

Type	Ord/Res #	Description
O	1974 - 1	Stop & Yield signs; Speed limits
O	1974 - 2	1975 budget
O	1974 - 3	Comprehensive zoning ordinance
O	1974 - 4	Changes to comprehensive zoning ordinance
B	1975 - 1	1976 budget
R	1975 - 2	Member of Southwestern IN & KY Regional Council of Government, Region 13B
Z	1976 - 1	Zoning - 1331 W. Brvl New Har Road (R-O Pat Johns dentist office)
R	1976 - 2	Signatory for State grant application
R	1976 - 3	Signatory for Federal grant application
A	1976 - 4	Agreement between Vanderburgh County Commissioners & Town of Darmstadt
A	1977 - 1	Agreement between City of Evansville & Town of Darmstadt
O	1977 - 2	Special annexation ordinance - areas south and west
O	1977 - 3	Special annexation ordinance - area east of Inglefield
O	1977 - 4	Repeal 1977-3
B	1977 - 5	1978 budget
B	1979 - 1	1980 budget
O	1980 - 1	Amend 1974-1 - Stop & Yield signs; Speed limits
B	1980 - 2	1981 budget
A	1980 - 3	Agreement between Town of Darmstadt & SIGECO
O	1982 - 1	Evansville Cable TV franchise
O	1982 - 2	Establish promotional account & provide for payment of membership dues to organizations
R	1982 - 3	Grant Application -Water Pollution
O	1985 - 1	Amend 1982-1 (Evansville Cable TV)
O	1986 - 1	Annexation
O	1987 - 1	Regulating connection to sewer & discharge into sewer
O	1987 - 2	Schedule of rates & charges for sewer system
O	1987 - 3	Amend 1987-1 & establish date for payment of sewer fees
O	1987 - 4	Amend 1987-1 Section 5
O	1988 - 1	Consent to issue of liquor retailer's permit within Darmstadt
O	1988 - 2	Amend Chapter 151.31 & 151.55 of Vanderburgh County ordinances (inc lot size)
O	1988 - 3	Amend several chapters of Vanderburgh County ordinances
O	1988 - 4	Amend chapter 153 of Vanderburgh County ordinances
O	1988 - 5	Amend 1974-1 - Stop & Yield signs; Speed limits
O	1988 - 6	Amend 1974-1 - Stop & Yield signs; Speed limits
O	1988 - 7	Amend 1987-2 - Schedule of rates & charges for sewer system
O	1988 - 8	Amend 1987-1 - Regulating connection to sewer & discharge into sewer (new construction)
Z	1988 - 9	Zoning - 14020 Martin Road (C-2 for dance studio)
Z	1988 - 10	Zoning - 12400 Darmstadt Road (C-4 for warehouse)
O	1989 - 1	Approve ambulance service program for Alexander Ambulance Service
O	1989 - 2	Amend 1982-1 - Evansville Cable TV franchise
O	1990 - 1	Approve ambulance service program for Alexander Ambulance Service
O	1990 - 2	Parade permit
O	1990 - 3	Amend 1974-1 - Stop & Yield signs; Speed limits
O	1990 - 4	Amend 1987-1 - Regulating connection to sewer & discharge into sewer (new construction & penalties)
O	1991 - 1	Approve ambulance service program for Alexander Ambulance Service
O	1991 - 2	Establish charges & fees for work which is not the responsibility of the Town
R	1991 - 3	Comprehensive Plan
O	1992 - 1	Amend 1987-2 - Schedule of rates & charges for sewer system
O	1992 - 2	Amend districts for Town elections and redistricting
Z	1992 - 3	13301 Darmstadt Road (C-2 for Darmstadt Plaza)
O	1993 - 1	Permits for construction of driveway culverts

Type	Ord/Res #	Description
O	1993 - 2	Regulating driveway culverts & water flowing onto public ways
O	1994 - 1	Establish Cumulative Capital Development Fund
O	1995 - 1	Establish motor vehicle traffic limitations on streets
O	1996 - 1	Reaffirming the adoption of the General Ordinances of Vanderburgh County
O	1996 - 2	Vanderburgh County Income Tax Council establishing the percent credit allowed for homesteads
O	1996 - 3	Specifying the minimum building lot size in the Town of Darmstadt (1 acre)
R	1996 - 4	1996-2015 Comprehensive Plan Adoption Resolution (Area Plan Commission)
O	1996 - 5	Indemnification of Town council members, Clerk-Treasurer, and employees
Z	1996 - 6	13330 Darmstadt Road (CO-1 for Vivien Tucker)
Z	1996 - 7	13400 Darmstadt Road (CO-1 for Allen Buck (access for Tucker))
R	1996 - 8	Amend 1996 budget appropriations
O	1997 - 1	Vanderburgh County Income Tax Council establishing the percent credit allowed for homesteads
O	1997 - 2	An Ordinance Concerning Erosion And Sediment Control
O	1997 - 3	An Ordinance Providing For Sewer Tap Allocations
R	1998 - 1	A Resolution Regarding The Future Of Boonville-New Harmony Road
R	1998 - 2	Vanderburgh County Income Tax Council establishing the percent credit allowed for homesteads
O	1998 - 3	Specifying the minimum building lot size in the Town of Darmstadt (2 1/2 acres)
O	1998 - 4	An Ordinance Establishing Procedures For Public Purchasing In The Town Of Darmstadt
O	1998 - 5	Ordinance approving the transfer of ordinance # 1982-1 granting Evansville Cable TV a franchise
O	1998 - 6	Ordinance Prohibiting Parking Along A Certain Portion of Martin Road
O	1999 - 1	Ordinance of Additional Appropriations
O	1999 - 2	Vanderburgh County Income Tax Council establishing the percent credit allowed for homesteads
O	1999 - 3	Ordinance Governing The Allocation Of Sewer Taps In The Town Of Darmstadt
R	1999 - 4	Amend 1999 budget appropriations
O	2000 - 1	Authorizing Payment of Claims Prior to Board Allowance
O	2000 - 2	Inventory of Fixed Assets of the Town of Darmstadt
O	2000 - 3	Establishing a Weight Limit on the Streets of the Town of Darmstadt and Exceptions
O	2000 - 4	Amending Title 17 (Zoning Code) - Cell Tower Ordinance
O	2000 - 5	Ordinance was not passed
O	2000 - 6	Additional appropriation CCI Fund-Salt building
R	2000 - 7	Adoption Resolution for the Natural Hazards Addition to the Physical Features Section of Comprehensive Plan
R	2000 - 8	Resolution Regarding the Enforcement of The Ordinances of the Town of Darmstadt, Indiana
O	2000 - 9	Amends Sewer Rate Ordinance Fixing the Schedule of Rates and Charges
O	2000 - 10	Ordinance of Additional Appropriation-Salt Building
R	2001 - 1	Resolution establishing percentage credit allowed for homesteads
R	2001 - 2	Resolution Reducing Appropriation of Local Road Street Fund for 2001
O	2001 - 1	Payroll Ordinance
O	2002 - 1	Credit Card Ordinance
R	2002 - 1	Homestead Credit Resolution
O	2002 - 2	Ordinance Establishing Voting Districts in the Town of Darmstadt
O	2002 - 3	Ordinance Regarding Payment of Officials and Employees of The Town of Darmstadt for 2003
O	2002 - 4	Amends Sewer Rate Ordinance Fixing the Schedule of Rates and Charges
Z	2003 - 1	Zoning - 13134-13220 Darmstadt Road (Sherbrooke C4 with Use & Development Commitment)
R	2003 - 1	Homestead Credit Resolution
R	2003 - 2	Resolution Authorizing the Investment of Town Funds at an Out-of-Town Depository
R	2003 - 3	Resolution Amending Homestead Credit for 2003
R	2003 - 4	Resolution Amending Homestead Credit for 2004
R	2003 - 5	Resolution Authorizing the Transfer of Funds Between Classifications of the MVH Fund
O	2003 - 1	Amends Sewer Rate Ordinance Fixing the Schedule of Rates and Charges
O	2003 - 2	Ordinance Regarding Payment of Officials and Employees of The Town of Darmstadt for 2004
R	2004 - 1	Homestead Credit Resolution
R	2004 - 2	Resolution Authorizing the Investment of Town Funds at an Out-of-Town Depository
O	2004 - 1	Ordinance Amending Ordinance No. 1987-1, As Amended

Type	Ord/Res #	Description
R	2004 3	Resolution Authorizing the Transfer of Funds Between Classifications of the MVH and General Funds
R	2004 4	Resolution Adopting 2004-2025 Comprehensive Plan
O	2004 2	2005 Budget
O	2004 3	Ordinance of Additional Appropriation (MVH 44,500 and GEN 25,000)
O	2004 4	2005 Payroll Ordinance
R	2005 1	Homestead Credit Resolution
R	2005 2	A Resolution Authorizing The Transfer of Funds Between Classifications within the MVH
R	2005 3	A Resolution Authorizing The Investment of Town Funds At An Out-Of-Town Depository
R	2005 4	A Resolution Establishing A Policy For the Management of Storm Water Run-Off From Developed Real Property
O	2005 1	2006 Budget
O	2005 2	2006 Payroll Ordinance
O	2006 1	Amends Sewer Rate Ordinance Fixing the Schedule of Rates and Charges
R	2006 1	Homestead Credit Resolution
R	2006 2	A Resolution Authorizing The Investment of Town Funds At An Out-Of-Town Depository
R	2006 3	A Resolution Authorizing The Transfer of Funds Between Classifications within the MVH and General Fund
O	2006 2	No Passing Zone Ordinance
O	2006 3	2007 Budget
O	2006 4	An Ordinance of the Town of Darmstadt For An Emergency Temporary Inter-Fund Loan
O	2006 5	2007 Payroll Ordinance
R	2007 1	A Resolution Authorizing the Investment of Town Funds at an Out-of-Town Depository
O	2007 1	Amends Sewer Rate Ordinance Fixing the Schedule of Rates and Charges
O	2007 2	An Ordinance Amending and Establishing Guidelines and Specifications for Driveway Culverts
O	2007 3	Amendment to Ordinance 1993-3 Governing the Allocation of Sewer Taps in the town of Darmstadt
R	2007 2	Homestead Credit Resolution
O	2007 4	Amendment to Ordinance 1987-2 Fixing the Schedule of Rates and Charges for Well Users
O	2007 5	2008 Budget
O	2007 6	2008 Payroll Ordinance
R	2008 1	A Resolution for an Additional Appropriation for LR&S and CCT funds
O	2008 1	Ordinance Re-Establishing the Cumulative Capital Development (CCD) Fund
O	2008 2	2009 Budget
O	2008 3	2009 Payroll Ordinance
O	2009 1	Amendment to Ordinance 2007-4 fixing the schedule of Well User Affidavits, required every 4 years instead of annual
O	2009 2	Homestead Credit Ordinance amending the credit allowed for Homestead for 2010
R	2009 1	Homestead Credit Resolution for 2010
O	2009 3	Ordinance for Appropriation of tax rates 2010 BUDGET
R	2009 2	Resolution for Application to participate in the NATIONAL FLOOD INSURANCE PROGRAM
O	2009 4	Ordinance for FLOOD HAZARD AREAS
O	2009 5	Ordinance for Transfer of Funds
O	2009 6	2010 Payroll Ordinance
O	2010 1	Establishing of a Rainy Day Fund pursuant Indiana Code 36-1-8-5.1
O	2010 2	Ordinance regulating sprinkler meters and private meters (amending ordinance 1987-2)
R	2010 1	Slum & Blight Area Declaratory Resolution
R	2010 2	Resolution Authorizing Application Submission and Local Match Commitment
O	2010 3	Fair Housing Ordinance
O	2010 4	Drug Free Workplace Ordinance
O	2010 5	Homestead Ordinance for 2011
R	2010 3	Homestead Credit Resolution for 2011
O	2010 6	2011 Budget
O	2010 7	2011 Payroll Ordinance
R	2011 1	Resolution Concerning the Position of Darmstadt on the Evansville-Vanderburgh Plan of Reorganization (Consolidati
R	2011 2	Homestead Credit Resolution for 2012
O	2011 1	2012 Budget

Type	Ord/Res #	Description
O	2011 2	2012 Payroll Ordinance
R	2012 1	Homestead Credit Resolution for 2013
O	2012 1	2013 Budget
O	2012 X	Rezoning Ordinance for Mouse House DENIED (no ordinance)
O	2012 2	Amendment to Fair Housing Ordinance 2010-3
O	2012 3	Ordinance Establishing Voting Districts in the Town of Darmstadt 2002-2
O	2012 4	2013 Payroll Ordinance
R	2013 1	Resolution to replace Postmaster
R	2013 2	Homestead Credit Resolution for 2014
O	2013 1	Ban of Rodent Breeding
O	2013 2	2014 Budget

"Type"

Ordinance

Zoning

Agreement

Resolution

Budget

Motions & items of interest:

4	1974	Gene Willner tries to close Bauer Ave. - petition rejected
7	1974	Town salaries for '95 - C-T \$600, Board \$250, Board Pres \$300
10	1974	Decided against providing trash collection
9	1975	"No Thru Trucks Over 15 Ton" signs placed on roads
10	1975	Town boundaries - middle of Inglefield, St. Joe, Fleener Roads
11	1975	Applied for state grant for wastewater treatment facility
5	1976	Told Midwest Realty - office but no auction barn
5	1976	Pat Johns property rezoned for dentist office
10	1977	Motion to annex area east of Town - O-1973-3
12	1977	Clerk-Treasurer George Krietemeyer casts tie breaking vote - Ordinance to annex area east of Darmstadt
1	1978	Klausmeier complains about Gries building
3	1978	Bill Smith gives land to Town
7	1978	Purchased land from Bill Smith for \$8,000
9	1979	Complaint of blackbirds - shoot in the air!
10	1979	Bid accepted to pave Darmstadt Rd - \$44,933
11	1979	Chip & seal Martin Rd and streets in Inglefield - \$18,834
12	1979	Bill Smith gave land to Town
3	1980	Accepted Hillsdale, Ridge Knoll, and Kahre Court roads for maintenance
9	1980	Resolution of willingness to accept responsibility for water quality management
11	1980	Flagpole at square donated by Darmstadt Kiwanis Club
2	1981	Motion that no Town equipment can be used for personal use
7	1981	Town funds invested in 42 day CD paying 16.5%
9	1981	Bid accepted to pave Fleener Rd - \$37,436
9	1981	Bid accepted to repair Old State Rd - \$4,500
9	1982	Bid accepted to pave Hoing Rd - \$32,369

Type	Ord/Res #	Description
12	1982	Resolution for Darmstadt to be responsible for control of water pollution sources in Town
1	1983	Steinkuhl - sewer cost \$1,108,000; Town \$119,740; tap cost \$320
3	1983	Steinkuhl - sewer cost \$1,309,360; Town \$160,637; tap cost \$400
6	1983	Steinkuhl pay lake rejected
7	1983	Repair Railroad St. in Inglefield - \$3,734
10	1983	Cable TV installation starts
9	1984	Adopted G-84 County Comprehensive Zoning Ordinance
10	1984	Approved rezoning for Bauer's Grove to C-2
6	1985	Notice of subdivision at Hoing & BNH by Harry Hopkins - Sahara Place II
6	1985	Repave BNH east from ditch by church for \$40,000-worth
12	1985	Approved 20' width for Gamble Subdivision road (Jordan Lane)
12	1985	Approved flashing light at Steinkuhl Lane
1	1986	Hudson zoning passed
4	1986	Equipment & storage building on Town lot for \$23,959
5	1986	Evansville sewer tap fee set at \$420
6	1986	Chip & seal Center and Warner streets in Inglefield - \$4,885
7	1986	Paving of western portion of BNH Road approved
10	1986	Paving in Inglefield and Staser Station Rd completed
2	1987	Proposal for RE-pave of Wortman Rd accepted
5	1987	Steinkuhl - sewer cost \$??; Town \$51,014; tap cost \$782 + \$100
6	1987	ONB rezoning from R-1 to C-1 presented and approved
7	1987	Ground-breaking for sewer project
7	1987	Robert Willner read a letter proposing improvements to BNH Road
8	1987	County Commissioners decide to "go east on BNH Rd vs. west
8	1987	County repaved Town portion of Old State Rd
9	1987	Gene Koch expressed concern over widening of BNH Road
10	1987	Steinkuhl said density Ordinance Committee met; Koch commented
4	1988	Bippus sues town
5	1988	Bippus lawsuit dismissed
8	1988	Re-passed ordinance to control lot sizes to connect to sewer system
8	1988	Bill Smith voted against rezoning for dance studio
8	1988	Martin Rd speed limit reduced to 30 mph
9	1988	All residents have been attached to sewer system
10	1988	Rezoning: Bittner at 12420 Darmstadt Rd from A to C-4 with UDC
11	1988	Sewer rates: 1.50/m to 2.60; Std for well: 10.17 to 14.82
12	1988	Oglesby Estates requested to tie into sewer system - denied
3	1989	8 mo avg water usage for MAY, JUN, JUL, AUG sewer bill adopted
6	1989	Gene Koch complained about large trucks driving on town roads
8	1989	Pave portions of Darmstadt, Martin, BNH - \$53,763 (Roger: NO)
9	1989	Sewer system ground water inspection complete
11	1989	Discussion of open burning laws and enforcement
3	1990	More powerful IBM model 55 computer for sewer billing purchased for \$2,000
5	1990	Jeff Bosse replaced Mike Mitchell as Town attorney
6	1990	Motion that cost of moving power line for pump station (and other like costs) be paid for by r
8	1990	Repave Darmstadt Rd - \$44,855
12	1990	Town sewer tap fee raised from \$770 to \$1,000
4	1991	Settled sewer costs: Easley - down \$35m; Myers Pump - down \$27m
5	1991	Pave St. Joe Avenue - \$51,270
8	1991	Tom Small to have new signs up by October, 1991
10	1991	Mike Roark started 10/28/91
12	1991	Reported that Dillon had applied for liquor license for liquor store
1	1992	Don Keck presented plan subdivision on Harold Korb property - 7 sites
1	1992	Minutes and financial reports now available at meetings for residents

Type	Ord/Res #	Description
3	1992	Dillon requested Town accepting Jordan Lane for maintenance
7	1992	Sewer rates: 2.30/m to 2.60; Elec: 1.63 to 2.80; Std for well: 14.82 to 16.58
8	1992	Accepted revised petition for C-2 zoning of Darmstadt Plaza for liquor store
8	1992	Mike Roark first mentioned drainage problem on Gillis Lane
8	1992	Weed ordinance mentioned
9	1992	Dillon asked that Jordan Lane be accepted for maintenance
10	1992	Gene Koch reported flaws in Jordan Lane
12	1992	Darmstadt Sewer Specifications
1	1993	Ordinance "93-1" for a proposed economic development income tax
3	1993	Deal with fire department for \$14,000 in '93, &10% increase over next five years
4	1993	Accepted bid for piping and covering ditch on BNH Road
4	1993	Decided that second pump station needed at John Hofmann's
7	1993	Law enforcement contract with Vanderburgh County Sheriff's Dept signed
1	1994	Motion requiring sewer taps to be used within specific time limit was tabled - no further action
4	1994	Council decided to pave Gilles Lane - Dillon "No"
6	1994	Motion to adopt "Specifications For Road Repair & Restructuring"
6	1994	Motion to require Town-hired engineer to inspect roads under const. to assure conform. with Town specs
8	1994	Paving of Hillsdale Rd, Kahre Court, and Ridge Knoll Drive finished - \$42,329
8	1994	Accepted roads in Darmstadt Heights
12	1994	Dillon resigns
2	1995	Koch proposed septic tank preventative maintenance program
5	1995	Kahre Bros. paved add'l area on Hillsdale - Town will not maintain
7	1995	Motion to accept "Road Access Permit Application" for use
9	1995	Paving of Hoing Rd completed - \$36,450
1	1996	Accepted bid to pave 1,600' on BNH Rd - \$14,682
2	1996	Gene Koch (Clerk-Treasurer) can talk and participate in council discussions! It's in the minutes
3	1996	No more parades will be allowed
4	1996	Sewer taps granted for Shadow Bluff subdivision
6	1996	Minimum of one acre lot size ordinance adopted
7	1996	Council approved Roark to fix drainage on BNH from ONB to the east
9	1996	APC Comprehensive Plan for 1996-2015 adopted
9	1996	Employee Handbook adopted
10	1996	Gene Koch, clerk-treasurer, told council sewer rates need to be raised
10	1996	Official and employee indemnification ordinance adopted
12	1996	Vivien Tucker rezoning request to CO-1 granted
3	1997	Gene Koch, Clerk-Treasurer, mentioned his 2/95 proposal for septic tank preventative maintenance
5	1997	Three year contract agreement signed with Scott Township Fire Dept
8	1997	Four year contract agreement signed with county sheriff
8	1997	Jess Roberts resigned as Scott Township Fire Dept chief
10	1997	Bamberger, Foreman, Oswald & Hahn hired as Town attorney
10	1997	Sewer Tap Allocation ordinance adopted
11	1997	Shadow Bluff roads accepted
11	1997	Teena Preske resigned effective 11/30/97
12	1997	David Whipple appointed to fill 3rd District council position
12	1997	Bill Smith elected president until end of 1997.
1	1998	Bill Smith elected president for 1998.
4	1998	Resolution Regarding The Future Of BNH Road sent to Rose Zigenfus
5	1998	Jerry Gries proposed to mow Town roads 3 times/year for \$1,000/each
9	1998	Minimum Building Lot Size ordinance clarified for non-Town sewer attachment
9	1998	County cleaned ditch on St. Joe Ave. for \$1,500
10	1998	Bid for repaving St. Joe Ave south from Orchard Road accepted - \$14,995
11	1998	Commercial Landscaping rezoning petition denied.

Type	Ord/Res #	Description
1	2000	Council passes ordinance allowing Clerk-Treasurer to pay some bills like utilities, insurance & payroll before their approval at monthly meeting, so bills can be paid by due date.
1	2001	Bill Smith elected Council President
1	2004	David Whipple elected Council President
1	2007	Clerk-Treasurer Pam Ambrose resigned, Carol Hoffherr took position for couple months, job was more than she had thought & resigned, went back to Pam Ambrose until another replacement can be hired. Council to advertise & conduct interviews.
4	2007	Mallory Lowe hired as Clerk-Treasurer to fill position and finish previous clerk's term.
4	2007	First billing of new sewer rate raised by council by 66% to meet rising costs to operate.
7	2007	Sewer Utility Clerk, Jeff Ambrose resigns from Utility Department.
8	2007	Clerk-Treasurer Lowe hired as Utility Clerk in addition to being Town Clerk. Council approves to hire Lowe as Utility Clerk.
8	2007	Clerk-Treasurer position becomes Full-Time for the first time
8	2007	Roger Bippus replaces Bill Smith on council representing District 2 thru rest of year.
9	2007	Clerk-Treasurer Lowe as historian, compiles a History of Darmstadt binder for the town hall.
10	2007	Bippus tries to get council to vote to give him land beside town shop. Council votes no.
12	2007	Council passes a 9% payroll increase to Full-Time Clerk-Treasurer position to try to bring salary up for expanded responsibilities & duties. Council also looking into providing benefits & combining salaries.
1	2008	Entire Council turnover. Four new council members. Bob Stobbs elected president.
4	2008	Clerk-Treasurer Lowe builds a website for Darmstadt, she maintains & keeps it updated with town information, current events and community data. Council & residents are pleased & vote to keep it.
11	2008	Tom Small resigns from council after 11 months representing District 1.
12	2008	Dayna Riggs takes oath of office representing District 1.
1	2009	Council combines Clerk-Treasurer & Utility Clerk salaries per salary Ordinance.
11	2009	Dayna Riggs moves out of town & therefore resigns from council representing District 1
12	2009	Paul Freeman takes oath of office as representative for District 1 on council.
12	2009	Council gives Maintenance employees Health Insurance coverage thru H.S.A, clerk-treasurer to pay their separate health insurance policies monthly, plus deposit difference from \$630 into the employees' personal checking accounts at ONB per Council decision. (coverage for maintenance only not clerk)
1	2011	Council votes to go back to giving full-time maintenance employees an Insurance Allowance monthly of \$630 added to their paychecks. Per our employee handbook.
8	2011	Clerk-Treasurer requests to receive same equal benefits as the other full-time town employees & other Clerk-Treasurers in the State of Indiana receive of Retirement (or PERF) and Insurance Allowance.
11	2011	BNH Road is repaved & restriped by JH Rudolph. Stripe job is done poorly & will be corrected by Jh Rudolph in spring 2012.
11	2011	Audit by State Board of Accounts completed for the years 2010-2011. All was in compliance, accurate and requirements fulfilled. Clerk-Treasurer commended on outstanding job.
11	2011	Clerk-Treasurer Lowe has been working with German author Dr. Michael Kibler in Darmstadt, Germany on a fictional mystery novel about Darmstadt, Germany and Darmstadt, In. The book "Toten Fahrt" has been published.
12	2011	Council passes salary ordinance but provides no benefits to Clerk-Treasurer position.
1	2012	Rezoning small area C4 for new digital sign at 4H Center, approved.
1	2012	John W. Sanders takes oath of office as representative for District 2 on Council.
1	2012	New town attorney contracted, Krista Lockyear with Rudolph, Fine, Porter & Johnson
10	2012	Rezoning DENIED for Mouse House, requested going from C-4 to M-2 for packaging /

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 Ordinance needed:

- No cutting of roads - must bore under pavement
- Dusk-to-dawn light - must be shielded from other property, if desired
- Reduce speed limits to max of 35 MPH
- Weed control

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATE

Ordinance Number: O-2013-2



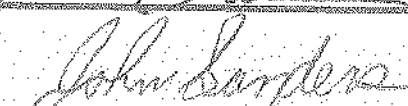
Be it ordained by the Town of Darmstadt that for the expenses of DARMSTADT CIVIL TOWN for the year ending December 31, 2014 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of DARMSTADT CIVIL TOWN, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance shall be in full force and effect from and after its passage and approval by the Town of Darmstadt.


