as follows:

“Section 9-3. License Fee. Any person desiring to solicit patronage in any private location in the Town

of Bourbon shall be required to make application to the Town Clerk for a license for such solicitation.

The application for license shall set forth specifically the type of solicitation contemplated, including any goods or services to be sold or furnished, the price or prices to be charged, and the manner in which such goods or services are to be furnished or provided. The license fee for a license under this provisions shall be \$100.00 per day, which sum shall be paid to the Clerk-Treasurer of the Town of Bourbon in advance with the filing of an application therefor.”

(Ordinance No. 1975-2 passed August 6, 1975)

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**6.2 AN ORDINANCE REGULATING THE PLACEMENT AND MAINTENANCE OF VENDING MACHINES IN THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§6.2.1. No person shall maintain or permit any vending machines to be placed on the area of any street, alley, or sidewalks within the Town of Bourbon, Indiana. In addition, no person shall maintain or permit any vending machine to be so placed that any person using said vending machine must of necessity be on the area of any street, alley or sidewalk to operate said vending machine.

§6.2.2. No person shall place, maintain nor permit to be placed or maintained on their property any vending machine unless there is available in the vicinity of said vending machine, exclusive of all street area, alley area, or sidewalk area, sufficient space for persons using said vending machine to approach the same, and to use the same.

§6.2.3. Any person who places or maintains any vending machine within the Town of Bourbon or who permits the placement and maintenance of any vending machines within the Town of Bourbon and shall be obligated to provide adjacent to such vending machines adequate receptacles for disposition of all paper, cans, or other refuse likely to result from use of said vending machines, which containers shall be so placed that they do not occupy any street, alley, or sidewalk area and it is not necessary to use any street, alley, or sidewalk area to approach said receptacles and place any such refuse in said receptacles.

§6.2.4. Any person violating any of the terms of this ordinance may be fined in any sum not exceeding \$100.00 for any single violation hereof, and shall be subject to any appropriate civil action to enforce the provisions hereof.

See [Ordinance Violations Bureau](#), which may supercede penalty.

§6.2.5 This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1977-4)

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**6.3.1 AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO FIRST TELEVISION**

CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO OWN, OPERATE AND MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE TOWN OF BOURBON; SETTING FOR CONDITIONS ACCOMPANYING THE GRANT OR FRANCHISE; AND PROVIDING FOR REGULATIONS AND USE OF THE SAID SYSTEM BY SAID TOWN

Editor's Note: EXPIRED, REPLACED by [§6.3.4](#)

+/- (EXPIRED/REPLACED) CABLE TV FRANCHISE (1980) - Page 1

+/- (EXPIRED/REPLACED) CABLE TV FRANCHISE (1980) - Page 2

+/- (EXPIRED/REPLACED) CABLE TV FRANCHISE (1980) - Page 3

+/- (EXPIRED/REPLACED) CABLE TV FRANCHISE (1980) - Page 4

+/- (EXPIRED/REPLACED) CABLE TV FRANCHISE (1980) - Page 5

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6.3.2 AN ORDINANCE AMENDING ORDINANCE NUMBER 1980-1 CONCERNING THE GRANTING OF A NON-EXCLUSIVE FRANCHISE FOR CABLE TV TO FIRST TELEVISION CORPORATION

Editor's Note: NOT APPLICABLE. This section amends an ordinance that expired and was replaced by [§6.3.4](#)

+/- (NOT APPLICABLE) CABLE TV FRANCHISE AMENDMENT

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6.3.3 AN ORDINANCE AMENDING ORDINANCE NO. 1980-1 CONCERNING THE GRANTING OF A NON-EXCLUSIVE FRANCHISE FOR CABLE TV

Editor's Note: NOT APPLICABLE. This section amends an ordinance that expired and was replaced by [§6.3.4](#)

+/- (NOT APPLICABLE) #1989-3: CABLE TV FRANCHISE AMENDMENT

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6.3.4 AN ORDINANCE GRANTING TO FRANCHISEE, THE NON-EXCLUSIVE RIGHT TO ERECT, MAINTAIN AND OPERATE IN, UNDER, OVER, ALONG ACROSS THE STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES, HIGHWAYS, EASEMENTS DEDICATED FOR COMPATIBLE USES AND OTHER PUBLIC PLACES IN BOURBON, INDIANA, AND THE SUBSEQUENT ADDITIONS THERETO, TOWERS, CABLES AND

ANCILLARY FACILITIES FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING CABLE SERVICE FOR A PERIOD OF FIFTEEN (15) YEARS REGULATING THE SAME AND PROVIDING FOR THE COMPENSATION OF THE TOWN

BE IT ORDAINED BY THE GOVERNING BODY OF BOURBON, INDIANA

Section I. Definitions

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “Basic Cable Television Service” means the service tier which includes the retransmission of local broadcast signals.
- B. “Grantor” is Bourbon, Indiana.
- C. “Town Council” is the Town Council of Bourbon, Indiana.
- D. “System” means a facility that uses any public right-of-way, consisting of a set of close transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community is a system utilizing certain electronic and other components which deliver to subscribing members of the public various broadband telecommunications services.
- E. “Cable Service” means the provision of Cable Television Service.
- F. “Cable Television Service” is the one-way transmission of video programming or other programming services and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.
- G. “FCC” shall mean the Federal Communications Commission.
- H. “Franchisee” is Mediacom Indiana LLC or its successors or assigns.
- I. “Person is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.
- J. “Subscribers” are those persons contracting to receive cable television reception services furnished under this Ordinance by Franchisee.
- K. The “Term” of this Ordinance shall have the meaning as defined in [Section XV](#) of this Ordinance.

Section II. Grant of Non-exclusive Authority

A. For the Term of this Ordinance, there is hereby granted by Grantor to Franchisee and its successors, assigns or designees, the non-exclusive right to erect, maintain and operate in, under, over, along, across and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, rights-of-ways, easements dedicated for compatible uses and other public places located within the boundaries of

Bourbon, Indiana including subsequent additions thereto, towers, poles, lines, cable, wires, manholes and all other fixtures and equipment necessary for the maintenance and operation of a System for the purpose of transmission and distribution of cable services, information services, data services and broadband telecommunications services.

B. Grantor shall not permit any person to provide services similar to those provided by Franchisee without first having secured a non-exclusive franchise from Grantor that shall impose the same costs, obligations and restrictions imposed by this Ordinance.

C. In the event that another entity providing multi-channel video programming serves residents of the County using facilities that occupy the streets and rights of way or that includes the delivery of video programming using the facilities of a common carrier (e.g., an Open Video System), and that entity operates with no franchise or operates under a franchise that imposes lesser burdens on it than upon the Franchisee, Grantee shall have the right, upon 30-day written notice to the County, to unilaterally adopt the less burdensome provisions imposed on the competing provider.

### Section III. Compliance with Applicable Laws and Ordinances

Franchisee shall during the Term, be subject to all lawful exercise of the police powers of Grantor except as those powers are limited by federal law, including the Communications Policy Act of 1984, as amended and the regulations of the FCC.

### Section IV. Franchise Area

This Ordinance permits the provision of service to the present boundaries of Grantor and to any area annexed thereto during the Term. Franchisee shall not be required to service residents of areas within the present boundaries of Grantor and any areas annexed by Grantor after the effective date of this Ordinance that are more than four hundred feet (400') from a point of connection to existing distribution lines or where there is a present density of less than 20 residences per mile except upon payment by such residents of the capital costs incurred by Franchisee in bringing service to such residents.

### Section V. Liability and Indemnification

Franchisee shall indemnify, protect, and save harmless Grantor from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Worker's Compensation law which may arise out of the erection, maintenance, use or removal of said attachments or poles within the boundaries of Grantor, or by any act of Franchisee, its agents or employees.

Franchisee's obligation to indemnify Grantor shall include, but shall not be limited to, damages arising out of copyright infringements, and all other damages arising out of the installation, operation, or maintenance of the System authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Ordinance.

Franchisee shall, at all times, keep in effect the following types of coverage:

A. Worker's Compensation

B. Property Damage Liability Insurance to the extent of Two hundred fifty thousand dollars (\$250,000.00) as to each occurrence and Two hundred fifty thousand dollars (\$250,000.00) aggregate, and Personal Injury Liability Insurance to the extent of Five hundred thousand dollars (\$500,000.00) aggregate. Excess Bodily Injury and Property Damage of One million dollars (\$1,000,000.00) each

occurrence and One million dollars (\$1,000,000.00) aggregate. Automobile Bodily Injury and Property Damage Liability combined One million dollars (\$1,000,000.00) each occurrence.

C. Franchisee shall maintain policies of insurance in the above described amounts to protect the parties hereto from and against all actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Franchisee shall also maintain policies of insurance in amounts it deems necessary to protect it from all claims under the Worker's Compensation laws in effect that may be applicable to Franchisee. Grantor shall keep on file Certificates evidencing such insurance coverage.

#### Section VI. Technical Standards

Franchisee shall comply with the technical standards established by the FCC.

#### Section VII. Customer Service Standards/Operation and Maintenance of System

A. Franchisee shall render service and make repairs in a commercially reasonable manner, and interrupt service only for good cause, including as required by federal law for the shortest time possible, such interruptions, insofar as possible, shall occur during periods of minimum use of the System.

B. Under normal operating conditions, Franchisee shall respond to service requests within two business days following receipt.

C. Failure by Franchisee to restore any service to a customer to service within two business days after receipt of notification of a complete disruption of service will, upon request by customer, result in the issuance of a credit to that customer's account for the portion of a month they were without cable service.

D. During the term of this franchise, and any renewal thereof, Franchisee agrees to maintain a toll free telephone number to be used by customers of the Franchisee to contact Franchisee and to place requests for service of inquiries.

#### Section IX. Service to Schools and Town

Franchisee shall, subject to the line extension problems of [Section IV](#), provide Basic Cable Television Service at no separate charge to public elementary and secondary schools, at one terminal junction for educational purposes upon request of the school system.

Franchisee shall, subject to the line extension problems of [Section IV](#), also provide without charge, at one building other than a hospital, nursing home, apartment or building at the airport, to be selected by the Council, one junction terminal to said building and shall also furnish to the building, without charge, Basic Cable Television Service to the building's terminal junction.

#### Section X. Emergency Alert System

Franchisee shall provide emergency alert facilities as required by federal law. Grantor or its designee shall have the capability of disseminating emergency messages over the cable system provided that Grantor or its designee acquires, at its own cost, all necessary interface and encoding equipment.

#### Section XI. Safety Requirements

Franchisee shall, at all times, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries, or nuisances to the public.

## Section XII. Limitations on Rights Granted

A. All transmission and distribution structures, lines and equipment erected by the Franchisee within Grantor shall be located as to cause minimum interference with the proper use of streets, alleys and the public ways and places, and to cause minimum interference with the rights and reasonable convenience or property owners who adjoin any of the said streets, alleys or other public ways and places, and said poles or towers shall be removed by franchisee whenever Grantor reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places within Grantor and Grantor concurrently requires relocation of similarly situated utilities.

B. Construction and maintenance of the System shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such applicable ordinance and regulations of the Grantor, affecting electrical installation, which are presently in effect at the time of construction.

C. In case of disturbance of any street, sidewalk, alley, public way or paved area, Franchisee shall, at its own cost and expense and in a manner approved by Grantor, replace and restore such street, sidewalk, alley, public way, or paved areas in at least as good a condition as before the work involving such disturbance was done.

D. If at any time during the period of this Ordinance Grantor shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, Franchisee, upon reasonable notice by Grantor, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense provide Grantor concurrently imposes identical requirements on similarly situated utilities.

E. Franchisee shall on request of any person holding a building moving permit or any person who wishes to remove trees or structures from their property, temporarily raise or lower its wires to permit the moving of buildings or tree removal. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same; the Franchisee shall have the authority to require such payment in advance. Franchisee shall not be given less than fourteen days advance notice to arrange for such temporary wire changes.

F. Subject to Grantor approval, Franchisee shall have the authority to trim trees that overhang streets, alleys, sidewalks, and public ways and places so as to prevent the branches of such trees from coming in contact with the wires and cables of Franchisee.

G. Franchisee, shall, at its expense, protect, support, temporarily disconnect, relocate on the same street, alley, or public place, or remove from the street, alley or public place, any property of Franchisee when required by Grantor by reason of traffic conditions, change of establishments of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or other structure of public improvement; provided, however, that Franchisee shall in all cases have the privileges and be subject to the obligations to abandon any property of Franchisee in place as hereinafter provided.

H. In all sections of Grantor where Grantor designates an area where all presently above ground

services are to be placed underground, Franchisee shall place its wires underground on the same time schedule and on the same conditions that are applicable to the providing of other above ground services in the designated areas.

I. In the event that the use of any part of the System is discontinued for any reason for a continuous period of twelve (12) months, or in the event such System or property has been installed in any street or public place without complying with the requirements of this Ordinance or the rights granted hereunder have been subject to the rights of the Grantor to acquire or transfer the system as specified in [Section XIII](#), promptly remove from the streets, or public places, all such property and poles of such system other than any which the Town may permit to be abandoned in place. In the event of such removal, Franchisee shall promptly restore the street or other areas from which such satisfactory to Grantor.

J. Any property to be abandoned in place shall be abandoned in such a manner as Grantor may prescribe. Upon permanent abandonment of the property of Franchisee in place, it shall submit to Grantor an instrument to be approved by Grantor, transferring to Grantor the ownership of such property.

### Section XIII. Ownership and removal of facilities

A. All cable and equipment for cable service including cable television reception service installed by Franchisee at a subscriber's location shall remain the property of Franchisee and Franchisee shall have the right to remove said cable and equipment. Upon termination of all service to any subscriber, Franchisee shall promptly remove all its above ground facilities and equipment from the premises upon the request of such subscriber.

B. At the end of the Term of this franchise, the Company at its sole cost and expense and upon direction of the Grantor, shall remove the above-ground cables and appurtenant devices constructed or maintained in connection with the services authorized herein, unless the Company, its affiliated entities or assignees should, within 6 months after such expiration, termination or revocation obtain certification from the FCC to operate an Open Video System or any other federal or state certification to provide telecommunication services.

### Section XIV. Transfer of Ordinance

All right, title and interest of Franchisee in this Ordinance and the Non-exclusive Franchise granted herein shall be freely assignable without consent of Grantor.

### Section XV. Duration and Renewal of Ordinance

The rights granted to Franchisee herein shall become effective upon the passage of this Ordinance and shall continue for a period of fifteen (15) years, unless terminated earlier in accordance with this Ordinance ("Term"). Franchisee shall have the option to renew this franchise for an additional fifteen (15) years at any time before the expiration of the Term under the same terms and conditions by providing notice as required under [Section XXIV](#).

### Section XVI. Erection, Removal and Common Use of Poles

A. No poles or other wire-holding structures shall be erected by Franchisee without prior approval of the designated representative of the Council with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no location of any pole or wire-



holding structure of Franchisee shall create a vested interest.

B. Where poles or other wire-holding structures already existing in use in serving Grantor are available for use by Franchisee, but it does not make arrangements for such use, the Council may require Franchisee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of use available to Franchisee are just and commercially reasonable.

#### Section XVII. Rates and Charges

The Grantor reserves the right to regulate such rates and charges to the extent permitted by and using methodologies prescribed by Federal law.

#### Section XVIII. Books and Records

The Franchisee shall keep full, true, accurate, and current books of accounts, which books and records shall be made available for inspection at reasonable times by authorized representatives of Grantor as may be reasonably necessary for the administration of this Ordinance. To the extent Grantor obtains any personally identifiable information or other information protected under federal, state or local privacy laws, Grantor shall assume all of the obligations of a cable operator with respect to protecting the confidentiality of that information. Grantor shall indemnify and hold Franchisee harmless from any costs, losses or damages arising from the disclosure of any protected information to or by Grantor.

#### Section XIX. Force Majure

The Franchisee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation, or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, governmental, administrative or judicial order or regulation or event that is reasonably beyond the Franchisee's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Franchisee's cable and/or equipment is attached, as well as the unavailability of materials and/or qualified labor to perform the work necessary.

#### Section XX. Miscellaneous

Franchisee's legal, financial, technical and other qualifications, and the adequacy and feasibility of its construction arrangements, if any, have been approved by the Council after consideration in a full public proceeding affording due process to all interested persons.

#### Section XXI. Modification of Obligations

In addition to any other remedies provided by law or regulation, Franchisee's obligations under this Ordinance may be modified, at its request, in accordance with Section 625 of Cable Communications Policy Act of 1984 as it now exists, or as hereafter amended.

#### Section XXII. Severability

If any Section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, or amended by the United States

Congress or is superseded or preempted by Federal Communications Commission regulation, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section XXIII. Publication

Franchisee shall assume the costs of any required publication of this Ordinance.

Section XXIV. Notices

All notices and other communications hereunder this Ordinance shall be in writing and shall be deemed to have been given on the date of actual delivery if mailed, first class, registered or certified mail, return receipt requested, postage paid to the following respective addresses:

To Grantor:

Bourbon, Town Hall  
104 East Park Ave.  
Bourbon, IN 46504  
Attn: Jacqueline Murphy, CMC

To the Franchisee:

Mediacom Indiana LLC  
LEGAL DEPT: BRUCE GLUCKMAN  
100 Crystal Run Road  
Middletown, NY 10941

With a copy to:

Mediacom Indiana LLC  
609 4<sup>th</sup> Street  
Chillicothe, IL 61523  
Attn: Michael Pedelty, Regional Director of Government Relations

Either of the foregoing parties to this Ordinance may change the address to which all communications and notices may be sent to it by addressing notices of such change in the manner provided hereunder.

Section XXV. Contract Rights

Acceptance of this Ordinance by Franchisee shall create enforceable contract rights between Franchisee and Grantor with respect to the terms of this Ordinance.

Section XXVI. Prior Ordinances

All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

Section XXVI. Effective Date

This Ordinance shall take effect after its passage, approval, and publication and provided by law.

Read and approved on the first reading on this 10<sup>th</sup> day of October, 2000.

Read and approved on the second reading on this 10<sup>th</sup> day of October, 2000.

(Ordinance No. 2000-5)

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6.4 AN ORDINANCE REQUIRING THE INSTALLATION OF SMOKE DETECTORS IN MULTI-FAMILY DWELLING UNITS, HOTELS, MOTELS, BOARDING HOUSES AND SLEEPING ROOMS WITHIN THE TOWN OF BOURBON DESCRIBING THE TYPES TO BE INSTALLED, DESIGNATING THE SITES OF INSTALLATION AND PROVIDING PENALTY FOR THE FAILURE TO MAKE SUCH INSTALLATIONS.

WHEREAS, 12,000 Americans die by fire annually, and 300,000 are severely injured by the same cause, of which 50,000 are unable to return to a normal way of life; and

WHEREAS, the Town of Bourbon is committed to the general well-being of its citizens; and

WHEREAS, the National Commission on Fire Prevention and Control has concluded that the larger percentage of these deaths and injuries could have been avoided; and

WHEREAS, the installation and maintenance of properly functioning smoke detection equipment can contribute to early warning and escape from danger of fire and, therefore, help prevent loss of life and property; and

WHEREAS, fire chiefs, fire fighters and fire experts nationwide endorse such conclusion,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Trustees of the Town of Bourbon, Indiana:

That the Bourbon Town Code be and hereby is amended by adding Section 6.4 Smoke Detectors as follows:

SECTION 6.4  
SMOKE DETECTORS

§6.4.1. Definitions: When used in this Chapter unless the context otherwise indicates:

A. "Smoke Detector" shall be defined as a device which detects particles of products of combustion other than heat, approved by Underwriters Laboratories, Inc. or Factory Mutual, equipped with a test button and may be either battery powered, minimum 9 volt or 120 volt A.C.

B. "Multi-Family Dwelling Unit" shall be defined as any building that contains living quarters for two or more occupancies, and shall include hotels, motels, boarding houses, sleeping room houses, buildings of mixed occupancy having any residential unit, nursing homes, convalescent homes, licensed half-way houses, or lodging houses.

C. “Mobile Home Rental” shall be defined as any mobile home or trailer occupied by or offered for occupancy of an individual or individuals as a residence on a rental basis.

D. “Sleeping Area” shall be defined as the area of a unit in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

#### §6.4.2. SMOKE DETECTORS REQUIRED

All multi-family dwelling units, motels, hotels, boarding houses, sleeping room houses, mobile home rentals and buildings of mixed occupancy having any residential units located in the Town of Bourbon shall be equipped with approved smoke detectors.

#### §6.4.3. LOCATION OF SMOKE DETECTORS

Every owner, manager, or agent of any multiple dwelling shall install in every dwelling unit, not less than one approved smoke detector on the ceiling, not less than 7 inches from any wall or on a wall located from 6 to 12 inches from the ceiling and within 15 feet of all rooms used for sleeping purposes. Smoke detectors shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to the rooms used for sleeping purposes. Where a common hallway is used, smoke detectors shall be spaced not more than 30 feet apart in such hallway.

#### §6.4.4. NOT REQUIRED WHERE SPRINKLER SYSTEM IS INSTALLED

The provisions of this Chapter shall not be required in buildings which contained an approved automatic sprinkler system throughout.

#### §6.4.5. MAINTENANCE

At every change of tenant in every multi-dwelling, it shall be the responsibility of the owner, manager or agent to test and ascertain that the approved smoke detectors are in operable condition. It shall be unlawful for any person to tamper or remove any smoke detector except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement must be reinstalled or replaced so that it is in place during normal sleeping hours.

#### §6.4.6. CERTIFICATION AS TO PROPER WORKING CONDITION

Between January 1 and January 31 each year, the owner of each dwelling unit or mobile home in which a smoke detector has been installed shall certify in writing on forms prescribed by the Town to the Fire Department that the required maintenance has been performed on all detectors in the owner’s units and that the detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupancy of any dwelling unit and mobile home covered by this Ordinance that all smoke detectors required have been installed and are in proper working condition.

#### §6.4.7 PENALTIES

Failure to comply with the terms of this Ordinance shall result in charges being brought against the person obligated herein to maintain the equipment as provided in this Ordinance, and upon conviction of violation of this Ordinance, such offending party shall be fined in an amount not less than One Hundred

Dollars (\$100.00), not more than One Thousand Dollars (\$1,000.00) for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### §6.4.8. ENFORCEMENT

The Fire Department of the Town of Bourbon or the Board of Trustees for the Town shall be charged with the duty of enforcing the terms of this Chapter.

#### §6.4.9. SEVERABILITY

If any provision of this Ordinance or application thereof is held unconstitutional or invalid, the remaining provisions of this Ordinance shall not be affected thereby.

#### §6.4.10 EFFECTIVE DATE

This Ordinance shall be in full force and effect 30 days from the date of its passage and publication as provided by law.

(Passed and adopted December 7, 1988)

## TITLE VII. - GENERAL OFFENSES

### 7.1 Littering

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#### 7.1 LITTERING

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA THAT:

§7.1.1. No person shall throw, place, deposit or leave upon any public park, playground, street, alley, or other public place or property in the town any tin cans, glassware, broken glass, containers, paper, rubbish, or refuse of any kind or character.

§7.1.2. Whenever the Town shall have provided for the placing of refuse containers or receptacles on public parks, playgrounds, streets, alleys, or other public places or property, it shall be unlawful to deface, mark, damage or overturn the containers or receptacles.

§7.1.3. Any person violating any of the provisions of this chapter shall be fined not less than \$25.00 nor more than \$100.00.

See [Ordinance Violations Bureau](#), which may supercede penalty.

Title VIII. - LAND USAGE

[8.1](#) Fair Housing Ordinance

[8.2.1](#) Building Code

See Also:

[Ordinance No. 2002-15](#), 1-14-2003, *Building Code*

[8.2.2](#) Building Permit Fees

See Also:

[Ordinance No. 2002-3](#), 2-12-2002, *Site Survey Required*

[Ordinance No. 2004-1](#), 1-13-2004, *Improvement Location Permit Fees*

[8.2.3](#) Enforcement of Building Standards - Building Standards Department & Building Standards Department Inspector

[8.2.4](#) Enforcement of Building Standards - Building Standards Department & Building Standards Department Inspector

[8.3](#) Building Inspector

See Also:

[RESOLUTION](#), 1-14-2003, *Building Inspector Appointment*

[RESOLUTION](#), 11-11-2003, *Building Inspector Designation*

[8.4.1](#) Subdivision Controls

[8.4.1A](#) Amendments to Subdivision Controls

[8.4.1B](#) Amendments to Subdivision Controls

[8.5.1](#) Zoning

[8.5.1A](#) Amendment to Zoning Ordinance - Exhibit A

[8.5.1B](#) Amendment to Zoning Ordinance

[8.5.2](#) Rezoning

[8.5.3](#) Rezoning - Exhibit A

[8.5.4](#) Rezoning

[8.5.5](#) Revision of Zoning Maps

[8.5.6](#) Replacement of Zoning Maps

[8.5.7](#) Rezoning

See Also:

[Ordinance No. 2002-5](#), 3-12-2002

[Ordinance No. 2002-7](#), 6-11-2002

[Resolution](#), 4-11-2006, and [Ordinance No. 2006-5](#), 11-14-2006

[8.6.1](#) Vacate Public right-of-way (Triton Schools)

[8.6.2](#) Vacate Public right-of-way (Border)

[8.6.3](#) Vacate Public right-of-way (Grenert)

[8.6.4](#) Vacate Public right-of-way (Ward, et. all)

[8.6.5](#) Vacate Public right-of-way (Lemler, et. all)

[8.6.6](#) Vacate Public right-of-way (Triton Schools)

[8.6.7](#) Vacate Public right-of-way (Pershing et. all)

[8.6.8](#) Vacate Alley (Harman et. all)

See Also:

[Ordinance No. 2002-10](#), 8-13-2002, *Vacating an Alley*

[Ordinance No. 2007-2](#), 5-8-2007, *Vacating an Alley*

[Ordinance No. 2011-05](#), 4-12-2011, *Vacating an Alley*  
and [related easement](#), 4-26-2011

<a href="#">8.7</a>	Mobile Home Parks
<a href="#">8.8</a>	Standards for Construction of Streets
<a href="#">8.9</a>	Condemnation of Real Estate for Drainage Easement

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## 8.1 FAIR HOUSING ORDINANCE

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin;

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

### Section 1. Policy Statement.

It shall be the policy of the Town of Bourbon to provide, within the constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq..