Name of Adopting Entity	Select Type of Fiscal Body	Date of Adoption
Town of Darmstadt	Town Council	10/08/2013

DLGF-Reviewed Funds

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0061	RAINY DAY	\$900	\$0	0.0000
0101	GENERAL	\$214,900	\$115,000	0.2112
0706	LOCAL ROAD & STREET	\$45,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$85,000	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$5,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$60,000	\$32,000	0.0588

		Signature
Bob E. Stobbs	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Steve Kahre	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Paul Freeman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
John Sanders	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST

Name	Title	Signature
Mallory Lowe	Clerk-Treasurer	

MAYOR ACTION (For City use only)

Name	Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>	

ORDINANCE NO. O-2013-1

AN ORDINANCE REGARDING BAN OF RODENT BREEDING AND EUTHANASIA FACILITIES IN THE TOWN OF DARMSTADT

WHEREAS, the Town of Darmstadt, Indiana, previously experienced an incident associated with the breeding of rodents which involved a disease spread by rodents, causing concern and potential risk to the residents of the Town; and


WHEREAS, to prevent such an incident from reoccurring, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new Ordinance banning the raising, breeding and/or euthanasia of rodents and/or reptiles for commercial purposes within the town limits.

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

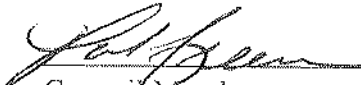
SECTION 1. Pursuant to its policing powers conferred upon it by Indiana state law to conserve or promote the health, safety or welfare of the community, the Town Council hereby bans the raising, breeding and/or euthanasia of rodents and/or reptiles for commercial purposes within the town limits of Darmstadt.

SECTION 2. This Ordinance shall be effective from and after its passage and approval by the Town Council of the Town of Darmstadt, Indiana.


PASSED AND ADOPTED by the Town Council of the Town of Darmstadt this 8th day of October, 2013.



President



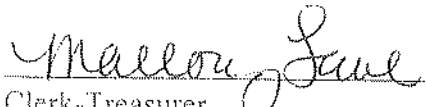
Council Member



Council Member

Council Member

ATTEST:



Clerk-Treasurer

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2014**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2014 and remain in effect until December 31, 2014.

**COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA**

President, casting 65.35 votes

ATTEST:

Clerk, City of Evansville


COUNTY COUNCIL OF VANDERBURGH

President, casting 33.87 votes

ATTEST:


Auditor, Vanderburgh County

**TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA**



President, casting .78 votes

ATTEST:



Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE DARMSTADT TOWN COUNCIL PROPOSING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED
FOR HOMESTEADS FOR 2014 AND CASTING THE VOTES OF THE
DARMSTADT TOWN COUNCIL ON SAID ORDINANCE
RESOLUTION NO. R 2013-2**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town of Darmstadt, Indiana as follows:

SECTION 1. The Town of Darmstadt hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2014. A copy of said Ordinance is attached hereto.

SECTION 2. The Town of Darmstadt casts its .78 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The Town of Darmstadt shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2014 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-07-13-008**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2014. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 33.87 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

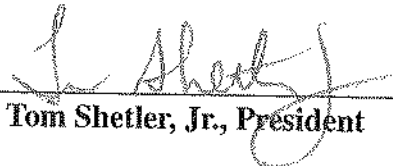
SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the

local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2014.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 3rd day of July, 2013 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Tom Shetler, Jr., President

ATTEST:

By: 
Joe Gries, Jr., Auditor

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2014**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2014 and remain in effect until December 31, 2014.


**COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA**

President, casting 65.35 votes

ATTEST:

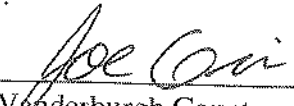
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 33.87 votes

ATTEST:



Auditor, Vanderburgh County

**TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA**

President, casting .78 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2014 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2014. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 65.35 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the Common Council of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

MAY 30 2013

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2014.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 24 day of JUNE, 2013, on said day signed by the President of the Common Council and attested by the City Clerk.

Constance Robinson

Constance Robinson, President of the Common Council, City of Evansville, Indiana

ATTEST: *Lynn Buhr*
LYNN BUHR, DEPUTY CITY CLERK

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 25 day of JUNE, 2013, at 10:00 o'clock A.m. for his consideration and action thereon.

Lynn Buhr
LYNN BUHR, DEPUTY CITY CLERK
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 26th day of June, 2013, at 10:00 o'clock A.m.

Lloyd Winnocke
Lloyd Winnocke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATION COUNSEL

Resolution N0. 2013-1

RESOLUTION CONCERNING THE POSITION OF THE TOWN OF DARMSTADT ON
THE UNITED STATES POST OFFICE IN INGLEFIELD

WHEREAS, the Town of Darmstadt is serviced by a United States Post Office located at 13200 Darmstadt Road, Inglefield, Indiana (the "Post Office"); and

WHEREAS, the Town of Darmstadt is concerned with maintaining the viability of the Post Office to service the residents of Darmstadt; and

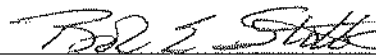
WHEREAS, the Postmaster of the Post Office has adopted an unpleasant attitude toward customers and is causing customers to stop doing business at the Post Office; and

WHEREAS, the Town of Darmstadt believes the Town should advocate with the United States Postal Service to replace the current Postmaster.

NOW THEREFORE, SO BE IT RESOLVED,

1. The Town of Darmstadt believes all residents of the Town of Darmstadt should be treated with kindness and respect when utilizing the Post Office.
2. The Town of Darmstadt desires that the current Postmaster be replaced.

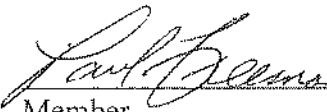
PASSED and ADOPTED by the Town Council of the Town of Darmstadt, Indiana, on the 21 day of April, 2013.



President



Member



Member

Member

ATTEST:



Clerk-Treasurer

ORDINANCE NO. 2012-4
AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2013

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all employees which includes officials.

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

SECTION 1: From and after the 1st day of January, 2013, the following titles for all employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2013:

(S)	President of the Town Council	Not more than \$400.00 per month <i>(Paid 100% out of General Fund)</i>
(S)	Members of the Town Council except the President	Not more than \$300.00 per month <i>(Paid 100% out of General Fund)</i>
(S)	Clerk-Treasurer	Not more than \$2314.74 per month <i>(Paid ½ year out of General & ½ Sewer)</i>
(H)	Street Superintendent/Wastewater Superintendent	Not more than \$24.53 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Assistant Street/Wastewater Superintendent /Field Supervisor	Not more than \$18.56 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Part-Time Maintenance Worker I	Not more than \$15.31 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>

In addition to the above-stated rate of pay, the Street Superintendent/Wastewater Superintendent may receive not more than \$1500.00 “grossed up” as a performance bonus.

In addition to the above-stated rate of pay, the Assistant Street/Wastewater Superintendent may receive not more than \$1000.00 “grossed up” as a performance bonus.

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective January 1, 2013.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.


ADOPTED this 11th day of December, 2012.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA


Council President Bob Stobbs


Council Member Steve Kahre


Council Member Paul Freeman


Council Member John Sanders

ATTEST:


Mallory Lowe, Clerk-Treasurer

TOWN OF DARMSTADT

ORDINANCE 2012-03

**AN ORDINANCE ESTABLISHING VOTING
DISTRICTS IN THE TOWN OF DARMSTADT**

WHEREAS, the Town of Darmstadt has previously been divided into districts for the purpose of conducting elections of Town officers, and

WHEREAS, Indiana Code 36-5-2-4.1(g) requires town council districts to be composed of contiguous territory, be reasonably compact and contain, as nearly as possible, equal population. Per the 2010 U.S. Census, the current population of each of the Town of Darmstadt's four (4) council districts are approximately one-fourth of the total population of the Town of Darmstadt; and

WHEREAS, the district boundaries were established by a previous Town Council of the Town of Darmstadt, and the boundaries have been determined for the four (4) town council districts which it believes satisfies the requirements of Indiana law.

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT, INDIANA THAT:

SECTION 1. Darmstadt shall have four (4) districts, numbered one (1) through four (4).

SECTION 2. All members of the Council shall be elected by the voters of the whole Town.

SECTION 3. The Council herewith divides the Town into the districts as set out in Sections 4, 5, 6, and 7 for the purpose of conducting the election of Town officers.

SECTION 4. District one (1) shall encompass all of that real estate bounded as follows:

DISTRICT I

Beginning at the northern-most point of the western Town boundary, thence easterly along the northern Town boundary to its intersection with the center line of Darmstadt Road, thence southerly along the center line of Darmstadt Road to its intersection with the center line of Boonville-New Harmony Road, thence westerly along the center line of Boonville-New Harmony Road to its intersection with the center line of St. Joseph Avenue, thence southerly along the center line of St. Joseph Avenue to its intersection with the center line of Orchard Road, thence southerly along the center line of Orchard Road to the southern Town boundary, thence westerly along the southern Town boundary to the western Town boundary, thence northerly along the western Town boundary to the place of beginning.

SECTION 5. District two (2) shall encompass all of that real estate bounded as follows:

DISTRICT II

Beginning at the intersection of the center line of Darmstadt Road and the center line of Inglefield Road, thence easterly along the center line of Inglefield Road to the northern-most point of the eastern Town boundary, thence southerly along the eastern Town boundary to the easterly-most point

of the southern Town boundary, thence westerly to the intersection of the southern Town boundary with the center line of Old State Road, thence northerly along the center line of Old State Road to its intersection with the center of Little Pigeon Creek, thence northwesterly along the center of Little Pigeon Creek to its junction with the center of the northern branch of that tributary, thence northerly to its intersection with the center line of Hoing Road, thence westerly along the center line of Hoing Road to its intersection with the center line of Tibarand Drive, thence northerly along the center line of Tibarand Drive to its intersection with the center line of Boonville-New Harmony Road, thence westerly along the center line of Boonville-New Harmony Road to its intersection with the center line of Darmstadt Road, thence northerly along the center line of Darmstadt Road to the place of beginning.

SECTION 6. District three (3) shall encompass all of that real estate bounded as follows:

DISTRICT III

Beginning at the intersection of the center line of Boonville-New Harmony Road and the center line of Darmstadt Road, thence easterly along the center line of Boonville-New Harmony Road to its intersection with the center line of Tibarand Drive, thence southerly along the center line of Tibarand Drive to its intersection with the center line of Hoing Road, thence easterly along the center line of Hoing Road to its intersection with the center of the northern branch of Little Pigeon Creek, thence southerly to its junction with the center of Little Pigeon Creek, thence southeasterly along the center of little Pigeon Creek to its intersection with the center line of Old State Road, thence southerly to its intersection with the southern Town boundary, thence westerly long the southern Town boundary to its intersection with the center line of Darmstadt Road, thence northerly to the place of beginning.

SECTION 7. District four (4) shall encompass all of that real estate bounded as follows:

DISTRICT IV

Beginning at the intersection of the center line of St. Joseph Avenue and the center line of Boonville-New Harmony Road, thence easterly along the center line of Boonville-New Harmony Road to its intersection with the center line of Darmstadt Road, thence southerly along the center line of Darmstadt Road to its intersection with the southern Town boundary, thence westerly along the southern Town boundary to its intersection with the center line of Orchard Road, thence northerly along the center line of Orchard Road to its intersection with the center line of St. Joseph Avenue, thence northerly along the center line of St. Joseph Avenue to the place of beginning.

SECTION 8. The members of the Town Council representing Districts 1, 2, 3, and 4 shall reside in the district from which such council person ran for election and was elected as the representative.

SECTION 9. The population in each of the four current districts as determined by the 2010 census, being within the requirements as defined by Indiana Law, will remain intact without changes as defined in Section 1.

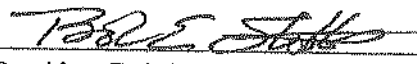
SECTION 10. The Clerk-Treasurer may reside anywhere in the Town and shall be elected by the voters of the whole Town.

SECTION 11. The Clerk-Treasurer of the Town shall forward a copy of this Ordinance to the Circuit Court Clerk of Vanderburgh County.

SECTION 12. All Ordinances or parts thereof, in conflict herewith are hereby repealed.

ADOPTED THIS 11th DAY OF December, 2012.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



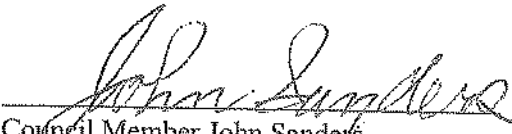
President Bob Stobbs



Council Member Steve Kahre



Council Member Paul Freeman



Council Member John Sanders

ATTEST:



Mallory Lowe, Clerk-Treasurer

Fair Housing Ordinance 2012-2, an Ordinance

AMENDING GENERAL ORDINANCE 2010-3, 2010

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 COMMON COUNCIL OF
THE Town of Darmstadt, Indiana, THAT ORDINANCE 2010-3 IS HEREBY AMENDED AND REPLACE IN IT
ENTIRETY AS FOLLOWS:

Section 1 Policy Statement

It shall be the policy of the Town of Darmstadt to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

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, 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. Also, pursuant to 24 CFR Part 5, the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.
- C. Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- D. To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- E. Discriminatory Housing Practice means an act that is unlawful under Sections 4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.
- F. Handicap means, with respect to a person:
 - 1. a physical or mental impairment which substantially limits one or more of such person's major life activities.
 - 2. a record of having such an impairment, or

3. being regarded as having such an impairment,
4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. Any other impairment defined under I.C. 22-9.5-2-10.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term 'Handicap' include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

- G. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
1. claims to have been injured by a discriminatory housing practice; or
 2. believes that such person will be injured by a discriminatory housing practice that is about to occur.
- H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 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. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.
- B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:
1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:
 - a. without the use in any manner of the sales or rental facilities or services of any real estate

broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and

- b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4(C) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
 2. Rooms or units in 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:
1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein, or
 3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 4 *Discrimination in the Sale or Rental of Housing*

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 1. that buyer or renter;

2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- G. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. that person; or
 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. any person associated with that person.
- H. For purposes of this subsection, discrimination includes:
1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in 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 modifications, reasonable wear and tear excepted;
 2. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that:
 - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - b. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - c. all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

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:
 - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - ii. 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 Service*

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 7 *Interference, Coercion, or Intimidation*

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

Section 8 *Prevention of Intimidation in Fair Housing Cases*

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or

2. affording 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, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not 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 or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- C. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:
 1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 2. intended for, and solely occupied by, person 62 years of age or older; or
 3. 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 administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the Town of Darmstadt, Indiana.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Darmstadt, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Darmstadt, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the Town of Darmstadt, 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 Elected Official and the

Commission to further such purposes.

- D. The Chief Elected Official of the Town of Darmstadt, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 11 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.

Certification of Adoption

It is hereby certified that this Ordinance Number 2012-2 was passed by the Common Council of the Town of Darmstadt, Indiana, at its legally convened meeting of November 13, 2012.


Bob Stobbs, Town Council President

11/13/12 .2012
Date

Attest By:


Mallory Lowe, Clerk-Treasurer

0 2012-1

ORDINANCE / RESOLUTION FOR APPROPRIATIONS AND TAX RATE

Ordinance / Resolution Number:

Be it ordained / resolved by the Darmstadt Town Council that for the expenses of DARMSTADT CIVIL TOWN, Indiana for the year ending December 31, 2013 the sum of \$397,200 as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expense of DARMSTADT CIVIL TOWN, a total property tax levy of \$145,371 and a total tax rate of 0.2549, are adopted as shown on Budget Form 4-B and Included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance / resolution shall be in full force and effect from and after its passage and approval by the taxing Darmstadt Town Council.

Name of Adopting Entity

Select Type of Fiscal Body

Date of Adoption

Darmstadt Town Council

Town Council

10/09/2012

Name		Signature
Bob Stobbs	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Bob Stobbs</i>
Steve Kahre	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Steve Kahre</i>
John Sanders	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>John Sanders</i>
Paul Freeman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	<i>Paul Freeman</i>

ATTEST

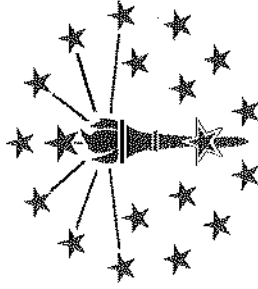
Name	Title	Signature
Mallory Lowe	Clerk-Treasurer	<i>Mallory Lowe</i>

MAYOR ACTION (For City use only)

Name	Approve <input type="checkbox"/> Veto <input type="checkbox"/>	Signature	Date

Town of Darmstadt

2013 Budget



Town of Darmstadt
P.O. Box 20
Darmstadt, In 47618
(812) 963-6760

Prepared by:
Mallory Lowe
Clerk-Treasurer

NOTICE TO TAXPAYERS

Complete details of budget estimates by fund and/or department may be seen by contacting the office of this unit of government.

Notice is hereby given to taxpayers of **DARMSTADT CIVIL TOWN, Vanderburgh County, Indiana** that the proper officers of **Town of Darmstadt at Town Hall 559 Hoing Rd on Tuesday, September 11, 2012 at 7:30:00 PM** will conduct a public hearing on the year **2013** budget. Following this meeting, any ten or more taxpayers may object to a budget, tax rate, or tax levy by filing an objection petition with the proper officers of **Town of Darmstadt** within seven days after the hearing. The objection petition must identify the provisions of the budget, tax rate, or tax levy that taxpayers object to. If a petition is filed, the **Town of Darmstadt** shall adopt with its budget a finding concerning the objections filed and testimony presented. Following the aforementioned hearing, the **Town of Darmstadt** will meet at **Town Hall 559 Hoing Rd on Tuesday, October 09, 2012 at 7:30:00 PM** to adopt the following budget:

Public Hearing Date	09/11/2012	Adoption Meeting Date	10/09/2012
Public Hearing Time	7:30:00 PM	Adoption Meeting Time	7:30:00 PM
Net Assessed Valuation	\$57,039,000		
Estimated Max Levy	\$113,380		

FUND TOTALS

Fund Name	Budget Estimate	Maximum Estimated Funds to be Raised (including appeals and levies exempt from maximum levy limitations)	Excessive Levy Appeals	Current Tax Levy
0061-RAINY DAY	\$800	\$0	\$0	\$0
0101-GENERAL	\$216,900	\$114,000	\$0	\$107,971
0706-LOCAL ROAD & STREET	\$35,000	\$0	\$0	\$0
0708-MOTOR VEHICLE HIGHWAY	\$81,500	\$0	\$0	\$0
2379-CUMULATIVE CAPITAL IMP (CIG TAX)	\$3,000	\$0	\$0	\$0
2391-CUMULATIVE CAPITAL DEVELOPMENT	\$60,000	\$31,371	\$0	\$30,533
Totals	\$397,200	\$145,371	\$0	\$138,504

Submitted by Clerk-Treasurer: Mallory Lowe

TOWN OF DARMSTADT

DRAFT 8/14/2012 17:30

	Town Net Assessed Valuation		Census 1,313		Census 1,407		Census 1,407							
	Actual Funds	2008	Actual Funds	2009	Budget	2010	Actual Funds	2011	Budget	2012	Actual Funds	as of 6/30/2012	Budget	2013
GENERAL FUND														
G100 - PERSONAL SERVICES														
G111 - TRUSTEE (COUNCIL)	12,277.32	12,523.92	12,523.92	12,600.00	12,523.92	12,600.00	12,523.92	12,600.00	13,000.00	13,000.00	7,800.00	7,800.00	14,000.00	14,000.00
G112 - CLERK-TREASURER	10,621.92	12,230.28	10,191.90	13,000.00	10,191.90	13,000.00	12,841.80	13,000.00	13,500.00	13,500.00	13,227.06	13,227.06	14,500.00	14,500.00
G115 - CLERICAL				1,000.00		1,000.00		1,000.00	1,000.00	1,000.00			500.00	500.00
G118 - FICA	1,751.97	1,893.42	1,737.49	2,300.00	1,737.49	2,300.00	1,940.28	2,300.00	2,300.00	2,300.00	1,608.54	1,608.54	2,400.00	2,400.00
Total G100 - PERSONAL SERVICES	24,651.21	26,647.62	24,463.31	28,900.00	24,463.31	28,900.00	27,306.00	29,600.00	29,600.00	29,600.00	22,635.60	22,635.60	31,400.00	31,400.00
G200 - SUPPLIES														
G221 - OFFICE SUPPLIES	1,103.97	474.74	752.11	1,200.00	752.11	1,200.00	404.73	1,200.00	1,200.00	1,200.00	303.48	303.48	1,200.00	1,200.00
G226 - GARAGE & MOTOR SUPPLIES		113.74	381.53	1,000.00	381.53	1,000.00	239.22	1,000.00	1,000.00	1,000.00	153.22	153.22	1,000.00	1,000.00
G229 - OTHER SUPPLIES	966.24	83.19	585.76	1,000.00	585.76	1,000.00		1,000.00	1,000.00	1,000.00			1,000.00	1,000.00
Total G200 - SUPPLIES	2,070.21	671.67	1,719.40	3,200.00	1,719.40	3,200.00	643.95	3,200.00	3,200.00	3,200.00	456.70	456.70	3,200.00	3,200.00
G300 - OTHER SERVICES & CHARGES														
G310 - ENGINEERING SERVICES	6,950.00	6,950.00	8,400.00	10,000.00	8,400.00	10,000.00	7,700.00	10,000.00	10,000.00	10,000.00			8,000.00	8,000.00
G311 - LEGAL (attorney fees)				500.00		500.00		500.00	500.00	500.00			500.00	500.00
G312 - LEGAL for CLERK-TREASURER				70,000.00		70,000.00		70,000.00	70,000.00	70,000.00			82,000.00	82,000.00
G313 - FIRE PROTECTION	62,427.02	65,548.36	65,548.36	600.00	65,548.36	600.00	94.28	600.00	600.00	600.00	66.70	66.70	600.00	600.00
G320 - POSTAGE	312.45	4.95	363.95	600.00	363.95	600.00		600.00	600.00	600.00			600.00	600.00
G321 - TRAVEL	792.59	45.00	183.45	1,500.00	183.45	1,500.00	156.37	1,500.00	1,500.00	1,500.00	453.69	453.69	1,500.00	1,500.00
G330 - PUBLICATION OF LEGAL NOTIC	899.00	362.63	302.58	1,000.00	302.58	1,000.00	263.51	1,000.00	1,000.00	1,000.00	47.30	47.30	1,000.00	1,000.00
G340 - INSURANCE	24,824.94	12,501.02	6,373.00	16,250.00	6,373.00	16,250.00	8,788.07	16,250.00	16,250.00	16,250.00			16,000.00	16,000.00
G341 - OFFICIALS BOND	500.00	100.00	100.00	500.00	100.00	500.00	100.00	500.00	500.00	500.00	100.00	100.00	500.00	500.00
G351 - TELEPHONE	2,501.30	915.71	775.68	1,000.00	775.68	1,000.00	621.90	1,000.00	1,000.00	1,000.00	279.93	279.93	1,000.00	1,000.00
G360 - EQUIPMENT REPAIRS	400.59	85.00	417.94	2,000.00	417.94	2,000.00		2,000.00	2,000.00	2,000.00			2,000.00	2,000.00
G365 - Election Expense				2,000.00		2,000.00		2,000.00	2,000.00	2,000.00			0.00	0.00
G390 - INSTRUCTION	240.00	90.00	45.00	500.00	45.00	500.00	15.00	500.00	1,000.00	1,000.00	215.00	215.00	1,000.00	1,000.00
G391 - DUES & SUBSCRIPTIONS	1,492.00	1,352.00	1,436.00	1,200.00	1,436.00	1,500.00	1,421.00	1,500.00	1,600.00	1,600.00	1,286.00	1,286.00	1,600.00	1,600.00
G392 - PROMOTIONS				100.00		100.00		100.00	100.00	100.00			100.00	100.00
G395 - CONTRACTUAL SERVICES	23,209.75	27,963.00	24,439.11	30,000.00	24,439.11	30,000.00	26,374.86	30,000.00	30,000.00	30,000.00	290.36	290.36	30,000.00	30,000.00
Total G300 - OTHER SERVICES & CHARGE	124,549.64	115,917.67	108,385.07	136,400.00	108,385.07	146,450.00	117,534.99	156,550.00	156,550.00	156,550.00	7,112.73	7,112.73	154,800.00	154,800.00
G400 - CAPITAL OUTLAY														
G410 - LAND				0.00		0.00		0.00	0.00	0.00			0.00	0.00
G420 - BUILDINGS				10,000.00		10,000.00		10,000.00	10,000.00	10,000.00			10,000.00	10,000.00
G445 - EQUIPMENT	1,002.60			17,500.00		17,500.00	3,088.00	17,500.00	17,500.00	17,500.00			17,500.00	17,500.00
Total G400 - CAPITAL OUTLAY	1,002.60	3,475.00	0.00	27,500.00	0.00	27,500.00	3,088.00	27,500.00	27,500.00	27,500.00			27,500.00	27,500.00
Total G000 - GENERAL FUND EXPENSES	152,273.66	146,711.96	134,557.78	195,600.00	134,557.78	206,050.00	148,572.94	217,050.00	217,050.00	217,050.00	30,205.03	30,205.03	216,900.00	216,900.00
BUDGETED EXPENSES	174,900.00	176,200.00	195,600.00	195,600.00	195,600.00	206,050.00	206,050.00	217,050.00	217,050.00	217,050.00	217,050.00	217,050.00	216,900.00	216,900.00

split pay Jan-June from general/July-Dec from sewer

\$36,000 paid July for 1/2 contract

\$8,877.56 1/2 insurance paid July

split pay 1/3 Jan-Mar MVH 3/4 Apr-Dec from Sewer

	Actual Funds 2008	Actual Funds 2009	Budget 2010	Actual Funds 2010	Budget 2011	Actual Funds 2011	Budget 2012	Actual funds as of 6/30/2012	Budget 2013
MOTOR VEHICLE HIGHWAY									
M100 - PERSONAL									
M115 - WAGES	34,346.03	22,123.11	40,000.00	19,579.57	32,000.00	28,785.82	32,000.00	26,990.59	33,000.00
M118 - FICA	2,627.52	1,692.45	4,000.00	1,497.84	2,500.00	2,202.11	2,500.00	2,064.80	2,500.00
Total M100 - PERSONAL	36,973.55	23,815.56	44,000.00	21,077.41	34,500.00	30,987.93	34,500.00	29,055.39	35,500.00
M200 - SUPPLIES									
M223 - OPERATING SUPPLIES	10,944.40	365.33	5,000.00	1,776.83	4,000.00	1,249.34	4,000.00	549.02	3,000.00
M225 - GASOLINE	6,144.26	1,936.23	7,000.00	5,411.15	6,000.00	5,657.53	6,500.00	1,933.87	6,000.00
M228 - GARAGE & MOTOR SUPPLIES	1,332.42	3,407.32	3,000.00	458.79	4,000.00	435.38	4,000.00	4,000.00	4,000.00
M228 - STREET & ALLEY MATERIAL	5,794.56	7,785.80	8,000.00	2,569.86	6,000.00	7,237.24	8,000.00	921.13	8,000.00
M229 - OTHER MATERIALS	604.60	979.49	3,500.00	355.24	3,000.00	2,578.79	3,000.00	3,000.00	3,000.00
Total M200 - SUPPLIES	24,820.24	14,474.17	26,500.00	10,571.87	25,000.00	17,158.28	25,500.00	3,404.02	24,500.00
M300 - OTHER SERVICES									
M350 - ELECTRIC	992.62	1,178.05	1,500.00	1,102.61	1,500.00	1,234.15	1,500.00	547.29	1,500.00
M360 - EQUIPMENT REPAIRS	3,107.95	4,193.40	5,000.00	2,471.25	6,000.00	4,843.53	5,500.00	182.63	5,500.00
M395 - CONTRACTUAL SERVICES	7,510.00	42,405.63	10,884.00	4,725.00	9,510.00	9,136.38	9,500.00		9,500.00
Total M300 - OTHER SERVICES	11,610.57	47,777.08	17,384.00	8,298.86	17,010.00	15,214.06	16,500.00	729.92	16,500.00
M400 - CAPITAL OUTLAY									
M445 - EQUIPMENT	11,359.46	0.00	10,000.00		5,000.00	0.00	5,000.00		5,000.00
Total M400 - CAPITAL OUTLAY	11,359.46	0.00	10,000.00	0.00	5,000.00	0.00	5,000.00		5,000.00
Total M000 - MVH EXPENSES	84,763.82	86,066.81	97,884.00	39,948.14		63,360.27		33,189.33	
BUDGETED EXPENSES	89,000.00	96,000.00		97,884.00	81,510.00	81,510.00	81,500.00	81,500.00	81,500.00

	Actual Funds 2008	Actual Funds 2009	Budget 2010	Actual Funds 2010	Budget 2011	Actual Funds 2011	Budget 2012	Actual funds as of 6/30/2012	Budget 2013
CCD FUND (Cumulative Capital Development)									
CCD FUND EXPENSES	0.00	13,177.50	40,000.00	0.00	40,000.00	40,000.00	40,000.00	0.00	60,000.00
BUDGETED EXPENSES	1,878.00	18,000.00	40,000.00	40,000.00	40,000.00	40,000.00	40,000.00	40,000.00	60,000.00

	2008	2009	2010	2010	2011	2011	2012	2012	2013
CCI FUND (Cumulative Capital Improvement)									
CCI FUND EXPENSES	40,000.00	10,000.00	30,000.00	0.00	10,000.00	10,000.00	12,000.00	782.46	3,000.00
BUDGETED EXPENSES	40,000.00	10,000.00	30,000.00	30,000.00	14,715.00	14,715.00	12,000.00	12,000.00	3,000.00

	2008	2009	2010	2010	2011	2011	2012	2012	2013
RAINY DAY FUND									
RAINY DAY FUND EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	800.00
BUDGETED EXPENSES	0.00	0.00	0.00	0.00	900.00	900.00	59.00	59.00	800.00

	2008	2009	2010	2010	2011	2011	2012	2012	2013
LEVY EXCESS FUND									
LEVY EXCESS FUND EXPENSES	0.00	0.00	0.00	0.00	0.00	326.59	0.00	0.00	0.00
BUDGETED EXPENSES	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

	2008	2009	2010	2010	2011	2011	2012	2012	2013
LR & S FUND									
LR95 - CONTRACTUAL SERVICES	44,813.39	54,000.00	30,980.00	18,907.00	18,600.00	18,600.00	20,000.00	20,000.00	35,000.00
Total - LR&S EXPENSES	44,813.39	54,000.00	30,980.00	18,907.00	18,600.00	18,600.00	20,000.00	20,000.00	35,000.00
BUDGETED EXPENSES	55,000.00	54,163.00	30,980.00	30,980.00	18,907.00	18,907.00	20,000.00	20,000.00	35,000.00

SEWER EXPENSES	Actual Funds 2008	Actual Funds 2009	Budget 2010	Actual Funds 2010	Budget 2011	Actual Funds 2011	Budget 2012	Actual Funds as of 6/30/2012	Budget 2013
W100 - PERSONAL									
W112 - CLERK-TREASURER	14,534.00	12,763.28	14,500.00	14,268.66	13,200.00	12,841.80	14,700.00	0.00	14,500.00
W115 - LABOR	82,392.71	79,341.90	80,000.00	77,495.98	85,000.00	87,448.76	87,550.00	34,662.92	91,000.00
W116 - HEALTH INSURANCE	2,444.33	8,140.98	18,000.00	16,090.73	19,200.00	3,780.00	19,200.00	15,000.00	15,000.00
W118 - FICA	7,414.90	6,944.76	7,500.00	7,019.92	7,500.00	7,672.27	7,500.00	2,651.75	7,500.00
Total W100 - PERSONAL	106,785.94	107,190.94	120,000.00	114,875.29	124,900.00	111,742.83	128,950.00	37,314.67	128,000.00
W200 - SUPPLIES									
W221 - OFFICE SUPPLIES	1,518.90	2,474.58	1,500.00	1,393.81	3,000.00	1,452.37	3,000.00	875.20	3,000.00
W225 - GASOLINE	5,184.07	3,990.75	5,500.00	3,891.98	5,500.00	5,554.29	6,000.00	3,988.80	6,000.00
W229 - MAINTENANCE SUPPLIES	25,620.13	19,677.09	25,000.00	16,685.29	28,000.00	27,630.19	28,000.00	5,690.60	28,000.00
W230 - CLOTHING ALLOWANCE	400.00	400.00	500.00	500.00	500.00	484.14	500.00	383.72	500.00
W232 - INDIANA AUDIT COST	1,097.00		1,500.00	1,422.00	2,000.00	2,021.00	2,000.00	2,000.00	2,000.00
W233 - SHOP & SAFETY SUPPLIES			1,000.00	1,663.79	3,000.00	2,981.00	3,000.00	1,269.45	3,000.00
W234 - ADVERTISING			0.00	0.00	500.00	0.00	500.00	500.00	500.00
Total W200 - SUPPLIES	33,820.10	26,542.42	35,000.00	25,556.87	42,500.00	40,122.99	43,000.00	12,207.77	43,000.00
W300 - OTHER SERVICES & CHARGES									
W302 - SEWER CHARGES REFUND	73.00	0.00							
W303 - RECORDING FEES	96.00	128.00	300.00	165.00	300.00	244.00	300.00	33.00	300.00
W320 - POSTAGE	1,982.53	1,905.57	2,500.00	1,842.90	2,500.00	2,141.12	2,500.00	1,238.25	2,500.00
W321 - TRAVEL & MEAL EXPENSES	546.72	1,011.34	1,000.00	609.34	1,500.00	764.43	1,500.00	1,293.24	2,200.00
W340 - INSURANCE	16,527.32	7,896.57	14,000.00	7,467.00	16,000.00	8,788.06	12,000.00	256.00	12,000.00
W350 - ELECTRIC	17,098.43	17,349.92	18,000.00	20,376.81	20,000.00	21,877.38	22,000.00	9,063.94	22,000.00
W351 - TELEPHONE	1,936.95	3,411.49	3,500.00	3,203.79	3,500.00	3,524.24	3,500.00	1,751.04	3,700.00
W356 - EVILLE -SEWER TAP FEES			900.00	0.00	900.00	0.00	900.00	900.00	900.00
W357 - EVILLE SEWER CHARGES	124,752.31	111,074.35	180,000.00	118,897.06	180,000.00	126,683.84	150,000.00	65,199.00	150,000.00
W358 - EVILLE ADMIN FEES	360.00	360.00	500.00	360.00	500.00	360.00	500.00	180.00	500.00
W359 - WATER BILLS	103.44	120.55	150.00	129.82	150.00	199.87	150.00	132.36	200.00
W360 - REPAIRS-MAINTENANCE	1,618.62	1,733.44	4,000.00	1,083.98	4,000.00	2,632.67	4,000.00	469.72	4,000.00
W366 - SEPTIC TANK PUMPING	19,270.75	20,563.50	25,000.00	21,716.35	25,000.00	19,849.25	25,000.00	2,265.00	25,000.00
W370 - LEGAL SETTLEMENTS			500.00	0.00	5,000.00	0.00	2,500.00	2,500.00	2,500.00
W371 - IDEM FEES			200.00		200.00		200.00	200.00	200.00
W390 - INSTRUCTION-TRAINING	154.00	358.00	500.00	485.00	1,000.00	60.00	1,000.00	275.00	1,000.00
W395 - CONTRACTUAL SERVICES	10,476.47	10,739.15	40,000.00	15,055.60	40,000.00	16,726.67	40,000.00	10,043.24	40,000.00
Total W300 - OTHER SERVICES & CHARGE	194,996.54	177,752.80	292,550.00	198,765.95	303,050.00	204,351.53	288,550.00	92,199.79	269,500.00
W400 - CAPITAL OUTLAY									
W420 - BUILDINGS			8,500.00		8,500.00	0.00	8,500.00		8,500.00
W445 - EQUIPMENT	13,061.42	15,307.00	67,500.00	16,422.70	75,000.00	14,271.80	60,000.00	164.51	60,000.00
Total W400 - CAPITAL OUTLAY	13,061.42	15,307.00	76,000.00	16,422.70	83,500.00	14,271.80	68,500.00	164.51	68,500.00
TOTAL SEWER EXPENSES	348,664.00	326,793.16		355,620.81		370,489.15		141,886.74	509,000.00
BUDGETED EXPENSES	394,050.00	416,650.00	523,550.00	523,550.00	553,950.00	553,950.00	509,000.00	509,000.00	509,000.00

split pay Jan-June from general/July-Dec from sewer

Eville raised rates

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2013**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2013, and remain in effect until December 31, 2013.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

ATTEST:

President, casting 65.35 votes

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

ATTEST:

President, casting 33.87 votes

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

ATTEST:

Bob E. Stoltz

President, casting .78 votes


Mallory Louw

Clerk/Treasurer, Town of Darmstadt

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2013.

5. This Resolution shall be in full force and effect from and after its passage by the Council.

PASSED BY the Town of Darmstadt, Indiana, on the 10th day of July, 2012, on said day signed by the President of the Town of Darmstadt and attested by the Town Clerk-Treasurer.



Council President, Town of Darmstadt, Indiana

ATTEST: 
Mallory Lowe, Clerk-Treasurer

Resolution No. R-2012-1

**A RESOLUTION OF THE DARMSTADT TOWN COUNCIL
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2013 AND CASTING THE VOTES OF THE
DARMSTADT TOWN COUNCIL ON SAID ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town of Darmstadt, Indiana, as follows:

1. That the Town of Darmstadt, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2013. A copy of said ordinance is attached hereto.

2. That the Town of Darmstadt, Indiana casts its .78 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the Town Clerk-Treasurer of the Town of Darmstadt is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2013 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-06-12-006**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2013. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 33.87 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2013.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 6th day of June, 2012 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Tom Shetler, Jr., President

ATTEST:

By: 
Joe Gries, Auditor

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2013**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2013 and remain in effect until December 31, 2013.

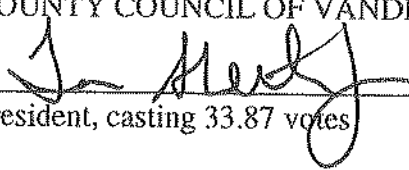
COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 65.35 votes

ATTEST:

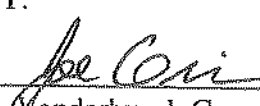
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 33.87 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .78 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2013 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2013. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 65.35 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

MAY 16 2012

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2013.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 11th day of June, 2012, on said day signed by the President of the Common Council and attested by the City Clerk.

Constance Robinson

Constance Robinson, President of the Common Council, City of Evansville, Indiana

ATTEST:

Lynn Buhr
Alberta Matlock, City Clerk
LYNN BUHR, DEPUTY CITY CLERK

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 12th day of June, 2012, at 9:00 o'clock a.m. for his consideration and action thereon.

Lynn Buhr
Alberta Matlock, City Clerk
City of Evansville, Indiana
LYNN BUHR
DEPUTY CITY CLERK

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 12th day of June, 2012, at 10 o'clock a.m.

Lloyd Winnecke
Lloyd Winnecke, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY TED C. ZIEMER, JR., CORPORATION COUNSEL

ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2013

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2013, and remain in effect until December 31, 2013.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

Constance Robinson

President, casting 65.35 votes

ATTEST:

Lynn Bucher

DEPUTY Clerk, City of Evansville LYNN BUCHER

COUNTY COUNCIL OF VANDERBURGH

ATTEST:

President, casting 33.87 votes

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

ATTEST:

President, casting .78 votes

Clerk/Treasurer, Town of Darmstadt

ORDINANCE NO. 2011-2
AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2012

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2012, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2012:

(S)	President of the Town Council	Not more than \$ 400.00 per month <i>(Paid 100% out of General Fund)</i>
(S)	Members of the Town Council except the President	Not more than \$ 300.00 per month <i>(Paid 100% out of General Fund)</i>
(S)	Clerk-Treasurer	Not more than \$ 2,204.51 per month <i>(Paid ½ year out of General & ½ Sewer)</i>
(H)	Street Superintendent/Wastewater Superintendent	Not more than \$ 23.36 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Assistant Street/Wastewater Superintendent /Field Supervisor	Not more than \$ 15.47 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Part-Time Maintenance Worker I	Not more than \$14.58 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>

In addition to the above-stated rate of pay, the Street Superintendent/Wastewater Superintendent may receive not more than \$1200.00 "grossed up" as a performance bonus.

In addition to the above-stated rate of pay, the Assistant Street/Wastewater Superintendent may receive not more than \$500.00 "grossed up" as a performance bonus.

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective January 1, 2012.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 13th day of December, 2011.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



Council President



Council Member



Council Member



Council Member

ATTEST:



Mallory Lowe, Clerk-Treasurer

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Ordinance 2011-1

Be it ordained by the County, City, Town or Fire Protection District of Darmstadt, Indiana. That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2012 the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city and town government, tax rates are shown on Budget Form 4-B and include herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

COUNTY COUNCIL

Presented to the County Council of _____ County,
Indiana, and read in full for the first time this _____ day of _____, 20____.

President County Council

Attest:

County Auditor and/or Clerk of County Council

Presented to the County Council of _____ County,
Indiana, and read in full for the second time, and adopted, this _____ day of _____, 20____ by the following vote:

Yea	Nay
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

Attest:

County Auditor and/or Clerk of County Council

COMMON COUNCIL OR FPD BOARD

This ordinance shall be in full force and effect from and after its passage and approval by the common council and Mayor or Fire Protection District board. Adopted by the following vote on _____, 20____.

Yea	Nay
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

Attest:

Mayor/Board

City Clerk, Clerk Treasurer, Board

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Town Council. Adopted with the following vote on October 8, 2011.

Yea	Nay
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

Attest:

Town Clerk-Treasurer

**A RESOLUTION OF THE DARMSTADT COUNCIL PROPOSING AN
ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED
FOR HOMESTEADS FOR 2012 AND CASTING THE VOTES OF THE
TOWN OF DARMSTADT ON SAID ORDINANCE
RESOLUTION NO. R 2011-2**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town of Darmstadt, Vanderburgh County, Indiana as follows:

SECTION 1. The Town of Darmstadt hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2012. A copy of said Ordinance is attached hereto.

SECTION 2. The Town of Darmstadt casts its .78 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The Town of Darmstadt shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2012.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 14th day of June, 2011 by the Town of Darmstadt.

TOWN OF DARMSTADT

By: Bob Stobbs
Bob Stobbs, President

ATTEST:

By: Mallory Lowe
Mallory Lowe, Clerk-Treasurer

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2012**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Council of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2012 and remain in effect until December 31, 2012.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 65.35 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 33.87 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

Bob E. Estabrook

President, casting .78 votes

ATTEST:

Melissa Lowe

Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2012 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-07-11-004**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2012. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 33.87 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2012.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 6th day of July, 2011 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Joe Kiefer, President

ATTEST:

By: 
Joe Gries, Auditor

161139

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2012**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2012 and remain in effect until December 31, 2012.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 65.35 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 33.87 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .78 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

161138

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2012 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2012. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 65.35 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

JUN 07 2011

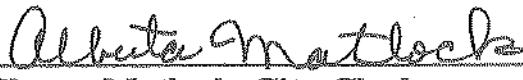
Alberta Matlock
CITY CLERK

PASSED BY the Common Council of the City of Evansville, Indiana, on the 27 day of June, 2011, on said day signed by the President of the Common Council and attested by the City Clerk.


President of the Common
Council, City of Evansville, Indiana

ATTEST: Alberta Matlock

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 28 day of June, 2011, at 11:00 o'clock A. m. for his consideration and action thereon.


Alberta Matlock, City Clerk
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 28 day of June, 2011, at 3:00 o'clock P. m.


Jonathan D. Weinzapfel Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY DAVID L. JONES, CORPORATION COUNSEL

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2012**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;


NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2012 and remain in effect until December 31, 2012.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 65.35 votes

ATTEST:



Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 33.87 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .78 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

FILED

JUN 07 2011


CITY CLERK

**RESOLUTION CONCERNING THE POSITION OF THE TOWN OF DARMSTADT ON
THE CITY OF EVANSVILLE-VANDERBURGH COUNTY, INDIANA, PLAN OF
REORGANIZATION ADOPTED JANUARY 11, 2011**

WHEREAS, on January 11, 2011, pursuant to Indiana Code Chapter 36-1.5-4 et seq., the City of Evansville/Vanderburgh County Reorganization Committee prepared and approved its City of Evansville-Vanderburgh County, Indiana, Plan of Reorganization ("Plan of Reorganization"). The Plan of Reorganization, if adopted by the legislative bodies of the City of Evansville and Vanderburgh County and approved by a majority of the voters of Vanderburgh County, will govern the actions, duties, and powers of the reorganized City of Evansville and Vanderburgh County government that are not otherwise specified by law.

WHEREAS, as at this time, the Town of Darmstadt, by and through its Town Council, has not issued any statement or response regarding the Town of Darmstadt's position with respect to its involvement or interest in the reorganization of local government within Vanderburgh County.

WHEREAS, the Town of Darmstadt has considered the Plan of Reorganization.

WHEREAS, while the Town of Darmstadt is not currently one of the reorganizing political subdivisions, its residents are not only residents of the Town of Darmstadt, but also residents of Vanderburgh County, and therefore have as great an interest in the reorganization as any other resident of the City of Evansville or Vanderburgh County.

WHEREAS, the Town of Darmstadt has grave concerns about the impact on the residents of the unincorporated areas of Vanderburgh County and the residents of the Town of Darmstadt.

WHEREAS, the Town of Darmstadt has grave concern that the Plan of Reorganization imposes additional taxation on the residents of the Town of Darmstadt for services they currently receive either from the City of Evansville, Vanderburgh County, the Town of Darmstadt, or any other governmental entity or service provider.

WHEREAS, the Town of Darmstadt has grave concern that the Plan of Reorganization will result in greater costs and fees for the Town of Darmstadt and its residents for the provision of services the Town of Darmstadt and its residents currently receive either from the City of Evansville, Vanderburgh County, the Town of Darmstadt, or any other governmental entity or service provider.

WHEREAS, the Town of Darmstadt believes that the decision to adopt any Plan of Reorganization should be one carried out with serious deliberation and critical scrutiny.

WHEREAS, because the residents of the Town of Darmstadt are likewise residents of Vanderburgh County, and because the residents of the Town of Darmstadt are entitled to vote on the approval of any Plan of Reorganization and to run for public office in Vanderburgh County, the Town of Darmstadt believes that it is entitled to have its message heard.

WHEREAS, the Town of Darmstadt has determined that it is altogether fitting and proper to issue this resolution concerning its position with respect the Plan of Reorganization.

NOW THEREFORE, SO BE IT RESOLVED,

1. The Town of Darmstadt opposes the Plan of Reorganization in its present form.
2. The Town of Darmstadt believes that all residents of Vanderburgh County—including those in incorporated and unincorporated areas— should be treated and served by their local government equally and fairly.
3. Because of the serious impact on the residents of the City of Evansville and Vanderburgh County, in the event that the reorganizing political subdivisions approve any Plan of Reorganization, the Town of Darmstadt endorses a Plan of Reorganization should require a two-thirds majority voter approval by the voting public.
4. The Town of Darmstadt opposes any Plan of Reorganization that would increase taxation of its residents to pay for the same or less service and quality of service provided to its residents.
5. The Town of Darmstadt opposes any Plan of Reorganization that imposes additional taxation on the residents of the Town of Darmstadt for services they currently receive either from the City of Evansville, Vanderburgh County, the Town of Darmstadt, or any other governmental entity or service provider.
6. The Town of Darmstadt opposes any Plan of Reorganization that will result in greater costs or fees for the Town of Darmstadt and its residents for the provision of services the Town of Darmstadt and its residents currently receive either from the City of Evansville, Vanderburgh County, the Town of Darmstadt, or any other governmental entity or service provider.
7. The Town of Darmstadt demands that, prior to the adoption of any Plan of Reorganization, the legislative bodies of the reorganizing political subdivisions should conduct a special meeting in the Town of Darmstadt at a suitable time and location to answer critical questions from the Town Council and the residents of the Town of Darmstadt regarding the impact of such Plan of Reorganization on the residents of the Town of Darmstadt.

PASSED AND ADOPTED by the Town Council of the Town of Darmstadt on this
12th day of April, 2011.

B. E. Stott

President

Steve D'Ala

Member

Tom Gray

Member

Paul ...

Member

ATTEST:

Mary Lou ...

Clerk-Treasurer

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ORDINANCE NO. 2010-6

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2011**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2011, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2011:

(S)	President of the Town Council	Not more than \$303.86 per month <i>(Paid 100% out of General Fund)</i>
(S)	Members of the Town Council except the President	Not more than \$246.60 per month <i>(Paid 100% out of General Fund)</i>
(S)	Clerk-Treasurer	Not more than \$2,140.30 per month <i>(Paid ½ year out of General & ½ Sewer)</i>
(H)	Street Superintendent/Wastewater Superintendent	Not more than \$22.90 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Assistant Street/Wastewater Superintendent /Field Supervisor	Not more than \$15.02 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Part-Time Maintenance Worker I	Not more than \$14.58 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>

In addition to the above-stated rate of pay, the Street Superintendent/Wastewater Superintendent may receive not more than \$1200.00 "grossed up" as a performance bonus.

In addition to the above-stated rate of pay, the Assistant Street/Wastewater Superintendent may receive not more than \$500.00 "grossed up" as a performance bonus.

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective January 1, 2011.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 14th day of December, 2010.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

B. S. S. S. S.
Council President

B. M. S. S. S.
Council Member

S. S. S. S. S.
Council Member

S. S. S. S. S.
Council Member

ATTEST:

Mallory Lowe
Mallory Lowe, Clerk-Treasurer

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2011 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-06-10-005**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2011. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 28.517 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2011.


SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 30th day of June, 2010 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Russell G. Lloyd, Jr., President

ATTEST:

By: 
William J. Fluty, Jr., Auditor

ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2011

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2011 and remain in effect until December 31, 2011.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

E. J. Watts

President, casting 70.719 votes

ATTEST:

Alberta Matlock

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 28.517 votes

ATTEST:

William J. Eluty Jr.

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

PASSED BY the Common Council of the City of Evansville, Indiana, on the 28 day of June, 2010, on said day signed by the President of the Common Council and attested by the City Clerk.

Erin Watts

President of the Common
Council, City of Evansville, Indiana

ATTEST: Alberta Matlock

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 29 day of June, 2010, at 11:00 o'clock A. m. for his consideration and action thereon.

Alberta Matlock

Alberta Matlock, City Clerk
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 2 day of July, 2010, at 9:00 o'clock A. m.

Jonathan D. Weinzapfel

Jonathan D. Weinzapfel, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY DAVID L. JONES, CORPORATION COUNSEL

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2011 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2011. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 70,719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2011**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2011 and remain in effect until December 31, 2011.

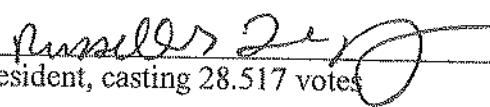
COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

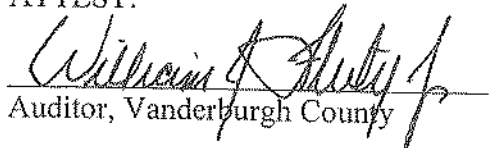
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2011**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2011 and remain in effect until December 31, 2011.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 28.517 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

Bob E. Stoltz

President, casting .764 votes

ATTEST:

Mary Lou

Clerk/Treasurer, Town of Darmstadt

23

**A RESOLUTION OF THE DARMSTADT COUNCIL PROPOSING AN
ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED
FOR HOMESTEADS FOR 2011 AND CASTING THE VOTES OF THE
TOWN OF DARMSTADT ON SAID ORDINANCE
RESOLUTION NO. R 2010-3**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The Town of Darmstadt hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2011. A copy of said Ordinance is attached hereto.

SECTION 2. The Town of Darmstadt casts its .764 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The Town of Darmstadt shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate agency of the State of Indiana so that the County and local homestead credit will become effective January 1, 2011.

Drug Free Workplace Ordinance

GENERAL ORDINANCE 2010-4, 2010

Section 1 Overview

WHEREAS, the Town of Darmstadt, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the Town and its employees. Since the Town of Darmstadt values each employee, the Town offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2 Policy

WHEREAS, the Town of Darmstadt requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the Town at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the Town.

Section 3 Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription controlled substance which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on County premises (including vehicles used for Town business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4 Alcohol

The use of alcohol on the job or on Town premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off Town premises. The use of alcohol in vehicles used for Town business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on Town premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for Town business is never authorized.