### Section 2. Definitions.

The definitions set forth in this Section shall apply throughout this Ordinance:

- (a) “Dwelling” means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- (b) “Family” includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (h) of this Section.
- (c) “Person” (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- (d) “To Rent” (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.
- (e) “Discriminatory Housing Practice” means an act that is unlawful under Sections 4, 5, 6, 7, or 8 of this Ordinance or I.C. 22-9.5-5.
- (f) “Handicap” means, with respect to a person:

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) a record of having such an impairment;
- (3) being regarded as having such an impairment;
- (4) an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990;
- (5) any other impairment defined under I.C. 22-9.5-2-10.

The term "handicap" shall not include current illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21 of the United States Code [I.C. 22-9.5-2-10(b)]; nor does the term "handicap" include an individual sole because that person is a transvestite [I.C. 22-9.5-2-10(c)].

- (g) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):
- (1) claims to have been injured by a discriminatory housing practice; or
  - (2) believes that such person will be injured by a discriminatory housing practice that is about to occur.
- (h) "Familial Status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:
- (1) a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (i) "Commission" (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. seq.
- (j) "Complainant" (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

### Section 3. Unlawful Practice.

Subject to the provisions of subsection (b) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- (a) A dwellings except as exempted by subsection (b) and Title 22-9.5-3 of Indiana Code.
- (b) Other than the provisions of subsection (c) of this Section, nothing in Section 4 shall apply to:
  - (1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single-family house by a private individual not residing in the house at the time of the sale or who was not the most recent resident or such house prior to the sale, the exemption shall apply only to one such sale within any twenty-four month period. The private individual owner may not own any interest in, nor have owned or reserved on his



behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single-family house shall be excepted from application of this section only if such house is sold or rented:

- (A) without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
  - (B) without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4(c) of this Ordinance, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
- (2) rooms or dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:
- (A) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - (B) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - (C) he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

#### Section 4. Discrimination in the Sale or Rental of Housing.

As made applicable by Section 3 and except as exempted by Sections 3(b) and 9, it shall be unlawful:

- (a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.
- (b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.
- (c) To make, print, or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.
- (d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such

dwelling is in fact so available.

- (e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- (f)(1) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of —
  - (A) that buyer or renter;
  - (B) a person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
  - (C) any person associated with that person.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of such a dwelling, or in the provision of services or facilities in connection with such a dwelling, because of a handicap of:
  - (A) that person; or
  - (B) a person residing in or intending to reside in that dwelling after it is sold, rented or made available; or
  - (C) any person associated with that person.
- (3) For the purposes of this subsection, discrimination includes:
  - (A) a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
  - (B) a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
  - (C) in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1988, a failure to design and construct those dwellings in such a manner that —
    - (i) the public use and common use portions of such dwellings are readily accessible to and useable by handicapped persons;
    - (ii) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

- (iii) all premises within such dwellings contain the following features of adaptive design:
  - (I) an accessible rout into and through the dwelling;
  - (II) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
  - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
  - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (4) Compliance with the appropriate requirements of the Americans With Disabilities Act of 1990 and of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph (3)(C)(iii).
- (5) Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

#### Section 5. Discrimination in Residential Real Estate-Related Transactions.

- (a) it shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.
- (b) as used in this section, the term “residential real estate-related transaction” means any of the following:
  - (1) the making or purchasing of loans or providing other financial assistance:
    - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
    - (B) secured by residential real estate.
  - (2) The selling, brokering, or appraising of residential real property.
- (c) Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

#### Section 6. Discrimination in the Provision of Brokerage Services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting the dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

### Section 7. Interference, Coercion, or Intimidation.

It shall be unlawful for to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 3, 4, 5 or 6 of this Ordinance.

### Section 8. Prevention of Intimidation in Fair Housing Cases.

Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (a) any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - (1) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection 15(a); or
  - (2) affording another person or class of persons opportunity or protection so to participate; or
- (c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organization or facilities described in subsection (a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall not be fined more than \$10,000, or imprisoned more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

### Section 9. Exemptions.

- (a) Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (b) and (c) of this Section.
- (b) Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose of purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference

to its members.

(c)(1) Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons.

(3) As used in this section, “housing for older persons” means housing:

- (A) provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assisted elderly persons (as defined in state or federal program); or
- (B) intended for, and solely occupied by, persons 62 years of age or older; or
- (C) intended and operated for occupancy by at least one person 55 years of age or older per unit.

#### Section 10. Administrative Enforcement of Ordinance.

- (a) The authority and responsibility for properly administrating this Ordinance and referral of complaints hereunder to the Commission as set forth in subsection (b) hereof shall be vested in the Chief Executive Officer of the Town of Bourbon, Indiana.
- (b) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Bourbon, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission (“Commission”) for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Officer of the Town of Bourbon, Indiana, shall refer all said complaints to the Commission as provided for under subsection (a) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided under Title 22-9.5-6 of Indiana Code.
- (c) All executive departments and agencies of the Town of Bourbon, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Executive Officer and the Commission to further such purposes.
- (d) The Chief Executive Officer of the Town of Bourbon, Indiana, or the Chief Executive Officer’s designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

#### Section 12. Separability of Provisions.

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Ordinance No. 1993-6 passed by the Town Council of the Town of Bourbon, Marshall County, Indiana, February 16, 1993.)

8.2.1 AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE TOWN OF BOURBON, INDIANA, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND USE OF THE BUILDING AND STRUCTURES; FOR PROVIDING THE ISSUANCE OF BUILDING PERMITS, FOR PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana:

§8.2.1(1) That the Ordinance of the Board of Commissioners of Marshall County, Indiana, known as the "Building Code of Marshall County, Indiana, and denominated as Ordinance No. 1980-2," a copy of which is attached hereto, be and hereby is adopted as an ordinance of the Town of Bourbon, Indiana.

§8.2.1(2) That all of the rules, regulations, and codes, as adopted by the Building Code of Marshall County, Indiana, shall be and hereby are adopted by reference as the rules, regulations, and codes concerning the construction and alterations of buildings and structures in the Town of Bourbon, Indiana.

§8.2.1(3) That all ordinances or parts of ordinances in conflict herewith be and hereby are repealed.

§8.2.1(4) That should any section, paragraph, sentence, clause or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remaining provisions of this Ordinance shall not be affected thereby.

(Formerly 8.1)

8.2.2 AN ORDINANCE ESTABLISHING AND/OR MODIFYING BUILDING PERMIT FEES FOR THE TOWN OF BOURBON, INDIANA

WHEREAS, the Plan Commission for the Town of Bourbon, Indiana, has recommended to the Town Council thereof that certain fees be charged with respect to Building Permits issued by said Town, and

WHEREAS, it is the desire of said Town Council to adopt the recommendation of said Plan Commission though only as to the fees set out hereafter and not as to other charges that were requested to be codified;

IT IS THEREFORE ORDAINED by the Town Council of the Town of Bourbon, Indiana that the charges for Building Permits for the following structure/uses shall be established and/or modified as set out therewith, to-wit:

1. Decks - attached to dwelling or unattached	\$25.00
2. All above ground pools installed permanently	\$25.00
3. Above ground pools with additional decking attached	\$50.00
4. Inground pools together with required fencing	\$50.00
5. Car ports - attached or unattached	\$25.00
6. Garages - attached or unattached	\$35.00

7.	Accessory buildings over 576 sq. ft. unattached (example: personal workshop or general storage)	\$35.00
8.	Satellite dish	\$15.00
9.	Permanent advertising sign, as allowed by Town Ordinance and secured on structure or inground	\$35.00
10.	Mansford roof or canopy to commercial building	\$25.00
11.	Play structure fixed in ground posts	\$10.00
12.	Storage Building from 120 sq. ft. to 575 sq. ft.	\$20.00

WHEREAS the foregoing charges shall be in effect from and after the adoption of this Ordinance by the said Council for the Town of Bourbon, Indiana.

Passed by the Town Council for the Town of Bourbon, Indiana, this 5<sup>th</sup> day of January, 1993.

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### 8.2.3 AN ORDINANCE ADOPTING I.C. 36-7-9-1 THROUGH I.C. 36-7-9-28 “ENFORCEMENT OF BUILDING STANDARDS”

The Bourbon Town Council does hereby adopt I.C. 36-7-9-1 through 36-7-9-28 as a Bourbon Town Ordinance. Further, pursuant to I.C. 36-7-9-3, the department responsible for enforcement of this chapter shall be the Buildings Standards Department which is hereby created in this Ordinance which shall consist of the person to be appointed by the Town Council, which appointment may be revoked at any time by a majority of the Town Council. The term of office for the Buildings Standards Department Inspector shall be for a period of two (2) years unless sooner removed. Said designee shall also be the Enforcement Authority pursuant to the said Statute.

The hearing authority shall be the Town Council.

Pursuant to I.C. 36-7-9-3, this Ordinance does hereby incorporate by reference the definition of “substantial property interests” as defined by I.C. 36-7-9-2.

(Ordinance No. 1996-3, dated March 5, 1996)

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### 8.2.4 AN ORDINANCE ADOPTING I.C. 36-7-9-1 THROUGH I.C. 36-7-9-28 “ENFORCEMENT OF BUILDING STANDARDS”

The Bourbon Town Council does hereby adopt I.C. 36-7-9-1 through 36-7-9-28 as a Bourbon Town Ordinance. Further, pursuant to I.C. 36-7-9-3, the department responsible for enforcement of this chapter shall be the Buildings Standards Department which is hereby created in this Ordinance which shall consist of the person to be appointed by the Town Council, which appointment may be revoked at any time by a majority of the Town Council. The term of office for the Buildings Standards Department Inspector shall be for a period of two (2) years unless sooner removed. Said designee shall also be the Enforcement Authority pursuant to the said Statute.

The hearing authority shall be the Town Council.

Pursuant to I.C. 36-7-9-3, this Ordinance does hereby incorporate by reference the definition of “substantial property interests” as defined by I.C. 36-7-9-2.

(Ordinance No. 1998-9, dated November 3rd, 1998)

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### 8.3 BUILDING INSPECTOR

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana:

§8.3.1. That the “Building Inspector: as used in said Building Code of Marshall County, Indiana is hereby designated the Building Inspector for the Town of Bourbon, Marshall County, Indiana, and that said Building Inspector shall have the delegated authority from the Board of Town Trustees to direct, administer, and enforce all of the provisions of this Ordinance.

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### 8.4.1 SUBDIVISION CONTROLS

#### Article I

#### §8.4.1(1) Purpose

An ordinance providing for the control of the sub-division of land and the approval of plats and replats of land, within the jurisdiction of the Bourbon Town Plan Commission, as a part of the Master Plan for the Town of Bourbon, Indiana.

#### §8.4.1(2) Establishment of Control.

No plat or replat of a subdivision of land located within the territorial jurisdiction of the Bourbon Plan Commission shall be filed with the Auditor or recorded by the Recorder of Marshall County until it shall have been approved by the Bourbon Plan Commission, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

#### Article II Definitions

#### §8.4.1(3) Definitions

For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The term “shall” is always mandatory.

**ALLEY:** A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and not less than twenty (20) or more than thirty (30) feet in width.

**BLOCK:** Property abutting on one side of a street and lying between the two nearest intersecting and intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way or waterway.



**BUILDING SET BACK LINE:** The line nearest the front and across a lot establishing the minimum open space to be provided between the front of buildings and structures and the front lot line.

**COMMISSION:** The Bourbon Plan Commission.

**COUNTY:** The County of Marshall, Indiana.

**LOT:** A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.

**MASTER PLAN:** The complete plan, or any of its parts, for the development of Bourbon, prepared by the Commission and legally adopted.

**PLAT:** A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

**STREET:** A public thoroughfare, whether designated as a street, highway, parkway, road, avenue, lane, boulevard, or however otherwise designated, fifty (50) feet or more in width between property lines, which affords principal means of vehicular access to abutting property.

**SUBDIVISION:** A division of a lot, tract or parcel of land into two or more immediate lots or other divisions of land for the purpose, immediate or future, of transfer of ownership or development, including all changes in street or lot lines. Divisions of land for agricultural purposes in parcels of five (5) or more acres, not involving any new street or easement of access, shall not be interpreted as a subdivision. The term includes resubdivision; and when appropriate to the context, shall relate to the process of sub-dividing or to the land subdivided.

**TERRITORIAL JURISDICTION:** The unincorporated portions of land under the planning jurisdiction of Bourbon, Indiana Plan Commission.

**THOROUGHFARE PLAN:** The part of the Master Plan which sets forth the location, alignment and dimensions of existing and proposed public streets, highways and other thoroughfares.

### Article III Requirements and Principles

#### §8.4.1(4) Design

1. **SUITABILITY OF LAND:** No land shall be subdivided for residential use if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectional earth and rock formation topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

2. **DEVELOPMENT THOROUGHFARE PLAN:** All proposed subdivisions shall conform to the Development Thoroughfare Plan. Whenever a tract to be subdivided embraces any part of a major street, boulevard, or parkway so designated on the Thoroughfare Plan, such part of such proposed public way shall be platted by the Subdivider in the locations and of the width indicated on the Thoroughfare Plan. Due consideration shall also be given by the subdivider and the owners of adjoining property for the provision of school sites, park sites, rights-of-way for public utility lines, sites for business centers, industrial locations, and other features as indicated on the Master Plan.

### 3. STREET AND ALLEY LOCATION AND ARRANGEMENT:

- (a) The street and alley layout shall conform to the neighborhood plan of the commission, if such plan has been adopted as part of the Master Plan, for the development of the neighborhood in which the proposed subdivision is located.
- (b) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (c) Wherever there exists a dedicated or platted subdivision of a street or alley adjacent to the tract to be subdivided, the other portion of the street or alley to the prescribed width shall be platted.

### 4. MINIMUM STREET AND ALLEY WIDTHS — RIGHT-OF-WAY

- (a) Major streets shall have widths not less than indicated on the Thoroughfare Plan.
- (b) Streets in the Business Districts designated by the Zoning Ordinance shall have widths not less than eighty (80) feet.
- (c) Other streets shall have widths not less than fifty (50) feet.
- (d) Alleys shall have widths not less than twenty (20) feet or more than thirty (30) feet.
- (e) Dead-end streets, fifty (50) feet. All dead end streets shall not exceed six hundred (600) feet in length and shall terminate in a circular right-of-way within a minimum diameter of eighty (80) feet, unless the Commission approves an equally safe and convenient form of space instead of the required turning circle.

### 5. MINIMUM RADII OF CURVATURE ON CENTER LINES: Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs a curve shall be introduced, providing for :

- (a) Major streets, a minimum radius of three hundred (300') feet but should be much greater wherever possible.
- (b) Other streets, a minimum radius of one hundred (100') feet but should be much greater wherever possible.

### 6. TANGENTS: Between reversed curves there shall not be less than a minimum tangent for:

- (a) Major streets, of two hundred (200') feet.
- (b) Other streets, of fifty (50') feet.

### 7. INTERSECTIONS:

- (a) At street intersections, property line corners shall be rounded by an arc at least twenty (20) feet in radius.
- (b) All streets intersecting a major street shall do so at right angels or as nearly as is possible. Intersection angle is less than sixty (60) degrees the foregoing radii shall be increased not less than forty

(40%) per cent.

#### 8. BLOCKS:

(a) The width of blocks shall be sufficient to allow two tiers of lots as described in paragraph 9(a) & (b) of this section.

(b) Blocks shall not exceed thirteen hundred and twenty (1320') feet in length.

(c) In blocks over seven hundred and fifty (750') feet in length, Commission may require, at or near the middle of the block, public walk connection adjacent streets or other public areas, such walkway shall be at least ten (10') feet in width and shall be intended for the use of pedestrians only.

#### 9. LOTS:

(a) In any Agricultural or Residence District the minimum width and area for lots shall conform to the requirements of the Zoning Ordinance, but in no case shall the width be less than sixty (60') feet at the set back line and the area contain less than six thousand (6000') square feet if a public water supply and sanitary sewers are provided; eight thousand (8000') square feet if a public water supply but no sanitary sewers are provided; ten thousand (10,000') square feet if neither public water supply nor sanitary sewers are provided. Where property is located in a business or Manufacturing District the minimum permissible lot size and frontage shall be at the discretion of the Commission.

(b) The depth-to-width ration of the usable area of a lot shall not be greater than 3.5 to 1.0.

(c) Building set back lines shall not be less than those required by the Zoning Ordinance.

(d) Whenever possible side lines of lots shall be at right angles or radial to street lines.

(e) Every lot shall abut on a street.

(f) Through lots having frontage on two (2) parallel or approximately parallel streets will be permitted only at the discretion of the commission.

(g) Except where alleys are provided for the purpose, each lot shall have an easement for utilities along the rear lot line and along the side lot line where necessary. No easement shall be less than six (6) wide on each lot, making an overall easement width of twelve (12) feet.

(h) When the terrain so requires, easements for the sanitary sewers along lot lines other than the rear lot lines, shall be provided.

10. PUBLIC SPACES: Whenever a park, recreation area, school site or other open space shown on the Master Plan is located in whole or in part in the proposed subdivision, the Commission may require the dedication of those spaces or their reservation for a period of not more than one (1) year after the approval of the proposed sub-division.

#### 11. MONUMENTS AND MARKERS:

(a) Monuments shall be concrete with a diameter of not less than 6" and 36" long, case in place, with a copper dowel 3/8" in diameter, at least 2 ½ in length imbedded so that the top of the dowel shall not be

more than 1/4" above the surface at the center of the monument.

(b) Monuments shall be set so that the top is level with the established grade adjoining it and placed so that the marked point on the metal center shall coincide exactly with the intersection of street property lines, the intersection of all angles in the boundary line and at the beginning and ending of all curves along streets and at the center of the monument.

(c) Lot corners not marked by concrete monuments as required above, shall be marked by galvanized or wrought iron pipe, or iron or steel bars at least 3 feet in length and not less than five-eighths (5/8) inch in diameter, the top of the pipe or bar to be set level with the established grade of the ground adjoining it.

#### §8.4.1(5) Required Improvements

##### 1. STREETS:

(a) Streets and alleys shall be completed to grades as shown on plans, profiles and cross-sections prepared by the subdivider and approved by the Town Board of Trustees. The streets shall conform to the dimensions required by the Thoroughfare Plan and the work shall be performed in the manner prescribed in the Town Standards.

(b) As a minimum the streets shall be surfaced to a width of fifteen (15) feet on each side of the centerline of the streets with six (6) inches of Compacted Aggregate (Section C-9) covered with a Dust Palliative (Section D1103.6).

(c) Upon the completion of the street and alley improvements plans and profiles, as built shall be filed with the Town Board of Trustees.

2. SEWERS: The subdivider shall provide the subdivision with a complete public sewer system which shall connect with a sanitary sewer outlet, or, for the disposal of sanitary sewage by means of septic tanks with absorption systems or seepage pits, all constructed according to the minimum requirements of the State Board of Health. The installation shall conform to the procedures and Standards of the Town of Bourbon.

In this paragraph 2, Sewers, and the next paragraphs 3, Water, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or, if private systems are used, the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these subsections shall be installed by the developer of the lot in accordance with these regulations.

Upon the installation of a public sewer system, the plans for such a system as built shall be filed with the Town Board of Trustees.

3. WATER: The subdivider shall provide the subdivision with a complete water main supply system which shall be connected with the city water supply system or a private water supply for each lot to be installed in accordance with the minimum requirements of the State Board of Health.

4. STORM DRAINAGE: The subdivider shall provide the subdivision with an adequate storm water sewer whenever the evidence available to the Commission indicates the natural surface drainage is inadequate. When the surface drainage is adequate easement for such surface drainage shall be provided.

5. STREET SIGNS: The subdivider shall provide the subdivision with standard street signs at the intersection of all streets.

§8.4.1(6) Variance and modification

1. Where the subdivider can show that provision of paragraphs 5, 6, or 7, Section 8.4.1(4) of these Regulations and paragraph 1-(b) of Section 8.4.1(5) with regard to the exact location of the surfaced area of the street, would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified set forth.

2. The foregoing requirements and principles of land subdivision may be modified by the Commission in the case of a subdivision large enough to be developed as a community center or a neighborhood unit in accordance with a plan prepared by the subdivider and adopted as a part of the Master Plan.

Article IV Procedure

§8.4.1(7) Application

1. Whenever any subdivision of land is proposed to be made the subdivider, or his agent shall submit a written application for a certificate of approval and two (2) copies of a preliminary plat of said subdivision with the Commission, and file said application with the Plan Commission at least ten (10) days before the meeting at which the commission is expected to consider said application and plat.

2. The application shall specify the intent of the subdivider with respect to the land use, drainage, sewage disposal, water supply, and street improvements proposed for the subdivision; shall include satisfactory evidence that the proposed water systems meet the minimum requirements for such systems established by the State Board of Health; of any deed restrictions to be placed upon the property to be subdivided and the expected date of this development.

3. At the time of filing an application for approval of a plat, the application shall be accompanied by a certified check or money order payable to the Clerk-Treasurer in the amount of Five (\$5.00) dollars, plus twenty-five cents (25¢) for each lot in the proposed subdivision, with a minimum total charge of ten (\$10.00) dollars to cover the cost of checking, and verifying the proposed plat.

Upon the acceptance of the application by the Commission, the Secretary shall surrender the check or money order to the Clerk-Treasurer for deposit in the General Fund of the Town.

§8.4.1(8) Preliminary Plat

The preliminary plat shall be prepared in accordance with Article III and shall be presented as follows:

1. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch on a sheet not more than seventeen (17) inches by twenty-one (21) inches or more than thirty (30) inches by thirty-six (36) inches in size except that when the drawing at that scale required more than a sheet thirty (30) by thirty-six (36) inches in size the plat may be drawn at a scale of two hundred (200) feet to one (1) inch.

2. The plat shall include a vicinity key map at an appropriate scale showing the layout of the proposed

subdivision and all existing subdivision, street and tract lines of acreage parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. It shall also show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighboring area.

3. The plat shall contain the following information:

(a) DESCRIPTION:

1. Proposed name of the subdivision.
2. Location, with complete legal description.
3. Name and address of subdivider.
4. Name, address and seal of registered professional engineer or land surveyor preparing the plat.
5. Scale of plat, including graphic scale, north point and date.

(b) EXISTING CONDITIONS:

- (1) Boundary lines of proposed subdivision indicated by solid heavy lines.
- (2) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures and section and municipal corporation lines, within or adjacent to the tract.
- (3) In case of replat all descriptive lines of the original plat being vacated shall be shown by dotted lines in the proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion.
- (4) Existing drainage ditches, sewers, water mains, culverts or other underground facilities within the tract indicating pipe sizes, grades, and exact locations, as obtained from public record.
- (5) Boundary lines of adjacent unsubdivided and subdivided land, showing owners' names.
- (6) Existing zoning of proposed subdivision and adjacent tracts.
- (7) Contours based on a fixed and easily recognizable datum, at not more than five (5) feet nor less than one (1) foot vertical intervals as required by the Commission.
- (8) Location and results of soil percolation tests if individual sewage disposal systems are disposed.

(c) PROPOSED CONDITIONS

- (1) Layout of streets, their names and widths and also widths of alleys, crosswalks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision.
- (2) Layout, dimensions and numbers of lots.
- (3) Parcels of land to be dedicated or reserved for public use or set aside for use of property owners in the subdivision.
- (4) Building setback lines, showing dimensions.

§8.4.1(9) Approval of preliminary plat

The Commission shall consider the application and preliminary plat at the first regular meeting following its proper submittal. If the Commission is satisfied that all conditions have been satisfactorily met by the subdivider, it shall tentatively approve the application and set a date for a public hearing on the proposed plat, giving written notification to the subdivider and publish a notice of the hearing in a newspaper of general circulation printed and published in Bourbon, Indiana, at least ten (10) days prior to the date set for the hearing. The cost of publishing the notice of the hearing shall be paid to the

publisher by the subdivider at the time of inserting the notice. After the public hearing the Commission may give its approval of the preliminary plat which shall be governed by the following qualifications:

1. The approval of a preliminary plat by the Commission is strictly tentative, involving merely the general acceptability of the layout as submitted.
2. The Commission may introduce such changes or revisions as are deemed necessary to the interests and needs of the community.
3. Tentative approval shall be effective for a maximum period of six (6) months unless, upon application of the subdivider, the Commission grants an extension. If the final plat has not been recorded within this time, the preliminary plat must again be submitted to the Commission for approval.
4. Any person feeling himself aggrieved at any action of the Commission upon any proposed plat or replat, may apply in writing to the Commission, prior to its next regular meeting, for modification of the action complained of, and such application shall be considered by the Commission, at such time and in such manner as it may determine, but within forty (40) days following the regular meeting.

#### §8.4.1(10) Final Plat

After approval of the preliminary plat by the Commission, and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision, drawn with Indiana ink on the best grade of tracing cloth and one (1) reproduction of the tracing on tracing cloth shall be submitted to the Commission – upon the final approval of the plat, the reproduction shall become the property of the Commission. The final plat may be submitted for approval immediately after hearing, and upon approval of the preliminary plat by the Commission. In case the final plat is not ready, the date for hearing on such final plat shall be set within forty (40) days from the date requested by the subdivider.