Section 5 Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the Town under a criminal drug statute for violations occurring on or off Town premises when conducting Town business. Report of a conviction must be made to the Town within five (5) business days after the conviction. The Town will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the Town will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the Town's reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

Section 6 Employee Rehabilitation

Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the Town will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to not a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other Town policies or job requirements.

Any employee identified through a Town investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

Section 7 Testing

The Town of Darmstadt, Indiana will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

- 1 When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
- 2 During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the Town.
- 3 When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the Town. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the Town. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

Certification of Adoption

It is hereby certified that this Ordinance Number 2010-4 was passed by the Town Council of the Town of Darnstadt, Indiana, at its legally convened meeting of May 18, 2010.


Bob Stobbs, Town Council President

Attested By:



Date 5-18-10

Fair Housing Ordinance

GENERAL ORDINANCE 2010-3, 2010

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 COMMON COUNCIL OF
THE Town of Darmstadt, Indiana, AS FOLLOWS:

Section 1 Policy Statement

It shall be the policy of the Town of Darmstadt to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

Section 2 Definitions

The definitions set forth in this Section shall apply throughout this Ordinance:

- A. ADwelling≡ means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. AFamily≡ 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. APerson≡ (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. ATo Rent≡ (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- E. ADiscriminatory 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. AHandicap≡ means, with respect to a person:
 - 1. a physical or mental impairment which substantially limits one or more of such person=s major life activities.
 - 2. a record of having such an impairment, or



3. being regarded as having such an impairment,
4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
5. Any other impairment defined under I.C. 22-9.5-2-10.

The term Ahandicap \cong shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code (I.C. 22-9.5-2-10(b)); nor does the term Ahandicap \cong include an individual solely because that individual is a transvestite (I.C. 22-9.5-2-10(c)).

- G. AAggrieved Person \cong 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. AFamilial Status \cong 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 the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- I. ACommission \cong (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. AComplainant \cong (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. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.
- B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:
1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not 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 noting in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer this title, or
2. rooms or units in dwellings containing living quarters occupied or intended to be occupied by 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:
- 1. he has, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
 - 2. he has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transaction involving the sale or rental of any dwelling or any interest therein, or
 - 3. he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 4 *Discrimination in the Sale or Rental of Housing*

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services of facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induct any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. 1. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

- a. that buyer or renter;
 - b. a person residing in or intending to reside in that dwelling after it is 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 a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
- a. that person; or
 - b. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. any person associated with that person.
3. For purposes of this subsection, discrimination includes:
- a. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
 - 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, 1998, a failure to design and construct those dwellings in such a manner that:
 - i. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - ii. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - iii. all premises within such dwellings contain the following features of adaptive design:
 1. an accessible route into and through the dwelling;
 2. light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 3. reinforcements in 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 AANSI 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 Service*

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers= organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 7 *Interference, Coercion, or Intimidation*

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

Section 8 *Prevention of Intimidation in Fair Housing Cases*

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or

2. affording 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, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not 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 Indian Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (B) and (C) of this Section.
- B. Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- C.
 1. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons.
 2. As used in this Section, A housing for older persons means housing:
 - a. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 - b. intended for, and solely occupied by, person 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 administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the Town of Darmstadt, Indiana.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Darmstadt, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Darmstadt, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the Town of Darmstadt, 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 Elected Official and the Commission to further such purposes.

- D. The Chief Elected Official of the Town of Darmstadt, Indiana, or the Chief Elected Officials designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 11 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.

Certification of Adoption

It is hereby certified that this Ordinance Number 2010-3 was passed by the Common Council of the Town of Darmstadt, Indiana, at its legally convened meeting of May 18, 2010.


Bob Stobbs, Town Council President

Date 18 May 2010

Attest By:


Mallory Lowe, Clerk-Treasurer

**RESOLUTION AUTHORIZING APPLICATION SUBMISSION AND LOCAL
MATCH COMMITMENT**

Resolution No. 2010-2

RESOLUTION OF THE TOWN COUNCIL OF DARMSTADT, INDIANA AUTHORIZING THE SUBMITTAL OF THE CDBG PLANNING GRANT APPLICATION TO THE INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS

WHEREAS, the Town Council of Darmstadt, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits: and

WHEREAS, the Housing and Community Development Act of 1974, as amended, authorizes the Indiana office of Community and Rural Affairs to provide grants to local units of government to meet the housing and community development needs of low-and moderate-income persons; and


WHEREAS, the Town Council of Darmstadt, Indiana has conducted or will conduct public hearings prior to the submission of an application to the Indiana Office of Community and Rural Affairs, said public hearings to assess the housing, public facilities and economic needs of its low-and moderate-income residents:

NOW, THEREFORE BE IT RESOLVED by the Town Council of Darmstadt, Indiana that:

1. The Town Council President is authorized to prepare and submit an application for grant funding to address a downtown revitalization plan and to execute and administer a resultant grant including requisite general administration and project management, contracts and agreements pursuant to regulations of the Indiana Office of Community and Rural Affairs and the United States Department of Housing and Urban Development.
2. The Town Council of Darmstadt, Indiana hereby commits the requisite local funds in the amount of five thousand six hundred dollars (\$ 5,600.00) in the form of General Funds, as matching funds for said program, such commitment to be contingent upon receipt of CDBG funding from the Indiana Office of Community and Rural Affairs.

Adopted by the Town Council of Darmstadt, Indiana this 18th day of May, 2010, at 7:30pm.

SIGNATURE: 
Bob Stobbs, Town Council President

ATTEST: 
Mallory Lowe, Clerk-Treasurer



SLUM AND BLIGHT AREA DECLARATORY RESOLUTION

TOWN OF DARMSTADT

RESOLUTION# 2010-1

WHEREAS, the Town Council desires to eliminate slum and blighted areas within the corporate limits of Darmstadt, Indiana; and,

WHEREAS, identifying such areas is necessary for effective action to eliminate slum and blighting conditions; and,

WHEREAS, public improvements such as sidewalks and streets have severely deteriorated, contributing to slum and blighting conditions; and,

WHEREAS, the downtown area has experienced a cessation of private investment since 2005; and,

WHEREAS, thirty-three percent (33%) of the total commercial space in downtown Darmstadt is currently vacant, and

WHEREAS, widespread deterioration of downtown commercial buildings has taken place as evidenced by crumbling facades, broken windows, unrepaired vandalism, growth of vegetation, and presence of litter in and around many downtown commercial buildings,

BE IT RESOLVED by the Town Council that the following areas of downtown Darmstadt hereby be designated as a slum/blighted area as defined by Indiana Code 36-7-14:

Bordered north of the Bauer's Grove Bauerause property located at 13605 Darmstadt Road, bordered to the east of the Old National Bank property located at 13221 Darmstadt Road, bordered to the south of the Scott Township Fire Station property located at 12949 Darmstadt Road, and bordered to the west by the Trinity Lutheran Church School property located at 1403 W. Boonville-New Harmony Road. (See attached map.)

ADOPTED this 18th day of May, 2010 by the Town Council of the Town of Darmstadt, Indiana at 7:30 P.M.

TOWN OF DARMSTADT:

By: 
Bob Stobbs, Town Council President

ATTEST: 
Mallory Lowe, Clerk-Treasurer

ORDINANCE NO. 2010-2

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2
OF THE TOWN OF DARMSTADT, INDIANA ENTITLED
"A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE
COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNERS OF PROPERTY
SERVED BY THE SEWAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED
THEREWITH."

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana on the 12th Day of March, 1987 adopted Ordinance No. 1987-2; and

WHEREAS, the Board of Trustees of the Town of Darmstadt desires to adopt an amendment to Ordinance No. 1987-1.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Section 1. Section 3 (b) of Ordinance No. 1987-2 is hereby deleted in its entirety.

Section 2. The following hereby replaces Section 3 (b) of Ordinance No.1987-2:

The Town of Darmstadt will not be responsible for installing, reading, calibrating, validating, or calculating values from any type of meters which do not apply to the direct operations of the Town; this includes any efforts by well users who might wish us to read usage from their wells. (We do read the two main sewer mag-
neters which discharge to Evansville water & sewer). Water meters installed by Residents or Businesses for the purpose of separating sewer calculated water use from non-sewer calculated water use will be the sole responsibility of the individual Owners and will not be part of any sewer rate calculations by the Town. The water meter readings provided by Evansville Water Works and German Township Water District will be the sole source of data used for Darmstadt Residents sewer calculations.

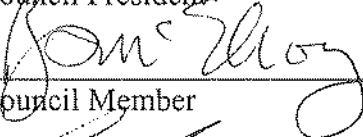
Section 3. - This Ordinance shall be effective as of the 9th day of February 2010.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 9th day of February, 2010.

TOWN COUNCIL OF THE TOWN OF DARMSTADT, INDIANA



Council President



Council Member



Council Member

Council Member

ATTEST:



Mallory Lowe, Clerk-Treasurer

Dress Lane

Dress Lane Residents
Darmstadt, Indiana
March 18, 2010

The Town of Darmstadt would like to inform you of a change in the process for determining sewer charges for all Residents (current and future) residing in Dress Lane Subdivision, Darmstadt, Indiana. As a result of this change, the sole water meter used for sewer usage calculation will be the existing Evansville Water Meter located at the entry to the subdivision. Private water meters installed by the Residents within Dress Lane will not be read by the Town of Darmstadt nor will they be used in the calculation of sewer usage for Dress Lane Residents.

Effective immediately, the sewer charges billed in the months of July, August, September, and October (for usage in the months June, July, August, and September) of each year will be averaged based on historical usage data for these months.

Billing from the Town of Darmstadt and bill payment to the Town of Darmstadt will continue in the same manner. It will be the responsibility of the Dress Lane Residents to continue to determine individual Resident costs.

This revised process will be utilized until each Dress Lane Resident installs individual Evansville Water meters.

If you have questions or need clarification regarding this revised practice, please contact Bob Stobbs, Darmstadt Council President, or attend a monthly Town Hall Meeting.

Regards,
Darmstadt Town Council
Bob Stobbs - President

Bauer's Grove
Darmstadt, Indiana
March 18, 2010

Bauer's Grove

The Town of Darmstadt would like to inform you of a change in the process for determining sewer charges for the facility at Bauer's Grove, Darmstadt, Indiana. As a result of this change, the sole water meter used for sewer usage calculation will be the existing Evansville Water Meter. The private water meter installed by Bauer's Grove will not be read by the Town of Darmstadt nor will it be used in the calculation of sewer usage and subsequent billing for Bauer's Grove.

Effective immediately, the sewer charges billed in the months of July, August, September, and October (for usage in the months June, July, August, and September) of each year will be averaged evenly during these 4 summer months based on the average of the previous 8 months of Evansville meter readings. Billing from the Town of Darmstadt and bill payment to the Town of Darmstadt will continue in the same manner.

If you have questions or need clarification regarding this revised practice, please contact Bob Stobbs, Darmstadt Council President, or attend a monthly Town Hall Meeting.

Regards.
Darmstadt Town Council
Bob Stobbs - President

ORDINANCE NO. 2010-1

**AN ORDINANCE ESTABLISHING A "RAINY DAY FUND"
PURSUANT TO INDIANA CODE 36-1-8-5.1**

WHEREAS, Indiana Code 36-1-8-5.1 authorizes political subdivisions to establish a rainy day fund to receive transfers of unused and unencumbered monies whenever the purposes of such a tax levy have been fulfilled and an unused and unencumbered balance remains; and

Whereas, the Town Council of the Town of Darmstadt now determines it to be in the best interest of the Town and its taxpayers that a rainy day fund be established for the purpose of accumulating funds for the operation of the municipality when the Town does not have sufficient levies or funds to pay such costs, including, but not limited, salaries and wages, costs of services, supplies, equipment, capital improvements (except sanitary sewer expansion), repairs and similar expenditures.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL
OF THE TOWN OF DARMSTADT, INDIANA,**

Section 1. Creation of Rainy Day Fund. There is hereby established a "Rainy Day Fund" to receive transfers of unused and unencumbered funds raised by a general or special tax levy on taxable property within the Town whenever the purpose of such tax levy has been fulfilled and an unused and unencumbered balance remains.

Section 2. Purposes of the Fund. The funds on deposit in the Rainy Day Fund may be used for the operation of the Town when the Town does not have sufficient levies or funds to pay such costs, including, but not limited to, salaries and wages, costs of services, supplies, equipment, capital improvements (except sanitary sewer expansion), repairs and similar expenditures.

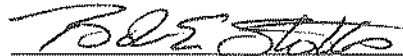
Section 3. Transfer to Fund. On or before December 31st of each year, the Town Council shall determine the amount, if any, of any unused and unencumbered funds available to be transferred to the Rainy Day Fund, which transfer may not exceed more than ten percent (10%) of the Town's total budget for that fiscal year.

Section 4. Appropriations. The Town Council of the Town of Darmstadt may authorize the expenditure of funds from the Rainy Day Fund by appropriations made in the same manner as other funds are appropriated that receive tax monies, upon making a finding that the proposed use of the funds is consistent with the intent of the fund.


Section 5. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this 12th day of January, 2010.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



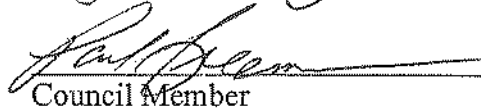
Bob Stobbs, Council President



Council Member

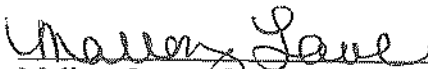


Council Member



Council Member

ATTEST:


Mallory Lowe, Clerk-Treasurer

ORDINANCE NO. 2009-~~81~~⁸²

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2010**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2010, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2010:

(S)	President of the Town Council	Not more than \$303.86 per month <i>(Paid 100% out of General Fund)</i>
(S)	Members of the Town Council except the President	Not more than \$246.60 per month <i>(Paid 100% out of General Fund)</i>
(S)	Clerk-Treasurer	Not more than \$2,038.38 per month <i>(Paid 1/2 year out of General & 1/2 Sewer)</i> <i>5 months / 7 months</i>
(H)	Street Superintendent/Wastewater Superintendent	Not more than \$22.23 per hour <i>(Paid 1/4 year out of MVH & 3/4 Sewer)</i>
(H)	Assistant Street/Wastewater Superintendent /Field Supervisor	Not more than \$14.44 per hour <i>(Paid 1/4 year out of MVH & 3/4 Sewer)</i>
(H)	Part-Time Maintenance Worker I	Not more than \$14.16 per hour <i>(Paid 1/4 year out of MVH & 3/4 Sewer)</i>

In addition to the above-stated rate of pay, the Street Superintendent/Wastewater Superintendent may receive not more than \$1200.00 "grossed up" as a performance bonus.

In addition to the above-stated rate of pay, the Assistant Street/Wastewater Superintendent may receive not more than \$500.00 "grossed up" as a performance bonus.

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective after January 1, 2010.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed. ADOPTED
this 8th day of December, 2009.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

Bob Stotts
Council President

Steve Hake
Council Member

Tom Elroy
Council Member

Paul Beem
Council Member

ATTEST:

Mallory Lowe
Mallory Lowe, Clerk-Treasurer

ORDINANCE NO. 2009-5
AN EMERGENCY ORDINANCE PROVIDING FOR THE TRANSFER OF
APPROPRIATIONS FOR A DEPARTMENT OF THE TOWN OF DARMSTADT,
INDIANA, FOR THE REPAVING OF CERTAIN ROADWAYS PURSUANT TO
IC 6-1.1-18-6.

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2009 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget to meet the emergencies.

SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT, INDIANA, that of the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

TOWN GENERAL FUND:

FROM:	M100 and M200
TO:	M395 contractual services
SUM:	\$33,500

SECTION 3. Passed and adopted by Town Council on the 26th day of October, 2009.

Bob E. Stoltz

President

Layna Riggs

Council Member

Joe King

Council Member

Council Member

ATTEST: Marla Lane
Town Clerk-Treasurer

**Town of Darmstadt
Ordinance for Flood Hazard Areas
Ordinance No. 2009-4**

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Darmstadt does hereby adopt the following floodplain management regulations.

Section B. Findings of Fact.

- (1) The flood hazard areas of the Town of Darmstadt are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

Article 2. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

Accessory structure (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Construction means any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Five-hundred year flood (500-year flood) means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. On behalf of the Town of Darmstadt, the Vanderburgh County Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structure means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into

compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Map Amendment (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR) means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F) means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a). the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
 - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map amendment means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

Map panel number is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum of 1929 (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-hundred year flood (100-year flood) is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Participating community is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Post-FIRM construction means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

Pre-FIRM construction means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

Probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Public safety and nuisance, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdictions of the Town of Darmstadt subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of Vanderburgh County prepared by the Federal Emergency Management Agency, and dated August 5, 1991. (These areas are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Article 3. General Provisions.

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs within the jurisdiction of the Town of Darmstadt.

Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vanderburgh County and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated August 5, 1991.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an "A Zone" on the FIRM of Vanderburgh County shall be according to the best data available as provided by the Indiana Department of Natural Resources.
- (3) For the SFHAs of those parts of unincorporated Vanderburgh County that are within the extraterritorial jurisdiction of the Town of Darmstadt or that may be annexed into the Town of Darmstadt:
 - a). The regulatory flood elevation, floodway, and fringe limits of studied streams shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Vanderburgh County and the corresponding FIRM prepared by the Federal Emergency Management Agency and dated August 5, 1991
 - b). If the SFHA is delineated as "Zone A" on the Vanderburgh County Flood Insurance Rate Map, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Town of Darmstadt, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Vanderburgh County Zoning Code. All violations shall be punishable by a fine not exceeding \$100.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the Town or the Floodplain Administrator from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. Administration.

Section A. Designation of Administrator.

The Town Council of the Town of Darmstadt hereby appoints the Vanderburgh County Building Commissioner or his designee to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the

area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(1) Application stage.

- a). A description of the proposed development;
- b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
- c). A legal description of the property site;
- d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
- e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed;
- g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;

(2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this

ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)

- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B;
- (11) Review certified plans and specifications for compliance.
- (12) Stop Work Orders
 - a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (13) Revocation of Permits
 - a). The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,
- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

Section B. Specific Standards.

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
 - a). Construction or placement of any new structure having a floor area greater than 400 square feet;
 - b). Addition or improvement made to any existing structure:
 - (i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
 - (ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.

- c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred;
 - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - e). Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - f). Reconstruction or repairs made to a repetitive loss structure;
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).
- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
- a). A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (10).
 - b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area; and
 - (ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

- (v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - (vi) portions of the building below the flood protection grade must be constructed with materials resistant to flood damage.
- (5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
- a). The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - b). The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
 - c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d). The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e). The top of the lowest floor including basements shall be at or above the FPG.
- (6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
- a). The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - b). Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and
 - c). The interior grade of the crawlspace must be at or above the base flood elevation; and
 - d). The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
 - e). An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
 - f). Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
 - g). Utility systems within the crawlspace must be elevated above the flood protection grade.
- (7) **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a). The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (i) outside a manufactured home park or subdivision;
 - (ii) in a new manufactured home park or subdivision;
 - (iii) in an expansion to an existing manufactured home park or subdivision; or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
- b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
- c). Recreational vehicles placed on a site shall either:
 - (i) be on site for less than 180 days; and,
 - (ii) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (iii) meet the requirements for "manufactured homes" as stated earlier in this section.

Section C. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

Section D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section E. Standards for Identified Floodways.

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the Floodplain Administrator shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

- (1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

- (2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100 year flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Article 6. Variance Procedures.

Section A. Designation of Variance and Appeals Board.

On behalf of the Town of Darmstadt, the Vanderburgh County Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Vanderburgh County Circuit Court, as provided by Statute.

Section C. Variance Procedures.

In passing upon such applications, the Vanderburgh County Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

- (1) Variances shall only be issued when there is:
 - a). A showing of good and sufficient cause;
 - b). A determination that failure to grant the variance would result in exceptional hardship; and,
 - c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to Article 5, Section E or Section G (1) of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to Article 5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- (7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section E).
- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section E).

Section E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;

- (2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

Section F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Vanderburgh County Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Article 7. Severability.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Article 8. Effective Date.

This ordinance shall take effect upon its passage by the Town Council of the Town of Darmstadt.

Passed and enacted by the Town Council of Town of Darmstadt, Indiana on the 13th day of October, 2009.

Town Council
Town of Darmstadt, Indiana

Steve Ware

B&S Stotts

Dayna Pryor

Jim Elroy

Attest: Mallory Lowe

TOWN OF DARMSTADT

**RESOLUTION FOR APPLICATION TO PARTICIPATE
IN THE NATIONAL FLOOD INSURANCE PROGRAM**

RESOLUTION NO. 2009-2

WHEREAS, certain areas of the Town of Darmstadt are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Town Council to require the recognition of evaluation of flood, mudslide (i.e., mudflows), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to IC 36-7-4 and IC 14-28-4,

NOW, THEREFORE, BE IT RESOLVED, that this Town Council hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 59 et. Seq., of the National Flood Insurance Program Regulations; and
2. Vests the Vanderburgh County Building Commissioner with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood, mudslide, or flood-related erosion hazards.
 - (b) Provide information the Administrator may request concerning present uses and occupancy of the floodplain, mudslide or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudflow, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit, on forms provided by the Administrator, an annual report on the progress made during the past year within the community in the development and implementation of floodplain management measures.

- (e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. Include an accurate corporate limit map suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. The community will use the Flood Insurance Rate Map or Flood Hazard Boundary Map published for the community from which land areas were annexed or from that political entity that previously had regulatory authority until the Administrator provides a map using the new corporate limits.
3. Appoints the Vanderburgh County Building Commissioner to maintain for public inspection and to furnish upon request (for determining flood insurance premium rates), the following information on all new and substantially improved structures constructed within the identified special flood hazard area:
 - (a) the actual (as-built) lowest floor (including basement) elevation in relation to mean sea level;
 - (b) any certificates of flood-proofing;
 - (c) whether or not a building has a basement;
 - (d) for all floodproofed structures, the elevation to which the structure has been floodproofed.
 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Dated this 13th day of October, 2009:

Town Council of the Town of Darmstadt, Indiana

Steve Wayne

Bob E. Stokes

Dayna R. Rupp

Jim McElroy

Certification:

Murray Lowe

TOWN OF DARMSTADT

**RESOLUTION FOR APPLICATION TO PARTICIPATE
IN THE NATIONAL FLOOD INSURANCE PROGRAM**

RESOLUTION NO. 2009-2

WHEREAS, certain areas of the Town of Darmstadt are subject to periodic flooding, mudslides (i.e., mudflows), or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, it is the intent of this Town Council to require the recognition of evaluation of flood, mudslide (i.e., mudflows), or flood-related erosion hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to IC 36-7-4 and IC 14-28-4,

NOW, THEREFORE, BE IT RESOLVED, that this Town Council hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood-related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the Criteria set forth in Section 59 et. Seq., of the National Flood Insurance Program Regulations; and
2. Vests the Vanderburgh County Building Commissioner with the responsibility, authority, and means to:
 - (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood, mudslide, or flood-related erosion hazards.
 - (b) Provide information the Administrator may request concerning present uses and occupancy of the floodplain, mudslide or flood-related erosion areas.
 - (c) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudflow, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
 - (d) Submit, on forms provided by the Administrator, an annual report on the progress made during the past year within the community in the development and implementation of floodplain management measures.

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2009 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-08-09-008**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, the Department of Local Government Finance has determined that the County Income Tax Council and the State oversight departments may elect to waive the deadline contained in I.C. 6-3.5-6 *et. seq.*, in the interest of maintaining property tax relief that has been previously established and to maintain it for the benefit of its citizens.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2009. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 28.517 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective in 2009.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 18th day of August, 2009 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Tom Shetler, Jr., President

ATTEST:

By: 
William J. Fluty, Jr., Auditor

145383

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2009**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, the Department of Local Government Finance has determined that the County Income Tax Council and the State oversight departments may elect to waive the deadline contained in I.C. 6-3.5-6 *et. seq.*, in the interest of maintaining property tax relief that has been previously established and to maintain it for the benefit of its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by the state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2009 and remain in effect until December 31, 2009.

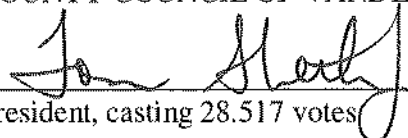
COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

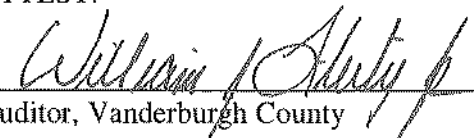
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

145387

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2009 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, the Department of Local Government Finance has determined that the County Income Tax Council and the State oversight departments may elect to waive the deadline contained in I.C. 6-3.5-6 *et. seq.*, in the interest of maintaining property tax relief that has been previously established and to maintain it for the benefit of its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2009. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 70.719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

JUL 22 2009

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2009.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 17
day of August, 2009, on said day signed by the President
of the Common Council and attested by the City Clerk.

B.J. Watts

B.J. Watts, President of the Common
Council, City of Evansville, Indiana

ATTEST: *Alberta Matlock*

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to
the Mayor of said city, this 18 day of August, 2009,
at _____ o'clock ____ . m. for his consideration and action thereon.

Alberta Matlock
Alberta Matlock, City Clerk
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of
Evansville, Indiana, approve said resolution and return the same to the City Clerk
this 21 day of August, 2009, at 10:00 o'clock a.m.

Jonathan D. Weinzapfel
Jonathan D. Weinzapfel, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM
BY DAVID L. JONES, CORPORATION COUNSEL

**ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2009**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, the Department of Local Government Finance has determined that the County Income Tax Council and the State oversight departments may elect to waive the deadline contained in I.C. 6-3.5-6 *et. seq.*, in the interest of maintaining property tax relief that has been previously established and to maintain it for the benefit of its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by the state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2009 and remain in effect until December 31, 2009.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 70.719 votes

ATTEST:



Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 28.517 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE TOWN OF DARMSTADT PROPOSING AN ORDINANCE OF THE
VANDERBURGH COUNTY INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE
CREDIT ALLOWED FOR HOMESTEADS FOR 2010 AND CASTING THE VOTES OF THE
COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. 2009-1**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town of Darmstadt, Indiana as follows:

SECTION 1. The Darmstadt Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2010. A copy of said Ordinance is attached hereto.

SECTION 2. The Town of Darmstadt casts its .764 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:
(Ordinance attached hereto is incorporated herein.)

SECTION 3. The Town of Darmstadt shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2010.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 28th day of July, 2009 by the Town of Darmstadt

TOWN OF DARMSTADT COUNCIL

By: Bob E. Stobbs
Steve Jones
Ann Elroy

TEST:
By: Mallory Lowe
Mallory Lowe, Clerk-Treasurer

6*

Ordinance 2009-2
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2010

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2010 and remain in effect until December 31, 2010.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 28.517 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

Paul E. Stabo

President, casting 764 votes

ATTEST: *Mallon Jaul*

Clerk/Treasurer, Town of Darmstadt

She Ware

Board Member

Don Wiley

Board Member

Board Member

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2010 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance, the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2010. A copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its _____ votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED


JUL 01 2009

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2010.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.


PASSED BY the Common Council of the City of Evansville, Indiana, on the 13 day of July, 2009, on said day signed by the President of the Common Council and attested by the City Clerk.



B.J. Watts, President of the Common Council, City of Evansville, Indiana

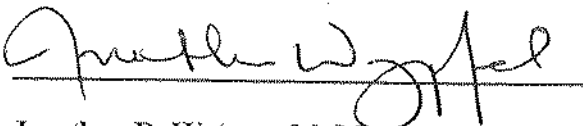
ATTEST: Alberta Matlock

Presented by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said city, this 14 day of July, 2009, at 8:00 o'clock A. m. for his consideration and action thereon.



Alberta Matlock, City Clerk
City of Evansville, Indiana

Having examined the foregoing resolution, I do now, as Mayor of the City of Evansville, Indiana, approve said resolution and return the same to the City Clerk this 14 day of July, 2009, at 8:00 o'clock A. m.



Jonathan D. Weinzapfel, Mayor
City of Evansville, Indiana

APPROVED AS TO FORM

BY DAVID L. JONES, CORPORATION COUNSEL

*Mallory,
The City of County 2010
Homestead resolutions &
ordinances are attached
for your records.*

Feri Lukeman

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2010**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2010 and remain in effect until December 31, 2010.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

Erin Watts

President, casting 70.719 votes

ATTEST:

Albina Matlock

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting 28.517 votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

Wb

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2010 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE**

RESOLUTION NO. CO. R-07-09-006

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after March 31 but before August 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2010. A copy of said Ordinance is attached hereto.

SECTION 2. The County Council casts its 28.517 votes for the proposed Ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

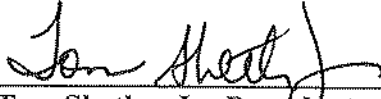
SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the Ordinance and local homestead credit will become effective January 1, 2010.

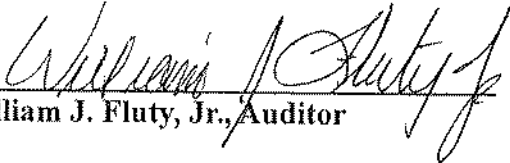
SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 21st day of July, 2009 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Tom Shetler, Jr., President

ATTEST:

By: 
William J. Fluty, Jr., Auditor

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2010**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County, and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after March 31 but before August 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2010 and remain in effect until December 31, 2010.

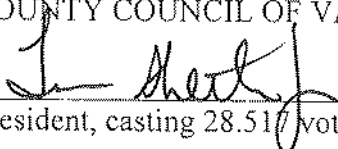
COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

ORDINANCE NO. 2009 - 1

AN ORDINANCE AMENDING ORDINANCE NO. 2007- 14 , AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana ("Town"), on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which has been amended from time to time ("Ordinance"); and

WHEREAS, Indiana law requires that the rates and charges charged by the Town of Darmstadt must be sufficient to produce revenue to cover certain costs and expenses;

WHEREAS, Indiana law allows for the establishment rates or charges for a sewage works may be determined based on the a flat charge for each connection or by other methods or combinations of methods; and

WHEREAS, the Town of Darmstadt amended the Ordinance with Ordinance No. 2007- 4 to provide for a reduced and more fair and equitable method for assessing rates and charges for certain single family residential users.

WHEREAS, Ordinance No. 2007- 4 provided that single family residential users with no more than two (2) persons residing at the single family residential user's residence could receive a reduced monthly charge by annually submitting a fully executed affidavit on a prescribed form.

WHEREAS, the Town of Darmstadt now desires to amend the Ordinance to change the time requirement for filing the affidavit from annually to every four (4) years.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (c) of Ordinance 2007- 4 is hereby amended to provide as follows:

Section 2 (c).

- (i) Except as otherwise provided in subparagraph 2(c)(ii), the monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,600 gallons per month), shall be \$70.82.
- (ii) If an unmetered single family residential user submits to the Town Clerk-Treasurer, on a form prescribed by the Town, an affidavit fully executed by the user swearing and affirming: (1) that no more than two (2) persons reside at the single family residential user's residence and (2) that said residence is served by water from a private well system only and is not connected to the waterworks of the Evansville Water and Sewer Utility Department or any other municipal waterworks system, and if such affidavit is approved by the Town Clerk-Treasurer, said unmetered single family residential user shall be deemed to generate flows equal to 4,000 gallons per month with a monthly charge (exclusive of any surcharges) in the amount of \$47.20.
- (iii) Such affidavit described under subparagraph 2(c)(ii) must be submitted to and received by the Town Clerk-Treasurer by December 15 to be effective for the first monthly billing cycle of the calendar year immediately following such date, unless rejected or revoked. Once filed, such affidavit will remain in place for a period of four (4) years ("Affidavit Period"), unless the terms of the affidavit become no longer accurate, or unless such affidavit is rejected or revoked. Such affidavit can be renewed so long as such affidavit is submitted and received by the Town Clerk-

Treasurer by December 15 of the fourth calendar year of the Affidavit Period. Failure to timely submit such affidavit irrespective of any changes in household occupancy or otherwise shall subject such nonmetered single family user to the monthly charge described in subparagraph 2(c)(i) above.

- (iv) The Town Clerk-Treasurer may approve or reject an affidavit described under subparagraph 2(c)(ii) after investigation of the same for truthfulness and completeness.
- (v) In the event that an unmetered single family residential user who has submitted an approved affidavit under subparagraph 2(c)(ii) acquires knowledge during the Affidavit Period that the contents of the affidavit are no longer accurate due to a change in occupancy or otherwise, such user shall notify the Town Clerk-Treasurer that the contents of the affidavit are no longer accurate within fifteen (15) days after the user acquires such knowledge, and the Town Clerk-Treasurer shall revoke approval of such affidavit and such user shall be subject to the monthly charge described in subparagraph 2(c)(i) above.
- (vi) Submission of an inaccurate or fraudulent affidavit under subparagraph 2(c)(ii) or failure to properly notify the Town Clerk-Treasurer pursuant to subparagraph 2(c)(v) shall result in all sums that would have been otherwise due and payable had such affidavit not been treated as effective becoming due and payable immediately upon determination of the Town Clerk-Treasurer of the existence of such inaccuracy, fraud, or failure of notification, and the Town Clerk-Treasurer shall revoke approval of such affidavit.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 13th day of January, 2009.

Bob E. Stotts

President

Tom Elroy

Member

Marilyn Lane

Member

ATTEST:

Marilyn Lane

Clerk-Treasurer

Member

ORDINANCE NO. 2008-3

AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2009

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 3rd day of January, 2009, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2009:

(S)	President of the Town Council	Not more than \$303.86 per month <i>(Paid 100% out of General Fund)</i>
(S)	Members of the Town Council except the President	Not more than \$246.60 per month <i>(Paid 100% out of General Fund)</i>
(S)	Clerk-Treasurer	Not more than \$2,038.38 per month <i>(Paid ½ year out of General & ½ Sewer)</i>
(H)	Street Superintendent/Wastewater Superintendent	Not more than \$22.23 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Assistant Street/Wastewater Superintendent /Field Supervisor	Not more than \$14.44 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>
(H)	Part-Time Maintenance Worker I	Not more than \$14.16 per hour <i>(Paid ¼ year out of MVH & ¾ Sewer)</i>

In addition to the above-stated rate of pay, the Street Superintendent/Wastewater Superintendent may receive not more than \$1200.00 "grossed up" as a performance bonus.

In addition to the above-stated rate of pay, the Assistant Street/Wastewater Superintendent may receive not more than \$500.00 "grossed up" as a performance bonus.

(NOTE: The Clerk Treasurer position and Utility Clerk position have been combined as one salaried position titled "Clerk Treasurer" beginning in 2009.)

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

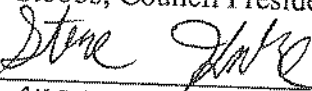
SECTION 3. This ordinance shall be effective on or after January 3, 2009.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed. ADOPTED this _____ day of December, 2008.


TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



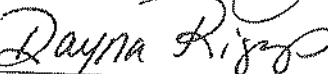
Bob Stobbs, Council President



Council Member

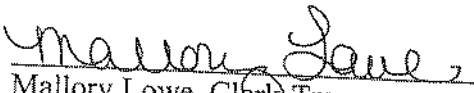


Council Member



Council Member

ATTEST:



Mallory Lowe, Clerk-Treasurer

Ordinance 2008-2

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Be it ordained by the County, City, Town or Fire Protection District of Darmstadt, Indiana: That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2009, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city and town government, tax rates are shown on Budget Form 4-B and include herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

COUNTY COUNCIL

Presented to the County Council of _____ County, Indiana, and read in full for the first time this _____ day of _____, 20____.

President County Council

County Auditor and/or Clerk of County Council

Presented to the County Council of _____ County, Indiana, and read in full for the second time, and adopted, this _____ day of _____, 20____, by the following vote:

Yea _____ Nay _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____

Attest:

County Auditor and/or Clerk of County Council

COMMON COUNCIL OR FPD BOARD

This ordinance shall be in full force and effect from and after its passage and approval by the common council and Mayor or Fire Protection District board. Adopted by the following vote on _____, 20____.

Yea _____ Nay _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____

Attest:

Mayor/Board
City Clerk, Clerk Treasurer, Board

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Town Council. Adopted with the following vote on September 9th, 2008.

Yea _____ Nay _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____
Council Member _____ Council Member _____

Attest:

Town Clerk-Treasurer

TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA

Ordinance # 2008-1

ORDINANCE RE-ESTABLISHING THE
CUMULATIVE CAPITAL DEVELOPMENT FUND
Under Indiana Code 36-9-15.5

BE IT RESOLVED by the Darmstadt Town Council of Vanderburgh County, Indiana that a need now exists for the re-establishment of the Cumulative Capital Development Fund for the following purposes:

For all uses as set out in Indiana Code 36-9-15.5

BE IT FURTHER RESOLVED that this Council will adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed \$.0500 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2008 payable 2009.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 8th day of July, 2008, and a certified copy of this resolution be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. Said Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of said Darmstadt Town Council this 8th day of July, 2008.

<u>AYE</u>	
<u>Steve Hill</u>	
<u>Bob E. Stotts</u>	
<u>[Signature]</u>	
<u>[Signature]</u>	

<u>NAY</u>

Attest: Mallory Lowe, Fiscal Officer

A RESOLUTION FOR AN ADDITIONAL APPROPRIATION UNDER INDIANA CODE 6-1.1-18-5

WHEREAS, the Town of Darmstadt ("Town") desires to make an additional appropriation for the year 2008 pursuant to Indiana Code Section 6-1.1-18-5.

WHEREAS, proper notice was given regarding the Town's hearing on the additional appropriation.

WHEREAS, a hearing was held on such matter, and the Town determined that such additional appropriation should be made.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to make the following additional appropriations in excess of the budget for the current year:

Local Road & Street Fund	Amount
LR&S	
Major Budget Classification:	
Capital Outlays	\$16,586.00
TOTAL for LR&S Fund:	\$16,586.00
Cumulative Capital Improvement Fund	Amount
CCI	
Major Budget Classification:	
Capital Outlays	\$20,000.00
TOTAL for CCI Fund:	\$20,000.00

COPY

Said appropriation shall be in addition to all appropriations provided for in the existing budget

PASSED AND ADOPTED on the 13th day of May, 2008, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: *[Signature]*

Its: PRESIDENT

ATTEST:

By: *Mallory Lowe*
Mallory Lowe, Clerk/Treasurer

ORDINANCE NO. 2007-62

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2008**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2008, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2008:

(S)	President of the Town Council	Not more than \$303.86 per month
(S)	Members of the Town Council except the President	Not more than \$246.60 per month
(S)	Clerk-Treasurer	Not more than \$885.16 per month
(H)	Utility Clerk	Not more than \$13.00 per hour
(H)	Street Superintendent	Not more than \$21.58 per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$13.75 per hour
(H)	Part-Time Maintenance Worker	Not more than \$13.75 per hour

In addition the above-stated rate of pay, the Street Superintendent may receive not more than \$1,000.00 "grossed up" as a one-time lump sum payment.

SECTION 2. All payment for overtime work shall be required by the Fair Labor

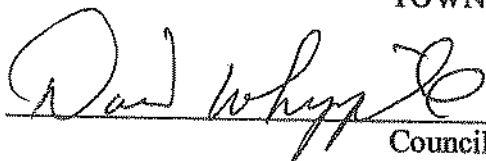
Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on and after January 1, 2008.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 11th day of December, 2007.


TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



Council President



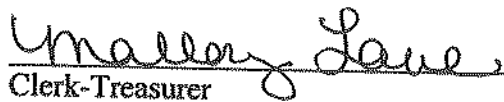
Council Member



Council Member

Council Member

ATTEST:



Clerk-Treasurer

2008 Budget

2007-5

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

Be it ordained by the County, City, Town or Fire Protection District of DARMSHART, Indiana, That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2008, the sums of money shown on Budget Form 4-A, are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city and town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

COUNTY COUNCIL

Presented to the County Council of _____ County, Indiana, and read in full for the first time this _____ day of _____, 20____.

Attest:	_____	President County Council
_____	_____	County Auditor and/or Clerk of County Council
Presented to the County Council of _____ County, Indiana, and read in full for the second time, and adopted, this _____ day of _____, 20____, by the following vote:		
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
Attest:	_____	Mayor/Board

COMMON COUNCIL OR FPD BOARD

This ordinance shall be in full force and effect from and after its passage and approval by the Common Council and Mayor or Fire Protection District Board. Adopted by the following vote on _____, 20____.

_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
_____	_____	Council/Board Member
Approved by the Mayor/Board _____, 20____.		
Attest:	_____	Mayor/Board

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Town Council. Adopted with the following vote on _____, 20____.

_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
_____	_____	Council Member
Attest:	_____	Town Clerk/Treasurer

ORDINANCE NO. 2007- 4

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana ("Town"), on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which has been amended from time to time ("Ordinance"); and

WHEREAS, Indiana law requires that the rates and charges charged by the Town of Darmstadt must be sufficient to produce revenue to cover certain costs and expenses;

WHEREAS, Indiana law allows for the establishment rates or charges for a sewage works may be determined based on the a flat charge for each connection or by other methods or combinations of methods; and

WHEREAS, the Town of Darmstadt now desires to amend the Ordinance to provide for a reduced and more fair and equitable method for assessing rates and charges for certain single family residential users.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (c) of Ordinance 1987-2 is hereby amended to provide as follows:

Section 2 (c).

- (i) Except as otherwise provided in subparagraph 2(c)(ii), the monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,600 gallons per month), shall be \$70.82.
- (ii) If an unmetered single family residential user submits to the Town Clerk-Treasurer, on a form prescribed by the Town, an affidavit fully executed by the user (1) that no more than two (2) persons reside at the single family residential user's residence; and (2) that said residence is served by water from a private well system only and is not connected to the waterworks of the Evansville Water and Sewer Utility Department or any other municipal waterworks system; and if such affidavit is approved by the Town Clerk-Treasurer, said unmetered single family residential user shall be deemed to generate flows equal to 4,000 gallons per month with a monthly charge (exclusive of any surcharges) in the amount of \$47.20.
- (iii) Such affidavit described under subparagraph 2(c)(ii) must be submitted to and received by the Town Clerk-Treasurer by December 15 to be effective for the first monthly billing cycle of the calendar year immediately following such date, unless rejected or revoked. Failure to timely submit such affidavit irrespective of any changes in household occupancy or otherwise shall subject such nonmetered single family user to the monthly charge described in subparagraph 2(c)(i) above.
- (iv) The Town Clerk-Treasurer may approve or reject an affidavit described under subparagraph 2(c)(ii) after investigation of the same for truthfulness and completeness.

- (v) In the event that an unmetered single family residential user who has submitted an approved affidavit under subparagraph 2(c)(ii) acquires knowledge during the calendar year of its effectiveness that the contents of the affidavit are no longer accurate due to a change in occupancy or otherwise, such user shall notify the Town Clerk-Treasurer that the contents of the affidavit are no longer accurate within fifteen (15) days after the user acquires such knowledge, and the Town Clerk-Treasurer shall revoke approval of such affidavit and such user shall be subject to the monthly charge described in subparagraph 2(c)(i) above.
- (vi) Submission of an inaccurate or fraudulent affidavit under subparagraph (ii) or failure to properly notify the Town Clerk-Treasurer pursuant to subparagraph (v) shall result in all sums that would have been otherwise due and payable had such affidavit not been treated as effective becoming due and payable immediately upon determination of the Town Clerk-Treasurer of the existence of such inaccuracy, fraud, or failure of notification, and the Town Clerk-Treasurer shall revoke approval of such affidavit.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 9th day of October, 2007.

[Signature]
 President

[Signature]
 Member

[Signature]
 Member

[Signature]
 Member

ATTEST:

[Signature]
 Clerk-Treasurer

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10.

RESOLUTION NO. 2007-2

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2008 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2007.

SECTION 2. The Town Council casts its 0.764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2007.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 20th day of May, 2007, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith.

Its: PRESIDENT

ATTEST:

By: Mary Lou
Clerk/Treasurer

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2008**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2008, and remain in effect until December 31, 2008.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting _____ votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, casting _____ votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

William M. Smith

President, casting .764 vote

ATTEST:

Murray Lane

Clerk/Treasurer, Town of Darmstadt

Resolution No.: C-2007-8

Introduced by: Council as a Whole
Committee: Finance

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2008 AND CASTING THE VOTES OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2008, a copy of said ordinance is attached hereto.
2. That the Common Council of the City of Evansville, Indiana casts its 70.719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED


APR 18 2007

Alberta Mathlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2008.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA ON
THE 14 DAY OF May, 2007, ON SAID DAY SIGNED BY THE PRESIDENT OF THE
COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.



KEITH JARBOE, PRESIDENT
COMMON COUNCIL OF
THE CITY OF EVANSVILLE, INDIANA

ATTEST:  _____

PRESENTED BY ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF
EVANSVILLE, INDIANA, TO THE MAYOR OF SAID CITY, THIS 15 DAY OF
May, 2007, AT 10:00 O'CLOCK A.M., FOR HIS
CONSIDERATION AND ACTION THEREON.



DEPUTY CITY CLERK

CITY OF EVANSVILLE, INDIANA

HAVING EXAMINED THE FOREGOING RESOLUTION, I DO NOW, AS MAYOR OF THE
CITY OF EVANSVILLE, INDIANA, APPROVE SAID RESOLUTION AND RETURN THE
SAME TO THE CITY CLERK THIS 15 DAY OF MAY, 2007, AT
3:00 O'CLOCK P.M.



JONATHAN WEINZAPFEL, MAYOR
CITY OF EVANSVILLE, INDIANA

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2008**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;


NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2008, and remain in effect until December 31, 2008.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 70.719 votes

ATTEST:



DEPUTY Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

President, 28.517 casting votes

ATTEST:

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL AMENDING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2008 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-05-07-003**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. That the County Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2008, a copy of said ordinance is attached hereto.

SECTION 2. That the County Council casts its 28,517 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. That the County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local unit's resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2008.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 2ND day of May, 2007 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: Marsha Abell
Marsha Abell, President

ATTEST:

By: William J. Fluty, Jr.
William J. Fluty, Jr., Auditor

74507

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2008**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

Duplicate, signed counter-part originals may be collectively taken as one original.

This Ordinance shall take effect January 1, 2008, and remain in effect until December 31, 2008.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

President, casting 70.719 votes

ATTEST:

Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

Marsha Abell

President, casting 28.517 votes

ATTEST:

William J. Stutz

Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

President, casting .764 votes

ATTEST:

Clerk/Treasurer, Town of Darmstadt

COPY

Ordinance No. 2007-3

**AMENDMENT TO ORDINANCE 1993-3
ORDINANCE GOVERNING THE ALLOCATION OF
SEWER TAPS IN THE TOWN OF DARMSTADT**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT,
INDIANA as follows:

WHEREAS, pursuant to Ordinance 1993-3, an Ordinance Governing the Allocation of Sewer Taps in the Town of Darmstadt, the Town Council requires any applicant for a sewer tap into the Town of Darmstadt septic tank effluent pumping sewer system must submit to the Town Council a \$200.00 non-refundable application fee.

WHEREAS, the non-refundable application fee is used to pay for engineering analysis to determine if there is capacity in the Town of Darmstadt sewage works and whether the allocation of the sewer tap will overburden the existing sewage works.

WHEREAS, the Town of Darmstadt has determined that such amount of the application fee is insufficient to fully cover current costs for such engineering analysis, and the Town Council now desires to raise the application fee to \$300.00 for such purpose.

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

Section 1. Ordinance No. 1993-3, the Ordinance Governing the Allocation of Sewer Taps in the Town of Darmstadt, and as that Ordinance has been amended from time to time, shall be repealed and the following Ordinance governing the allocation of sewer taps in the Town of Darmstadt shall be adopted in its place:

Each request for the allocation of a sewer tap into the Town of Darmstadt septic tank effluent pumping sewer system ("tap") must be submitted by the property owner(s), in writing, to the Darmstadt Town Council ("Council"), with a non-refundable Application Fee of \$300.00 per tap, and must contain the following information: name of the requesting property owner(s); date of request; the common mailing address and legal description of the property for which the allocation is requested. For a single request of more than three (3) taps, the Application Fee for the fourth and all subsequent taps will be \$100.00 each.

The Council shall review each tap request, and either grant or deny such request by approving a motion, and if granted, confirm such grant to the requester(s) in writing.

The total cost of the tap will be \$4,370.00, said amount allocated as follows: (1) Tap Fee: \$1,000.00; (2) payment toward the cost of the pump station equipment and other cost factors: \$2,650.00; (3) non-refundable Application Fee: \$300.00, paid with the request for the application for the allocation of the sewer tap; and (4) charge of Evansville Water & Sewer Utility ("EWSU"), which must be paid to the Town which will forward said amount to EWSU: \$420.00.

In the event that the Council allocates a sewer tap to the applicant, a \$1,500.00 portion of the total tap cost must be paid within 90 days following the written confirmation of the grant of the tap allocation by the Council. If the \$1,500.00 is not paid within 90 days, the grant of tap allocation shall be automatically revoked. The remaining \$2,570.00 portion of the total tap cost must be paid prior to the connection of the tap.

Before the actual connection can be made, the property owner(s)' sewage disposal design must be approved by the Town of Darmstadt to assure the proper functioning of the system. The actual installation must also be inspected and approved by the Town of Darmstadt before the connection can be completed.

If the tap is revoked by the Council for any reason, any portion of the tap costs and fees previously paid will be refunded, without any accrued interest, but less any costs incurred, or fees assessed by, the Town.

The owner of a tap allocation may return the tap allocation to the Town, and upon approval by the Council, may receive a full refund of the tap costs and fees previously paid, with the exception of the non-refundable \$300.00 Application Fee, without any accrued interest, but less any costs incurred, or fees assessed by, the Town.

All sewer tap allocations shall be binding on, and benefits shall accrue, to the successors and assigns of the parties hereto. Any transfer or conveyance of property upon which a sewer tap has been allocated, shall act as a transfer of conveyance of the sewer tap allocation as well.

This ordinance supersedes all applicable ordinances previously passed by the Council.

Section 2. This Ordinance shall be effective from and after its passage and approval by the Town Council of the Town of Darmstadt, Indiana.

PASSED and ADOPTED by the Town Council of the Town of Darmstadt, Indiana, on
8 day of May, 2007.

William M. Smith
William Smith, President

Brad Korff
Brad Korff, Council Member

David Whipple, Council Member

Kenneth Temme
Kenneth Temme, Council Member

ATTEST:
Maley Lane
Clerk-Treasurer

ORDINANCE NO. 2007-27

AN ORDINANCE AMENDING AND ESTABLISHING GUIDELINES AND SPECIFICATIONS FOR DRIVEWAY CULVERTS

WHEREAS, pursuant to Section 3 of Ordinance 1993-1, an Ordinance Requiring Permits for the Construction of Driveway Culverts, "The Town Council shall from time to time, establish standards which shall be used and considered as a basis for the issuance for any driveway permit"; and

WHEREAS, the Town Council of the Town of Darmstadt adopted, on September 4, 1993, that certain guidelines and specifications for driveway culverts, which guidelines and specifications have been used by the Town of Darmstadt in awarding permits for the construction of driveway culverts in the Town of Darmstadt; and

WHEREAS, the Town Council of the Town of Darmstadt has determined that, pursuant to Ordinance 1993-1, those guidelines and specifications should be amended and new guidelines and specifications should be adopted.

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

Section I. The guidelines and specifications for driveway culverts adopted by the Town Council of the Town of Darmstadt on September 4, 1993, and as those specifications and guidelines may have been amended from time to time, it shall be repealed and the following guidelines and specifications for driveway culverts shall be adopted in ~~the~~^{their} place:

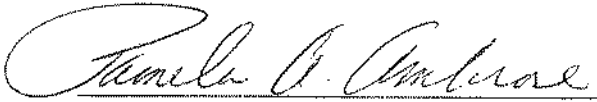
1. All requests for driveway culverts must be submitted on the forms provided by the Town and delivered to Town's Maintenance Department for the superintendent to review and recommend to the Town Council before any work is commenced, regardless of who will install the pipes.
2. The Darmstadt Maintenance Department crews will install only the following types of pipe: concrete, aluminum, galvanized, and ADS N-12 or equivalent (black polymer, corrugated outside/smooth inside).
3. Pipe length and diameters will be determined only by a field check and noted on the permit application.
4. Pipes to be installed by any landowner or contractor must be structurally sufficient to both sustain traffic into the drive and to carry the appropriate amount of water.
5. The minimum diameter of any pipe occupying a Darmstadt ditch is twelve (12) inches.