The final plat, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which he proposed to record and develop at the time provided, however, that such portion conform to all requirements of these regulations. The final plat shall be prepared at the same scale as the preliminary plat and shall show:

1. Name of subdivision.
2. Location by section, township and range, or by other legal description.
3. The name and certificate of the registered professional engineer or land surveyor.
4. Scale shown geographically, date and north point.
5. Boundary of plat, based upon an accurate traverse with angular and lineal dimensions.
6. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks.
7. True courses and distances to the nearest established street lines of official monuments which shall accurately describe the location of the plat.
8. City, Township, county or section line accurately tied to the lines of the subdivision by distances and courses.
9. Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs.
10. All easements for rights-of-way provided for public services of utilities.
11. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions.
12. Lines of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines.

13. Accurate location of all monuments.
14. Accurate outlines and legal description of any area to be dedicated or reserved for public use, with the purpose indicated thereon and in the dedication; and of any area to be reserved by deed covenant for common uses of all property owners.
15. Building setback lines accurately shown with dimensions.
16. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or that portion of said transfer covered by plat.
17. Restrictive covenants of all types which run with the land.
18. Property numbers based on the official property numbering system of Bourbon, Indiana.
19. Certificates for approval by the Commission.

§8.4.1(11) Plat approval

1. In submitting the final plat to the Commission, it shall be accompanied by a notice from the Town Board of Trustees stating that there has been filed with and approved by that board, one of the following:

- (a) A certificate that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with the specifications; or
- (b) A bond which shall:
  - (1) Run to the Town Board of Trustees of Bourbon, Indiana.
  - (2) Be in an amount determined by the Bourbon Plan Commission to be sufficient in amount to complete the improvements and installations in compliance with this Ordinance.
  - (3) Be with security satisfactory to the Plan Commission; and
  - (4) Specify the time for the completion of improvements and installations.

Any funds received from these bonds shall be used by the Town Board of Trustees only for the completion of the improvements and installations for which they were provided; and, said Board is authorized to complete such improvements and installations on the failure of the applicant to do so.

2. After hearing and within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the Plat together with the certifying signature of its president and secretary. If it disapproves it shall set forth its reasons in its own records and provide the applicant with a copy.

§8.4.1(12) Plat certificates

The following forms shall be used in final plats:

Certificates

1. UNDER THE AUTHORITY PROVIDED BY CHAPTER 174 — ACTS OF 1947 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA AND ORDINANCE ADOPTED BY THE TOWN BOARD OF TRUSTEES, BOURBON, INDIANA, THIS PLAT WAS GIVEN APPROVAL AS FOLLOWS:

Approved by the Bourbon Plan Commission at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.



\_\_\_\_\_ President

\_\_\_\_\_ Secretary

2. Each final plat submitted to the Commission for approval shall carry a certificate signed by a registered Professional Engineer or Land Surveyor in substantially the following form:

In, (Name), hereby certify that In am a Professional Engineer (or a Land Surveyor), licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (Date); and that all the monument shown thereon actually exist; and that their location, size, type and material are accurately shown.

(SEAL) \_\_\_\_\_ (Signature) \_\_\_\_\_

3. Each final plat submitted to the Commission for approval shall carry a deed of dedication in substantially the following form:

“We the undersigned, (Names), owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as (Name), and addition to (Name). All streets and alleys shown and not heretobefore dedicated are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground (Number) feet in width as shown on this plat and marked “Easement,” reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines, and wires, subject at all times to the property authorities and to the easements herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivide’s initiative or recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of Residential use, the minimum habitable floor area).

The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19\_\_, (a fifteen (15) to twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive period of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants, (or restrictions), it is agreed to change such covenants, (or restrictions), which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns”

Witness their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF INDIANA

SS

COUNTY OF MARSHALL

Before me the undersigned Notary Public, in and for the County and State, personally appeared  
(Name), (Name), (Name), and each separately and severally acknowledged the execution  
of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Notary Public

§8.4.1(13) Exception

In cases involving a subdivision of five (5) lots or less, the Plan Commission may by majority vote of its membership waive the requirements for preparation of preliminary plats.

The requirements of the Ordinance, in so far as designed, standards, specifications, required data on plats, and other procedural requirements may not be waived.

§8.4.1(14) Certiorari procedure

In any decision by the Bourbon Plan Commission under this Ordinance any person aggrieved may petition the Circuit Court of Marshall County, Indiana, by writ of certiorari as provided by law.

§8.4.1(15) Enforcement of ordinance and penalties for violation thereof.

The Plan Commission may institute a suit for injunction to restrain individuals or governmental units from violating the provisions of this Ordinance as well as enacted pursuant to Chapter 174, of the Acts of the General Assembly of Indiana of 1947; as amended, provided however, that nothing herein contained shall be construed as to limit the rights of Bourbon, Indiana, to otherwise enforce this ordinance by invoking any legal, equitable or special remedy provided by law.

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars and for violations continued or renewed after one conviction, each day's violation shall constitute a separate offense.

8.4.1A AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SUBDIVISION CONTROL SECTION OF THE CODE FOR THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§8.4.1A(1) Section 8.4.1(5) of the Town Code of Bourbon, Indiana, together with any amendments thereto which may have been made since the adoption of said Code are expressly repealed.

§8.4.1A(2) That there is hereby adopted and amended Section 8.4.(1)5 which shall be a part of the Code of the Town of Bourbon, Indiana, as follows:

Section 8.4.5. Required improvements

1. Streets and Alleys

(a) All streets and alleys shall be completed to grades shown in plans, profiles, and cross-sections provided by the subdivide, prepared by a registered professional engineer, or registered land surveyor, and approved by the Plan Commission and Board of Trustees of the Town. The streets shall conform to the dimensions required by the Thoroughfare Plan and the work shall be performed in a manner prescribed by the Board of Trustees of the Town.

(b) The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections. The work shall be performed as prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance," current issue, of the State Highway Commission of Indiana.

(c) The type of materials and the thickness of pavement shall be in accordance with plans and specifications submitted to the Plan Commission and the Board of Trustees of the Town.

(d) Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Board of Trustees of the Town, and said improvements must be completed and the plans and profiles as built must be filed with the town prior to any application for final approval by the town of the final plat.

2. Sewers

The subdivide shall provide the subdivision with a complete public sewer system which shall connect with the sanitary sewer outlet on the sewer system of the Town of Bourbon. In the event that a proposed subdivision is located such a distance from any sanitary sewer constructed or maintained by the Town of Bourbon that connect therewith is impracticable such arrangements shall be made for sewage as shall meet all requirements of the Indiana State Board of Health, the Marshall County Health Department or any reasonable requirements established by the Board of Trustees of the Town of Bourbon.

Any sewage system in any such plan shall be constructed at the expense of the developer and upon the completion of the installation of the sewer system the plans shall be filed with the Board of Trustees of the Town of Bourbon.

### 3. Water

The subdivide shall provide the subdivision with a complete water main supply system which shall be connected with the city water supply system. In the event that the City water supply system is not available at the location of said proposed subdivision, any water supply provision for said subdivision shall be planned and installed in accordance with all minimum requirements of the Indiana State Board of Health, the Marshall County Health Department and all appropriate regulations adopted by the Board of Trustees of the Town of Bourbon.

### 4. Storm Drainage

The subdivide shall provide the subdivision with an adequate storm water sewer whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate easement for such surface drainage shall be provided.

### 5. Street Signs

The subdivide shall provide the subdivision with standard street signs at the intersection of all streets.

Passed by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana this 31<sup>st</sup> day of December, 1980.

(Formerly 8.3A)

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#### 8.4.1B AN ORDINANCE TO AMEND THE SUBDIVISION CONTROL ORDINANCE FOR THE TOWN OF BOURBON, INDIANA

Whereas, the Plan Commission for the Town of Bourbon, Indiana has recommended that 8.4.1(3) of the Subdivision Control Ordinance for the Town of Bourbon, Indiana be amended as to the definition of subdivision so that definition is made more consistent with the definition provided in a similar ordinance of Marshall County, Indiana; and

Whereas the Town Council for Bourbon, Indiana now finds that it is in the best interest of the Town of Bourbon, Indiana and/or for purposes of the two-mile zoning jurisdiction it has about said town to amend such ordinance as recommended by the Plan Commission.

BE IT THEREFORE NOW ENACTED that Ordinance 8.4.1(3), commonly known as Article Two of the Definitions Section of the Subdivision Control Ordinance for the Town of Bourbon, Indiana be and hereby is amended to add to the definition of subdivision the following statement, to wit: provided, however, that this definition shall not include the first two recorded lots less than 5 acres in area, subsequently divided from a lot, tract, or parcel of land recorded in the Office of the Marshall County Recorder, prior to July 1, 1974; the number of lots eligible for exemption under this provision shall not be increased by subsequent changes in ownership since the number of exempt lots shall run with the land and not with the ownership. This further definition shall apply after two lots have been divided by any person, or persons, from the parcel as described on record prior to July 1, 1974.

This amendment shall then be considered, after enactment, a part of the Definitions Section of such

Subdivision Control Ordinance from the date of enactment.

Enacted and approved on all readings this 13<sup>th</sup> day of April, 1999.

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## 8.5.1 ZONING ORDINANCE

### ARTICLE I

#### §8.5.1(1) Purpose

An ordinance establishing a Zoning Plan for the Town of Bourbon, Indiana, and contiguous unincorporated territory under the jurisdiction of the Bourbon Plan Commission, to conserve the value of property and to the end that adequate light, air, convenience of access, and safety from fire and other dangers may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, convenience, comfort, and general welfare may be promoted in a manner which recognizes the needs of industry and business in the future growth of the Town and which will encourage the development of healthy surroundings for family life in residential neighborhoods; all in accordance with a master plan designed to assure efficiency and economy in the process of development of the town and for the purpose of:

--

(1) Classifying, regulating and limiting the height, area, bulk, and use of buildings and premises hereafter erected;

(2) Regulating and determining the area of front, rear and side yards and other open spaces about buildings;

(3) Regulating and determining the use and intensity of use of land and lot areas;

(4) Classifying, regulating and restricting the location of trades, industries, commercial enterprises and the location of buildings designed for specified uses;

(5) Dividing the town into districts of such kind, character, number, shape, and area as may be deemed necessary to carry out the purpose of this Ordinance.

And furthermore providing for its administration and enforcement; creating a Board of Zoning Appeals and providing for review of the decisions of such Board by the Court.

### ARTICLE II IN GENERAL

#### §8.5.1(2) Short Title

This Ordinance, and ordinance supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the Zoning Ordinance of Bourbon, Indiana.

#### §8.5.1(3) Identification

Wherever the word “Town” appears in this Ordinance, it shall be deemed to refer to the Town of Bourbon, Indiana.

§8.5.1(4) Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.

§8.5.1(5) Non-interference with greater restrictions otherwise imposed.

It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, except, that where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this Ordinance shall control.

ARTICLE III DISTRICTS AND ZONE MAPS

§8.5.1(6) Districts

The Town of Bourbon and the Jurisdiction Area are hereby divided into seven (7) districts in order to carry out the purposes of this Ordinance. The districts shall be known and designated through this ordinance as follows:

<u>NAME OF DISTRICT</u>	<u>DESIGNATION HEREAFTER</u>
“S” Suburban District	“S”
“A” Single Family Residential District	“A”
“B” Two Family & Group Home Residential District	“B”
“LB” Local Business District	“LB”
“GB” General Business District	“GB”
“LI” Light Industrial District	“LI”
“HI” Heavy Industrial District	“HI”

§8.5.1(7) Zone Maps

The Zone Maps, dated \_\_\_\_\_ 19\_\_\_, are hereby declared to be a part of this Ordinance.

The Zone Maps show the areas included in the above districts. Notations, references, indications and other matters shown on the Zone Maps are as much a part of this Ordinance as if they were fully described in the text of this Ordinance. Two copies of said Zone Maps are on file in the office of the Clerk-Treasurer of the Town of Bourbon, Indiana.

§8.5.1(8) Determination and interpretation of district boundaries

In determining the boundaries of districts, and establishing the regulations applicable to each district, due and careful consideration has been given to existing conditions, the character of buildings erected in

each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the Town.

Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Maps the following rules shall apply:

- a. Where district boundaries are indicated as following street, alley or lot lines, or approximately along such lines, such lines shall be construed to be the district boundaries.
- b. In unsubdivided areas, or where a district boundary subdivided a lot, the exact location of the boundary shall be determined by the use of the scale of the Zone Maps.
- c. In the case of further uncertainty, the Board of Zoning Appeals shall interpret the intent of the zone Maps as to the location of the boundary in question.

#### §8.5.1(9) Procedure relating to annexed or vacated areas

Territory which may hereafter be annexed to the Town shall remain zoned unless changed by amendment of this Ordinance.

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of the street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, waterway, or other similar areas, shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulation of the extended districts.

### ARTICLE IV GENERAL PROVISIONS - SPECIFICATIONS

#### §8.5.1(10) Use

No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

#### §8.5.1(11) Height

No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

#### §8.5.1(12) Yards, lot area and size of building

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

#### §8.5.1(13) Lots

Every building hereafter erected shall be located on a lot which fronts on a street.

§8.5.1(14) Vehicle parking space; loading and unloading berths

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is devoted.

§8.5.1(15) Specifications.

The following specifications are hereby declared to be a part of this Ordinance:

SPECIFICATIONS A – DEFINITIONS  
 SPECIFICATIONS B – RESIDENTIAL USES  
 SPECIFICATIONS C – COMMERCIAL USES  
 SPECIFICATIONS D – INDUSTRIAL USES  
 SPECIFICATIONS E – CONTINGENT USES  
 SPECIFICATIONS F – CONDITIONAL USES  
 SPECIFICATIONS G – VEHICLE PARKING SPACE  
 SPECIFICATIONS H – UNIT DEVELOPMENT PLAN

Specifications B to E, inclusive, show the strict or districts in which the use, which is the subject of the specification, is permitted, and delineates the specifications for:

Lot area per family  
 Width of lot  
 Height of building  
 Vehicle parking space  
 Front, side, rear and other yards

Lot coverage  
 Size of building  
 Vision clearance  
 Accessory buildings and uses

applicable to the particular use in each district where such use is authorized.

Two copies of the Specifications referred to herein are on file in the office of the Clerk-Treasurer of the Town of Bourbon, Indiana.

ARTICLE V NON-CONFORMING USE SPECIFICATIONS

§8.5.1(16) Continuation thereof and reconstructions

The lawful use of a building or premises, existing at the time of passage of this Ordinance may be continued although such use does not conform to all the provisions of this Ordinance, except as in hereafter provided.

§8.5.1(17) Extension

A non-conforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.



§8.5.1(18) Change

A non-conforming use may be changed to another non-conforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a non-conforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a non-conforming use or a less restricted one.

§8.5.1(19) Erection and re-erection of buildings

No building shall be erected upon any premises devoted to a non-conforming use, and no building located upon any such premises, which has been damaged by fire or other causes to the extent of more than seventy-five (75%) percent of its appraised valuation. A building devoted to a non-conforming use which has been damaged by fire or other causes to the extent less than seventy-five (75%) percent of its appraised valuation must be reconstructed within a period not to exceed twelve (12) months in order to continue to use such a building devoted to a non-conforming use.

§8.5.1(20) Temporary permits

The Board of Zoning Appeals may authorize, by written permit in a residential district for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said district.

§8.5.1(21) Right to construct if permit issued

Nothing herein shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which has been diligently prosecuted within ninety (90) days of the date of such permit and which entire building shall be completed according to such plans, as filed within three (3) years from the date of passage of this Ordinance.

§8.5.1(22) Use to conform after discontinuance

In the event that a non-conforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

§8.5.1(23) Discontinuance of non-conforming use of land

The lawful use of land for junk yards and open storage purposes, which does not conform to the provisions of this ordinance, shall be discontinued within two (2) years of written notification by the Plan Commission, and the use of land for storage purposes, which may become a non-conforming use by reason of an amendment to this Ordinance, shall be discontinued with two (2) years of written notification by the Plan Commission.

§8.5.1(24) Non-conforming use created by amendment

These provisions apply in the same manner to a use which may be become a non-conforming use due to a later amendment to this ordinance.

Article VI Administration

§8.5.1(25) Enforcement by whom

The Building Commissioner is hereby designated and authorized to enforce this ordinance.

§8.5.1(26) Improvement location permits and plats

A. Within the Jurisdictional Area of the Bourbon Plan Commission, no structure, improvement, or use of land, may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the Master Plan and ordinances of the Town of Bourbon, and an Improvement Location Permit for such structure, improvement, or use has been issued, except that no permit is required for buildings used exclusively for agricultural purposes on a tract of land containing five (5) acres or more unless used for residence purposes.

B. The Building Commissioner of the Town of Bourbon shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Master Plan of the Town of Bourbon.

C. Every application for an Improvement Location Permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement or use to be altered, changed, placed, erected or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit for new construction of a principal building shall be accompanied by a fee of \$7.00, and application for an Improvement Location Permit for an accessory building or for alteration of an existing building shall be accompanied by a fee of \$4.00.

D. Any decision of the Building Commissioner of the Town of Bourbon concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

§8.5.1(27) Certificate of occupancy

A. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

B. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

C. Certificate of Occupancy shall be applicable for coincidentally with the application for an Improvement Location Permit shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building shall have been completed.

D. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

E. No Improvement Location Permit shall be issued for excavation for or the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

## ARTICLE VII BOARD OF ZONING APPEALS

### §8.5.1(28) Establishment

A Board of Zoning Appeals is hereby established in accordance with Chapter 174, Acts 1947 of the Indiana General Assembly, and all Acts Amendatory thereto.

### §8.5.1(29) Composition and Appointment

The Board shall be composed of six (6) members, five (5) of whom shall be residents of the Town and one whom shall be a resident of the Jurisdictional Area, and none of whom shall hold other elective or appointive office, except that two (2) of the six (6) members shall be appointed from the Town Plan Commission's Citizen membership. Of the original five (5) members residing in the town, two (2) shall be appointed to serve four (4) years; one for three (3) years, one for two (2) years; and one for one (1) year, and the appointee from the Jurisdictional Area shall be appointed for a term of four (4) years.

Terms of these members shall expire on the first day of January in the year in which their original appointments terminate. Thereafter as the terms expire, each new appointment shall be for a term of four (4) years. All members of the Board residing in the Town shall be appointed by the President of the Town Board of Trustees and the member from the Jurisdictional Area shall be appointed by the Judge of the Circuit Court of the County.

### §8.5.1(30) Organization

At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensations therefore fixed by the Town Board of Trustees.

### §8.5.1(31) Rules of Procedure

The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

### §8.5.1(32) Meetings and records

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

### §8.5.1(33) Appeals from Building Commissioner

Any decision of the Building Commissioner made in enforcement of this ordinance may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

### §8.5.1(34) Powers and duties of the Board

A. The Board shall have the following powers and it shall be its duty to:

- (1) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this Ordinance.
- (2) Hear and decide on permits for conditional uses, development plans or other uses upon which the Board is required to act under this Ordinance.
- (3) Authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice be done.

B. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the Building Commissioner from whom the appeal is taken.

#### §8.5.1(35) Restrictions on Board action

A. Every decision of the Board shall be subject to review by certiorari.

B. No variance in the application of the provisions of this Ordinance shall be made by the Board relating to the buildings, land or premises no existing or to be constructed unless after a public hearing, the Board shall find that such variance will not:

- (1) Alter the land use characteristics of the district.
- (2) Impair the adequate supply of light and air to adjacent property.
- (3) Increase the hazard from fire, flood and other dangers to said property.
- (4) Diminish the marketable value of adjacent land and buildings.
- (5) Increase the congestion in the public streets.
- (6) Otherwise impair the public health, safety, convenience, comfort or general welfare.

### ARTICLE VIII AMENDMENTS

#### §8.5.1(36) Amendments

All amendments to this Ordinance shall be in conformance with the provisions of Chapter 174, Acts of 1947, General Assembly of Indiana, and all acts amendatory thereto. Any proposed amendment shall be submitted to the Plan Commission for report and recommendation prior to any action thereon by the Town Board of Trustees. If the Plan Commission does not approve the enactment of any proposed amendments, it shall become effective only by a three-fourths vote of the Town Board of Trustees.

### ARTICLE IX REMEDIES AND PENALTIES

### §8.5.1(37) Remedies

The Plan Commission, the Board of Zoning Appeals, the Building Commissioner, or any designated enforcement official, or person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Marshall County to restrain an individual or a governmental unit from violating the provisions of this Ordinance. The Plan Commission or the Board of Zoning Appeals may also institute a suit for mandatory injunction directing an individual, a corporation or a governmental unit to remove a structure erected in violation of any provisions of this Ordinance or the requirements thereof. Any building erected, raised, or converted, or land or premises used in violation of any provisions of this Ordinance, or the requirements thereof is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

### §8.5.1(38) Penalties

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall alter the use of land or build, reconstruct or structurally alter any building without first securing an Improvement Location Permit, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder, or who shall occupy such altered land use or new or structurally altered building prior to securing a Certificate of Occupancy, shall, for each and every violation or non-compliance, be guilty of a misdemeanor, and upon conviction, shall be fined not less than ten (\$10.00) dollars and not more than three hundred (\$300.00) dollars.

## ARTICLE X SEVERABILITY

### §8.5.1(39) Invalidity of portions

Should any article, section or provision of this Ordinance be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

## ARTICLE XI AVAILABILITY FOR PUBLIC INSPECTION

### §8.5.1(41) Duty of Clerk-Treasurer

The Clerk-Treasurer of the Town of Bourbon, Indiana, is hereby directed to keep on file two copies of the Zone Maps referred to in Article III, Section 8.5.1(7), and of the specifications referred to in Article IV, Section 8.5.1(15), and said Maps and Specifications shall be available for public inspection during all regular hours of the said Clerk-Treasurer.

## ARTICLE XII SPECIFICATIONS

### §8.5.1(41) Definitions

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word “building” includes the word “structure” and vice-versa; the

word “shall” is mandatory and not directory.

1. **ACCESSORY USE:** A use which is incidental to the main use of the premises.
2. **ALLEY:** A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and less than thirty (30) feet in width.
3. **BASEMENT:** A story partly underground, but having more than one-half of its clean height below ground level which unless subdivided into rooms and used for tenant purposes shall not be included as a story for the purpose of height measurement.
4. **BLOCK:** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barriers. When intersecting or intercepting street and railroad right-of-way, waterway or other barriers do not exist, the unit of one thousand, three hundred and twenty (1,320) feet shall be used and may begin at a quarter section line and terminate each one thousand, three hundred and twenty (1,320) feet unless intersected by a street.
5. **BOARD:** The Board of Zoning Appeals.
6. **BOARDING HOUSE:** A building not open to transients, where lodging and/or meals are provided for compensation for three (3) or more, but not over 30 persons regularly; a lodging house.
7. **BUILDING:** A structure having a roof supported by columns and walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such a building shall be considered a separate structure.
8. **BUILDING ACCESSORY:** A subordinate building, or a portion of a main building, which is located on the lot of the main building, the use of which is incidental to that of the main building but such accessory building shall not be used as a separate family dwelling.
9. **BUILDING AREA:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.
10. **BUILDING, FRONT LINE OF:** The line of that face of the building nearest the front lot line.
11. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is located. Where a substantial part of the wall of an accessory building is part of the wall of the principal building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the principal building.
12. **BUILDING, HEIGHT OF:** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ledges for gable, hip and gambel roofs.
13. **BUSINESS:** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusements enterprises for profit.

14. **CAMP, PUBLIC:** Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.
15. **COMMERCIAL:** See Business.
16. **DISTRICT:** A section of the Town of Bourbon or the jurisdictional area for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.
17. **FAMILY:** A group of one or more persons occupying a building and living as a single housekeeping unit. No unrelated group living as a single housekeeping unit shall consist of more than six (6) persons, as distinguished from a group occupying a lodging house or hotel.
18. **GARAGE, PRIVATE:** An accessory building with capacity for not more than three (3) motor vehicles for storage only, nor more than one of which may be a commercial vehicle of not more than three (3) tons capacity. Provided, however, that a garage designed to house one motor vehicle for each family housed in an apartment shall be classed as a private garage.
19. **GARAGE, PUBLIC:** Any building or premises, except those defined herein as a Private Garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
20. **GROUND FLOOR AREA:** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground level, exclusive of open porches, breeze ways, terraces, garages, exterior and interior stairways.
21. **HOME OCCUPATION:** An occupation, carried on by a member of the family residing on the premises, in conjunction with which no commodity is sold or stock in trade is kept on the premises; no person is employed other than a member of said family; and no sign, other than a nameplate, not exceeding one square foot in area, is displayed, and no change in the external appearance of the building shall be caused thereby, and that no accessory building shall be used or such home occupation.
22. **HOTEL:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradiction to a boarding or lodging house.
23. **JUNK YARD, INCLUDING AUTOMOBILE WRECKING:** A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal and/or vehicles, machinery and or parts thereof.
24. **KENNEL:** Any lot or premises on which four (4) or more dogs at least four (4) months of age, are kept.
25. **JURISDICTIONAL AREA:** For Planning and Zoning, the area incorporated within the Town of Bourbon, Indiana and the contiguous unincorporated territory shown on a map filed by the Bourbon Plan Commission with the Recorder of Marshall County, Indiana.
26. **LODGE OR CLUB:** An association of persons for some common purpose, but not including a group organized primarily or which is actually engaged to render a service which is customarily carried on as a business.

27. LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building and its accessory buildings, and the open space required by this Ordinance, and having its principal frontage on street or an officially designated and approved place.
28. LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection.
29. LOT COVERAGE: The percentage of the lot covered by the building area.
30. LOT, DEPTH OF: The mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.
31. LOT, GROUND LEVEL:
- A. For buildings having walls adjoining one street only, the elevation of the ground at the center of the wall adjoining the street.
  - B. For buildings having walls adjoining more than one street, the average of the elevation of the ground at the center of all walls adjoining the streets.
  - C. For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.
- Any Wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.
32. LOT, INTERIOR: A lot other than a Corner Lot or Through Lot.
33. LOT LINE, FRONT: In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot from a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.
34. LOT LINE, REAR: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
35. LOT LINE, SIDE: Any lot boundary line not a front lot line or a rear lot line.
36. LOT, THROUGH: A lot having frontage on two streets at opposite ends of the lot.
37. LOT, WIDTH OF: The distance between the side lot lines at the front building line of building measured at right angles to the depth of the lot.
38. MOBILE HOME COURT: Any area or tract of land used or designed to accommodate two (2) or more mobile homes for non-transient use meeting the standards established by the Indiana State Board of health for such park or court.
39. MOTEL: A building or group of buildings, in which lodging is provided and offered to the public for compensation, and catering primarily to the public traveling by motor vehicle.
40. NON-CONFORMING USE: A building or premises which does not conform in its use or



otherwise with all of the regulations of the district in which such building or premises is located.

41. **PARKING LOT:** A parcel of land devoted to unenclosed parking space for five (5) or more motor vehicles for compensation or otherwise.

42. **PROFESSIONAL OFFICE:** When conducted in a residential district a professional office shall be incidental to the residential occupation; shall be conducted by a member of the resident family entirely within a residential building and accessory building and shall include only the offices of doctors or practitioners, ministers, architects, landscape architects, professional engineers, lawyers, authors, musicians, and other recognized professional occupations occasionally conducted within residences.

43. **PLACE:** An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

44. **SANITARIUM:** A private hospital, whether or not such facility is operated for profit.

45. **STORY:** That portion of a building, included between the surface of any floor other than the basement and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

46. **STORY, HALF:** That portion of a building under a sloping gable, hip, or gambel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

47. **STREET:** A public thoroughfare thirty (30) feet or more in width in between property lines, which affords principal means of vehicular access to abutting property.

48. **STRUCTURE:** Anything construed or erected, the use of which requires more or less permanent location on the ground which is attached to something permanently located on the ground.

49. **STRUCTURAL ALTERATION:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof, excepting such alteration as may be required for the safety of the building.

50. **TOURIST HOME:** A dwelling in which overnight accommodations for not more than ten (10) transient guests is offered for compensation.

51. **VEHICLE PARKING SPACES:** The area required for parking one automobile, which in this Ordinance is held to be an area nine (9) feet wide and twenty (20) feet long plus seventy (70) square feet of maneuver area for each vehicle parking space making a total of 250 square feet.

52. **VISION CLEARANCE ON CORNER LOTS:** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the height of 3-1/2 and 12 feet above established grade, determined by a diagonal line connecting two points measured equidistant from the corner along each property line.

53. **YARD, FRONT:** Horizontal space measured at 90 degrees with the property line, between the front line of the principal building and the property line of the street upon which the building faces, unoccupied other than by steps, walks, terraces, and open, unroofed, unenclosed porches; or architectural appurtenances projecting not more than 24 inches from the building.

54. YARD, REAR: Horizontal space measured at 90 degrees to the rear lot line, between the rear of the principal building and the rear line of the lot, unoccupied other than by vehicle parking space, architectural appurtenances, or accessory buildings which do not occupy more than 30 percent of the required rear yard.

55. YARD, SIDE: Horizontal space measured at 90 degrees to the side lot line between the side of the building and the adjacent side line of the lot, unoccupied other than by architectural appurtenances projecting not more than 30 percent of the required rear yard.

56. ZONE: Same as District.

### ARTICLE XIII SPECIFICATIONS B

#### §8.5.1(42) Single Family dwelling - Residential use

Definition: A detached building designed for or occupied by one family exclusively.

Location Permitted: In all Districts, except “LI” & “HI” provided it is located:

1. On a lot which was single ownership or included in a subdivision recorded in the office of the Recorder of Marshall County, Indiana, on or before the date of passage of this Ordinance, or,
2. On any lot with a minimum area in square feet and width in feet as follows:

<u>District</u>	<u>Lot Area</u>	<u>Lot Width</u>
“S” (Where no public water supply, no public sewers are available)	10,000	90
“S” (Where public water supply is available)	7,200	60
“A”	7,200	60
“B”, “LB”, & “GB”	6,000	60

#### Height of Buildings:

Principal building – Normal maximum 35 feet or 2½ stories.

Conditional exceptions – Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if two side yards of 15 feet each are provided.

Front yard: 20% of the average depth of lots in the block with a minimum depth of 25 feet and need not exceed 40 feet in depth in unincorporated areas.

Side yard: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

Rear yard: 20% of the depth of the lot, with a minimum depth of 15 feet and need not exceed 25 feet in depth.

Ground floor area: Not less than the following:

<u>District</u>	<u>Ground Floor Area</u>
“A”, “S”	720 sq. ft.
“B”, “LB” & “GB”	576 sq. ft.

Lot Coverage: 35% maximum on corner lots; 30% maximum on interior lot.

Accessory building. Uses permitted: private garage, storage, exclusive of industrial or commercial use.

#### ARTICLE XIV TWO FAMILY DWELLING

##### §8.5.1(43) Specifications

Definition: A detached building designed for or occupied by two families. A duplex dwelling has one family above the other. A double dwelling has one family beside the other.

Location permitted: Only in the Districts designated below on any lot with a minimum area in square feet and a minimum width in feet as follows:

<u>District</u>	<u>Lot Area</u>	<u>Lot Width</u>
“S” (Where no public water supply, no public sewers are available)	15,000	90
“S” (Where public water supply is available)	10,000	80
“B”	7,200	60
“LB”, & “GB”	6,000	60

Height of buildings:

Principal building – Normal maximum 35 feet or 2½ stories.

Conditional Exceptions – Height of principal building may be increased above 35 feet but not higher than 45 feet or three stories, if the two side yards of 15 feet are each provided.

Front yard: 20% of the average depth of lots in the block with a minimum depth of 25 feet and need not exceed 40 feet in depth in unincorporated areas and a minimum depth of 50 feet and need not exceed 50 feet in unincorporated areas.

Side yard: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet for each side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

Rear yard: 20% of the depth of the lot, with a minimum depth of 15 feet and need not exceed 40 feet in depth.

Ground floor area: Not less than the following:

<u>DISTRICT</u>	<u>GROUND FLOOR AREA</u>
“A”, “B”	Double - 1000 sq. ft.; Duplex - 720 sq. ft.
“LB”, “GB”	Double - 900 sq. ft.; Duplex - 576 sq. ft.

Lot coverage: 40% maximum on corner lot; 35% maximum on an interior lot.

Accessory building, uses permitted: Private garage, storage, exclusive of industrial or commercial use.

#### ARTICLE XV GROUP HOUSES AND GARDEN APARTMENTS

### §8.5.1(44) Specifications

Definitions: A building designed for or occupied by three or more families, exclusively for dwelling purposes, not exceeding 2½ stories in height.

Location Permitted: Only in the Districts designated below, on any lot with a minimum area in square feet and a minimum width in feet as follows:

<u>District</u>	<u>Lot Area Per Family</u>	<u>Lot Width</u>
“S” as a Conditional Use (Where no public water supply and no public sewers are available)	9,000	90
“S” as a Conditional Use (Where public water supply is available)	6,000	80
“B”, “LB” & “GB”	3,000	60

Height of building: Principal building - Maximum of 35 feet.

Front yard: 20% of the average depth of lots in the block with a minimum depth of 25 feet but need not exceed 40 feet in depth in unincorporated areas and a minimum depth of 50 feet and need not exceed 50 feet in unincorporated areas.

Side yard: The sum of the side yards shall not equal not less than 20% of the lot width with a minimum width of 5 feet for either side yard. On a corner lot the side yard facing the street shall not be less than 15 feet.

Rear yard: 20% of the depth of lot, with a minimum depth of 15 feet and need not exceed 25 feet in depth.

Ground floor area: Minimum of 450 square feet for each first floor family.

Lot coverage: 50% maximum on corner lots; 40% maximum on interior lots.

Accessory Building, uses permitted: Private garage, storage, exclusive of industrial or commercial use.

## ARTICLE XVI APARTMENT HOUSES

### §8.5.1(45) Specifications

Definition: A building designed for or occupied by three or more families, exclusively for dwelling purposes, three or more stories in height.

Location permitted: Only in the Districts designated below, on any lot with a minimum area in square feet as follows:

<u>DISTRICT</u>	<u>LOT AREA PER FAMILY</u>
“LB” & “GB”	1,500 sq. ft.

Front yard: 20% of the average depth of the lots on the block.

Side yard: The sum of the side yards shall equal not less than 20% of the lot width with a minimum width of 5 feet from either side yard.

Rear yard: 20% of the depth of the lot, with a minimum depth of 20 feet.

Ground floor area: Not less than 1x200 square feet.

Lot coverage: 60% maximum on corner lots, 50% maximum on interior lots.

Accessory Buildings, uses permitted: Private garages, exclusive of industrial or commercial use.

## ARTICLE XVII MOBILE DWELLING UNIT

### §8.5.1(46) Specifications

Definition: A mobile dwelling unit shall mean living quarters such as house trailers, truck bodies, tents, bus bodies, railroad cars, shacks, and improvised shelters which may be moved by tractor, truck, automobile, or horses or can be carried, transported or towed from one place to another without the use of regular house moving equipment; that use for such living quarters shall include the acts of sleeping, preparation of meals or any sanitary measure such as bathing, dish washing or laundering clothing or any natural or performed operation which provided waste material objectionable from a nuisance standpoint.

Location permitted: Only in Mobile Home Courts, Trailer Camps, Trailer Courts, or public camps approved by the Indiana State Board of Health and permitted the Board of Zoning Appeals of Bourbon, Indiana (See Specification F, Conditional Use)

### General provisions and conditional exceptions applicable to mobile dwelling units:

1. a. One house trailer as distinguished from other mobile dwelling units defined herein may be temporarily parked on a residential or commercial lot and occupied by the house trailer's owner and the owner's family for the purpose of using the same as a temporary living quarters for a period of not to exceed fifteen (15) days, after which such house trailer must be moved to a trailer camp approved by the Indiana State Board of Health or to a site approved by the Board of Zoning Appeals.
- b. Upon authorization of the Board of Zoning Appeals after public hearing, the Building Commissioner may grant a temporary permit for a house trailer to be used during the construction of a residence by the trailer owner. The trailer shall be used at the site of construction, and the permit shall be valid for a period of not to exceed one year.

In both of the above uses, a temporary permit must be obtained from the Building Commissioner on the first day that the trailer is so parked. In all cases, house trailers must conform to the prescribed set-back requirements for accessory buildings.

2. One house trailer, as distinguished from other mobile dwelling units as defined herein, may be stored on a residential or commercial lot for an indefinite period of time, provided that such house trailer will not be occupied for the purpose of using the same as temporary or permanent living quarters, and provided that it meets the requirements of sections 3 and 4 found below. Such unoccupied house trailers are to be stored behind the principal buildings, in conformance with the prescribed set-back requirements of accessory buildings.
3. Removal of the wheels of a trailer, except temporarily for repair, or the permanent blocking up of a

trailer, whether situated in a camp or elsewhere, shall be construed to automatically convert the trailer into a permanent place of abode. Such trailer shall then be subject to the requirements of all laws and ordinances applicable to dwellings.

4. Structural or lean-to additions are not permitted other than those which are temporary and collapsible.

ARTICLE XVIII GENERAL PROVISIONS AND CONDITIONS EXCEPTIONS  
APPLICABLE TO ALL RESIDENTIAL USES IN DISTRICTS WHERE PERMITTED

§8.5.1(47) General Provisions

Lot dimensions: In no case shall the width of a lot be less than sixty (60) feet at the set back line, and the depth be less than one-hundred (100) feet, and the depth-to-width ratio of the usable area of a lot shall be not greater than three (3) to one (1) except by approval of the Board of Zoning Appeals after public hearing.

Front yard: no fences shall be hereafter built or erected between the front set back line of the buildings or building and the front lot line except natural fences of hedges, trees or shrubbery.

Rear yard: One-half of an alley abutting the rear lot may be included in the required rear yard.

Vision clearance on corner lots: Eight feet from the intersection of property lines.

Vehicle parking space: one space on the lot for each family housed in the principal building.

Accessory buildings:

1. Shall not be permitted prior to the erection of the principal building, except for strictly storage purposes and not for human occupancy except by approval of the Board of Zoning Appeals after public hearing, for a period of not more than one year from the date of such permit.
2. No detached accessory building shall be located closer to a side lot line than 5 feet, provided however, that the side yard requirements for accessory buildings shall not be less than 3 feet, if such accessory building is ten (10) feet or more to the rear of the residence building and is located behind the rear line of such residence building.
3. The normal maximum height permitted shall be 18 feet or 1-1/2 stories.
4. No accessory building shall be located closer to the rear lot line than 3 feet if no easement is located along such rear lot line.

ARTICLE XIX CONDITIONAL EXCEPTIONS

§8.5.1(48) Specifications

Front yard:

1. Where 25% or more of the lots in a block are occupied by buildings, the average setback of such buildings determine the dimension of the front yard in the block, but the maximum front yard need not

exceed 40 feet in “A” and “B” districts, or 25 feet in other districts in incorporated areas; and 50 feet in other districts in unincorporated areas.

2. Front yard or setback lines established in recorded subdivisions established the dimensions of front yards in such blocks, except when such setback lines may be less restrictive as provided in Article II, section 8.5.15.
3. On lots extending through from one street to another, a front yard is required on each street.
4. On 4-lane Federal and State Highways, a distance of sixty (60) feet is required on lots not included in a recorded subdivision.
5. On 2-lane Federal and State Highways, a distance of seventy-five (75) feet is required on lots not include in a recorded subdivision.
6. On all other roads and streets except those in incorporate areas, a distance of fifty (50) feet is required on lots not included in a recorded subdivision.

Side yard: whenever a side yard abuts a street or road in an unincorporated area the following minimum width shall be the standard on lots not included in a recorded subdivision:

1. 60 feet on 4-lane Federal and State Highways.
2. 75 feet on 2-lane Federal and State Highways.
3. 25 feet on all other roads and streets.

Tapered yard: Where a reversed interior lot abuts a corner lot, or on an alley separating such lots, any accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot; for each foot that such accessory building is places from the rear line toward the front line corner lot, the accessory building may be set 4 inches closer to the side street line, but in no case closer than 5 feet in incorporated areas on lots not included in a recorded subdivision.

Accessory Buildings: The height of accessory building may be increased to 25 feet or 2 stories provided the minimum required 3 foot distance from side lot lines is increased one foot for each 2 feet above the normal maximum height permitted.

## ARTICLE XX SPECIFICATIONS C

### §8.5.1(49) Commercial uses - Local Business Uses

Definition: Commercial uses primarily of a retail or service nature.

Interpretation: The following named uses shall be deemed to include those uses or buildings in general keeping with and appropriate to the uses hereinafter specified.

Location permitted: The following classifications of business uses specifically stated or implied are permitted in the “LB”, “GB”, “LI” & “HI” Districts:

1. AUTOMOBILE SERVICE

- a. Filling station
- b. Commercial Garage
- c. Commercial Parking lot
- d. Sales room
- e. Automobile repair, entirely within enclosed buildings

## 2. BUSINESS SERVICE

- a. Bank
- b. Office
- c. Postal station
- d. Telegraph office

## 3. CLOTHING SERVICE

- a. Laundry agency using cleaning fluids which are non-explosive and non-flammable.
- b. Self-service laundry
- c. Laundry and Dry Cleaning Establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds.
- d. Dressmaking
- e. Millinery
- f. Tailor and pressing shop
- g. Shoe repair shop

## 4. EQUIPMENT SERVICE

- a. Radio shop
- b. Electric appliance shop
- c. Record shop
- d. Locksmith shop
- e. Upholstery shop

## 5. FOOD SERVICE

- a. Grocery
- b. Meat market
- c. Supermarket
- d. Restaurant
- e. Delicatessen
- f. Cold storage lockers, for individual use
- g. Roadside sales stands
- h. Catering establishments

## 6. PERSONAL SERVICE

- a. Barber shop
- b. Beauty shop
- c. Reducing salon
- d. Photographic studio



## 7. RETAIL SERVICE, RETAIL STORES GENERALLY

- a. Drugstore
- b. Hardware
- c. Stationer
- d. Newsdealer
- e. Show room, for articles
- f. Commercial greenhouse not exceeding 1,000 sq. ft. in area
- g. Apparel shop
- h. Flower shop
- i. Painting and decorating shop
- j. Printing shop
- k. Department stores
- l. Furniture stores

8. COMMERCIAL RECREATIONAL USES: Conducted only within buildings so construct that no noise of any kind produced therein shall be audible beyond the confines of the building.

- a. Theater
- b. Bowling alley
- c. Billiard room
- d. Dancing academy

## 9. HOTEL

## 10. PRIVATE CLUB OR LODGE

## 11. ADVERTISING SIGN OR BILLBOARD

## 12. VETERINARY HOSPITALS (excluding Kennels)

### HEIGHT OF BUILDING DISTRICT

“LB” & “LI”

“GB” & “HI”

### NORMAL MAXIMUM HEIGHT

45 feet or 4 stories

60 feet or 5 stories

Front yard: 15 feet

Side yard:

1. Along the side street line of a corner lot in an “LB” district, where the block is adjoined by a residential block, the minimum dimension shall be five feet.
2. Where an “LB” District adjoins an “S”, “A”, or “B” District within the block, there shall be a side yard of at least 5 feet.
3. In blocks included entirely in “LB”, “GB”, “LI” or “HI” Districts no side yards are required. However, if a side yard is provided the minimum dimension shall be 5 feet.

Rear yard: 10% of the depth of the lot with a minimum depth of 15 feet and need not exceed 25 feet in

depth.

Lot coverage: 90%, but this shall not waive provisions of yards where required.

## ARTICLE XXI GENERAL BUSINESS USE

### §8.5.1(50) Specifications

Definition: Commercial uses including wholesale and storage uses conducted within enclosed, substantially constructed buildings.

Location permitted: The following classifications of business uses specifically states or implied are permitted in the “GB”, “LI”, and “HI” Districts:

1. Local business uses as listed above
2. Storage warehouse
3. Wholesale establishment
4. Open agricultural implement, automobile or trailer sales area
5. Tavern and night club, only in conformity with requirements of laws or ordinances governing such uses
6. Motor bus or railroad passenger station
7. Any Commercial use not specifically stated or implied elsewhere in this Ordinance and complying with the above definition

Height of buildings:

<u>DISTRICT</u>	<u>NORMAL MAXIMUM HEIGHT</u>
“GB”, “LI” & “HI”	60 feet or 5 stories

Front yard: 10 feet.

Side yard: None required. However if a side yard is provided the minimum dimensions shall be 5 feet.

Rear yard: 10% of the depth of lot with a minimum depth of 15 feet and need not exceed 25 feet in depth.

Lot coverage: 90%, but this shall not waive provision of yards where required.

## ARTICLE XXII GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE TO ALL BUSINESS USES IN DISTRICTS WHERE PERMITTED

### §8.5.1(51) General Provisions

Vehicle parking space: Parking spaces shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, as follows:

<u>USE</u>	<u>NUMBER OF PARKING SPACES</u>
1. Uses listed in the local business categories 3 to 7 inclusive, above	One space for each 125 square feet of floor area

- |    |  |  |
|----|--|--|
| 2. | Commercial Recreational uses, other than theaters, listed in local business category 8 above | One space for each 125 square feet of floor area |
| 3. | Private club or lodge  | One space for each 125 square feet of floor area |
| 4. | Department store or other commercial uses included under General business uses               | One space for each 125 square feet of floor area |
| 5. | Business service uses listed in local business category 2, above                             | One space for each 3 employees                   |
| 6. | Wholesale establishments   | One space for each 3 employees                   |
| 7. | Theaters   | One space for each 6 seats                       |
| 8. | Hotels   | One space for each 3 sleeping rooms.             |

LOADING AND UNLOADING BERTHS SHALL BE PROVIDED ON THE LOT AS FOLLOWS:

<u>USE</u>	<u>GROSS FLOOR AREA (SQUARE FEET)</u>	<u>LOADING AND UNLOADING BERTHS</u>
Retail stores, Department stores, wholesale establishments, storage uses, other commercial use	3,000 to 15,000	1
	15,001 to 40,000	2
	Each additional 25,000	1 additional
Hotels, office buildings	100,000 or less	1
	100,001 - 336,000	2
	Each 200,000 additional	1 additional

Paving: Open parking area and unloading and loading berths shall be paved with dustproof or hard surface meeting the standard specifications of the Town.

Front yard: No fences shall be hereafter built or erected between the front set back line of the building or buildings and the front line except natural fences of hedge, trees or shrubbery.

Rear yard: One-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements, but such alley space shall not be included for loading and unloading berths.

Vision clearance on corner lots: Eight feet from the intersection of property lines.

Incidental use: Any building primarily used for any of the uses enumerated under Local Business Uses and any Commercial use not specifically stated or implied elsewhere in this Ordinance and complying with the definition of Commercial Uses under General Business Uses may have not more than 40% of the floor are devoted to industry or storage purpose strictly incidental to such primary use; provided that not more than five (5) employees shall be engaged at any time on the premises in any such incidental

use.

Lighting facilities: Outside lighting facilities, if provided, shall be so arranged so as to be reflected away from property residentially zoned or used.

Performance standard: No Commercial use and/or incidental use associated with the commercial use will be permitted which is injurious to health or safety of humans or animals, or injurious to vegetation; and which is noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, noises (including music) or vibrations beyond the limits of the premises upon which such use is conducted.

## ARTICLE XXIII CONDITIONAL EXCEPTIONS

### §8.5.1(52) Specifications

Maximum height: The normal maximum height of structures may be increased as follows:

1. Buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum Height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws and ordinances.

Front yard:

1. Where 25% or more of the lots in a block area are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block, but the maximum front yard need not exceed 25 feet in incorporated areas, and 50 feet in unincorporated areas.
2. On 4-lane Federal and State Highways in unincorporated areas a distance of sixty (60) feet on lots or parcels of land not included in an existing recorded subdivision.
3. On a 2-lane Federal and State Highway in unincorporated areas a distance of seventy-five (75) feet on lots or parcels of land not included in an existing recorded subdivision.
4. On all other roads and streets in unincorporated areas a distance of fifty (50) feet on lots or parcels of land not included in an existing recorded subdivision.

Side yard: Whenever a side yard abuts on a street or road in an unincorporated area the following minimum widths shall be standard on lots or parcels of land not included in an existing recorded subdivision.

1. 60 feet on 4-Lane Federal or State Highways.
2. 75 feet on 2-Lane Federal or State Highways.
3. 25 feet on all other streets and roads.

Vehicle parking space

1. Groups of uses requiring Vehicle Parking Space may join in establishing group parking areas with capacity aggregating that required for each participating use.
2. Vehicle Parking Requirements shall not apply in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this Ordinance.

#### ARTICLE XXIV SPECIFICATIONS D - INDUSTRIAL USES

##### §8.5.1(53) Limited Industrial Uses

Definition: A Limited Industrial Use is one which ordinarily uses only light machinery, is conducted entirely within enclosed, substantially constructed buildings, does not use the open area around such buildings for storage or raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations in the rear; and which is not noxious or offensive by reason of the emission of smoke, dust, fumes, gas, odors, noises or vibrations beyond the confines of the building.

Locations permitted: In the “GB”, “LI”, and “HI” Districts.

##### §8.5.1(54) Light industrial uses

Definition: A light industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufacturing products or waste, which is not injurious to health or safety of humans or animals, or injurious to vegetation; and which is not noxious or offensive by reason of the emission of smoke, dust, gas fumes, odors, or vibrations beyond the limits of the premises upon which such industry is conducted.

Included in this classification are all industrial uses fully complying with the above definition; plus:

1. Automobile wrecking and/or junk storage as conditional uses permitted in accordance with the procedure specified for conditional uses, Specifications F, and provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least 8 feet in height. Automobile wrecking and/or junk storage yards not completely enclosed and surrounded by solid walls or solid fences at least 8 feet in height, shall be discontinued within two (2) years from the passage of this Ordinance, unless solid walls or fences at least 8 feet high are constructed completely around such automobile wrecking and/or junk storage yard prior to the expiration date.
2. Poultry slaughtering and wholesaling.
3. Veterinary hospital or kennel.
4. Bulk storage or inflammable fluids in above ground tanks, but not oil refinery tanks.
5. Truck terminal.
6. Railroad freight house.
7. Utilities storage yard.
8. Coal, coke or wood yard.

9. Lumber yard.
10. Contractor's plant or storage yard.
11. Bus line shops or garage.
12. Building material storage yard.
13. Carting, express, hauling or storage yard.

§8.5.1(55) Heavy industrial uses

Definition: A heavy industrial use is one which requires buildings and open area for manufacturing, fabricating, processing, heavy repair, dismantling, storage or disposal of raw materials, manufactured products or wastes; which is not injurious to the health or safety of humans or animals, or injurious to vegetation and which has not been declared a nuisance in any court of record.

Locations permitted: The following classifications of industrial uses are permitted in the "HI" Districts:

1. Any industry complying with the above definition.
2. Railroad yards and shops.
3. Automobile wrecking or junk storage as conditional uses permitted in accordance with the procedure specified for conditional uses, Specifications F, and provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least 8 feet in height. This provision applied to automobile wrecking and junk storage uses existing in conforming districts, provided, however, that such conforming uses need not adhere to the provisions of Specifications F.
4. Any uses permitted in the "LB", "GB", and "LI" Districts unless otherwise excluded.