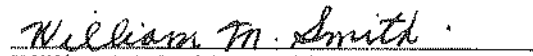
6. The minimum width of a private non-commercial driveway shall be ten (10) feet at its narrowest point (excluding radii and within the road right-of-way).
7. The maximum width of a private non-commercial driveway shall be twenty-four (24) feet at its widest point (excluding radii and within the road right-of-way).
8. Minimum pipe width, where pipes are required, shall be such to allow a minimum of one (1) foot of pipe to extend past the fill necessary to support the driveway edges regardless of the pipe material. Effort will be made to insure that unneeded additional sections/length of pipe shall not be required.
9. The Owner will provide installation and (within reasonable limits) an amount not exceeding eight (8) tons of #53 stone.
10. All pipe(s) and other materials shall be paid for by the owner or contractor.

Section II. This Ordinance shall be effective from and after its passage and approval by the Town Council of the Town of Darmstadt, Indiana.

PASSED AND ADOPTED by the Town Council of the Town of Darmstadt, Indiana, on the 10th day of April, 2007.


ATTEST:


 Pamela A. Ambrose
 Clerk-Treasurer


 William M. Smith, President


 Kenneth Temme, Member


 David Whipple, Member


 Brad Korff, Member

ORDINANCE NO. 2007-1

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana ("Town"), on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which has amended from time to time; and

WHEREAS, Indiana law requires that the rates and charges charged by the Town of Darmstadt must be sufficient to produce revenue to cover certain costs and expenses; and

WHEREAS, the current rates and charges charged by the Town of Darmstadt are insufficient to pay required costs and expenses, and therefore, it is necessary to increase the sewer rates charged by the Town to its sewer users.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$11.80 per 1,000 gallons plus \$56.40 per year or \$4.70 per month for administrative costs.

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,600 gallons per month), shall be \$70.82.

Section 2 (e) of Town of Darmstadt Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (e). Where two (2) or more users are connected to a pumping unit, there will be a surcharge for those users for electrical service of \$9.30 per month.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the

27 day of February, 2007.

William M. Smith
President

Anneth Semmes
Member

David Whipple
Member

Brenda Koff voted Na
Member

ATTEST:

Timela A. Ambrose
Clerk-Treasurer

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RESOLUTION NO. 2007- 1

A RESOLUTION AUTHORIZING THE INVESTMENT OF TOWN FUNDS AT AN
OUT-OF-TOWN DEPOSITORY

WHEREAS, the Town has funds to invest and is required to invest such funds at a FDIC-insured depository; and

WHEREAS, the Town desires to obtain the optimal rate of return on its investments; and

WHEREAS, the optimal rate of return with regard to the desired length of investment has been investigated and found at a FDIC-insured depository which is located outside of the town limits of the Town of Darmstadt; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to invest \$ 101,097.47 of its funds at the following FDIC-insured depository which is located outside the town limits of the Town of Darmstadt: Bank of Evansville, Evansville, IN

PASSED AND ADOPTED on the 13th day of February, 2007, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith.

Its: PRESIDENT

ATTEST:

By: Carol Hoffherr
Carol Hoffherr, Clerk/Treasurer

ORDINANCE NO. 2006-5

AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2007

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2007, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2007:

- | | | |
|-----|------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| (S) | President of the Town Council | Not more than <u>\$303.86</u> per month |
| (S) | Members of the Town Council
except the President | Not more than <u>\$246.60</u> per month |
| (S) | Clerk-Treasurer | Not more than <u>\$9656.25</u> per month ^{804.69 Per. Mo. w.M.S.} month Yr. - w.M.S. |
| (H) | Utility Clerk | Not more than <u>\$12854.40</u> per hour ^{12.36 Per. Hr. w.M.S.} hour Yr. w.M.S. |
| (H) | Street Superintendent | Not more than <u>\$20.75</u> per hour |
| (H) | Assistant Street Superintendent
/Field Supervisor | Not more than \$ <u>13.00</u> per hour |
| (H) | Part-Time Maintenance Worker | Not more than \$ <u>13.00</u> per hour |

~~In addition the above-stated rate of pay, the Street Superintendent may receive not more than \$1,000.00 "grossed up" as a performance bonus.~~

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed

and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on and after January 1, 2007.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 18 day of December, 2006.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William M. Smith
William M. Smith, Council President

Brad A Koff
Council Member

Don Whipple
Council Member

Jenneth Temme
Council Member

ATTEST:

Carol Hoeffner
Carol Hoeffner, Clerk-Treasurer

ORDINANCE NO. 2006- 4

**AN ORDINANCE OF THE TOWN OF DARMSTADT FOR AN EMERGENCY
TEMPORARY INTER-FUND LOAN**

WHEREAS, the Town Council of the Town of Darmstadt ("Town") may, by ordinance or resolution, permit the transfer of a prescribed amount, for a prescribed period, to a fund in need of money for cash flow purposes from another fund of the Town if certain conditions are met as set out in Indiana Code Section 36-1-8-4 (2006).

WHEREAS, if the Town determines that an emergency exists that requires an extension of the prescribed period of the transfer, the prescribed period may be extended for not more than six (6) months beyond the budget year of 2006.

WHEREAS, in response to an emergency in existence at this time, the Town now desires to permit the transfer of \$30,000.00 from the General Fund of the Town to the Sewer Fund of the Town for a prescribed period running until June 30, 2007, by which date the money will be returned to the General Fund.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Darmstadt that:

1. It is necessary for the Town to borrow \$30,000.00 to enhance the Sewer Fund, which is in need of money for cash flow purposes.
2. There is sufficient money on deposit to the credit of the General Fund that can be temporarily transferred.
3. The Town Council has determined that an emergency exists.
4. The grounds for the determination of the existence of the emergency are that the Sewer Fund is in imminent threat of complete depletion of the Sewer Fund's money, and without transfer from the General Fund to the Sewer Fund, the Sewer Fund will be depleted prior to the end of the 2006 period. Without the transfer from the General Fund to the Sewer Fund, the Town will be unable to meet its obligations to provide sanitary sewer services to the Town.
5. The loan will be repaid by June 30, 2007, which is not more than six (6) months beyond the 2006 budget year.

NOW THEREFORE, BE IT FURTHER ORDAINED by the Town Council that that the Town Clerk-Treasurer is permitted to transfer the amount of \$30,000.00 from the General Fund of the Town to the Sewer Fund of the Town for a prescribed period running until June 30, 2007. The Town Council instructs the Town Clerk-Treasurer to immediately forward this ordinance to the Indiana State Board of Accounts and the Indiana Department of Local Government Finance.

PASSED this 14th day of November, 2006.

"Town Council of the Town of Darmstadt"

William M. Smith
William Smith, President

David Whipple
David Whipple, Member

Brad Korff
Brad Korff, Member

Kenneth Temme
Kenneth Temme, Member

ATTEST:

Pamela G. Ambrose
Pam Ambrose, Town Clerk-Treasurer

FILED

SEP 14 2006

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

SCRIBED BY DEPARTMENT OF LOCAL GOVERNMENT FINANCE APPROVED BY STATE BOARD OF ACCOUNTS

Be it ordained by the County of City of Town of DARMSTADT Indiana: That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2007, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held in trust for the purposes authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city and town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

COUNTY COUNCIL

Presented to the County Council of Indiana, and read in full for the first time this day of 20 by the following vote:

Table with 2 columns: Name/Title and Vote (Yea/Nay). Includes President County Council, County Auditor and/or Clerk of County Council, and multiple Council Members.

COMMON COUNCIL OR FPD BOARD

This ordinance shall be in full force and effect from and after its passage and approval by the Common Council and Mayor or Fire Protection District board. Adopted by the following vote on 20 by the following vote on

Table with 2 columns: Name/Title and Vote (Yea/Nay). Includes Council/Board Members and Mayor/Board.

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Town Council. Adopted with the following vote on September 12, 2006 by the following vote on

Table with 2 columns: Name/Title and Vote (Yea/Nay). Includes Council Members.

Attest: Pamela G. Anderson Town Clerk-Treasurer

City Clerk, Clerk Treasurer, Board

County Auditor and/or Clerk of County Council

ORDINANCE NO. 2006- 2

AN ORDINANCE OF THE TOWN OF DARMSTADT, INDIANA REGULATING THE USE OF STREETS, PROVIDING FOR NO PASSING ZONES ON CERTAIN STREETS, ROADS, DRIVES, LANES AND AVENUES IN SAID TOWN AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA:

SECTION 1. From and after the effective date of this ordinance, the following streets and roads are hereby designated as no passing zones and motorists traveling along such streets or roads are prohibited from passing another motorized vehicle traveling in the same direction:

- a. Darmstadt Road: from southern town limit to northern town limit.
- b. Boonville-New Harmony Road:
 1. Eastbound: from the western town limits for a distance of 10,700 feet, and from a point 400 feet west of the eastern town limits to the eastern town limits.
 2. Westbound: from the eastern town limits to a point 230 feet west of the eastern town limits and from a point 11,470 feet east of the western town limits to the western town limits.
- c. Hoing Road:
 1. Westbound: from Boonville-New Road to a point 300 feet west of Boonville-New Harmony Road and from Darmstadt Road to a point 2,100 feet east of Darmstadt Road.
 2. Eastbound: from Darmstadt Road to a point 1,350 feet east of Darmstadt Road and from Boonville-New Harmony Road to a point 1,000 feet west of Boonville-New Harmony Road.
- d. Fleener Road:
 1. Westbound: from Darmstadt Road to St. Joseph Avenue (entire distance).
 2. Eastbound: from St. Joseph Avenue to a point 3,210 feet east of St. Joseph Avenue and from Darmstadt Road to a point 1,170 feet west of Darmstadt Road.
- e. St. Joseph Avenue:
 1. Southbound: from the northern town limits to southern town limits (entire distance).

2. Northbound: from the southern town limits to a point 2844 feet north of Boonville-New Harmony Road.

SECTION 2. The Town Council of the Town of Darmstadt shall cause appropriate signs indicating the restrictions in this ordinance to be placed at appropriate places, using standard recognized signs.

SECTION 3. If any part of this ordinance shall be held invalid by any court of competent jurisdiction, the invalidity of such part shall not affect the remainder of said ordinance.

SECTION 4. Any person violating the provisions of this ordinance shall be subject to a fine of One Hundred Eleven Dollars (\$ 111.00).

PASSED and ADOPTED by the Town Council of the Town of Darmstadt, Indiana, on the 17th day of August, 2006.

William M. Smith
William Smith, President

David Whipple
David Whipple

Brad Korff
Brad Korff

Ken Temme
Ken Temme

ATTEST:

Pamela A. Ambrose
Pam Ambrose, Clerk-Treasurer

RESOLUTION 2006-3

A RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS BETWEEN CLASSIFICATIONS
WITHIN THE MOTOR VEHICLE HIGHWAY FUND
AND THE GENERAL FUND

WHEREAS, the Town of Darmstadt, Indiana, has a Motor Vehicle Highway Fund and a General Fund; and

WHEREAS, there are at least two major budget classifications within the Motor Vehicle Highway Fund ("MVHF"), the "Personal Services" classification (Classification 100) and the "Other Services and Supplies" classification (Classification 300), and there are at least two classifications within the General Fund, known as General Fund 400 and General Fund 200; and

WHEREAS, the Personal Services classification (Classification 100) of the MVHF needs Three hundred fourteen dollars and Ninety-six Cents (\$314.96) of additional money to pay for expenditures, and the Other Services and Supplies classification (Classification 300) has excess money to transfer to the Personal Services classification to pay for such expenditures; and

WHEREAS, the General Fund 200 needs additional money to meet expenditures, and General Fund 400 has excess money to meet such expenditures, in the amount of Three Hundred Dollars and No Cents (\$300.00).

NOW THEREFORE, BE IT RESOLVED:

Section 1: The Motor Vehicle Highway Fund, Other Services and Supplies classification, has at least Three Hundred Fourteen Dollars and Ninety-six Cents (\$314.96) of excess money to transfer to another classification within the Motor Vehicle Highway Fund.

Section 2: The Clerk-Treasurer is authorized to transfer the sum of Three Hundred Fourteen Dollars and Ninety-six Cents (\$314.96) from the Other Services and Charges classification to the Personal Services classification within the Motor Vehicle Highway Fund.

Section 3: General Fund 400 has at least Three Hundred Dollars and No Cents (\$300.00) of excess money to transfer to another classification within the General Fund.

Section 4: The Clerk-Treasurer is authorized to transfer the sum of Three Hundred Dollars and No Cents (\$300.00) from General Fund 400 classification to General Fund 200 classification within the General Fund.

Adopted this ____ day of August, 2006.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT

President

Member

Member

Member

ATTEST:

PAMELA AMBROSE, Clerk-Treasurer

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RESOLUTION NO. 2006-2

A RESOLUTION AUTHORIZING THE INVESTMENT OF TOWN FUNDS AT AN
OUT-OF-TOWN DEPOSITORY

WHEREAS, the Town has funds to invest and is required to invest such funds at a FDIC-insured depository; and

WHEREAS, the Town desires to obtain the optimal rate of return on its investments; and

WHEREAS, the optimal rate of return with regard to the desired length of investment has been investigated and found at a FDIC-insured depository which is located outside of the town limits of the Town of Darmstadt; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to invest Seventy Thousand Six Hundred Forty-Two Dollars and Eighty Cents (\$70,642.80) in the name of Town of Darmstadt and Twenty-Seven Thousand One Hundred Seventy Dollars and Twenty-Nine Cents (\$27,170.29) in the name of Darmstadt Sewer Department at the following FDIC-insured depository which is located outside the town limits of the Town of Darmstadt: FIRST FEDERAL SAVINGS BANK, Evansville, Indiana.

PASSED AND ADOPTED on the 7th day of July, 2006, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith.
Its: PRESIDENT

ATTEST:

By: Pamela C. Ambrose
Pam Ambrose, Clerk/Treasurer

RESOLUTION NO. 2006- 1

RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2007 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2007.

SECTION 2. The Town Council casts its 0. 764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2007.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 9th day of May, 2006, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith

Its: PRESIDENT

ATTEST:

By: Pamela C. Ambrose
Pam Ambrose, Clerk/Treasurer

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Introduced by: Council as a Whole
Committee: Finance

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL AMENDING THE
PERCENTAGE CREDIT ALLOWED FOR HOMESTEAD FOR 2007**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

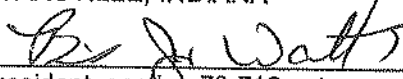
WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect January 1, 2007, and remain in effect until December 31, 2007.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA




President, casting 70.719 votes

ATTEST:



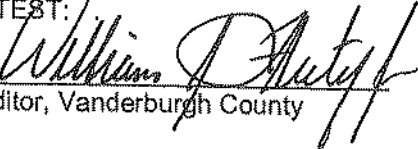
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



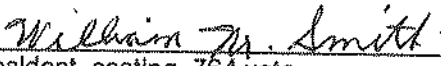
President, casting 28.517 votes

ATTEST:



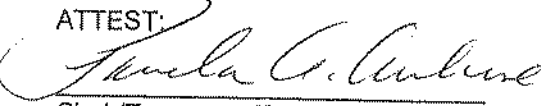
Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .764 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

FILED

APR 19 2006

Alberta Matlock
CITY CLERK

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2007 AND CASTING THE VOTES OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorized the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2007, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana casts its 70.719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2007.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

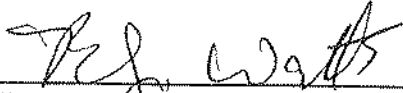
FILED

APR 19 2006

Alberta Matlock
CITY CLERK

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Returned to Alberta

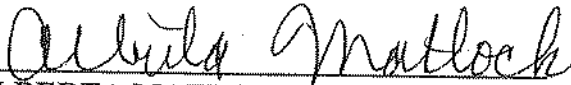
PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA ON THE 8 DAY OF May, 2006, ON SAID DAY SIGNED BY THE PRESIDENT OF THE COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.



**B. J. WATTS, PRESIDENT
COMMON COUNCIL OF
THE CITY OF EVANSVILLE, INDIANA**

ATTEST: Alberta Matlock

PRESENTED BY ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF EVANSVILLE, INDIANA, TO THE MAYOR OF SAID CITY, THIS 9 DAY OF May, 2006, AT _____ O'CLOCK _____ M. FOR HIS CONSIDERATION AND ACTION THEREON.



**ALBERTA MATLOCK, CITY CLERK
CITY OF EVANSVILLE, INDIANA**

HAVING EXAMINED THE FOREGOING RESOLUTION, I DO NOW, AS MAYOR OF THE CITY OF EVANSVILLE, INDIANA, APPROVE SAID RESOLUTION AND RETURN THE SAME TO THE CITY CLERK THIS 12 DAY OF May, 2006, AT 4:00 O'CLOCK p.M.



**JONATHAN D. WEINZETTEL, MAYOR
CITY OF EVANSVILLE, INDIANA**

APPROVED AS TO FORM
BY DAVID L. JONES, CORPORATION COUNSEL

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2007 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-05-06-011**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2007.

SECTION 2. The County Council casts its 28.517 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2007.


SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 3rd day of May, 2006 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Lloyd Winnecke, President

ATTEST:

By: 
William J. Fluty, Jr., Auditor

74507

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ORDINANCE NO. 2006- 1

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana ("Town"), on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which was amended by Ordinance Nos. 1988-8, 1989-3, 1992-1 and 2003- 1; and

WHEREAS, the Town's sewer system is connected to the City of Evansville's sewer system, the Town must pay for disposal of wastewater collected in its sewer system to the City of Evansville, and there has been an increase in the sewer user rates charged by the City of Evansville, Indiana to the Town; and

WHEREAS, Indiana law requires that the rates and charges charged by the Town of Darmstadt must be sufficient to produce revenue to cover certain costs and expenses; and

WHEREAS, the current rates and charges charged by the Town of Darmstadt are insufficient to pay required costs and expenses, and therefore, it is necessary to increase the sewer rates charged by the Town to its sewer users.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$7.112 per 1,000 gallons plus \$34.00 per year or \$2.83 per month for administrative costs.

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$44.30.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 9th day of May, 2006.

William M. Smith
President

Brad R. Kopf
Member

Don Whipple
Member

James B. Jensen
Member

ATTEST:

Tamela A. Ambrose
Clerk-Treasurer

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ORDINANCE NO. 2005- 1

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2006**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the ^{4th} day of January, 2006, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2006:

(S)	President of the Town Council	Not more than \$295.01 per month
(S)	Members of the Town Council except the President	Not more than \$239.83 per month
(S)	Clerk-Treasurer	Not more than \$781.27 per month
(H)	Utility Clerk	Not more than \$12.00 per hour
(H)	Street Superintendent	Not more than \$23.97 per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$14.50 per hour
(H)	Part-Time Maintenance Worker I	Not more than \$12.50 per hour
(I)	Part-Time Maintenance Worker II	Not more than \$13.00 per hour

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation

paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on or after January 7, 2006.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 13th day of December, 2005.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William Smith.
William Smith, Council President

Senneth Semme
Council Member

Brad A Koff
Council Member

Council Member

ATTEST:

Pamela A. Ambrose
Pamela A. Ambrose, Clerk-Treasurer

RESOLUTION 2005- 4

A RESOLUTION ESTABLISHING A POLICY FOR THE MANAGEMENT OF STORM WATER RUN-OFF FROM DEVELOPFD REAL PROPERTY

WHEREAS, Ind. Code § 36-9-28.5-1, *et seq.*, requires the legislative body of each governmental unit to establish a policy of the unit for the management of storm water runoff from developed real property in the unit;

WHEREAS, Ind. Code § 36-9-28.5-5 allows a Town to provide by resolution that its territory be included in the policy of the County in which the Town is located; and

WHEREAS, the Town of Darmstadt, Indiana is located within Vanderburgh County, Indiana.

NOW, THFREFORE, BE IT RESOLVED BY THE TOWN OF DARMSTADT, INDIANA:

Section 1. As required by Ind. Code § 36-9-28.5-3, the Town Board of the Town of Darmstadt now resolves as follows: That for purposes of developing a policy regarding the management of storm water runoff from developed property in Darmstadt, Indiana, the territory of the town of Darmstadt shall be included in the policy of Vanderburgh County Indiana (Vand. Co. Ord 13.04) and such policy shall be administered by the Vanderburgh County Drainage Board with the assistance of the Vanderburgh County Surveyor, per the "Resolution Concerning Storm water Runoff in the Town of Darmstadt," passed by the Vanderburgh County Drainage Board on August 23, 2005.

Section 2. All other ordinances in conflict herewith are hereby repealed.

Section 3. This resolution shall become effective upon passage.

ADOPTED this 30th day of August ~~September~~, 2005.

TOWN COUNCIL OF THE TOWN
OF DARMSTADT, INDIANA

William M. Smith
Council President

Dan Whypel
Council Member

Brad A. Koff
Council Member

Council Member

ATTEST:

Pamela A. Ambrose
Pam Ambrose, Clerk-Treasurer

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RESOLUTION NO. 2005-3

A RESOLUTION AUTHORIZING THE INVESTMENT OF TOWN FUNDS AT AN
OUT-OF-TOWN DEPOSITORY

WHEREAS, the Town has funds to invest and is required to invest such funds at a FDIC-insured depository; and

WHEREAS, the Town desires to obtain the optimal rate of return on its investments; and

WHEREAS, the optimal rate of return with regard to the desired length of investment has been investigated and found at a FDIC-insured depository which is located outside of the town limits of the Town of Darmstadt; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to invest \$66,998.46 ^{plus accrued interest} in the name of Town of Darmstadt and \$25,768.72 ^{plus accrued interest} in the name of Darmstadt Sewer Department at the following FDIC-insured depository which is located outside the town limits of the Town of Darmstadt: FIRST FEDERAL SAVINGS BANK, Evansville, Indiana.

PASSED AND ADOPTED on the 14th day of June, 2005, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith
Its: PRESIDENT

ATTEST:

By: Pamela C. Ambrose
Pam Ambrose, Clerk/Treasurer

RESOLUTION 2005-2

A RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS BETWEEN CLASSIFICATIONS
WITHIN THE MOTOR VEHICLE HIGHWAY FUND

WHEREAS, the Town of Darmstadt, Indiana, has a Motor Vehicle Highway Fund;

WHEREAS, there are at least two major budget classifications within the Motor Vehicle Highway Fund ("MVHF"), the "Personal Services" classification (Classification 100) and the "Other Services and Supplies" classification (Classification 300);

WHEREAS, the Other Services and Supplies classification of the MVHF needs Nine-thousand seventy-eight dollars and Ninety-six Cents (\$9,078.96) of additional money to pay for expenditures, and the Personal Services classification has excess money to transfer to the Other Services and Supplies classification;

NOW THEREFORE, BE IT RESOLVED:

Section 1: The Motor Vehicle Highway Fund, Other Services and Supplies classification, is in need of money for expenditures.

Section 2: The Motor Vehicle Highway Fund, Personal Services classification, has Nine-thousand seventy-eight dollars and Ninety-six Cents (\$9,078.96) of excess money to transfer to another classification within the Motor Vehicle Highway Fund.

Section 3: The Clerk-Treasurer is authorized to transfer the sum of Nine-thousand seventy-eight dollars and Ninety-six Cents (\$9,078.96) from the Personal Services classification to the Other Services and Charges classification within the Motor Vehicle Highway Fund.

Adopted this 14th day of June, 2005.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT

William M. Smith

President

Geneveth Sumner

Member

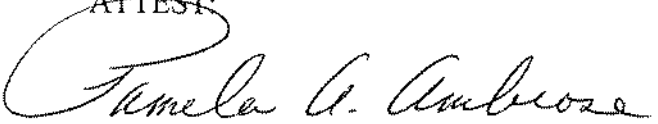
Don Wright

Member

Member

Member

ATTEST:



PAMELA AMBROSE, Clerk-Treasurer

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RESOLUTION NO. 2005- 1

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2006 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2006.

SECTION 2. The Town Council casts its 0.764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2006.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 10th day of May, 2005, by the Town Council of Town of Darmstadt.

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TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William D. Smith,

Its: PRESIDENT

ATTEST:

By: Patricia A. Ambrose
Pam Ambrose, Clerk/Treasurer

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A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
APPROVING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2006 AND CASTING THE VOTES OF THE COMMON COUNCIL OF THE CITY OF
EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorized the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2006, a copy of said ordinance is attached hereto.
2. That the Common Council of the City of Evansville, Indiana casts its 70.719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.
4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units

Resolution No. C-2005-14

**Introduced by: Council as a Whole
Committee: Finance**

resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2006.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA ON THE 9 DAY OF MAY, 2005, ON SAID DAY SIGNED BY THE PRESIDENT OF THE COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.

Steve Bagbey

STEVE BAGBEY, PRESIDENT
COMMON COUNCIL OF
THE CITY OF EVANSVILLE, INDIANA

ATTEST: *Alberta Matlock*

PRESENTED BY ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF EVANSVILLE, INDIANA, TO THE MAYOR OF SAID CITY, THIS 9 DAY OF MAY, 2005, AT 5:45 O'CLOCK P.M., FOR HIS CONSIDERATION AND ACTION THEREON.

Alberta Matlock

ALBERTA MATLOCK, CITY CLERK
CITY OF EVANSVILLE, INDIANA

HAVING EXAMINED THE FOREGOING RESOLUTION, I DO NOW, AS MAYOR OF THE CITY OF EVANSVILLE, INDIANA, APPROVE SAID RESOLUTION AND RETURN THE SAME TO THE CITY CLERK THIS 9 DAY OF MAY, 2005, AT 6:00 O'CLOCK P.M.

Jonathan D. Weinzappel

JONATHAN D. WEINZAPPEL, MAYOR
CITY OF EVANSVILLE, INDIANA

APPROVED AS TO FORM
BY DAVID L. JONES, CORPORATION COUNSEL

159

**AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2006**

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

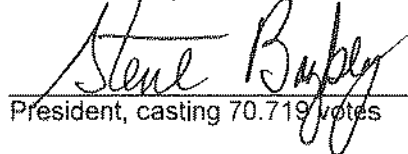
WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect January 1, 2006, and remain in effect until December 31, 2006.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



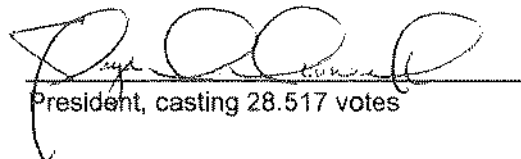
President, casting 70.719 votes

ATTEST:



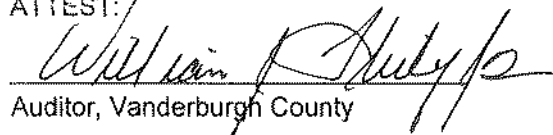
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



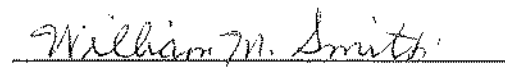
President, casting 28.517 votes

ATTEST:



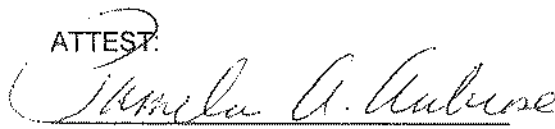
Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .764 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2006 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO. R-05-05-005**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads to the maximum allowed by State law; not to exceed a net of eight percent (8%), to be funded out of local income taxes in 2006.

SECTION 2. The County Council casts its 28.517 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

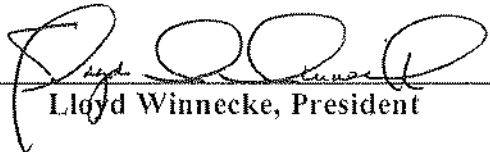
SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2006.

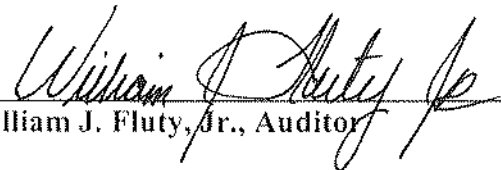
SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 4th day of May, 2005 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
Lloyd Winnecke, President

ATTEST:

By: 
William J. Fluty, Jr., Auditor

ORDINANCE NO. 2004-4

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2005**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2005, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2005:

(S)	President of the Town Council	Not more than \$289.23 per month
(S)	Members of the Town Council except the President	Not more than \$235.13 per month
(S)	Clerk-Treasurer	Not more than \$751.23 per month
(H)	Utility Clerk	Not more than \$11.50 per hour
(H)	Street Superintendent	Not more than \$23.97 per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$ 16.41 per hour
(H)	Part-Time Maintenance Worker	Not more than \$ 11.50 per hour

In addition the above-stated rate of pay, the Street Superintendent may receive not more than \$1,000.00 "grossed up" as a performance bonus.

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed

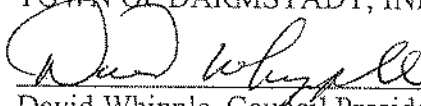
and other benefits provided by the Town shall be in addition to the basic annual compensation paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on and after January 1, 2005.

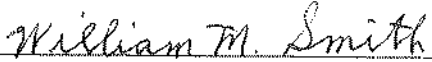
SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 14 day of December, 2004.

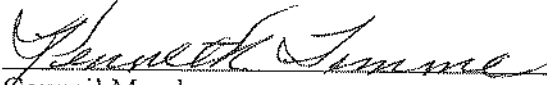
TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA



David Whipple, Council President



Council Member

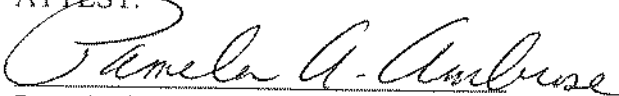


Council Member



Council Member

ATTEST.



Pam Ambrose, Clerk-Treasurer

ORDINANCE 2004-~~2~~³

ORDINANCE OF ADDITIONAL APPROPRIATION

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

SECTION 1. Be it ordained by the Town Council of the Town of Darmstadt, Vanderburgh County, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: MOTOR VEHICLE HIGHWAY	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification: Other Services & Charges	44,500.00	\$44,500.00
TOTAL for MOTOR VEHICLE HIGHWAY Fund	\$44,500.00	\$44,500.00

Fund Name: GENERAL	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification: Other Services & Charges	\$25,000.00	\$25,000.00
TOTAL for GENERAL Fund	\$25,000.00	\$25,000.00

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Darmstadt Town Council and the same has been advertised and approved by the Department of Local Government Finance, all according to the requirements of the statutes of the State of Indiana.

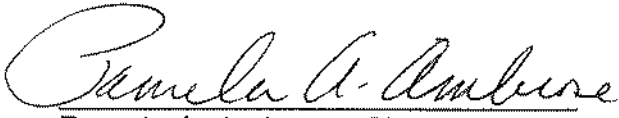
APPROVED AND ADOPTED by the President and Members of the Darmstadt Town Council on this 14th day of September, 2004.

David N. Whipple, President

Brad A. Korff, Council Member

William M. Smith, Council Member

Kenneth P. Temme, Council Member


Pamela A. Ambrose, Clerk-Treasurer

Resolution 2004-4

TOWN BOARD OF DARMSTADT, INDIANA

2004-2025 COMPREHENSIVE PLAN ADOPTION RESOLUTION

RESOLUTION ADOPTING THE CITY OF EVANSVILLE AND VANDERBURGH COUNTY 2004-2025 COMPREHENSIVE PLAN ON September 14, 2004.

BE IT RESOLVED by the Town Board of Darmstadt, Indiana as follows:

WHEREAS, the Area Plan Commission was established on the tenth day of April, Nineteen Hundred and Sixty-eight, by action of the Common Council of the City of Evansville, through Ordinance 6-68-9 and by action of the Board of Commissioners of Vanderburgh County through Ordinance #1152, under the authority of the State of Indiana Code 36-7-4-202; and

WHEREAS, Indiana Code 36-7-4-501 states "For the protection of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development, the Area Plan Commission shall prepare a Comprehensive Plan"; and

WHEREAS, the Town Board of Darmstadt has, from time to time, reviewed, updated and adopted sections of the Comprehensive Plan as part of a continuous planning process; and

WHEREAS, the Area Plan Commission works as a coordinating agency within the city and county governmental structure in comprehensive plan development; and

WHEREAS, public notice has been given by the Area Plan Commission and public hearings on the Comprehensive Plan have been held to allow public comment and input; and

WHEREAS, the Comprehensive Plan contains policies which should serve as a guide and must be given due consideration as the general policy for the pattern of physical development in the City of Evansville, Town of Darmstadt, and Vanderburgh County; and

WHEREAS, the Town Board of Darmstadt finds that the Comprehensive Plan constitutes a suitable, logical, reasonably balanced, and timely plan for the physical development of the Town of Darmstadt over the foreseeable future.

NOW, THEREFORE, Be it resolved that the document consisting of text, maps, and tables entitled "The 2004-2025 Comprehensive Plan for Evansville and Vanderburgh County" is hereby adopted as the Comprehensive Plan of the Town of Darmstadt.

BE IT FURTHER RESOLVED, that the Comprehensive Plan is intended to meet the current and future needs of the City of Evansville, the Town of Darmstadt, and Vanderburgh County. The Comprehensive Plan reflects the vision and the desires of the citizens, the Area Plan Commission, and elected officials on the future development of our community. The Comprehensive Plan also represents input from boards, commissions, and departments of the City of Evansville, the Town of Darmstadt, and Vanderburgh County. The Area Plan Commission shall review the Comprehensive Plan at least every five (5) years and recommend to the City Council, Town Board, and County Commissioners changes or additions to the Comprehensive Plan which the Area Plan Commission considers necessary in order to fulfill this resolution.

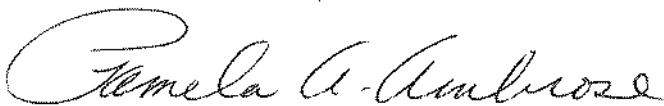
RESOLVED, FURTHER, that the Comprehensive Plan shall be the policy guide for decision making that affects the physical development of the Town of Darmstadt.

RESOLVED, FURTHER, that all matters affecting physical development of the Town of Darmstadt submitted to the Area Plan Commission shall be reviewed and a report shall be prepared to the Town Board of Darmstadt as to each proposal's consistency with the Comprehensive Plan.

ADOPTED by the Town Board of Darmstadt, Indiana this 14th day of September, 2004.

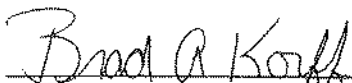


DAVID WHIPPLE, PRESIDENT

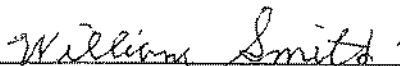


PAM AMBROSE, CLERK-TREASURER

KENNETH TEMME, COUNCILMAN



BRAD KORFF, COUNCILMAN



WILLIAM SMITH, COUNCILMAN

RESOLUTION 2004- 3

A RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS BETWEEN CLASSIFICATIONS
WITHIN THE MOTOR VEHICLE HIGHWAY FUND
AND WITHIN THE GENERAL FUND

WHEREAS, the Town of Darmstadt, Indiana, has a Motor Vehicle Highway Fund;

WHEREAS, there are at least two major budget classifications within the Motor Vehicle Highway Fund ("MVHF"), the "Personal Services" classification and the "Other Services and Supplies" classification;

WHEREAS, the Other Services and Supplies classification of the MVHF needs Twenty-seven Thousand Nine Hundred Forty Dollars and Forty-five Cents (\$27,940.45) of additional money to pay for expenditures, and the Personal Services classification has excess money to transfer to the Other Services and Supplies classification;

WHEREAS, the Town of Darmstadt, Indiana, has a General Fund;

WHEREAS, there are at least two (2) major budget classifications within the General Fund, the "Other Services" classification and the "Capital Outlay" classification;

WHEREAS, the Capital Outlay classification of the General Fund needs \$4,160.11 of additional money to pay for expenditures, and the Other Services classification has excess money to transfer to the Capital Outlay classification.

NOW THEREFORE, BE IT RESOLVED:

Section 1: The Motor Vehicle Highway Fund, Other Services and Supplies classification, is in need of money for expenditures.

Section 2: The Motor Vehicle Highway Fund, Personal Services classification, has Twenty-seven Thousand Nine Hundred Forty Dollars and Forty-five Cents (\$27,940.45) of excess money to transfer to another classification within the Motor Vehicle Highway Fund.

Section 3: The Clerk-Treasurer is authorized to transfer the sum of Twenty-seven Thousand Nine Hundred Forty Dollars and Forty-five Cents (\$27,940.45) from the Personal Services classification to the Other Services and Charges classification within the Motor Vehicle Highway Fund.

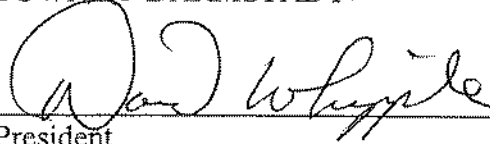
Section 4: The General Fund, Capital Outlay classification, is in need of money for expenditures.

Section 5: The Other Services classification of the General Fund has Four Thousand One Hundred Sixty Dollars and Eleven Cents (\$4,160.11) of excess money to transfer to another classification within the General Fund.


Section 6: The Clerk-Treasurer is authorized to transfer the sum of Four Thousand One Hundred Sixty Dollars and Eleven Cents (\$4,160.11) from the Other Services classification to the Capital Outlay classification within the General Fund.

Adopted this 10th day of August, 2004.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT.



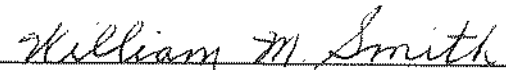
President



Member



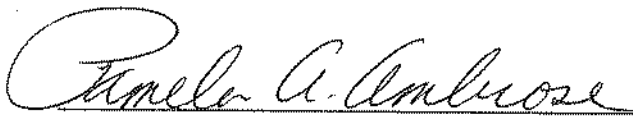
Member



Member

Member

ATTEST:



PAMELA AMBROSE, Clerk-Treasurer

ORDINANCE NO. 2004-1

AN ORDINANCE AMENDING ORDINANCE NO. 1987-1, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA, ENTITLED, "AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF ON-SITE SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF DARMSTADT, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana ("the Town"), on the 12th day of March, 1987, adopted Ordinance No. 1987-1, and said Ordinance No. 1987-1 subsequently has been amended.

WHEREAS, Ordinance No. 1987-1, Section 5(a), as amended by Ordinance No. 1987-4, prohibits the discharge of certain substances into the Town's sanitary sewer system.

WHEREAS, Ordinance No. 1987-1, Section 5(f), as amended by Ordinance No. 1987-4, concerns grease, oil and sand interceptors, commonly known as "grease traps".

WHEREAS, Ordinance No. 1987-1, Section 8, is the enforcement and penalty provision of said Ordinance.

WHEREAS, the Town Council of the Town of Darmstadt, Indiana, has deemed it necessary to amend the Town's ordinances with regard to the discharge of substances into the sanitary sewer system, grease traps and the maintenance thereof, and the enforcement and penalty provisions thereof.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT, INDIANA, AS FOLLOWS:

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SECTION 1

Section 5(a) of Ordinance No. 1987-4 is hereby amended to add the following provision:

- (19) Any storm water, surface water, ground water, roof runoff, roof downspouts, exterior foundation drains, perimeter drains, areaway drains, floor drains or other sources of surface or sub-surface drainage, runoff or groundwater, and uncontaminated cooling water or unpolluted industrial process waters.

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11/2

SECTION 2

Section 5(e) of Ordinance No. 1987-4 is hereby deleted, and replaced with the following:

- (e) Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors shall be installed and maintained in such a manner as to provide at all times the effective removal of these substances before discharge to the on-site septic tank. Where required under this section, the cost of, and responsibility for installation, pumping, maintenance, repair and replacement of the interceptors shall be the sole responsibility of the utility user.

The pumping and maintenance of interceptors shall be performed pursuant to the following:

- (1) The Superintendent will establish a schedule for pumping and maintenance of the interceptors based on both historical knowledge and current experience for each business. Initially, the schedule will require the utility user to pump and maintain the interceptor not less than four (4) times per year ("Initial Maintenance Schedule").
- (2) The Superintendent may modify the Initial Maintenance Schedule at any time to reflect current needs by notifying the business of that change. The Superintendent may, based on physical inspection and other appropriate factors, either require additional cleanings or waive a scheduled cleaning if the latter is found to be unnecessary.
- (3) The business is required to have a cleaning done by a licensed and bonded or insured person or entity approved by the Superintendent.
- (4) Within seven (7) days following either a scheduled or additionally-required pumping and maintenance, the owner or the person or entity performing the pumping and maintenance is required to certify to the Superintendent, in writing, the following:
 - a. the date the pumping and maintenance was performed;

- b. that the pumping and maintenance was done completely and in a proper manner;
 - c. that the interceptor was, at the time of the pumping and maintenance, in good working order and operating in a manner in which interceptors should function; and
 - d. the amount of unused capacity the interceptor at the time of pumping and maintenance.
- (5) The provisions of Section 8 of Ordinance No. 1987-1, as amended, shall apply to non-compliance with these provisions.

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11/11

SECTION 3

Section 8 of Ordinance No. 1987-1 is hereby deleted and replaced with the following:

- (a) Any person found to be violating any provisions of this ordinance except Section 6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

In the event any person shall be in violation of the terms and conditions of this ordinance, that person shall have the right within ten (10) days from the receipt of a notice of violation of this ordinance to appeal to the Town Board, by written notice, setting forth the reasons the person does not believe he is in violation of the terms and provisions of this ordinance, and the Town Board shall have thirty (30) days thereafter to either void or affirm the violation notice.

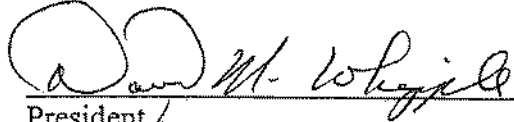
- (b) Any person who violates shall continue any violation beyond the time limit provided in Section 8(a) shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00) per day for each violation. Each day during which any such violation continues shall be deemed a separate violation.
- (c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.


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SECTION 4

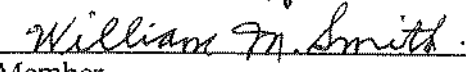
This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Town Council of the Town of Darmstadt, Indiana, on the 8th day of June, 2004.

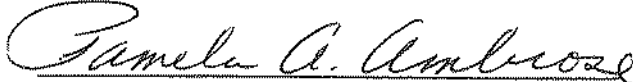

President


Member


Member


Member

ATTEST:


Clerk-Treasurer

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RESOLUTION NO. 2004-2

A RESOLUTION AUTHORIZING THE INVESTMENT OF TOWN FUNDS AT AN
OUT-OF-TOWN DEPOSITORY

WHEREAS, the Town has funds to invest and is required to invest such funds at a FDIC-insured depository; and

WHEREAS, the Town desires to obtain the optimal rate of return on its investments; and

WHEREAS, the optimal rate of return with regard to the desired length of investment has been investigated and found at a FDIC-insured depository which is located outside of the town limits of the Town of Darmstadt; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to invest \$66,998.66 in the name of Town of Darmstadt and \$25,768.72 in the name of Darmstadt Sewer Department at the following FDIC-insured depository which is located outside the town limits of the Town of Darmstadt: FIRST FEDERAL SAVINGS BANK, Evansville, Indiana.

PASSED AND ADOPTED on the 25th day of May, 2004, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: W. M. Whipple
Its: PRESIDENT

ATTEST:

By: Pamela A. Ambrose
Pam Ambrose, Clerk/Treasurer

Brad A. Koff
William M. Smith

RESOLUTION NO. 2004- /

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2005 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2005.

SECTION 2. The Town Council casts its 764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2004.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 11th day of May, 2004, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: Ward A. Whipple

Its: PRESIDENT

ATTEST:

By: Pamela G. Ambrose
Pam Ambrose, Clerk/Treasurer

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ORDINANCE NO. 2003- 1

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which was amended by Ordinance Nos. 1988-8, 1989-3, 1992-1, and 2002-4; and

WHEREAS, there has been a substantial increase in the sewer user rates charged by the City of Evansville, Indiana, into whose system the Town sewer system is connected; and

WHEREAS, it is therefore necessary to increase the sewer rates charged by the Town to its citizens.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$ 6.29 per 1,000 gallons plus \$34.00 per year or \$2.83 per month for administrative costs.

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$ 39.50.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 9th day of DECEMBER, 2003.

William Smith
President

Peneth Temme
Member

W.D. W. Lynn
Member

Member

ATTEST:

Pamela A. Ambrose
Clerk-Treasurer

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ORDINANCE NO. 2003-2

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2004**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2004, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2004:

(S)	President of the Town Council	Not more than \$ <u>283.56</u> per month
(S)	Members of the Town Council except the President	Not more than \$ <u>230.52</u> per month
(S)	Clerk-Treasurer	Not more than \$ <u>736.50</u> per month
(S)	Deputy Clerk-Treasurer	Not more than \$ <u>977.16</u> per month
(H)	Street Superintendent	Not more than \$ <u>23.50</u> per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$ <u>14.92</u> per hour
(H)	Part-Time Maintenance Worker	Not more than \$ <u>10.50</u> per hour

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation

paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on and after January 1, 2004.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 9th day of December 2003.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William Smith
William Smith, Council President

Harold Sumner
Council Member

W. M. Whipple
Council Member

Council Member

ATTEST:

Patricia A. Ambrose
Pam Ambrose, Clerk-Treasurer

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RESOLUTION 2003-5

A RESOLUTION AUTHORIZING THE
TRANSFER OF FUNDS BETWEEN CLASSIFICATIONS
OF THE MOTOR VEHICLE HIGHWAY FUND

WHEREAS, the Town of Darmstadt, Indiana, has a Motor Vehicle Highway Fund;

WHEREAS, there are at least two major budget classifications within the Motor Vehicle Highway Fund, the "Personal Services" classification and the "Other Services and Charges" classification;

WHEREAS, the Other Services and Charges classification needs Twenty-thousand Dollars (\$20,000.00) of additional money to pay for expenditures, and the Personal Services classification has excess money to transfer to the Other Services and Charges classification;

NOW THEREFORE, BE IT RESOLVED:

Section 1: The Motor Vehicle Highway Fund, Other Services and Charges classification, is in need of money for expenditures.

Section 2: The Motor Vehicle Highway Fund, Personal Services classification, has Twenty-thousand Dollars (\$20,000.00) of excess money to transfer to another classification within the Motor Vehicle Highway Fund.

Section 3: The Clerk-Treasurer is authorized to transfer the sum of Twenty-thousand Dollars (\$20,000.00) from the Personal Services classification to the Other Services and Charges classification within the Motor Vehicle Highway Fund.

Adopted this 12th Day of August, 2003.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT

William Smith
President

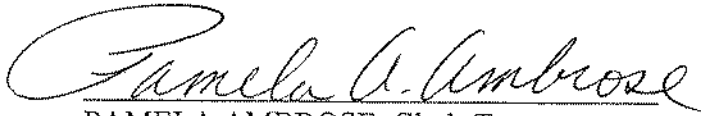
Brad A Koff
Member

Sam M. Whipple
Member

Member

Member

ATTEST:



PAMELA AMBROSE, Clerk-Treasurer

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RESOLUTION NO. 2003- 4

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT AMENDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2004 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding I.C. 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2004, a copy of said ordinance is attached hereto.

SECTION 2. The Town Council casts its .764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto and incorporated by reference)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2004.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 30th day of June, 2003, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William Smith
Its: PRESIDENT

ATTEST:

By: Pamela A. Ambrose
Pam Ambrose, Clerk/Treasurer

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AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2004

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

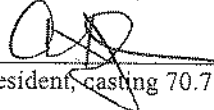
WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding IC 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003.

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect upon passage.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



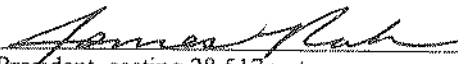
President, casting 70.719 votes

ATTEST:



Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



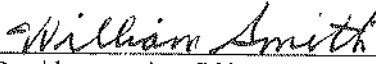
President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .764 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
AMENDING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2004 AND
CASTING THE VOTES OF THE COUNTY COUNCIL ON SAID ORDINANCE.**

Resolution No.: CO.R-06-03-017

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding I.C. 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at the maximum allowed by state law, not to exceed a net of 8%, to be funded out of local income taxes in 2004, a copy of said ordinance is attached hereto.

SECTION 2. The County Council casts its 28,517 votes for the attached ordinance of the Vanderburgh County Income Tax Council entitled "AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2004."

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2004.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND APPROVED this 30th day of June, 2003.

Vanderburgh County Council

By: James Raben
James Raben, President

Attest:

William J. Fluty, Jr.
William J. Fluty, Jr. Auditor
Vanderburgh County, Indiana

RESOLUTION NO. 2003- 3

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT AMENDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2003 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding I.C. 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003. Property tax statements mailed under I.C. 6-1.1-22 before July 1, 2003, in a county adopting an ordinance under this section are superseded by property tax statements recalculated to implement this section.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at 10.84%, to be funded out of local income taxes in 2003, a copy of said ordinance is attached hereto.

SECTION 2. The Town Council casts its .764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto and incorporated by reference)

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SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2003.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 30th day of June, 2003, by the Town Council of Town of Darmstadt.

**TOWN COUNCIL OF
TOWN OF DARMSTADT**

By: William Smith
Its: **PRESIDENT**

ATTEST:

By: Pamela G. Ambrose
Pam Ambrose, Clerk/Treasurer

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2003

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to amend the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;


WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding IC 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003. Property tax statements mailed under IC 6-1.1-22 before July 1, 2003, in a county adopting an ordinance under this section are superseded by property tax statements recalculated to implement this section.

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby amended to 10.84% to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect upon passage.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 70.719 votes

ATTEST:



Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .764 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
AMENDING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2003 AND
CASTING THE VOTES OF THE COUNTY COUNCIL ON SAID ORDINANCE.**

Resolution No.: CO.R-06-03-016

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

WHEREAS, Public Law 224, Section 247 and 248 provides that notwithstanding I.C. 6-3.5-6-13, as amended by this act, or by any other law, a county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under I.C. 6-1.1-20.9-2 for property taxes first due and payable in 2003 and each year thereafter. An ordinance may be adopted under this section before July 1, 2003. Property tax statements mailed under I.C. 6-1.1-22 before July 1, 2003, in a county adopting an ordinance under this section are superseded by property tax statements recalculated to implement this section.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council amending the percentage credit allowed for homesteads at 10.84%, to be funded out of local income taxes in 2003, a copy of said ordinance is attached hereto.

SECTION 2. The County Council casts its 28,517 votes for the attached ordinance of the Vanderburgh County Income Tax Council, entitled "AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL AMENDING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2003."

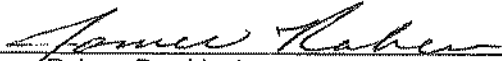
SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2003.

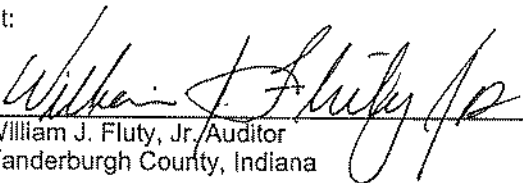
SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND APPROVED this 30th day of June, 2003.

Vanderburgh County Council

By: 
James Raben, President

Attest:


William J. Fluty, Jr., Auditor
Vanderburgh County, Indiana

RESOLUTION NO. 2003- 2

A RESOLUTION AUTHORIZING THE INVESTMENT OF TOWN FUNDS AT AN
OUT-OF-TOWN DEPOSITORY

WHEREAS, the Town has funds to invest and is required to invest such funds at a FDIC-insured depository; and

WHEREAS, the Town desires to obtain the optimal rate of return on its investments; and

WHEREAS, the optimal rate of return with regard to the desired length of investment has been investigated and found at a FDIC-insured depository which is located outside of the town limits of the Town of Darmstadt; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Darmstadt resolves to invest \$66,998.66 in the name of Town of Darmstadt and \$25,768.72 in the name of Darmstadt Sewer Department at the following FDIC-insured depository which is located outside the town limits of the Town of Darmstadt: UNITED FIDELITY BANK, Evansville, Indiana.