ARTICLE XXV GENERAL PROVISIONS AND CONDITIONAL USES APPLICABLE TO ALL INDUSTRIAL USES IN DISTRICTS WHERE PERMITTED

§8.5.1(56) General Provisions

Height of Buildings:

<u>DISTRICT</u>	<u>NORMAL MAXIMUM HEIGHT</u>
"GB" & "LI"	60 feet or 5 stories

Front yard:

<u>DISTRICT</u>	<u>DEPTH IN FEET</u>
"GB"	10
"LI" & "HI"	15

Side yard: None required. However, if a side yard is provided, the minimum dimensions shall be five (5) feet.

Rear yard: 10% of the depth of lot with a minimum requirement of 15 feet but need not exceed 25 feet in depth (one-half of an alley abutting the rear of a lot may be included in the rear yard to satisfy rear yard requirements but such alley space shall not be included for loading or unloading berths).

Lot coverage: 90% but this shall not waive provisions of yards where required.

Vision clearance on corner lots: 8 feet.

Vehicle parking space: One vehicle parking space for each 3 employees shall be provided on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals.

Loading and unloading berths: shall be provided on the lot as follows:

<u>GROSS FLOOR AREA (SQ. FT.)</u>	<u>LOADING &amp; UNLOADING BERTHS</u>
15,000 or less	1
15,001 to 40,000	2
40,001, to 100,000	3
Each 40,000 additional	1 additional

Paving: Open parking areas and loading and unloading berths shall be paved with a dustproof or hard surface meeting the standard specifications of the Town.

Lighting facilities: Outdoor lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

#### §8.5.1(57) Conditional exceptions

##### Maximum Height:

1. Buildings may be erected higher than the normal maximum height if they are set back, from front and rear property lines, one foot for each two foot of additional height above the normal maximum height.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

##### Front yard:

1. On 4-lane Federal and State Highways in unincorporated areas, a distance of sixty (60) feet.
2. One 2-lane Federal and State Highways in unincorporated areas, a distance of seventy-five (75) feet.
3. On all other streets or roads in unincorporated areas a distance of fifty (50) feet.

Side yard: Whenever a side yard abuts a street or road in unincorporated areas the following minimum width shall be the standard:

1. 60 feet on 4-lane Federal and State highways.
2. 75 feet on 2-lane Federal and State highways.

3. 25 feet on all other roads and streets.

Vehicle parking space:

1. Groups of uses requiring vehicle parking space may join in establishing group parking space with capacity aggregating that required for each participating use.
2. Vehicle parking requirements may be waived by the Board of Zoning Appeals in a block, 50% or more of the area of which was occupied by business or industrial structures at the time of passage of this Ordinance.

Buffer requirements:

1. Where an industrial district borders upon a residential district, not separated by a street, railroad right-of-way or natural barrier, a suitable buffer in terms of setback and/or screening shall be provided.

ARTICLE XXVI SPECIFICATIONS E - CONTINGENT USES

§8.5.1(57) Specifications

Definition: Uses which are likely or liable, but not certain not certain to occur, and which are not inappropriate to the principal use of the District in which located.

Location permitted and vehicle parking space required: Contingent uses, as listed herein, are permitted in the District indicated below. Each use shall provide on the lot, or within 300 feet thereof on a site approved by the Board of Zoning Appeals, parking space - open or enclosed - as follows:

<u>CONTINGENT USE</u>	<u>LOCATION PERMITTED</u>	<u>PARKING SPACES REQUIRED</u>
Boarding or Loading house	“B” and “LB” & GB	One for each 3 occupants
Bulletin board for a church public building	All	
Church or temple	All except “LI” & “HI”	one for each 6 seats in main auditorium
College or university	All except “LI” & “HI”	one for each 3 students or staff
Community center	All	One for each 6 seats
Farm, vegetable or flower garden, or plant	All	



nursery, anywhere, but without raising of livestock and poultry within the town limits

Home occupation	All	One additional
Lodge or private club (which is of non-commercial character)	“LB”, “GB”, “LI”	One for each 125 sq. ft of ground floor area
Mortuary	“B”, “LB”, “GB” & “LI”	One fore each six seats in chapel
Municipal or Governmental Building	All	One for each 125 sq. ft of ground floor area
Nursing Home or homes for Aged	“B”, “LB”, “GB”	One for each 7 persons
Professional office in residence of practicing professional person	All except “HI”	Two additional
Public library or museum	All	One for each 125 sq. ft of ground floor area
Public park or public recreational facility	All	
Public utilities building right-of-way, including purposes essential to utilities operation, but not including commercial or industrial structures of uses in “S”, “A”, “B”, or “LB” Districts	All	One for each 3 employees in the building
Roadside stands, for the sale by the producer of agricultural and plant nursery products raised on the premises	All	
School, public or parochial	All except “LI” & “HI”	One for each 3 members of the staff plus one for each 8 seats in auditorium

Tourist home	“B”, “LB” & “GB”	One for each sleeping room
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Temporary sign, pertaining to lease, hire, or sale of a building or premises	All
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§8.5.1(58) General provisions

Paving: Open parking space shall be paved with a dustproof or hard surface meeting the Standard Specifications of the Town

Lighting facilities: Outdoor lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.

§8.5.1(59) Conditional Exceptions

Parking requirements: A Church or Temple requiring parking area at times when nearby uses do not need their parking facilities, may, by agreement approved by the Board of Zoning Appeals, utilize such facilities in lieu of providing their own parking facilities.

Height permitted:

<u>DISTRICT</u>	<u>NORMAL MAXIMUM HEIGHT</u>
“S”, “A”, “B”	35 feet or 2½ stories
“LB”	45 feet or four stories
“GB”, “LI”, “HI”	70 feet or five stories

1. Buildings may be erected to heights in excess of the normal maximum, if they are set back from required front, side, and rear yard lines, or property lines where yards are not required, as follows:

<u>DISTRICT</u>	<u>SETBACK</u>
“S”, “A”, “B”	One foot for each foot of additional height
“LB”, “GB”, “LI”	One foot for each two feet of additional height
“HI”	

2. In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height prohibited by other laws and ordinances.

The provisions for yards, vision clearances, and accessory buildings as they pertain to Group Houses in residential districts, local business uses in “LB”, “LI” and “HI” Districts, or General Business uses in “GB” Districts, shall apply to contingent uses listed herein.

ARTICLE XXVII SPECIFICATIONS F - CONDITIONAL USES

§8.5.1(60) Permits for conditional uses

a. The following uses, or structural alterations thereto, which are classified as Conditional Uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified herein:

Airport or aircraft landing field  
 Amusement Park and Enterprises (permanent or transient)  
 Baseball park  
 Cemetery or Crematory  
 Country Club or Golf course  
 Fair Ground  
 Fire Station  
 Group house and Garden Apartments in "S" District  
 Hospital or Sanatorium  
 Medical Center or clinic  
 Mobile home or house trailer  
 Nursing home or home for the aged in "S" District only  
 Outdoor theater  
 Philanthropic or charitable institution  
 Practice golf driving range  
 Race track  
 Radio or television transmitting tower  
 Sanitary fill or refuse dump  
 Sewage disposal or garbage disposal  
 Trailer court, public camp or mobile home court  
 (meeting State health department standards)  
 Truck terminal (in suburban district only)  
 Removal of soil, sand, loan, and gravel  
 (except in conjunction with construction of a building street or utility)

b. Upon receipt of an application for a Conditional Use by the Board of Zoning Appeals, it shall be referred to the Town Plan Commission for investigation as to the manner in which the proposed location and character of the Conditional Use will affect the Master Plan of the Town. The Town Plan Commission shall report the results of its study of the proposal to the Board of Zoning Appeals, and if the report is favorable to the proposal, the Board of Zoning Appeals, may, after public notice and hearing according to law, grant a permit, including the imposition of conditions of use, which the Board deems essential to insure that the Conditional Use is consistent with the spirit, purpose and intent of this Ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

c. The following uses may be permitted in the "HI" Districts, only in accordance with the procedure specified in paragraph b. , above, and the inclusion of a report by the Town Health Officer of the State Board of Health and the State Fire Marshall that the uses applied for will not be injurious to the public health or safety:

Acid manufacture  
 Atomic Plants  
 Arsenal  
 Cement, lime, gypsum or plaster of paris manufacture  
 Distillation of bones, coal or wood  
 Explosives manufacture or storage  
 Fertilizer plants and/or plant food plants  
 Incineration or reduction of garbage, dead animals, offal or refuse, except for Municipal purposes  
 Packing plants or slaughter yards  
 Slag, stone, cinder, or coal crushing or pulverizing  
 Any other use which may, under some circumstances be injurious to public health, safety or established

uses, but which may, with adequate safeguards, be designed so as to not be injurious in such manner.

#### ARTICLE XXVIII SPECIFICATIONS G - VEHICLE PARKING SPACE

##### §8.5.1(61) Specific requirements

The specifications of B, C, D, and E described in Article IV, Section 8.5.1(5) of this Ordinance, specify the off-street parking requirements for each type of use permitted under the provisions of this Ordinance.

##### §8.5.1(62) Permits for parking lots in residential zones

In order to meet requirements for vehicle parking space, where such space is not available on the lot occupied by a building, as specified in Specifications C to E inclusive, the Board of Zoning Appeals may, after receipt of a favorable report from the Plan Commission on the proposal and after public hearing and notice, grant a permit for the establishment of a parking lot in an “S”, “A”, or “B” District, provided that the entire area of the parking lot is within three hundred (300) feet of an “LB”, “GB”, “LI” or “HI” District, immediately adjacent to such church or other place of congregation, and provided further that:

1. There shall be no sales, storage, repair work, dismantling or servicing of any kind on said parking lot.
2. Entrances and exits shall be approved as to location by the Plan Commission.
3. No parking shall be permitted nearer than two feet from the front or side lot line.
4. Except for otherwise approved entrances and exits, a curb or rail not more than two (2) feet in height and not less than eight (8) inches in height, shall be erected so as to conform with the required front lot line, and may be required along boundaries of the parking lot as determined by the Plan Commission for the protection of adjoining residentially zoned or used property.
5. The lot shall be surfaced with a dustproof or hard surface meeting the standard requirements of the Town.
6. No advertising signs shall be erected upon such lot, except not more than one sign on each street side to indicate the operator and purpose of the lot. Such sign shall not exceed 20 feet in area and shall not extend more than 10 feet in overall height above the ground level.
7. Lighting facilities, if provided, shall be so arranged as to be reflected away from property residentially zoned or used.
8. If at any time after the issuance of the required permits any of the provisions of this section are not complied with the permits shall be revoked.

#### ARTICLE XXIX SPECIFICATIONS H - UNIT DEVELOPMENT PLAN

##### §8.5.1(63) Residential development plan

- a. The owner or owners of any tract of land comprising an area not less than ten acres, may submit to the Town Board of Trustees, a plan for the use an development of the land, primarily for residential purposes. The proposed development plans shall be submitted to the Plan Commission for examination,

study and report and for a public hearing in conformance with the recommendations of the Plan Commission which shall be embodied in a report to the Town Board of Trustees, stating the reasons for the approval or disapproval of the plan and application, and specific evidence and facts showing that the proposed Residential Development Plan has or has not considered and made provision for the following essential elements:

That the appropriate use of property adjacent to the area include in the plan will be fully safeguarded.

That the plan is consistent with the intent of this Ordinance to promote public health, safety, and general welfare.

That the buildings shall be used primarily for single-family dwellings, apartments or group houses, and the usual accessory uses such as garages, storage space and community activities.

That the area of the tract, excluding street area, but including the area to be devoted to parks, parkways, and other open spaces, will provide the minimum lot area per family, counting all families to be housed under the Unit Development Plan, which is required for the most intensive use normally permitted in the district which such development is located.

b. If the Town Board of Trustees approves the proposed Residential Development Plan, Improvement Location Permits and Certificates of Occupancy shall be issued, even though the use of the land, the location of the buildings to be erected in the area and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the District in which the Development is to be located.

#### §8.5.1(64) Community shopping center development plan

A. The owner or owners of any tract of land, comprising an area of not less than four (4) acres, may submit in a similar manner, a Development Plan for a Community Shopping Center which shall be processed in the manner prescribed in section 8.5.1(63)(a). The plan, together with the recommendations of the Plan Commission shall be embodied in a report to the Town Board of Trustees, stating the reason for the approval or disapproval of the plan and application, and specific evidence and facts showing that the proposed Community Shopping Center Development Plan has or has not considered and made provision for the following elements:

The Commercial uses included in the plan are limited to those permitted in the “LB” District.

The entire Development is designed as a single architectural unit, with appropriate landscape architectural treatment of the entire unit area.

That at least twice the gross floor area of the stores to be included within the development, plus one vehicle parking space for each six (6) seats in any theater or place of congregation included within the plan, is provided in the off-street parking area, which are integral parts of the design of the unit plan;

That the appropriate use of the property adjacent to the area included in the plan will be fully safeguarded;

That the plan is consistent with the intent of this Ordinance to promote the public health, safety and general welfare.

B. If the Town Board of Trustees approves the proposed Development for a Community Shopping Center, Improvement Location Permits and Certificates of Occupancy shall be issued as prescribed in §8.5.163(b), herein.

(Formerly 8.4)

SUMMARY TABLE OF LAND USE PERMITTED IN SPECIFIC DISTRICTS

“S” Districts

1. Agricultural uses of all types
2. Single-family dwellings
3. Two-family dwellings
4. Special uses as indicated in Specifications E to H inclusive

“A” Districts

1. Single-family dwellings
2. Special uses as indicated in Specifications E to H inclusive

“B” Districts

1. Single-family dwellings
2. Two-family dwellings
3. Group houses and garden apartments
4. Special uses as indicated in Specifications E to H inclusive

“LB” Districts

1. Single-family dwellings
2. Two-family dwellings
3. Group houses, garden apartments, and apartments
4. Local business uses
5. Special uses as indicated in Specifications E to H inclusive

“GB” Districts

1. Single-family dwellings
2. Two-family dwellings
3. Group houses, garden apartments, and apartments
4. Local business uses
5. General business uses
6. Limited industrial uses
7. Special uses as indicated in Specifications E to H inclusive

“LI” Districts

1. Local business uses
2. General business uses
3. Limited industrial uses
4. Light industrial uses
5. Special uses as indicated in Specifications E to H inclusive

“HI” Districts

1. Local business uses
2. General business uses
3. Limited industrial uses

4. Light industrial uses
5. Heavy industrial uses
6. Special uses as indicated in Specifications E to H inclusive

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8.5.1A AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE TOWN OF BOURBON, INDIANA

WHEREAS, the Plan Commission and Board of Zoning Appeals for the Town of Bourbon, Indiana has made certain recommendations to the Town Council of said municipality with respect to its zoning ordinance, and whereas, said Town Council now wishes to accept such recommendations of the Plan Commission and Board of Zoning Appeals to amend its Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana that its Zoning Ordinance shall be amended to include the following provisions as set out on [Exhibit "A"](#) attached hereto and made a part hereof.

This Ordinance shall amend such prior Zoning Ordinance of the Town of Bourbon, Indiana and shall supersede the same as to anything provided by this amendment thereto, which may be in conflict with such existing ordinance.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana on March 18, 1997.

(Ordinance No. 1997-4)

EXHIBIT "A"

MANUFACTURED HOMES shall be permitted in any of the residential districts, as long as they meet the following specifications;

- (a) Minimum roof pitch of 4/12;
- (b) All exterior walls, bearing walls, columns and piers shall be supported on continuous solid masonry or concrete footings and concrete or wood foundations. Foundations shall extend not less than the frostline depth of 36" below the finished grade. Footing sizes are based on soil with an allowable soil pressure of 2,000 lbs. per square foot. Footings on soil with a lower allowable soil pressure shall be designed in accordance with accepted engineering practices. Footing projections shall not exceed the footing thickness;
- (c) 8" roof overhang, exclusive of gutters, on all roof ends and edges, minimum;
- (d) Removal of any towing hitch, axles and wheels;
- (e) Minimum square footage of 960 square feet of occupied space and with a minimum width of 24 feet;

- (f) Utilities connected in conformance with the One and Two Family Dwelling Code and with the manufactrer's installation specifications;
- (g) Constructed after January 1, 1994;
- (h) Exterior materials compatible with exterior materials on other residential structures in the immediate area (i.e. roofing material, vinyl siding, aluminum siding, brick facing);
- (i) Pre-Existing manufactured homes on a lot not located in a manufactured home park licensed by the State of Indiana which does not meet the above specifications may not be replaced by another home.which does not meet these same specifications;
- (j) Temporary placement for a construction office at a construction site must be promptly removed,upon'the completion of the construction.
- (k) A change of ownership of any kind or nature in a mobile home or the real estate it is located on which was permitted to be located within the Town of Bourbon by virtue of a special exception or other variance approved heretofore shall immediately revoke such prior permission to locate said mobile home thereon and such mobile home shall be removed from that location within thirty (30) days of such change in ownership or thereafter be considered in violation of Bourbon's Zoning Ordinance and subject to the penalty provisions thereof.  
(Added by [§8.5.1B](#), adopted 10-7-1997.)

MODULAR HOMES shall be permitted in any residential district.

DEFINITIONS:

Mobile Homes: A vehicular, portable structure, built on a chassis and designed'to be used on a permanent foundation as a dwelling unit when connected to the necessary utilities. For the purpose of this ordinance. the term "Mobile Home" shall not include modular homes or manufactured homes.

Manufactured Home: A dwelling unit designed and built in the factory which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards law (42 U.S.C. 5402) as it existed on January 1, 1994.

Modular Home: Any residence which is constructed in a manufacturing facility and transported to its final site by means completely seperate from the residence and which meets the code requirements of the Building Officials and Code Administrators National Building Code (BOCA).

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8.5.1B AN ORDINANCE AMENDING ORDINANCE NO. 1997-4

WHEREAS the Town Council for the Town of Bourbon, Indiana on March 18, 1997 enacted Ordinance No. 1997-4 which was an ordinance amending the zoning ordinance for the Town of Bourbon, Indiana; and,

WHEREAS, the Plan Commission and the Board of Zoning Appeals for the Town of Bourbon, Indiana



has made the further recommendation to said Town Council that [Ordinance No. 1997-4](#) be amended to include Paragraph (k) as follows:

A change of ownership of any kind or nature in a mobile home or the real estate it is located on which was permitted to be located within the Town of Bourbon by virtue of a special exception or other variance approved heretofore shall immediately revoke such prior permission to locate said mobile home thereon and such mobile home shall be removed from that location within thirty (30) days of such change in ownership or thereafter be considered in violation of Bourbon's Zoning Ordinance and subject to the penalty provisions thereof.

NOW, THEREFORE, BE IT ORDAINED by the Town Council for the Town of Bourbon, Indiana that [Ordinance No. 1997-4](#) amending said Town's zoning ordinance shall be amended it include Paragraph (k) as set out herein above.

This Ordinance amendment shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana on October 7, 1997.

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**8.5.2 AN ORDINANCE REZONING A CERTAIN TRACT OF REAL ESTATE WITHIN THE JURISDICTIONAL ZONING AREA OF THE TOWN OF BOURBON**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§8.4.1 Section 19-7 of the Town Code of Bourbon, Indiana, is hereby amended as to the following described real estate which is part of the jurisdictional zoning area of the Town of Bourbon, Indiana and described as follows:

Beginning at a point on the North right-of-way line of U.S. Highway No. 30 By-Pass that is Eleven Hundred Eighty and Nine Tenths feet (1180.9') South of the Northeast corner of the Southeast Quarter of Section 20, Township 33 North, Range 4 East, on the centerline of South Beech Road, thence North on the East line of said section Six Hundred Seventy and Nine Tenths feet (670.9'), thence South 88 degrees 55 minutes West Six Hundred Seventy and Eighty-five Hundredths feet (670.85'), thence South 2 degrees 25 minutes East Ten and Three Tenths feet (10.3'), thence South 88 degrees 32 minutes West Sixty-five and Nine Tenths feet (65.9'), thence South 2 degrees 28 minutes East Two Hundred Fifty-eight and Five Tenths feet (258.5') to the North of right-of-way line of said highway, thence Southeasterly on said North right-of-way Seven Hundred Sixty- nine feet (769') to a point that is Seventy-four and Five Tenths feet (74.5') to the place of beginning, containing Eight and Fourth Tenths acre (8.4), more or less, all in the Northeast quarter of the Southeast quarter of Section 20, Township 33 North, Range 4 East, Bourbon, Township, Marshall County, Indiana

Said real estate under the zoning maps of the Town of Bourbon, Indiana, are hereby directed to be amended so as to show the above described real estate as "Commercial" in designation.

(Ordinance No. 1974-2 passed July 3, 1984)

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8.5.3 AN ORDINANCE REZONING A CERTAIN TRACT OF REAL ESTATE WITHIN THE JURISDICTIONAL ZONING AREA OF THE TOWN OF BOURBON

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§8.5.3(1) Section 19-7 of the Town Code of Bourbon, Indiana, is hereby amended as to the following described real estate which is part of the jurisdictional zoning area of the Town of Bourbon, Indiana, and described as follows:

Beginning Fifty-two and three tenths (52.3') feet East of the intersection of the Northerly right-of-way line of the U.S. 30 By-Pass and the North section line of Section 20, Township 33 North, Range 4 East; thence South 49 degrees 24 minutes East parallel to said Northerly right-of-way line, Four Hundred Eighteen and six tenths (418.6') feet; thence North 1 degrees 26 minutes West, Two Hundred Eighty and two tenths (280.2') feet to said North section line; thence South 38 degrees 34 minutes West on said North section line, Three Hundred Ten and Nine Tenths (310.9') feet to the place of beginning, containing one (1) acre, all in the Northwest Quarter (NW 1/4) of Section 20, Township 33 North, Range 4 East, Bourbon Township, Marshall County, Indiana.

Beginning on the North section line of Section 29@0, Township 33 North, Range 4 East, Three Hundred Sixty-three and two tenths (363.2') feet East of the intersection of U.S. 30 By-Pass and said North section line; thence South 1 degree 26 minutes East, Two Hundred Eighty and two tenths (280.2') feet; thence North 88 degrees 34 minutes East, One Hundred Fifty-five and five tenths (155.5') feet; thence North 1 degree 26 minutes West, Two Hundred Eighty and two tenths (280.2') feet to said North section line; thence South 88 degrees 34 minutes West on said North section line, One Hundred Fifty-five and five tenths (155.5') feet to the place of beginning, containing One (1) acre, all in the Northwest Quarter (NW 1/4) of Section 20, Township 33 North, Range 4 East, Bourbon Township, Marshall County, Indiana. Containing in both tracts two (2) acres, more or less.

Said real estate under the zoning maps of the Town of Bourbon was heretofore zoned as "Agricultural" or "Suburban" in nature, and by the terms of this Ordinance is hereby expressly rezoned as "Commercial".

§8.5.3(2) The official zoning maps for the Town of Bourbon, Indiana, are hereby directed to be amended so as to show the above described real estate as "Commercial" in designation.

(Ordinance No. 1979-2 passed May 2, 1979)

8.5.4 AN ORDINANCE REZONING A CERTAIN TRACT OF REAL ESTATE WITHIN THE JURISDICTIONAL ZONING AREA OF THE TOWN OF BOURBON

WHEREAS, the Bourbon Plan Commission met on February 12, 1990 to consider a request to rezone certain land in the Town of Bourbon, Indiana, which is more particularly described on [Exhibit A](#) attached hereto and made a part hereof, from A-single family zoning to B-two family and group house residential and scheduled a public hearing on such rezoning request for March 12, 1990;

WHEREAS, the Bourbon Plan Commission published notice on February 22, 1990 and March 1, 1990

in the Bourbon News Mirror of such public hearing.

WHEREAS, the Bourbon Plan Commission held such public hearing on such rezoning request on March 12, 1990 and thereafter at a regularly scheduled meeting with a quorum present upon proper motion made and seconded by a majority vote of those present did recommend to the Town Council of Bourbon, Indiana that the real estate described on such attached [Exhibit A](#) be rezoned to B-two family, etc.

BE IT ORDAINED BY THE TOWN COUNCIL OF BREMEN, INDIANA THAT:

The real estate more particularly described on [Exhibit A](#) attached hereto and made a part hereof be and hereby is rezoned to B-two family, etc., zoning under the zoning ordinance of said Town and that such rezoning shall be considered retroactive to the date it was first approved the such Town Council on March 21, 1990 and thereafter.

Passed and adopted by the Town Council for Bourbon, Indiana this 4<sup>th</sup> day of August, 1998.

(Ordinance No. 1998-7)

#### EXHIBIT A

A part of the Northeast Quarter of Section 24, Township 33, Range 3 East of the Second Principal Meridian in Marshall County, Indiana, more particularly described as follows:

Beginning at the northeast corner of Boley's Second Addition to the Town of Bourbon, Marshall County, Indiana: thence WEST (assumed), a distance of 165.0 feet; thence North, a distance of 882.41 feet, to a point on the south line of Fellers' 1st Addition; thence North 89 degrees, 58 minutes, 18 seconds East, a distance of 237.73 feet along said south line of Fetters' 1st Addition, to the west line Fetters' Addition to the Town of Bourbon; thence South 00 degrees, 46 minutes, 06 seconds West, a distance of 192.55 feet along said west line of Fetters' Addition, to the south right-of-way line of College Street, thence North 89 degrees, 30 minutes, 00 seconds East, a distance of 123.00 feet along said south right-of-way line of College Street to the west line of an alley as platted in Thomas Addition to the Town of Bourbon; thence South 00 degrees, 37 minutes, 48 seconds West, a distance of 405.52 feet along said west line of an alley as platted in Thomas' Addition to the Town of Bourbon; Thence WEST, a distance of 188.88 feet; thence SOUTH, a distance of 286.59 feet, to the Point of Beginning; containing 5.43 acres, more-or-less and subject to rights-of-way and easements of record.

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#### 8.5.5 AN ORDINANCE REVISING AND AMENDING THE "ZONING MAP", TOWN OF BOURBON, AS CONSTITUTED UNDER THE GENERAL ZONING ORDINANCE HERETOFORE PASSED BY THE TOWN OF BOURBON

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana, as follows:

§8.5.6(1) That the zoning map for the Town of Bourbon as set forth in the zoning ordinance for the Town of Bourbon is hereby changed and amended by incorporating with the areas of said zoning map presently zoned and designated as “B-2 Family and Group House Residential District” the following described area to-wit:

Commencing at the Southeast corner of Section 24, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana thence North 0°00'00" East (assumed bearing) along the East line of said Section 24, (centerline of U.S. Highway No. 331) a distance of 393.62 feet; thence South 89°39'00" West along an established property line a distance of 287.53 feet to the point of beginning; thence continuing South 89°39'00" West a distance of 27.00 feet to an established fenceline; thence North 0°00'00" East along said established fence line a distance of 328.68 feet; thence South 89°57'00" West along an established fenceline a distance of 266.80 feet to the East line of Bourbon Street; thence South 89°57'00" West along an established fenceline a distance of 266.80 feet to the East line of Bourbon Street; thence South 0°1'12" East along said East line a distance of 330.08 feet; thence South 89°39'00" West a distance of 40.00 feet; thence South 0°17'45" West a distance of 334.55 feet to a found iron pipe thence North 0°00'00" East a distance of 139.65 feet to the point of beginning, containing 3.0889 acres, being part of the Southeast Quarter, Section 24, Township 33 North, Range 3 East, and the Town of Bourbon, Marshall County, Indiana. The above described parcel subject to easements and restrictions of record.

and deleting the above described area from “A-Single Family Residential District” zoned area.

(Ordinance No. 1983-5 passed November 2, 1983)

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8.5.6 AN ORDINANCE REPLACING THE ZONE MAPS OF THE TOWN OF BOURBON, INDIANA, AS PART OF THE ZONING ORDINANCE OF THE TOWN OF BOURBON, INDIANA

WHEREAS, the Bourbon Plan Commission has requested replacing the zone maps of the Town of Bourbon, and has produced two maps as follows:

1. ZONE MAPS, Town of Bourbon, Indiana, Map 1 of 2
2. ZONE MAPS, Town of Bourbon, Indiana, Map 2 of 2

Said maps prepared October 2, 1986, by the Marshall County Plan Commission; and

WHEREAS, said replacement zone maps were considered at a public hearing on March 4, 1987, conducted by the Bourbon Plan Commission, and received a favorable recommendation; and

WHEREAS, said zone development maps set for districts that regulate the use and development standards for the Town of Bourbon, Indiana, this 4<sup>th</sup> day of March 1987.

(Ordinance No. 1987-1 passed March 4, 1987)

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### 8.5.7 REZONING

WHEREAS, the TOWN OF BOURBON, INDIANA, by its duly authorized Board of Trustees has entered into a certain agreement with C & R Development dated the 5<sup>th</sup> day of August, 1987, and with respect to the proposal of C & R Development for the construction of certain duplex housing upon property located in Bourbon, Indiana;

WHEREAS, as a part of such agreement said Board of Trustees has agreed to rezone certain property owned by C & R Development in Bourbon, Indiana, and more particularly described as:

Blocks Three (3), Four (4), and Nine (9) of Linn's Continued Addition to the Town of Bourbon, Marshall County, Indiana, excepting the West One Hundred Feet (100') of Block Number Three (3) therein.

WHEREAS, the Town of Bourbon, by its Board of Trustees, has determined that it is in the best interests of said Town and that it is proper that said property be rezoned so that it is now designated as having a zoning classification of "Two Family and Group House Residential District".

NOW, THEREFORE, be it ordained and enacted by the Board of Trustees of the Town of Bourbon, Indiana:

That the above described property be and hereby is rezoned so that the same shall hereafter carry a zoning classification of Two Family and Group House Residential District and the proper zoned maps of the Town of Bourbon, Indiana, shall be modified to reflect such rezoning.

This Ordinance shall be in full force and effect upon the date of its passage and publication as may be provided by law.

(Ordinance No. 1988-5 adopted May 4, 1988.)

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### 8.6.1 AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY IN THE TOWN OF BOURBON, COUNTY OF MARSHALL, STATE OF INDIANA

WHEREAS, Triton School Corporation has filed a verified petition with the Clerk-Treasurer of Bourbon, Indiana, to vacate a platted but undeveloped portion of the public right-of-way known as Jefferson Street, as its easterly terminus, which portion of said Jefferson Street sought to be vacated extends from the presently developed easterly terminus of the said Jefferson Street, being more particularly described as being approximately 48 feet north and south by 225 feet east and east, being situated immediately southeast of Lot 120 and immediately northeast of Lot 121, said lots being situated in Thayer's Continuation of his Second Addition (sometimes referred to as Thayer's Second Addition) to the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, notice of the filing of said petition and the date of hearing on said petition has been duly given as required by law; and

WHEREAS, a duly advertised hearing on said petition was additionally conducted by the Advisory Plan Commission of the Town of Bourbon, Marshall County, Indiana, pursuant to I.C. 36-7-4-512; and

WHEREAS, said Advisory Plan Commission, following its said hearing, has affirmatively recommended to the said Town Board that the said petition to vacate should be granted;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bourbon, Indiana, as follows:

§8.6.1(1) That said Town Board hereby makes the following findings of fact regarding said proposed vacation:

A. That the Advisory Plan Commission of the Town of Bourbon has heretofore conducted a duly advertised public hearing on said verified petition to vacate, and said Plan Commission has made an affirmative recommendation to the Town Board, which recommendation the Town Board in all respects hereby ratifies, confirms, and approves, and which recommendation is hereby incorporated by reference as set forth hereinafter in this Ordinance;

B. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

C. That the vacation of that part of the public right-of-way sought to be vacated would not make access to the lands of any aggrieved person by means of public right-of-way difficult, inconvenient, or impossible.

D. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the public's access to any church, school or other public building or place;

E. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the use of the public way by the neighborhood in which it is located or to which it is contiguous;

F. That said Jefferson Street, at the location sought to be presently vacated, is approximately 48 feet in width (north and south), and that approximately the easterly 225 feet of said Jefferson Street, being located immediately southeast of Lot 120 and immediately northwest of Lot 121, said lots being situated in Thayer's Continuation of his Second Addition (sometimes referred to as Thayer's Second Addition), all in the Town of Bourbon, Marshall County, Indiana should be vacated and become the private property of the said Triton School Corporation (formerly Tri-Township United Schools Corporation), now presently the owner of the following described real estate, to-wit:

Beginning on the North line of Section Nineteen (19), Township Thirty-Three (33) North, Range Four (4) east, Seven Hundred Sixty-five (765) feet West of the Northeast corner of the Northwest Quarter (NW 1/4) of said section; thence West on said section line five hundred seventy-six (576) feet; thence South 0°55' East Three Hundred thirty-one (331) feet; thence West parallel with said North section line (One Hundred Eighty (180) feet to a cement post; thence South on an established line Seven Hundred Ninety-five (795) feet to the North line of what is known as the Fair Grounds; thence East on said line Seven Hundred and Fifty-six (756) feet to a T-rail post, being the Northeast corner of said Fair Grounds; thence North One Thousand One Hundred Twenty-nine and Seven tenths (1, 129.7) feet to the place of beginning, containing Eighteen and Twenty Hundredths (18.20) acres all in the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Thirty-three (33) North, Range Four (4) East, Bourbon Township, Marshall County, Indiana.

with the remaining portion of said Jefferson Street, to remain a public right-of-way and street, subject to

the control and dominion of the Town of Bourbon, Indiana.

§8.6.1(2) That on the basis of said findings of fact as hereinabove presented, and based upon the aforesaid affirmative recommendation of the Advisory Plan Commission of the Town of Bourbon, the following described right-of-way, located in the Town of Bourbon, Marshall County, State of Indiana, to-wit:

A tract of real estate being approximately forty-eight (48') feet North and South by approximately two hundred twenty-five feet (225') east and west, being situated immediately southeast of Lot One Hundred Twenty (120), and immediately northeast of Lot One Hundred Twenty-One (121), said Lots being situated in Thayer's Continuation of his Second Addition (sometimes referred to as Thayer's Second Addition) to the Town of Bourbon, Indiana;

is hereby vacated and set aside to the aforesaid Triton School Corporation, as the abutting owner of the vacated real estate.

§8.6.1(3) This Ordinance shall become law upon its passage by the Town Board, by the signatures of its President and other members, and by publication as required by law, at which time the Town Clerk-Treasurer shall furnish an executed original copy of this Ordinance to the Marshall County Auditor and the Marshall County Recorder for recording.

(Ordinance No. 1986-2 passed on March 5, 1986)

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**8.6.2 AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY IN THE TOWN OF BOURBON, COUNTY OF MARSHALL, STATE OF INDIANA**

WHEREAS Robert Border and Zada Border, husband and wife, have filed a verified petition with the Clerk-Treasurer of the Town of Bourbon, Indiana to vacate a platted but undeveloped portion of a public right-of-way known as Grant Street between Jefferson Street and Sunset Drive in the Town of Bourbon, Marshall County, Indiana; and

WHEREAS notice of the filing of said petition and the date of hearing on said petition has been duly given as required by law; and

WHEREAS as duly advertised hearing on said petition has been conducted by the Town Board of the Town of Bourbon, Marshall County, Indiana pursuant to I.C. 36-7-3-12; and

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bourbon, Indiana as follows:

§8.6.2(1) The said Town Board hereby makes the following findings of fact regarding said proposed vacation:

A. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

B. That the vacation of that part of the public right-of-way sought to be vacated would not make access to the lands of any aggrieved persons by means of public way difficult, inconvenient or impossible;

C. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the public's access to any church, school or other public building or place;

D. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the use of the public way by the neighborhood in which it is located or to which it is contiguous;

E. That the said Grant Street between Jefferson Street and Sunset Drive all in the Town of Bourbon, Marshall County, Indiana should be vacated and become the private property of the abutting property owners thereto.

§8.6.2(2) That on the basis of said findings of fact as hereinabove presented Grant Street between Jefferson Street and Sunset Drive in the Town of Bourbon, Marshall County, Indiana is hereby vacated and set aside to the abutting owners of said vacated right-of-way.

§8.6.2(3) This Ordinance shall become law upon its passage by the Town Board, by the signatures of its President and other members, and by publication as required by law, at which time the Town Clerk-Treasurer shall furnish an executed original copy of this Ordinance to the Marshall County Auditor and the Marshall County Recorder for recording.

(Passed by the Town Board of the Town of Bourbon, Marshall County, Indiana, March 18, 1987.

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### 8.6.3 AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY IN THE TOWN OF BOURBON, COUNTY OF MARSHALL, STATE OF INDIANA

WHEREAS, Terry L. Grenert and Jo Anne Grenert, have filed a verified petition with the Clerk/Treasurer of Bourbon, Indiana, to vacate a portion of the public right-of-way of an unimproved street adjacent to Lots Two (2) and Three (3) in Ball's Addition to the Town of Bourbon, Indiana, which is more particularly described hereinafter; and

WHEREAS, a duly advertised hearing on said petition was conducted by the Town Council of the Town of Bourbon, Indiana, on January 5, 1993 pursuant to applicable Indiana law; and

WHEREAS, no remonstrators or objectors appeared for such hearing and after due discussion by such Council at the same, said Town Council has determined that such petition to vacate should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BOURBON, INDIANA AS FOLLOWS:

Section 1: The said Town Council hereby makes the following findings of fact regarding the proposed vacation:

A. That the Town Council of the Town of Bourbon, Indiana, has heretofore conducted a duly advertised public hearing on said verified petition to vacate, no objectors or remonstrators appeared at such hearing and said Town Council has determined that such petition should be granted;



- B. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;
- C. That the vacation of that part of the public right-of-way sought to be vacated would not make access to the land of any aggrieved person by means of public way difficult or inconvenient;
- D. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the public's access to any Church, School or any other public building or place;
- E. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;
- F. That said portion of such unimproved right-of-way sought to be vacated is more particularly described as follows, to-wit:

Beginning at the Southwest corner of Lot 2 of William J. Ball's Addition to the Town of Bourbon, Indiana; said point being at the intersection of the East right-of-way line of the said public street to be vacated hereby (50 feet in width) and the Northerly line of the Conrail Railroad right-of-way; thence North 00-01-27 West along the East right-of-way line of said street a distance of 135.49 feet to the Southerly line of Old U.S. Highway 30; thence Northwesterly 50' along the southerly line of said Old U.S. Highway 30; thence South 00- 1-27 East a distance of 141.15 feet to the northerly right-of-way line of said railroad right-of-way; thence North 71-12-00 West a distance of 52.83 feet to the point of beginning, all situate in Marshall County, Indiana.

Section 2: That on the basis of said findings of fact as hereinabove presented and based upon the hearing held by said Town Council regarding such petition to vacate, the aforescribed section of unimproved street as located in the Town of Bourbon, Marshall County, Indiana, is hereby vacated.

Section 3: This Ordinance shall become law upon its passage by the Town Council for Bourbon, Indiana, and upon the signature of the same by its president and other members after which the Clerk-Treasurer for said town shall furnish an executed original copy of this Ordinance to the Marshall County Auditor and the Marshal County Recorder for recording.

Passed by the Town Council of the Town of Bourbon, Marshall County, Indiana, this 19<sup>th</sup> day of January, 1993.

(Ordinance No. 1993-5 passed January 19, 1993)

#### 8.6.4 AN ORDINANCE VACATING A SECTION OF UNIMPROVED PLATTED STREET

WHEREAS, Lorence Ward, Charlene Ward, Robert Krick, Melba Hartzell, Floyd Hartzell, Martha Faulkner and John Faulkner have filed their Petition with the Clerk-Treasurer of the Town of Bourbon, Indiana to vacate a portion of an unimproved platted street abutting lots 5, 6, 13, and 14, running north and south between W. North Street and W. Park Avenue in Ball's Addition to the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, said petitioners are owners of all property abutting the above described real estate; and

WHEREAS, notice of the filing of said Petition and the date of hearing on the same have been given as required by law; and

WHEREAS, that part of the public right-of-way sought to be vacated is not necessary to the growth of the Town of Bourbon; and

WHEREAS, the vacation of that part of the public right-of-way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located; and

WHEREAS, the vacation of that part of the public right-of-way sought to be vacated would not make access to the land of any aggrieved person by means of public way difficult or inconvenient; and

WHEREAS, the vacation of that part of the public right-of-way to be vacated will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the vacation of that part of the public right-of-way sought to be vacated will be made subject to any utility easements now in existence and the right or the Town of Bourbon to utilize such property for fire protection,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Bourbon, Indiana, as follows:

Section 1. The following described public right-of-way located in the Town of Bourbon, Marshall County, Indiana, to-wit:

An unimproved platted street located between lots 5 and 6, and lots 13 and 14, running north and south between W. Park Avenue and W. North Street in Ball's Addition to the Town of Bourbon, Marshall County, Indiana

be hereby vacated to and in favor of Lorence Ward, Charlene Ward, Robert Krick, Melba Hartzell, Floyd Hartzell, Martha Faulkner and John Faulkner, as far as they shall be the abutting property owners to the above described real estate and subject to the retention by said Town of Bourbon of any utility easements over and through said public right-of-way and of the right of said Town to utilize such public way for fire protection needs.

Section 2. This Ordinance shall become law upon its passage by the Town Council, signature of the president thereof and publication as required by law after which the Town Clerk-Treasurer shall furnish a copy of this Ordinance to the County Auditor and to the County Recorder for recording.

(Ordinance No. 1994-7 passed and adopted by the Town Council for the Town of Bourbon, Indiana, September 6, 1994)

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**8.6.5 AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY IN THE TOWN OF BOURBON, COUNTY OF MARSHALL, STATE OF INDIANA**

Whereas, Larry W. Lemler, Donna K. Lemler, Clifford Lawmaster and Eva Lawmaster have filed their

Petition with the Clerk-Treasurer of the Town of Bourbon, Indiana, to vacate the following described public right of way located in said town, to-wit:

A portion of Thayer Street in the Southwest Quarter of Section 19, Township 33 North, Range 4 East, Town of Bourbon, Marshall County, Indiana, described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 90-00-00 East along the North line of said Southwest Quarter a distance of 957.30 feet to the Northerly prolongation of the West line of Thayer Street; thence South 0-33-41 West along said West line a distance of 330.01 feet to the Westerly prolongation of the North line of the Larry W. Lemler and Donna K. Lemler parcel (recorded in Deed Record 1987, Page 1447, Office of the Marshall County Recorder) and the point of beginning of this description; thence North 90-00-00 East 43.50 feet to the Easterly line a distance of 174.56 feet to the Northerly line of the Clifford Lawmaster and Eva Lawmaster parcel (recorded in Deed Record 1987, Page 14104 Office of the Marshall County Recorder); thence North 71-17-53 West along said Northerly line a distance of 45.78 feet to said Westerly line of Thayer Street; thence North 0-33-41 East 159.88 feet to the point of beginning.

WHEREAS, said Petitioners are the owners of all property abutting the above described real estate; and

WHEREAS, notice of the filling of said Petition and the date of hearing on the same have been given as required by law; and

WHEREAS, that part of the public right of way sought to be vacated is not necessary to the growth of the Town of Bourbon, Indiana; and

WHEREAS, the vacation of that part of the public right of way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located; and

WHEREAS, the vacation of that part of the public right or way sought to be vacated would not make access to the land of any aggrieved person by means of public way difficult or inconvenient; and

WHEREAS, the vacation of that part of the public right of way sought to be vacated will not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous; and

WHEREAS, the vacation of that part of the public right of way sought to be vacated will be made subject to any utility easements now in existence and the right of the Town of Bourbon, Indiana to utilize such property for fire protection.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, as follows:

Section 1. The following described public right of way located in the Town of Bremen, Marshall County, Indiana, to-wit:

A portion of Thayer Street in the Southwest Quarter of Section 19, Township 33 North, Range 4 East, Town of Bourbon, Marshall County, Indiana, described as follows: Commencing at the Northwest corner of said Southwest Quarter; thence North 90-00-00 East along the North line of said Southwest Quarter a distance of 957.30 feet to the Northerly prolongation of the West line of Thayer Street; thence South 0-33-41 West along said West line a distance of 330.01 feet to the Westerly prolongation of the North line of the Larry W. Lemler and Donna K. Lemler parcel (recorded in Deed Record 1987, Page 1447, Office of the Marshall County Recorder) and the point of beginning of this description; thence

North 90-00-00 East 43.50 feet to the Easterly line a distance of 174.56 feet to the Northerly line of the Clifford Lawmaster and Eva Lawmaster parcel (recorded in Deed Record 1987, Page 14104 Office of the Marshall County Recorder); thence North 71-17-53 West along said Northerly line a distance of 45.78 feet to said Westerly line of Thayer Street; thence North 0-33-41 East 159.88 feet to the point of beginning.

is hereby vacated to and in favor of Larry W. Lemler, Donna K. Lemler, Clifford Lawmaster and Eva M. Lawmaster as far as they shall be the abutting property owners to the above described real estate and subject to the retention by said Town of any utility easements over and through said public right of way and of the right of said Town to utilize such public way for fire protection needs hereafter.

SECTION 2. This Ordinance shall become law upon its passage by the Town Council, signature of the President thereof and publication as required by law after which the Town Clerk-Treasurer shall furnish a copy of this Ordinance to the County Auditor and to the County Recorder for recording.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana, this 4<sup>th</sup> day of September, 1990.

(Ordinance No. 1990-3)

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8.6.6 AN ORDINANCE TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY IN THE TOWN OF BOURBON, COUNTY OF MARSHALL, STATE OF INDIANA

WHEREAS, Triton School Corporation has filed a verified petition with the Clerk-Treasurer of Bourbon, Indiana, to vacate a portion of the public right-of-way known as North Thayer Street, which portion of said North Thayer Street sought to be vacated is approximately the north 525 feet of Thayer Street, located between Florence Street and Shaffer Road; and

WHEREAS, notice of the filing of said petition and the date of hearing on said petition has been duly given as required by law; and

WHEREAS, as duly advertised hearing on said petition was additionally conducted by the Advisory Plan Commission of the Town of Bourbon, Marshall County, Indiana, pursuant to I.C. 36-7-3-12; and

WHEREAS, said Advisory Plan Commission, following its said hearing, has affirmatively recommended to the Town Council of the Town of Bourbon, Indiana, that the said petition to vacate should be granted:

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, as follows:

Section 1. The said Town Council of the Town of Bourbon, Indiana, hereby makes the following findings of fact regarding said proposed vacation:

A. That the Advisory Plan Commission of the Town of Bourbon has heretofore conducted a duly advertised public hearing on said verified petition to vacate, and said Plan Commission has made an affirmative recommendation to the Town Council of the Town of Bourbon, Indiana, which

recommendation the Town Council of the Town of Bourbon, Indiana, in all respects hereby ratifies, confirms and approves, and which recommendation is hereby incorporated by reference as set forth hereinafter in this Ordinance;

B. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

C. That the vacation of that part of the public right-of-way sought to be vacated would not make access to the lands of any aggrieved person by means of public right-of-way difficult, or inconvenient.

D. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the public's access to any church, school or other public building or place;

E. That the vacation of that part of the public right-of-way sought to be vacated will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

F. That said portion of North Thayer Street, at the location sought to be presently vacated, is approximately 50 feet in width (east and west), and approximately 525 feet in length (north and south), being located between Florence Street and Shaffer Road, all in the Town of Bourbon, Marshall County, Indiana; and that the same should be vacated. The real estate contiguous to the section of Thayer Street being vacated, and presently owned by Triton School Corporation, is described as follows:

Westerly Tract (Tract 1)

Lot Number Thirteen (13) in Linn's Addition to the Town of Bourbon, Marshall County, State of Indiana.

Lot Number Fourteen (14) in Linn's Addition to the Town of Bourbon, Marshall County, State of Indiana.

Lot Number One (1) in Linn's Addition to the Town of Bourbon, Marshall County, State of Indiana.

Easterly Tract (Tract 2)

Lots Eighty-eight (88), Eighty-nine (89), Ninety (90), Ninety-one (91), Ninety-two (92), Ninety-three (93), Ninety-four (94), Ninety-five (95), Ninety-six (96), North Two-thirds of One Hundred Ten (110) and all of Lots One Hundred Eleven (111), One Hundred Twelve (112), One Hundred Thirteen (113), One Hundred Fourteen (114), One Hundred Fifteen (115), One Hundred Sixteen (116), One Hundred Seventeen (117), One Hundred Eighteen (118) and North two-thirds of One Hundred Nineteen (119), in Thayer's Continuation of his Second Addition (sometimes referred to as Thayer's Second Addition) to the Town of Bourbon, Indiana).

Beginning on the North line of Section Nineteen (19), Township Thirty-three (33) North, Range Four (4) East, Seven Hundred Sixty-five (765) feet West of the Northwest corner of the Northwest Quarter (NW 1/4) of said section; thence West on said section line Five Hundred Seventy-six (576) feet; thence South 0°55' East Three Hundred thirty-one (331) feet; thence West parallel with said North section line One Hundred Eighty (180) feet to a cement post, thence South on an established line Seven Hundred Ninety-five (795) feet to the North line of what is known as the Fair Grounds; thence East on said line Seven Hundred Fifty-six (756) feet on a T-rail post, being the Northeast corner of said Fair Grounds;

thence North One Thousand One Hundred Twenty-nine and Seven Tenths (1,129.7) feet to the place of beginning, containing Eighteen and Twenty Hundredths (18.20) Acres, all in the Northwest Quarter (NW 1/4) of Section 19 (19), Township Thirty-three (33) North, Range Four (4) East, Bourbon Township, Marshall County, Indiana, with the remaining portion of said North Thayer Street, to remain a public right-of-way and street, subject to the control and dominion of the Town of Bourbon, Indiana.

Section 2. That on the basis of said findings of fact as hereinabove presented, and based upon the aforesaid affirmative recommendation of the Advisory Plan Commission of the Town of Bourbon, the following described right-of-way, located in the Town of Bourbon, Marshall County, State of Indiana, to-wit:

The north 525 feet of Thayer Street, located between Florence Street and Shaffer Road;

is hereby vacated.

Section 3. This Ordinance shall become law upon its passage by the Town Council of the Town of Bourbon, Indiana, by the signatures of its President and other members, and by publication as required by law, at which time the Town-Clerk Treasurer shall furnish an executed original copy of this Ordinance to the Marshall County Auditor and the Marshall County Recorder for recording.

Passed by the Town Council of the Town of Bourbon, Marshall County, Indiana, this 2<sup>nd</sup> day of October, 1990.

(Ordinance No. 1990-6)

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#### 8.6.7 AN ORDINANCE VACATING A PORTION OF GREER STREET IN THE TOWN OF BOURBON, INDIANA

Whereas, all adjoining property owners to Greer Street in the Town of Bourbon, Indiana have filed their petition with the Clerk/Treasurer of said Town to vacate a portion of such street as it abuts their real estate running North and South between Center Street and Jefferson Street in Bourbon, Marshall County, Indiana; and

Whereas, notice of the filing of said petition and the date of hearing on the same have been given as required by law; and

Whereas, that portion of the public right of way known as Greer Street sought to be vacated by said petitioners is not necessary to the growth of the Town of Bourbon, Indiana; and

Whereas, the vacation of that part of the public right of way sought to be vacated by said petitioners will not hinder the growth or orderly development of the unit or neighborhood in which it is located; and

Whereas, the vacation of that part of the public right of way sought to be vacated would not make access to the land of any aggrieved parson by means of public way difficult or inconvenient; and

Whereas, the vacation of that part of the public right of way sought to be vacated will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

Whereas, the vacation of that part of the public right of way sought to be vacated will be made subject to any utility easements now in existence and the right of the Town of Bourbon to utilize such property for fire protection; and

Whereas, it is requested that such right of way be reduced to thirty-five (35) feet instead of the sixty (60) feet now provided for the same with such reduction coming fifteen (15) feet from the East right of way of Greer Street and ten (10) feet coming from the West right of way of such street.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, that:

Section 1.

The following described public right of way located in the Town of Bourbon, Marshall County, Indiana, to wit:

The East fifteen (15) feet and the West ten (10) feet of the street or right of way known as Greer Street running North and South between Center and Jefferson Streets and between lots 4, 5, 12, and 13 of the James M. Greer, Sr. Addition to the Town of Bourbon, Marshall County, Indiana.

be hereby vacated to and in favor of Robert Pershing (as to lot 4), Gary Rodriguez (as to lot 5), Richard Holderman (as to lot 12), Wilma Creighbaum as to part of lot 13) and Scott Howell and Alison Howell (as to part of lot 13) as far as they shall be the abutting property owners to the above described real estate and subject to the remaining twenty-five (25) foot right of way of said street and the retention by said Town of Bourbon, Indiana of any utility easements over and through the vacated portions of said public right of way and of the right of said Town to utilize such public way for fire protection needs.

Section 2.

This Ordinance shall become law upon its passage by the Town Council, signature of the president thereof and publication as required by law after which the Town Clerk/Treasurer shall furnish a copy of this Ordinance to the County Auditor and to the County Recorder for recording.

Passed and adopted by the Town Council for the Town of Bourbon this 6<sup>th</sup> day of January, 1998.

(Ordinance No. 1998-2)

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8.6.8 AN ORDINANCE VACATING AN ALLEY BETWEEN BOURBON STREET AND UNIMPROVED THIRD STREET IN THE JOHN F. PARKS' ADDITION TO THE TOWN OF BOURBON, INDIANA

Whereas, all adjoining property owners to a certain 12' alley between lots 25, 35, 36, 37 and lots 44, 45, 46, 47 in J.F. Parks' Addition to the Town of Bourbon, Indiana have filed their petition with the Clerk/Treasurer of said Town to vacate such alley as it abuts their real estate which alley runs east and west between Bourbon Street and the unimproved Third Street and is thought to be 12' in width; and

Whereas, notice of the filing of said petition and the date of hearing on the same have been given as required by law; and

Whereas, that portion of the public right of way known as Greer Street sought to be vacated by said petitioners is not necessary to the growth of the Town of Bourbon, Indiana; and

Whereas, the vacation of that part of the public right of way sought to be vacated by said petitioners will not hinder the growth or orderly development of the unit or neighborhood in which it is located; and

Whereas, the vacation of that part of the public right of way sought to be vacated would not make access to the land of any aggrieved parson by means of public way difficult or inconvenient; and

Whereas, the vacation of that part of the public right of way sought to be vacated will not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous; and

Whereas, the vacation of that part of the public right of way sought to be vacated will be made subject to any utility easements now in existence and the right of the Town of Bourbon to utilize such property for fire protection, if need be.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana, that:

Section 1. The following described alley located in the Town of Bourbon, Indiana, to wit:

A 12' wide, more or less alley, running East and West between Bourbon Street and the unimproved Third Street in said Town and lying between lots 35, 36, 37 and lots 45, 46, 47 in John F. Parks' continued Addition to said Town

be hereby vacated to and in favor of Cynthia Lou Harman (as to lot 25), Rosendo Salazar and Teresa N. Salazar (as to lots 35 and 36), Richard Manuel and Louise June Manuel (as to lot 37), Theodore E. Scott and Zenobia A. Scott (as to lots 44, 45, 46 and 47) as far as they shall be the abutting property owners to the above described alley and subject to the retention by said Town of Bourbon, Indiana of any utility easements over and through such vacated alley and of the right of said Town to utilize such alley for future fire protection needs.

Section 2. This Ordinance shall become law upon its passage by the Town Council, signature of the president thereof and publication as required by law after which the Town Clerk/Treasurer shall furnish a copy of this Ordinance to the County Auditor and to the County Recorder in Plymouth, Indiana for recording thereby.

(Ordinance No. 1999-1)

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8.7 AN ORDINANCE SETTING FORTH MINIMUM REQUIREMENTS FOR MOBILE HOME PARKS WITHIN THE JURISDICTIONAL AREA OF THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

There is hereby adopted a new section of the Code of the Town of Bourbon, which section is as follows:



§8.7.1 Definitions For the purpose of this Ordinance, the following words and phrases shall have the meanings herein set forth:

Mobile Home. A mobile home shall be any vehicle or portable structure designed for long-term occupancy, containing sleeping accommodations, sanitary facilities, kitchen facilities, and plumbing and electrical connections; which structure shall be designed to be transported after fabrication on its own wheels, on a flat bed truck, or on detachable wheels, which when arriving at the site where it is to be occupied as a dwelling unit, including major appliances, is ready for occupancy except for minor and is connected to external utilities and electrical system.

Mobile Home Park. A mobile home park shall be a tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this chapter and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long-term basis.

§8.7.2 No person shall own, operate, conduct, occupy or use any mobile home and/or mobile home park unless such person complies with all the provisions and standards relating to health, sanitation, and safety, as provided in the Indiana Statutes under I.C. 1971, Section 13-1-7-1 and related sections and unless he further complies with all such conditions contained in the ordinances to the Town of Bourbon.

§8.7.3 All mobile home parks within the jurisdictional zoning of the Town of Bourbon, Indiana, shall be established only after proper application for conditional use has been made to the Board of Zoning Appeals, referred to the Plan Commission and a permit granted by the Board of Zoning Appeals after a hearing in accordance with Section 19-60 of the Town Code for the Town of Bourbon. In the event that at the time a permit for a mobile home park is granted by the Board of Zoning Appeals, said Board of Zoning Appeals imposes certain conditions for use, said conditions of use not be maintained, the Board of Zoning Appeals, after such public notice and hearing according to law, may revoke such permit, and the operation of a mobile home park under such permit shall be discontinued.

#### §8.7.4 Mobile Home Park; Design Requirements

A. The following design standards shall be construed as minimum requirements for all mobile home parks:

1. Mobile home parks shall meet all requirements as set forth in the Indiana Statutes, and the ordinances of the Town of Bourbon, and in any appropriate regulations of any state regulatory agency applicable to mobile home parks.
2. Each mobile home lot shall be provided with water, sewage, electricity, and any other utility connection common to the area.
3. Each mobile home lot shall be provided with submerged or hidden refuse containers with tight sealing lids.
4. The minimum area of a mobile home park shall be ten acres with access to major thoroughfare as approved by the Town Plan Commission and Board of Zoning Appeals.
5. The minimum area per mobile home lot shall be four thousand (4,000) square feet.
6. Except at established entrances and exits serving the mobile home park, a dense greenbelt of

evergreen trees and/or shrubs, not less than six (6) feet high after one (1) full growing season and which at maturity is not less than twelve (12) feet high, shall be located and effectively maintained at all times along the boundary of the mobile home park.

7. Any mobile home park shall be adequately lighted as determined by the particular plan for said mobile home park as approved by the Town Plan Commission and the Board of Zoning Appeals.

8. Each mobile home lot shall be provided with a foundation designed to support the maximum anticipated foundation loads during all seasons and approved by the Building Commissioner. When solid concrete slabs are not used, the area between the foundation shall be filled with a four (inch) layer of washed rock.

9. Off-street parking must be provided to accommodate at least one and one half (1 ½) vehicles per mobile home lot. There shall be conveniently located areas for visitor parking at a ratio of one-half (½) spaces per lot with a minimum of twenty-five (25) spaces provided per park.

10. All roads within a mobile home park must have a concrete or hot or cold bituminous concrete surface of at least twenty (20) feet in width.

(a) Entrance roads must have a pavement width of at least thirty-four (34) feet.

11. No addition shall be made to a mobile home except a canopy and/or porch open on three (3) sides or an addition made by the mobile home manufacturer.

12. At least two hundred and fifty (250) square feet per mobile home lot, not to include streets, parking areas, park service area and not a part of the mobile home lots, shall be provided in one or more locations on the premises for recreational purposes. The minimum of such a recreation area shall be twenty thousand (20,000) square feet or the above whichever is greater.

13. The mobile home park shall be designed so as not to increase the storm water run-off to adjoining property that will result from the development.

14. Each mobile home shall have properly attached to it a skirt or extension of adequate nonflammable material or other material acceptable to the Building Commissioner, covering the opening from the bottom of the unit to the ground.

(Passed by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana, July 7, 1974)

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**8.8 AN ORDINANCE SETTING GUIDELINES FOR STANDARDS OF STREETS TO BE CONSTRUCTED WITHIN THE CORPORATE LIMITS OF THE TOWN OF BOURBON, INDIANA**

Be it ordained by the Town Council for Bourbon, Indiana that:

From and after the passage of this Ordinance, any street constructed within the corporate limits of the Town of Bourbon, Indiana, shall be constructed to the standards attached hereto and made a part hereof.

This Ordinance shall amend any contrary provision or requirement in prior Ordinances of the Town of

Bourbon, Indiana or with respect to any sub-division development standards.

The Town of Bourbon, Indiana, shall not be required to accept the dedication on any municipal streets constructed other than to the attached standards and may refuse to issue building permits for houses to be constructed along any such streets which are not constructed to such standards.

This Ordinance shall be effective on and after its due passage and execution.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana, this 19<sup>th</sup> day of November, 1996.

(Ordinance No. 1996-9)

See Also: [Ordinance No. 2005-3](#), adopted 9-13-2005.

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#### 8.9 AN ORDINANCE AUTHORIZING THE CONDEMNATION OF REAL ESTATE FOR DRAINAGE EASEMENT

Whereas, the Bourbon Town Council believes in order to provide proper drainage to the Town, it is necessary to have an easement in order to access a 60" truck line concrete drain installed by the Town. Further, that the most reasonable and expedient means of access to said drain is pursuant to the easement set out in Exhibit A attached hereto. Further, that in order to accomplish laying the necessary tile to access the drain, it will be necessary to have a temporary easement set out in Exhibit B attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon, Indiana as follows:

1. The Town pursuant to I.C. 32-11-1.5-1 et. seq. does hereby adopt this resolution and condemns the real estate for easement purposes across, over and under the real estate set out in Exhibits A and B attached hereto. The property set out in said Exhibits shall be condemned as an easement for drainage, and the installation of a tile drain to access a 60" truck line concrete drain previously installed by the Town of Bourbon, both with regard to the temporary and permanent easements as set out in said Exhibits. The Council further finds that the land injuriously affected is set out in Exhibits C and D attached hereto. That the Town is the entity beneficially affected.

This resolution is adopted pursuant to I.C. 31-11-1.5-3.

Passed and adopted this 11<sup>th</sup> day of September, 2001.

(Ordinance No. 2001-8)

#### TITLE IX. - SPECIAL ORDINANCES

- [9.1.1](#) Annexation
  - [9.1.2](#) Annexation
  - [9.1.3](#) Annexation
  - [9.1.4](#) Annexation
  - [9.1.5](#) Annexation
  - [9.1.6](#) Annexation
  - [9.1.7](#) Annexation
  - [9.1.8](#) Annexation
  - [9.1.9](#) Annexation
  - [9.1.10](#) Annexation
  - [9.1.11](#) Annexation
  - [9.1.12](#) Annexation
  - [9.1.13](#) Annexation - Exhibit A
  - [9.1.14](#) Annexation - Exhibit A
  - [9.1.15](#) Annexation - Exhibit A
  - [9.1.16](#) Annexation - Exhibit A
  - [9.1.17](#) Annexation
  - [9.1.18](#) Annexation - Exhibit A
  - [9.1.19](#) Annexation - Exhibit A
- See Also:
- [Ordinance No. 2002-13](#), 9-10-2002
  - [Resolution](#), 7-13-2004 and [Ordinance No. 2004-04](#), 8-10-2004
- [9.2.1](#) EDC Issue of Jumbo Manufacturing, Inc.
  - [9.2.1A](#) Amendment for President to Execute Documents

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**9.1.1 AN ORDINANCE FOR THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.1(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows, to-wit:

A part of the northeast quarter of Section 23, Township 33 North, Range 3 East in Bourbon Township, Marshall County, Indiana, more particularly described as follows:

A part of the northeast quarter of Section 23, Township 33 North, Range 3 East in Bourbon Township, Marshall County, Indiana, more particularly described as follows:

Commencing at the southeast corner of the northeast quarter of said Section 23 as marked by an iron rod; thence northerly along the east line of said Section 312.1 feet to an iron rod marking the point of beginning; thence continuing northerly along said east line 993.7 feet to the south right-of-way line of the Penn-Central Railroad; thence northwesterly along said right-of-way line 415.0 feet to a fence line; thence southerly along a fence line 1171.2 feet to a T-rail post; thence easterly 393.5 feet to the point of

beginning.

Subject to a 20 feet wide right-of-way easement off the entire east side for the west half of Elm Road.

Containing 9.79 acres more or less, including 0.46 acres in said right-of-way all as shown in the accompanying plat of survey by Russell C. Eck & Associates date 5-10-76 and noted Job No. 76.68.

§9.1.1(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1977-2 passed March 2, 1977)

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**9.1.2 AN ORDINANCE FOR THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.2(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows, to-wit:

Beginning at the Northeast corner of Lot No. 6 of J.B.S. Addition in Section 19, Township 33 North, Range 4 East; thence West Seven Hundred Eight and five tenths (708.5') feet; thence South 0°20' East One Hundred Fifty (150') feet; thence West Fifty (50') feet; thence North 0°20' West Five Hundred (500') feet; thence East Seven Hundred Fifty-Six and nine tenths (756.9') feet; thence South 0°30' East Three Hundred Fifty (350') feet to place of beginning, containing Six and twenty-seven hundredths (6.27) acres, all in the Northwest Fractional Quarter (NW fr' 1 1/4) of Section 19, Township 33 North, Range 4 East, Bourbon Township, Marshall County, Indiana.

§9.1.2(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1975-4 passed December 17, 1975)

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**9.1.3 AN ORDINANCE OF THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.3(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows:

A tract located in Section Eighteen (18), Township Thirty-three (33) North, Range Four (4) East, described as follows: Commencing on East 12<sup>th</sup> Road at the present Town limits of the Town of Bourbon, thence East One Hundred Twenty-five (125) feet; thence north One Hundred Eighty (180) feet; thence West One Hundred Twenty-five (125) feet to the present town limits to said Town of Bourbon, thence South along the present Town limits of the Town of Bourbon to the place of beginning.

§9.1.3(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1972-1 passed May 17, 1972)

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**9.1.4 AN ORDINANCE FOR THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.4(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows, to-wit:

Beginning at the southeast corner of the northwest fractional quarter of Section 19, Township 33 North, Range 4 East; thence North 0 degrees 30 minutes west 175 feet; thence West parallel with the south line of said quarter section 758.5 feet; and to the present corporation line of the Town of Bourbon; thence South 0 degrees 20 minutes east 175 feet to the south line of said quarter section; thence East on said south line of said quarter section line 759 feet to the place of beginning.

§9.1.4(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1975-1 passed August 6, 1975)

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**9.1.5 AN ORDINANCE FOR THE ANNEXATION OF CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.5(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the Incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows, to-wit:

All that ground laying South of the Pittsburg, Fort Wayne and Chicago Railroad, in the South one-half (S ½) of the North One-half (N ½) of Section Twenty-four (24), Township Thirty-three (33) North,

Range Three (3) East, excepting that part that lays in the incorporated Town of Bourbon, in all containing Sixty-six (66) acres, more or less.

§9.1.5(2) That the municipal property taxes to be imposed upon the annexed territory for a period of three (3) years after this annexation shall take effect, be impounded in a special fund and that said impound taxes be used solely for the benefit of the annexed territory in the extension of municipal services and facilities to said annexed territory to the extent that said taxes are necessary to pay for said extensions. IN the event that all of said municipal taxes, as so imposed, shall not be required to pay for the extension of said services and facilities, any remainder thereof shall be transferred from said special fund to the general fund of the Town of Bourbon, Indiana.

§9.1.5(3) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1970-2 passed February 3, 1971)

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9.1.6 AN ORDINANCE FOR THE ANNEXATION OF A CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.6(1) The following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows:

All of Highway right-of-way of State Road No. 331 (being the extension of Main Street) which lies North of the present corporation limits of the Town of Bourbon, Indiana, and South of the New U.S. Highway No. 30.

(Ordinance No. 1970-7)

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9.1.7 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, AND AMENDING THE BOURBON MASTERPLAN OF LAND USE

WHEREAS, the owner of the real estate sought to be annexed and which is the subject matter of this Ordinance having heretofore petitioned the Town Board of Trustees of the Town of Bourbon, Marshall County, Indiana, to have said property annexed to said Town; and

WHEREAS, such Petition for Annexation requests that the real estate be rezoned to light industrial, if required and if not already zoned as such at present time; and

WHEREAS, the Board of Zoning Appeals for the Town of Bourbon, Indiana, which is the Plan

Commission for said municipality, has considered said Petition as it relates to rezoning and has made its recommendation to the Town Board of Trustees of said Town as requested pursuant to Indiana law; and

WHEREAS, the Town Board of Trustees of said Town has duly considered said annexation and zoning and has determined said annexation and zoning as petitioned to be in the best interest of the health, safety, and welfare of the Town of Bourbon, Indiana and that said tract of land is necessary for the present day and future growth of the Town of Bourbon, Marshall County, Indiana; and

NOW, THEREFORE, be it ordained by the Town Board of Trustees of the Town of Bourbon, Indiana, that the following described tract of land, to-wit:

Part of the Northeast Quarter of Section 23, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said section as evidenced by an iron rod found in the intersection of County Road 12B and Elm Road; thence Northerly along the East line of said Road, 312.1 feet to a found iron rod; thence Westerly along an existing fence line 393.5 feet to a railroad post and the point of beginning; thence continuing Westerly on a projection of said fence line 509.7 feet to an iron rod set in an existing North-South fence line; thence Northerly along said fence line 11321.3 feet to the Southerly right-of-way of the Penn Central Railroad; thence Southeasterly along said right-of-way line 536.3 feet to an existing fence line; thence Southerly along said fence line 1171.0 feet to the point of beginning.

Parcel is subject to all easements of record and contains 14.53 acres, more or less.

Situate in Bourbon Township, Marshall County, Indiana, be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana.

BE IT FURTHER ORDAINED by the Town Board of Trustees for the Town of Bourbon, Indiana, that the Bourbon Masterplan of Land used in zoning the Town of Bourbon, Marshall County, Indiana, be and hereby is amended to the extent that providing that the land is annexed hereby into the Town of Bourbon be and hereby is rezoned to light industrial.

This Ordinance shall be in full force and effect after its passage by the Town Board of Trustees of the Town of Bourbon, Indiana, with the signature of such Trustees in attendance of the meeting of passage hereon.

(Passed and Adopted by the Town Board of Trustees of the Town of Bourbon, Marshall County, Indiana, on this 6<sup>th</sup> day of May, 1987)

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9.1.8 AN ORDINANCE TO ANNEX CERTAIN TERRITORY TO THE INCORPORATED LIMITS TO THE TOWN OF BOURBON

BE IT ORDAINED by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana:

§9.1.8(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be, and hereby is, annexed to and made a part of the Town of Bourbon, Marshall County,



Indiana, which real estate is located and described as follows, to-wit:

Beginning at the Northeast corner of the West - half (W ½) of the Southeast Quarter (SE 1/4) of Section Twenty-four (24), Township Thirty-three (33) North, Range Three (3) East; thence South One Hundred Sixty (160) rods more or less to the half mile corner stone; thence West Thirty (30) rods; thence North One Hundred Sixty (160) rods more or less, straight West of the beginning point; thence East Thirty (30) rods to the place of beginning, EXCEPT Eleven Hundred Ninety-three (1193) feet North and South off the North end and Thirty-three (33) rods North and South off of the South end, all in section Twenty-four (24), Township Thirty-three (33) North, Range Three (3) East, containing six-tenths (.6) acre, more or less, also situate in Bourbon Township, Marshall County, Indiana.

ALSO, the East Fifty (E 50) feet of the South Five Hundred Forty-four and five-tenths (S 544.5) feet of the southwest quarter (SW 1/4) in Section Twenty-four (24) Township Thirty-three (33) North, Range Three (3) East, containing six-tenths (.6) acre, more or less, also situate in Bourbon Township, Marshall County, Indiana.

§9.1.8(2) That all Ordinances, parts of Ordinances and specifically Ordinance No. 1968-8 and Ordinance No. 1968-10 of the Town of Bourbon, be and hereby are, repealed.

§9.1.8(3) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1969-1 passed March 5, 1969)

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**9.1.9 AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.9(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows:

A tract of real estate One Hundred (100) feet East and West by One Hundred forty-four (144) feet North and South out of the North east (NE corner of the following described real estate: The West one half (W ½) of the land described as follows: Commencing thirty-three (33) feet West and forty-four (\*44) rods North of the Southeast corner of Section number twenty four (24) in township number thirty-three (33) North, Range three (3) East, running thence North Thirty-five (35) rods; thence West five hundred forty nine (549) feet; thence South Thirty-five (35) rods; thence East Five Hundred forty-nine (549) feet, to the place of beginning. Situate in Bourbon Township, County of Marshall, State of Indiana.

§9.1.9(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1983-4 passed October 19, 1983)

9.1.10 AN ORDINANCE REVISING AMENDING THE “ZONING MAP”, TOWN OF BOURBON, AS CONSTITUTED UNDER THE GENERAL ZONING ORDINANCE HERETOFORE PASSED BY THE TOWN OF BOURBON

BE IT ORDAINED by the Board of Trustees of Trustees of the Town of Bourbon, Marshall County, Indiana, as follows:

§9.1.10(1) That the zoning map for the Town of Bourbon as set forth in the zoning ordinance for the Town of Bourbon is hereby changed and amended by incorporating with the areas of said zoning map presently zoned and designated as “B-2 Family and Group House Residential District” the following described area, to-wit:

Commencing at the Southeast corner of Section 24, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana, thence North 0°00'00" East (assumed bearing) along the east line of said Section 24, (centerline of U.S. Highway No. 331) a distance of 393.62 feet; thence south 89°39'00" West along an established property line a distance of 287.53 feet to the point of beginning; thence continuing South 89°39'00" West a distance of 27.00 feet to an established fenceline; thence North 0°00'00" East along said established fenceline a distance of 328.68 feet; thence South 0°1'12" East along said East line a distance of 330.08 feet; thence South 89°39'00" West a distance of 40.00 feet; thence South 0°17'45" West a distance of 334.55 feet to a found iron pipe; thence North 0°00'00" East a distance of 139.65 feet to the point of beginning, containing 3.0889 acres, being part of the southeast Quarter, Section 24, Township 33 North, Range 3 East, and the Town of Bourbon, Marshall County, Indiana. The above described parcel subject to easements and restrictions of record.

and deleting the above described area from “A-Single Family Residential District” zoned area.

§9.1.10(2) Passed by the Board of Trustees of the Town of Bourbon, Marshall County, Indiana.

(Ordinance No. 1983-5 passed November 1, 1983)

9.1.11 AN ORDINANCE ANNEXING CONTIGUOUS TERRITORY TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF THE INCORPORATED TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, THAT:

§9.1.11(1) That the following described territory located in Bourbon Township, Marshall County, Indiana, be annexed to and made a part of the incorporated Town of Bourbon, Marshall County, Indiana, which real estate is described as follows:

Commencing at the Southeast corner of Section 24, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana, thence North 0°00'00" East (assumed bearing) along the East line of said Section 24, (centerline of U.S. Highway No. 331) a distance of 393.62 feet; thence south 89°39'00" West along any established property line a distance of 287.53 feet to the point of beginning; thence continuing South 89°39'00" West a distance of 27.00 feet to an established fenceline; thence

North 0°00'00" East along said established fenceline a distance of 328.68 feet; thence South 89°57'00" West along an established fenceline a distance of 266.80 feet to the East line of Bourbon Street; thence South 0°1'12" East along said East line a distance of 330.08 feet; thence South 89°39'00" West a distance of 40 feet; thence South 0°17'45" West a distance of 140.38 feet; thence North 89°31'42" east a distance of 334.55 feet to a found iron pipe; thence North 0°00'00" East a distance of 139.65 feet to the point of beginning, containing 3.0889 acres, being part of the Southeast Quarter, Section 24, Township 33 North, Range 3 East, and the Town of Bourbon, Marshall County, Indiana. The above described parcel subject to easements and restrictions of record.

§9.1.11(2) This Ordinance shall be in full force and effect from and after its passage and the publication thereof as provided by law.

(Ordinance No. 1983-6, passed November 2, 1983)

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9.1.12 AN ORDINANCE ANNEXING CERTAIN LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA, AND AMENDING THE BOURBON MASTERPLAN OF LAND USE

WHEREAS, the owner of the real estate sought to be annexed and which is the subject matter of this Ordinance having heretofore petitioned the Town Board of Trustees of the Town of Bourbon, Marshall County, Indiana, to have said property annexed to said Town; and

WHEREAS, such Petition for Annexation requests that the real estate be rezoned to light industrial, if required and if not already zoned as such at the present time; and

WHEREAS, the Board of Zoning Appeals for the Town of Bourbon, Indiana, which is the Plan Commission for said municipality, has considered said Petition as it relates to rezoning and has made its recommendations to the Town Board of Trustees of said Town as requested pursuant to Indiana law; and

WHEREAS, the Town Board of Trustees of said Town has duly considered said annexation and zoning and has determined said annexation and zoning as petitioned to be in the best interest of the health, safety and welfare of the Town of Bourbon, Indiana, and that said tract of land is necessary for the present day and future growth of the Town of Bourbon, Marshall County, Indiana; and

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Bourbon, Indiana, that the following described tract of land, to-wit:

Part of the Northeast quarter of Section 23, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said section as evidenced by an iron rod found in the intersection of County Road 12B and Elm Road; thence Northerly along the East line of said Quarter Section, as evidenced by the centerline of Elm Road, 312.1 feet to a found iron rod; thence Westerly along an existing fence line 393.5 feet to a railroad rail post and the point of beginning; thence continuing Westerly on a projection of said fence line 509.7 feet to an iron rod set in an existing North-South fence line; thence Northerly along said fence line 1132.13 feet to the Southerly right-of-way of the Penn Central Railroad; thence Southeasterly along said right-of-way line 536.3 feet to an existing

fence line; thence Southerly along said fence line 1171.0 feet to the point of beginning.

Parcel is subject to all easements of record and contains 14.53 acres, more or less. Situate in Bourbon Township, Marshall County, Indiana;

be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana.

BE IT FURTHER ORDAINED by the Town Board of Trustees for the Town of Bourbon, Indiana, that the Bourbon Masterplan of Land used in zoning the Town of Bourbon, Marshall County, Indiana, be and hereby is amended to the extent that providing that the land annexed hereby into the Town of Bourbon be and hereby is rezoned to light industrial.

This Corrected Ordinance is executed to correct the legal description contained in Ordinance No. 1987-3 which otherwise remains in full force and effect since its passage and was recorded as Instrument No. 872418, Miscellaneous Record 1987, Page 5307, in the Office of the Marshall County Recorder.

This Correct Ordinance passed and adopted by the Town Board of Trustees of the Town of Bourbon, Marshall County, Indiana on this 1<sup>st</sup> day of February, 1989.

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9.1.13 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS the Town Council of the Town of Bourbon has requested that an area of real estate bounded on all sides by the Town of Bourbon, be annexed to the Town and the Plan Commission for the Town of Bourbon has favorably recommended such annexation; and

WHEREAS said tract of land is and has been zoned as LI & S and that such annexed territory after annexation should be zoned LI & A; and

WHEREAS the Town Council of said Town has duly considered said annexation and has determined said annexation to be in the best interest of the health, safety and welfare of the Town and that said tract of land is necessary for the present and future growth of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS the territory sought to be annexed by the Town of Bourbon, Indiana is bordered in an excess of one-fourth of its aggregate external boundaries by the boundaries of the Town of Bourbon and is needed and can be used by the Town in its future development in the reasonably near future; and

WHEREAS the Town of Bourbon, acting by through its Town Council has established, by resolution, a fiscal plan and established a definite policy showing:

1. The cost estimates of plan services to be furnished to the territory to be annexed;
2. The methods of financing the plan services;
3. The plan for the organization and extension of services;

4. The furnishing of services of a non-capital nature, including police protection, fire protection, and street and road maintenance to the territory within one (1) year from the effective date of annexation, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density;
5. Services of a capital improvement nature including sewer facilities, water facilities, and storm water drainage facilities to be provided to the territory within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the City of Plymouth which have similar topography, patterns of land utilization and population density and in a manner consistent with federal, state and local office procedures and planning criteria; and
6. The showing that no jobs of employees of other government entities will be eliminated by the proposed annexation; and
7. Where it is the intent and purpose of this Ordinance to hereby adopt, confirm and incorporate herein the resolutions of the Town Council as such plan and policy of the Town of Bourbon.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bourbon that the real estate described on the attached [Exhibit "A"](#) be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of the Town of Bourbon that the tract of land described above as being annexed under the terms of this Ordinance, obtain a zoning classification of LI & A.

That in the vent that any section or sections or any part of any section of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of the Ordinance shall not thereby be invalidated but shall remain in full force and effect.

This Ordinance shall be in full force and effect from after its passage by the Town Council of the Town of Bourbon, its approval by the Town Council President with due attestation and publication.


PASSED AND ADOPTED by the Town Council of the Town of Bourbon, Marshall County, Indiana, the 21<sup>st</sup> day of May, 1991.

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*(Legal Description)*

Beginning at the Southwest corner of Lot Number Seven (7) of McCrum and Bland's Addition to the Town of Bourbon; Marshall County, Indiana; thence North along the West line of said addition, 430.00 feet to the Southwest corner of Lot Number One (1) of said addition; thence West 100.00 feet; thence North, 144.00 feet to the South line of Douglass Street; thence West, 889.40 feet to the West line of the East half of the Southeast Quarter of Section 24, Township 33 North, Range 3 East; thence South along said West line, 661.80 feet; thence East, 678.20 feet to the Northeast corner of Parks Cemetery and the West line of Bourbon Street; thence South along said West line, 280.50 feet; thence East, 40.00 feet; thence North along the East line of Bourbon Street, 330.08 feet; thence East, 266.80 feet; thence South, 328.68 feet; thence East, 27.00 feet; thence North, 330.00 feet to the point of beginning.

ALSO: Beginning at a point on the East line of the West Half of the Southeast Quarter of Section 24, Township 33 North, Range 3 East, Bourbon Township, Marshall County, Indiana; that is 330.00 feet South of the Northeast corner of said West half; thence west 495.00 feet; thence South, 363.00 feet; thence East, 25.00 feet; thence South 500.00 feet; thence East, 470.00 feet to the East line of said West half; thence North, 863.00 feet to the point of beginning, containing 9.52 acres more or less.

 +/- Map of Proposed Annexation Area

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9.1.14 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS, at least 51% of the owners or the owners of at least 75% of the total assessed value of the real estate more particularly described on [Exhibit "A"](#) attached hereto and made a part hereof, have heretofore petitioned the Town Council of the Town of Bourbon, Indiana, to have said real estate annexed to said Town; and

WHEREAS, the Town Council of said Town had duly considered said annexation and had determined the same to be in the best interest of the health, safety and welfare of the Town of Bourbon, Indiana, and that said real estate is necessary for the present and future growth of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, such real estate is bordered in an excess of at least one-eighth of its aggregate external boundaries by the boundaries of the Town of Bourbon, Indiana; and

WHEREAS, the Town of Bourbon has established by resolution:

- (1) A fiscal plan and a definite policy showing the cost estimates of planned services to be furnished to the territory to be annexed which does not already have such municipal services extended thereto;
- (2) The methods of financing the extension of such planned services not already extended thereto;
- (3) The plan for the organization and extension of such services;
- (4) The furnishing of services of a non-capital nature, including police protection, fire protection and street and road maintenance to such real estate within one year from the effective date of annexation, or if not already provided to such territory, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density;
- (5) Services of a capital improvement nature, including sewer facilities, water facilities and storm water drainage facilities not already provided to such real estate are to be provided to the same within three years of the effective date of the annexation and in the same manner as those services are provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density all in a manner consistent with Federal, State and local procedures and planning

criteria; and

(6) No jobs of employees of other governmental entities will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Bourbon, Indiana, that the real estate more particularly described on [Exhibit "A"](#) attached hereto and made a part hereof be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of Bourbon, Indiana that in the event that any section or sections or any part of any section of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of this Ordinance shall not thereby be invalidated but shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Bourbon, Indiana.

Passed and adopted by the Town Council of Bourbon, Indiana, this 16<sup>th</sup> day of August, 1994.

(Ordinance No. 1994-6)

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DESCRIPTION  
PROPOSED ANNEXATION  
A-P-A SUBDIVISION, PHASE 1

A part of the Northwest Fractional Quarter of Section 19, Township 33 North, Range 4 East, Bourbon Township, Marshall County, Indiana, described as follows: Beginning at the Northwest corner of Lot No. 11 in W-B-W Subdivision; thence North 0-20 West 300 feet; thence North 90-00 East 150 feet; thence North 0-20 West 100 feet; thence North 90-00 East 150 feet; thence South 0-20 East 350 feet to the Northeast corner of Lot No. 10 in said Subdivision; thence South 90-00 West 100 feet; thence South 0-20 East 50 feet; thence South 90-00 West 200 feet to the point of beginning, containing 2.3 acres, subject to all easements, rights-of-way and restrictions of record.

Also, Lots 1, 10, 11, 12 and 13 of W-B-W Subdivision, Phase I as shown on the Plat recorded May 20, 1987 at Record 1987, Page 5814 in the Office of the Marshall County Recorder.

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**9.1.15 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA**

WHEREAS, at least 51% of the owners or the owners of at least 75% of the total assessed value of the real estate more particularly described on Exhibit "A" attached hereto and made a part hereof, have heretofore petitioned the Town Council of the Town of Bourbon, Indiana to have said real estate annexed to said Town, and

WHEREAS, the Town Council of said Town has duly considered said annexation and has determined

the same to be in the best interest of the health, safety and welfare of the Town of Bourbon, Indiana, and that said real estate is necessary for the present and future growth of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, such real estate is bordered by an excess of at least one-eighth of its aggregate external boundaries by the boundaries of the Town of Bourbon, Indiana; and

WHEREAS, the Town of Bourbon has established by resolution:

- (1) a fiscal plan and a definite policy showing the cost estimates of planned services to be furnished to the territory to be annexed which does not already have such municipal services extended thereto;
- (2) The methods of financing the extension of such planned services not already extended thereto;
- (3) The plan for the organization and extension of such services;
- (4) The furnishing of services of a non-capital nature, including police protection, fire protection and street and road maintenance to such real estate within one year from the effective date of annexation, or if not already provided to such territory, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density;
- (5) Services of a capital improvement nature, including sewer facilities, water facilities and storm water drainage facilities not already provided to such real estate are to be provided to the same within three years of the effective date of the annexation and in the same manner as those services are provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density all in a manner consistent with Federal, State and local procedures and planning criteria; and
- (6) No jobs of employees of other governmental entities will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Bourbon, Indiana, that the real estate more particularly described on Exhibit "A" attached hereto and made a part hereof be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of Bourbon, Indiana that in the event that any section or sections or any part of any section of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of this Ordinance shall not thereby be invalidated but shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Bourbon, Indiana.

Passed and adopted by the Town Council of Bourbon, Indiana, this 5<sup>th</sup> day of August, 1997.

(Ordinance No. 1997-8)



9.1.16 AN ORDINANCE ANNEXING CERTAIN RIGHTS-OF-WAY TO THE TOWN OF BOURBON, INDIANA

WHEREAS, the Town Council of Bourbon, Indiana at a meeting held on January 7<sup>th</sup>, 1997 has determined it to be in the best interest of said municipality to annex certain rights-of-way which lead to said municipality, and

WHEREAS, said rights-of-way are more particularly described as follows:

The south half of 12B Road from the corporate limits of Bourbon, Indiana, to Elm Road including the intersection of 12B Road and Elm Road; Lincoln Highway from the west corporate limits of Bourbon, Indiana to Elm Road including the intersection of Elm and Lincoln Highway; and any portion of the north half of Shaffer Road not already annexed into the Town of Bourbon, Indiana from 331 to the east line of the Triton School Corporation boundary, and

WHEREAS, the Town Council for Bourbon, Indiana has published its intent to annex the within described rights-of-way and has contacted Marshall County, Indiana about their consent to the same.

NOW, THEREFORE, be it ordained by the Town Council for the Town of Bourbon, Indiana that the following described rights-of-way be annexed to the control and authority of said Town as follows:

The south half of 12B Road from the corporate limits of Bourbon, Indiana, to Elm Road including the intersection of 12B Road and Elm Road; Lincoln Highway from the west corporate limits of Bourbon, Indiana to Elm Road including the intersection of Elm and Lincoln Highway; and any portion of the north half of Shaffer Road not already annexed into the Town of Bourbon, Indiana from 331 to the east line of the Triton School Corporation boundary

And the same shall be annexed hereby and made a part of the Town of Bourbon, Indiana upon the proper passage of this Ordinance on all readings.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

Passed and adopted by the Town Council for the Town of Bourbon, Indiana as shown below.

(Ordinance No. 1997-2 passed March 18, 1997)

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9.1.17 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS, at least 51% of the owners or the owners of at least 75% of the total assessed value of the real estate more particularly described on Exhibit "A" attached hereto and made a part hereof, have heretofore petitioned the Town Council of the Town of Bourbon, Indiana, to have said real estate annexed to said Town; and

WHEREAS, the Town Council of said Town had duly considered said annexation and had determined the same to be in the best interest of the health, safety and welfare of the Town of Bourbon, Indiana, and

that said real estate is necessary for the present and future growth of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, such real estate is bordered in an excess of at least one-eighth of its aggregate external boundaries by the boundaries of the Town of Bourbon, Indiana; and

WHEREAS, the Town of Bourbon has established by resolution:

- (1) A fiscal plan and a definite policy showing the cost estimates of planned services to be furnished to the territory to be annexed which does not already have such municipal services extended thereto;
- (2) The methods of financing the extension of such planned services not already extended thereto;
- (3) The plan for the organization and extension of such services;
- (4) The furnishing of services of a non-capital nature, including police protection, fire protection and street and road maintenance to such real estate within one year from the effective date of annexation, or if not already provided to such territory, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density;
- (5) Services of a capital improvement nature, including sewer facilities, water facilities and storm water drainage facilities not already provided to such real estate are to be provided to the same within three years of the effective date of the annexation and in the same manner as those services are provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density all in a manner consistent with Federal, State and local procedures and planning criteria; and
- (6) No jobs of employees of other governmental entities will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Bourbon, Indiana, that the real estate more particularly described on [Exhibit "A"](#) attached hereto and made a part hereof be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of Bourbon, Indiana that in the event that any section or sections or any part of any section of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of this Ordinance shall not thereby be invalidated but shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Bourbon, Indiana.

Passed and adopted by the Town Council of Bourbon, Indiana, this 3<sup>rd</sup> day of February, 1998.

(Ordinance No. 1998-2)

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EXHIBIT A

DESCRIPTION  
B-K-J SUBDIVISION

The North 10.00 feet of Lot No. 10 in A-P-A Subdivision and a part of the Northwest Fractional Quarter of Section 19, Township 33 North, Range 4 East, Bourbon Township, Marshall County, Indiana, all being more particularly described as follows: Beginning at a 5/8" iron rod at the Northeast corner of Lot No. 11 in said A-P-A Subdivision; thence South 90-00-00 West 150.00 feet to a 5/8" iron rod at the Northwest corner of said Lot No. 11; thence North 0-20-00 West 382.66 feet to a 5/8" iron rod; thence South 89-51-21 East 338.40 feet to a 5/8" iron rod; thence South 0-20-00 East 151.81 to a 5/8" iron rod; thence South 90-00-00 West 38.40 feet to a 5/8" iron rod; thence South 0-20-00 East 140.00 feet to a 5/8" iron rod; thence South 90-00-00 West 100.00 feet to a 5/8" iron rod; thence North 0-20-00 West 10.00 feet to a 5/8" iron rod at the Northwest corner of said Lot No. 10 in A-P-A Subdivision; thence South 90-00-00 West 50.00 feet to a 5/8" iron rod; thence South 0-20-00 East 100.00 feet to the point of beginning, containing 2.1 acres, subject to all easements, rights-of-way and restrictions of record.

Plat recorded June 12, 1995  
Record number 1995 page 7779

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9.1.18 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

Whereas, the owner of the real estate more particularly described on Exhibit "A" attached hereto and made a part hereof has heretofore petitioned the Town Council of the Town of Bourbon, Indiana to have said real estate annexed to said Town; and

Whereas, the Town Council of said Town has duly considered said annexation and has determined the same to be in the best interest of the health, safety and welfare of the Town of Bourbon, Indiana and that said real estate is necessary for the present and future growth of said Town; and

Whereas, such real estate is bordered in excess of at least 1/8 of its aggregate external boundaries, by the current boundaries of the Town of Bourbon, Indiana; and

Whereas, the Town of Bourbon, Indiana has established by resolution that:

- (1) A fiscal plan and a definite policy showing the cost estimates of planned services to be furnished to the territory to be annexed which does not already have such municipal services extended thereto;
- (2) The methods of financing the extension of such planned services not already extended thereto, if such financing is required;
- (3) The plan for the organization and extension of such services;
- (4) The furnishing of services of a non-capital nature, including but not limited to police protection, fire protection and street and road maintenance, trash and garbage pick-up, etc., to such real estate within one year from the effective date of annexation, or if not already provided to such territory, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and

population density;

(5) Services of a capital improvement nature, including but not limited to sewer facilities, water facilities and storm water drainage facilities not already provided to such real estate are to be provided to the same within three years of the effective date of the annexation and in the same manner as those services are provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density all in a manner consistent with Federal, State and local procedures and planning criteria; and

(6) No jobs of employees of other governmental entities will be eliminated by the proposed annexation.

(7) The territory to be annexed shall carry an "A" Classification under the Town's Zoning Code for single family dwellings.

NOW, BE IT THEREFORE ORDAINED by the Town Council of Bourbon, Indiana that the real estate more particularly described on [Exhibit "A"](#) attached hereto and made a part hereof be and the same hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of Bourbon, Indiana that in the event any section or sections or any part of any sections of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of the Ordinance shall not thereby be invalidated but shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of Bourbon, Indiana.

Passed and adopted by the Town Council of Bourbon, Indiana this 14<sup>th</sup> day of September, 1999.

(Ordinance No. 1999-4)

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Exhibit A

B-K-J Subdivision, Phase II

#### DESCRIPTION

A PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 33 NORTH, RANGE 4 EAST, BOURBON TOWNSHIP, MARSHALL COUNTY, INDIANA, DESCRIBED AS FOLLOWS; BEGINNING AT A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF LOT NO. 1 IN B-K-J SUBDIVISION, PHASE ONE; THENCE NORTH 0-20-00 WEST 140.00 FEET TO A 5/8" IRON ROD AT THE NORTHEAST CORNER OF SAID LOT NO. 1; 77-/ENC,'E NORTH 90-00-00 EAST ALONG THE SOUTH LINE OF ASTER COURT A DISTANCE OF 38.40 FEET; THENCE NORTH 0-20-00 WEST 151.81 FEET TO A 5/8- IRON ROD; THENCE SOUTH 89-51-21 EAST 415.19 FEET TO A 5/5" IRON ROD ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 0-31-49 EAST ALONG SAID EAST QUARTER SECTION LINE A DISTANCE OF 290.77 FEET TO A 5/8" IRON ROD; THENCE SOUTH 90-00-00 WEST 454.58 FEET TO THE POINT OF BEGINNING, CONTAINING 2.90 ACRES, SUBJECT TO ALL

## EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

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9.1.19 AN ORDINANCE ANNEXING CERTAIN CONTIGUOUS LANDS TO THE TOWN OF BOURBON, MARSHALL COUNTY, INDIANA

WHEREAS, J-B-S Farm, Inc., being the owner of all the land sought to be annexed thereby, but in any event, being at least 51% of the owners or owners of at least 75% of the total assessed value of such real estate, which is more particularly described on Exhibit "A" attached hereto and made a part hereof, having heretofore petitioned the Town Council of the Town of Bourbon, Indiana to have said real estate annexed to aid said Town; and

WHEREAS, the Town Council of said Town had duly considered said annexation and has determined the same to be in the best interests of the health, safety and welfare of the Town of Bourbon, Indiana and that said real estate is necessary for the present and future growth of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, such real estate is bordered in an excess of at least one-eighths (1/8) of its aggregate external boundaries by the boundaries of the Town of Bourbon, Marshall County, Indiana; and

WHEREAS, the Town of Bourbon has established by resolution:

- (1) A fiscal plan and a definite policy showing the cost estimates of planned services to be furnished to the territory to be annexed which does not already have such municipal services extended thereto;
- (2) The methods of financing the extension of such planned services not already extended thereto, if such financing is required;
- (3) The plan for the organization and extension of such services;
- (4) The furnishing of services of a non-capital nature, including but not limited to police protection, fire protection and street and road maintenance, trash and garbage pick-up, etc., to such real estate within one year from the effective date of annexation, or if not already provided to such territory, which services will be in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density;
- (5) Services of a capital improvement nature, including but not limited to sewer facilities, water facilities and storm water drainage facilities not already provided to such real estate are to be provided to the same within three years of the effective date of the annexation and in the same manner as those services are provided to areas within the Town of Bourbon which have similar topography, patterns of land utilization and population density all in a manner consistent with Federal, State and local procedures and planning criteria; and
- (6) No jobs of employees of other governmental entities will be eliminated by the proposed annexation.

NOW, THEREFORE BE IT ORDAINED by the Town Council of Bourbon, Indiana, that the real estate more particularly described on [Exhibit "A"](#), attached hereto and made a part hereof, be and the same

hereby is annexed and made a part of the Town of Bourbon, Marshall County, Indiana; and

BE IT FURTHER ORDAINED by the Town Council of Bourbon, Indiana that in the event any section or sections or any part of any section of this Ordinance shall be found to be unconstitutional or otherwise invalid, the remainder of the Ordinance shall not be thereby invalidated, but shall remain in full force and effect.

This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Bourbon, Indiana.

Passed and adopted by the Town Council of Bourbon, Indiana, on the first reading this 13<sup>th</sup> day of March, 2001.

Passed and adopted on all remaining readings (2) by the Town Council of Bourbon, Indiana, this 12<sup>th</sup> day of June, 2001.

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EXHIBIT A

A PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 33 NORTH, RANGE 4 EAST, BOURBON TOWNSHIP, MARSHALL COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT NO. 2 IN PHASE TWO OF B-K-J SUBDIVISION; THENCE NORTH 90 DEGREES 00'00" EAST 454.55 FEET TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF LOT NO. 5 IN SAID SUBDIVISION; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER A DISTANCE OF 340.01 FEET TO A 5/8" IRON ROD; THENCE SOUTH 90 DEGREES 00'00" WEST 455.75 FEET TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF LOT NO. 1 IN PHASE ONE OF A-P-A SUBDIVISION; THENCE NORTH 0 DEGREES 20'00" WEST 340.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.55 ACRES, SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD.

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9.2.1 AN ORDINANCE AUTHORIZING THE TOWN OF BOURBON, INDIANA (THE "TOWN") TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BONDS", SERIES 1984 (JUMBO MANUFACTURING, INC., AN INDIANA CORPORATION PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000 AND APPROVING AND AUTHORIZING CERTAIN ACTIONS WITH RESPECT THERETO

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Bourbon, Indiana that:

§9.2.1(1) This Board finds that the facilities described in said report and in the attached Loan Agreement, Mortgage and Security Agreement are "economic development facilities" within the meaning of the Act and that such facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or about the Town.

§9.2.1(2) This Board further finds that the proposed economic development revenue bond financing of such facilities will be of benefit to the health and welfare of the Town and its citizens.

§9.2.1(3) This Board further finds that the proposed economic development revenue bond financing of such facilities complies with the purposes and provisions of the Act.

§9.2.1(4). This Board hereby approves the proposed Economic Development Revenue bond financing of such facilities, including (in) the form and terms of the aforementioned Loan Agreement, Mortgage and Security Agreement, Promissory Note, Economic Development Revenue Bonds and Trust Indenture attached hereto and incorporated herein by reference (two copies of which are on file in the office of the Clerk-Treasurer of the Town for public inspection), (ii) the issuance and sale of said Economic Development Revenue Bonds (iii) the loan of the net proceeds of said Economic Development Revenue Bonds to the Company for the construction of such facilities, such loan to be evidenced by said Promissory Note, (iv) the repayment of said loan by the Company pursuant to said Loan Agreement, Mortgage and Security Agreement and said Promissory Note and (v) the securing of said Economic Development Revenue Bonds by said Loan Agreement, Mortgage and Security Agreement and Trust Indenture.

§9.2.1(5) The Town shall issue its Economic Development Revenue Bonds, Series 1984 (Jumbo Manufacturing, Inc., an Indiana Corporation Project) in the aggregate principal amount of Five Hundred Thousand Dollars (\$500,000.00) for the purpose of procuring funds to loan to the Company in order to finance the acquisition of such facilities as more

(Records of this Ordinance are incomplete)

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**9.2.1A AN ORDINANCE AMENDING ORDINANCE NUMBER 1984-2 OF THE TOWN OF BOURBON, INDIANA WITH REGARD TO THE APPOINTMENT OF AN ACTING TOWN BOARD PRESIDENT TO EXECUTE ANY AND ALL DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE TOWN OF BOURBON ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1984 (JUMBO MANUFACTURING, INC. PROJECT)**

BE IT ORDAINED by the Town Board of the Town of Bourbon, Indiana that:

§9.2.2(1) The position of Acting Town Board President hereby created solely for the purpose of executing any and all documents deemed necessary in connection with the closing of that certain Town Board Economic Development Revenue Bonds, Series 1984 (Jumbo Manufacturing, Inc. Project).

§9.2.2(2) That James Morris be and the same hereby is appointed to said position of Acting Town Board President for the purposes recited herein.

§9.2.2(3) That the said James Morris, Acting Town Board President is hereby duly authorized for and on behalf of the Town of Bourbon, to execute any and all documents necessary to effect a closing on said transaction executing all documents in such places as have previously been provided for by signature of the Town Board President.

§9.2.2(4) That this Ordinance specifically amends Sections 5, 6, and 7 of said Ordinance Number 1984-3 relating to the execution of said documents and replaces the title of the Town Board President with

Acting Town Board President whenever set forth therein.

§9.2.2(5) This Ordinance shall be in full force and effect from and after its passage by the Town Board of Trustees of the Town of Bourbon, Indiana.

(Ordinance No. 1984-6 passed December 5, 1984)