PASSED AND ADOPTED on the 13th day of May, 2003, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William Smith

Its: PRESIDENT

Kenneth B. Semme
Member

Brad A. Kaff
Member

D. M. Whipple
Member

ATTEST:

By: Pamela A. Ambrose
Pam Ambrose, Clerk/Treasurer

RESOLUTION NO. 2003- /

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2004 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2004.

SECTION 2. The Town Council casts its .764 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2004.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 13th day of May, 2003, by the Town Council of Town of Darmstadt.

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TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William Smith.

Its: PRESIDENT

ATTEST:

By: Pamela A. Ambrose
Pam Ambrose, Clerk/Treasurer

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A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2004 AND CASTING THE VOTES OF THE COMMON
COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year:

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana, hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2004, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana, casts its 70.719 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2004.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

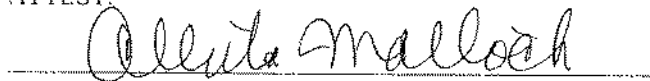
PASSED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA

ON THE 28 DAY OF April, 2003, ON SAID DAY SIGNED BY THE PRESIDENT
OF THE COMMON COUNCIL AND ATTESTED BY THE CITY CLERK.



PRESIDENT, COMMON COUNCIL

ATTEST:



PRESENTED BY ME, THE UNDERSIGNED CITY CLERK OF THE CITY OF EVANSVILLE, INDIANA, TO THE
MAYOR OF SAID CITY, THIS 29 DAY OF April, 2003,

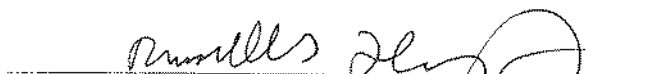
AT _____ O'CLOCK ____M., FOR HIS CONSIDERATION AND ACTION THEREON.



CITY CLERK OF THE CITY OF EVANSVILLE, INDIANA

HAVING EXAMINED THE FOREGOING RESOLUTION, I DO NOW, AS MAYOR OF THE CITY OF
EVANSVILLE, INDIANA, APPROVE SAID RESOLUTION AND RETURN THE SAME TO THE CITY CLERK.

THIS 30 DAY OF April, 2003, AT 5:50 O'CLOCK P.M.



MAYOR OF THE CITY OF EVANSVILLE, INDIANA

APPROVED AS TO FORM
LARRY DOWNS, CORPORATION COUNSEL

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to establish the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby established at eight percent (8%) to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

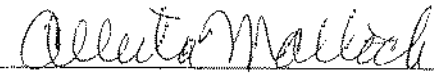
This Ordinance shall take effect January 1, 2004, and shall remain in effect until December 31, 2004.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 70.719 votes

ATTEST:



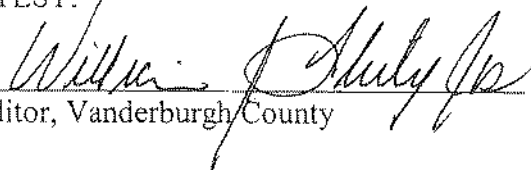
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 28.517 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .764 vote

ATTEST:

Clerk/Treasurer, Town of Darmstadt

**A RESOLUTION OF THE VANDERBURGH COUNTY COUNCIL
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY
INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT
ALLOWED FOR HOMESTEADS FOR 2004 AND CASTING THE VOTES
OF THE COUNTY COUNCIL ON SAID ORDINANCE**

RESOLUTION NO. CO. R-05-03-011

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member cast its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby supports the proposed ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2004.

SECTION 2. The County Council casts its 28.517 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2004.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 7th day of May, 2003 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: 
James Raben, President

ATTEST:

By: 
Bill Fluty, Auditor

12/14

2003-1

AMENDED VERIFIED PETITION FOR REZONING

2002-43 PC

ORDINANCE NO

VC-9-2002

PETITIONER	<u>William Sherbrooke</u>	PHONE	<u>941-575-7427</u>
ADDRESS	<u>4061 King Tarpon Drive, FL</u>	ZIP CODE	<u>33955</u>
OWNER OF RECORD	<u>William Sherbrooke</u>	PHONE	<u>941-575-7427</u>
ADDRESS	<u>4061 King Tarpon Drive, FL</u>	ZIP CODE	<u>33955</u>

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Vanderburgh County Code of Ordinances.
- Premises affected are on the SW corner formed by Boonville New Harmony Road and Darmstadt Road.

LEGAL DESCRIPTION: **Please see attached legal description.**
 SUBDIVISION _____ BLOCK _____ LOT NO. _____
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 13134-13220 Darmstadt Road

4. The real estate is located in the Zone District designated as R-1 & C-1

5. The requested change is to (Zone District) C-4 with a Use & Development Comittment

6. Present existing land use is Shopping Center

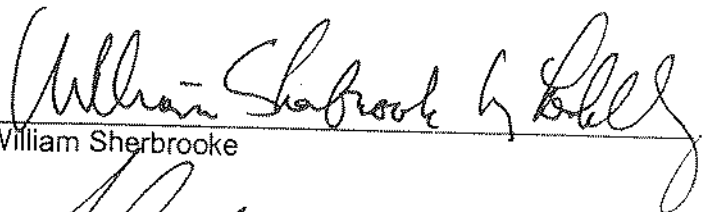
The proposed land use is Shopping Center

8. Utilities provided: (check all that apply)
 City Water Electric Gas Storm Sewer
 Sewer: Private _____ Public Septic _____

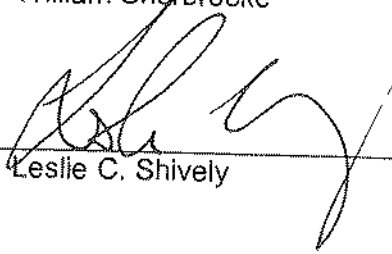
9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

DATE (when signed): 12/04/02
 PETITIONER & OWNER OF RECORD
 PRINTED NAME William Sherbrooke


 William Sherbrooke

DATE (when signed): 12/04/02
 COUNSEL FOR PETITIONER & OWNER


 Leslie C. Shively

REPRESENTATIVE FOR PETITIONER

NAME: Leslie C. Shively, attorney
 ADDRESS: Shively & Associates
414 Citadel Circle, Suite C
Evansville, Indiana 47715
 PHONE: (812) 867-1351

ORDINANCE NO. 200²~~7~~-4

**AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS
AMENDED, OF THE TOWN OF DARMSTADT, INDIANA
ENTITLED "A SEWER RATE ORDINANCE FIXING THE
SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY
THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF
PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN
AND OTHER MATTERS CONNECTED THEREWITH"**

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which was amended by Ordinance Nos. 1988-8, 1989-3 and 1992-1; and

WHEREAS, there has been a substantial increase in the sewer user rates charged by the City of Evansville, Indiana, into whose system the Town sewer system is connected; and

WHEREAS, it is therefore necessary to increase the sewer rates charged by the Town to its citizens.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$ 5.95 per 1,000 gallons plus \$34.00 per year or \$2.83 per month for administrative costs.

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$ 37.52.

Paragraph 2. This Ordinance shall be effective upon publication of the same.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the
14 day of January, 2003.

William Smith
President

Kenneth Sumner
Member

Brad A Korff
Member

Dan M. Whipple
Member

ATTEST:

Paula A. Ambrose
Clerk-Treasurer

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ORDINANCE NO. 2002-3

**AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2003**

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2003, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2002:

(S)	President of the Town Council	Not more than \$278.00 per month
(S)	Members of the Town Council except the President	Not more than \$226.00 per month
(S)	Clerk-Treasurer	Not more than ^{708.17} \$733.33 per month
(S)	Deputy Clerk-Treasurer	Not more than ^{958.00} \$733.33 per month
(H)	Street Superintendent	Not more than \$ 23.00 per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$ 14.92 per hour
(H)	Part-Time Maintenance Worker	Not more than \$ 10.00 per hour

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation

paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. . This ordinance shall be effective on and after January 1, 2003.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 10 day of December, 2002.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William Smith

William Smith, Council President

Brad A. Koiff

Council Member

Wendy McWhiggle

Council Member

Council Member

ATTEST:

Pamela A. Ambrose

Pam Ambrose, Clerk-Treasurer

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AN ORDINANCE ESTABLISHING VOTING
DISTRICTS IN THE TOWN OF DARMSTADT

OCT 22 2002

Marsha Abell
VANDERBURGH CO. CLERK

WHEREAS, the Town of Darmstadt has previously been divided into districts for the purpose of conducting elections of Town officers, and

WHEREAS, Indiana Code 36-5-2-4.1(g) provides that the legislative body of the Town may make a new division of the Town into districts during 2002 if the Town wishes to use districts for the purpose of conducting Town elections, and

WHEREAS, the Town Council has determined that, the re-division of the Town into districts for the purpose of conducting elections of Town officers is necessary, desirable and beneficial for the voters of the Town and for the convenient administration of Town government.

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

SECTION 1. The Town of Darmstadt shall have four (4) districts, numbered one (1) through four (4).

SECTION 2. All members of the Council shall be elected by the voters of the whole Town.

SECTION 3. The Council herewith divides the Town into the districts as set out in Sections 4, 5, 6, and 7 for the purpose of conducting the election of Town officers.

SECTION 4. District one (1) is herewith created and shall encompass all of that real estate bounded as follows:

DISTRICT I

Beginning at the northern-most point of the western Town boundary, thence easterly along the northern Town boundary to its intersection with the center line of Darmstadt Road, thence southerly along the center line of Darmstadt Road to its intersection with the center line of Boonville-New Harmony Road, thence westerly along the center line of Boonville-New Harmony Road to its intersection with the center line of St. Joseph Avenue, thence southerly along the center line of St. Joseph Avenue to its intersection with the center line of Orchard Road, thence southerly along the center line of Orchard Road to the southern Town boundary, thence westerly along the southern Town boundary to the western Town

boundary, thence northerly along the western Town boundary to the place of beginning.

SECTION 5. District two (2) is herewith created and shall encompass all of that real estate bounded as follows:

DISTRICT II

Beginning at the intersection of the center line of Darmstadt Road and the center line of Inglefield Road, thence easterly along the center line of Inglefield Road to the northern-most point of the eastern Town boundary, thence southerly along the eastern Town boundary to the easterly-most point of the southern Town boundary, thence westerly to the intersection of the southern Town boundary with the center line of Old State Road, thence northerly along the center line of Old State Road to its intersection with the center of Little Pigeon Creek, thence northwesterly along the center of Little Pigeon Creek to its junction with the center of the northern branch of that tributary, thence northerly to its intersection with the center line of Hoing Road, thence westerly along the center line of Hoing Road to its intersection with the center line of Tibarand Drive, thence northerly along the center line of Tibarand Drive to its intersection with the center line of Boonville-New Harmony Road, thence westerly along the center line of Boonville-New Harmony Road to its intersection with the center line of Darmstadt Road, thence northerly along the center line of Darmstadt Road to the place of beginning.

SECTION 6. District three (3) is herewith created and shall encompass all of that real estate bounded as follows:

DISTRICT III

Beginning at the intersection of the center line of Boonville-New Harmony Road and the center line of Darmstadt Road, thence easterly along the center line of Boonville-New Harmony Road to its intersection with the center line of Tibarand Drive, thence southerly along the center line of Tibarand Drive to its intersection with the center line of Hoing Road, thence easterly along the center line of Hoing Road to its intersection with the center of the northern branch of Little Pigeon Creek, thence southerly to its junction with the center of Little Pigeon Creek, thence southeasterly along the center of little Pigeon Creek to its intersection with the center line of Old State Road, thence southerly to its intersection with the southern Town boundary, thence westerly long the southern Town boundary to its intersection with the center line of Darmstadt Road, thence northerly to the place of beginning.

SECTION 7. District four (4) is herewith created and shall encompass all of that land bounded as follows:

DISTRICT IV

Beginning at the intersection of the center line of St. Joseph Avenue and the center line of Boonville-New Harmony Road, thence easterly along the center line of Boonville-New Harmony Road to its intersection with the center line of Darmstadt Road, thence southerly along the center line of Darmstadt Road to its intersection with the southern Town boundary, thence westerly along the southern Town boundary to its intersection with the center line of Orchard Road, thence northerly along the center line of Orchard Road to its intersection with the center line of St. Joseph Avenue, thence northerly along the center line of St. Joseph Avenue to the place of beginning.

SECTION 8. The members of the Town Council representing Districts 1, 2, 3, and 4 shall reside in the district from which such councilperson ran for election and was elected as the representative.

SECTION 9. The Clerk-Treasurer may reside anywhere in the Town and shall be elected by the voters of the whole Town.

SECTION 10. The Clerk-Treasurer of the Town shall forward a copy of this Ordinance to the Circuit Court Clerk of Vanderburgh County.

SECTION 11. All Ordinances, or parts thereof, in conflict herewith are hereby repealed.

ADOPTED THIS 8th DAY OF October, 2002.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William M. Smith
President

[Signature]
Member

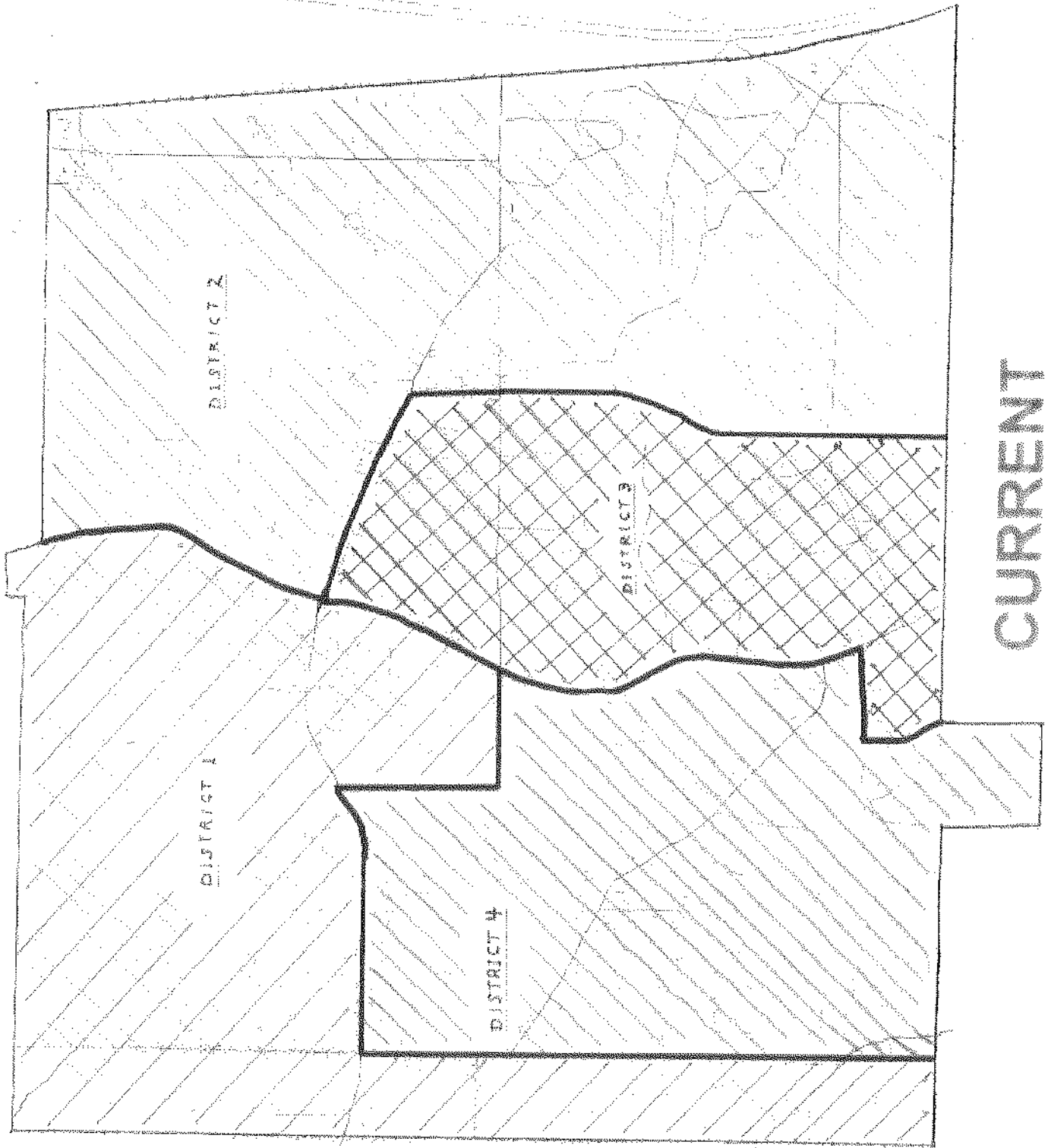
Bred A Korff
Member

Wan M. Whympe
Member

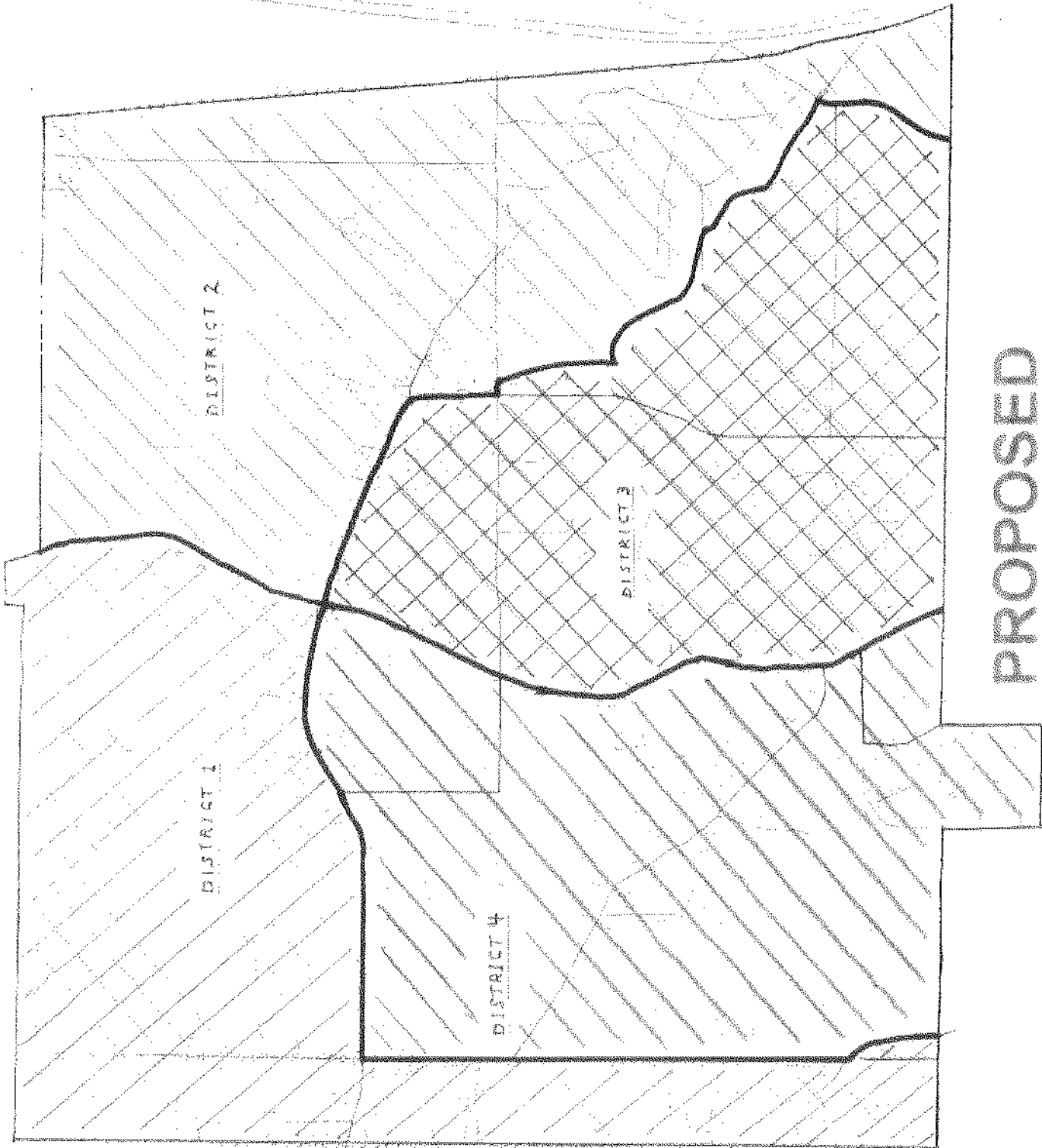
ATTEST:

Patricia A. Ambrose
Pam Ambrose, Clerk-Treasurer

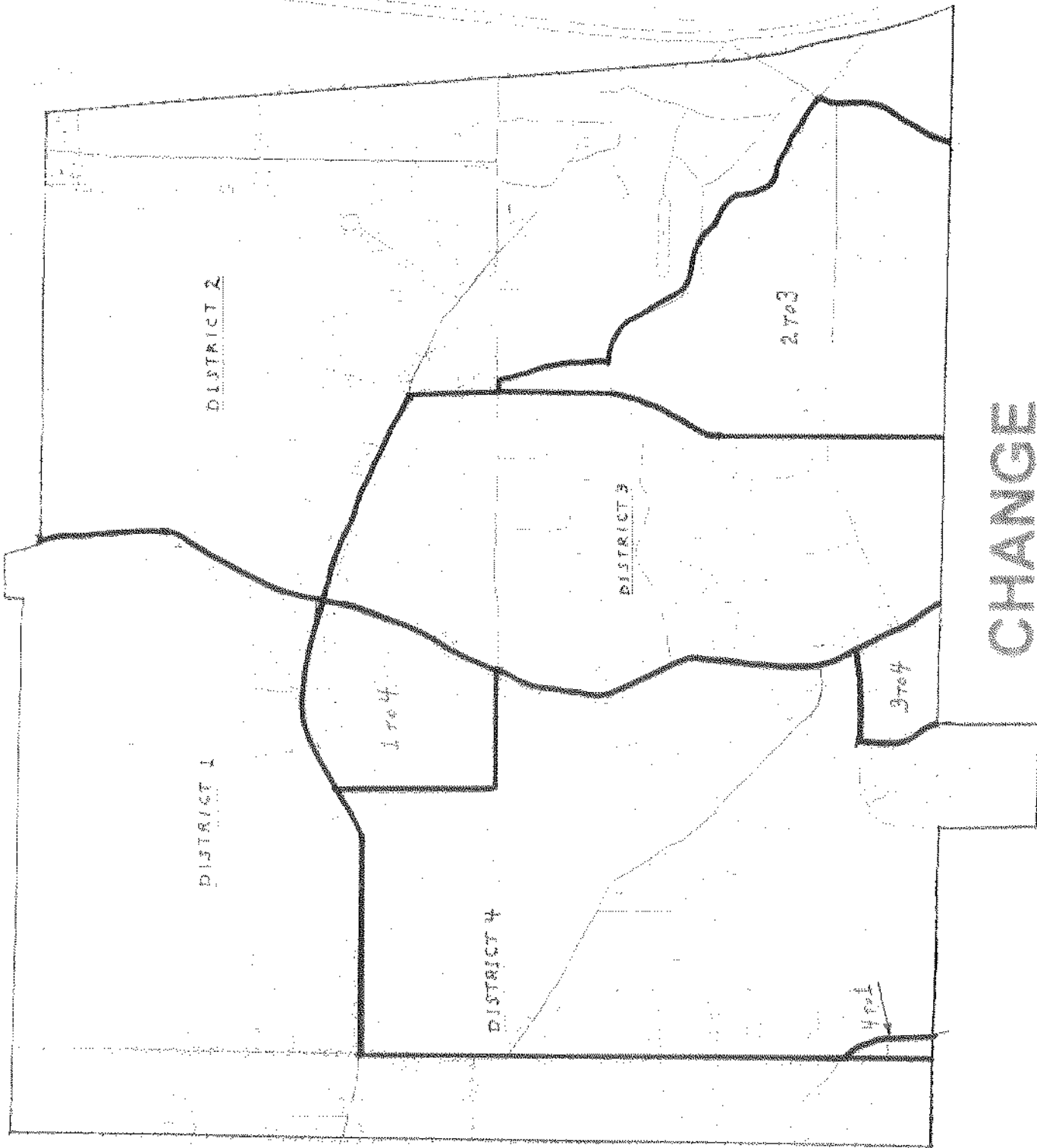
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CURRENT



PROPOSED



CHANGE

RESOLUTION NO. 2002-1

**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT REGARDING
AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2003 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID
ORDINANCE**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2002.

SECTION 2. The Town Council casts its .763 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2002.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 14th day of May, 2002, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William M. Smith

Its: PRESIDENT

ATTEST:

By: Jessica M. Mezo
Jessica Mezo, Clerk/Treasurer

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ORDINANCE NO. 2002- /

AN ORDINANCE AUTHORIZING THE ISSUANCE AND USE
OF A CREDIT CARD

WHEREAS, the Clerk-Treasurer of the Town of Darmstadt, Indiana, is charged with certain rights and responsibilities with regard the financial operation of the Town;

WHEREAS, the Clerk-Treasurer is currently authorized to incur expenditures without prior Town Council approval up to three thousand Dollars (\$ 3,000⁰⁰);

WHEREAS, the Town Council of the Town of Darmstadt now determines it to be in the best interest of the Town and its taxpayers that it authorize the issuance and use of a credit card up to a specified spending limit described below for utilization by the Town of Darmstadt for the purposes set forth below and subject to the parameters set below;

WHEREAS, it is expressly recognized that the issuance of the credit card shall not be used to bypass the current accounting system; and

WHEREAS, all current accounting features shall be utilized for presentation of claims for expenses incurred on a credit card, as set forth below.

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

Section 1. Authorization of issuance and use of credit card. The Town Council hereby authorizes the Clerk-Treasurer to obtain and utilize a credit card in the name of the Town of Darmstadt, Indiana, subject to the uses, spending limits and other criteria described below

Section 2. Person responsible for the credit card. The Clerk-Treasurer shall be the person responsible for the credit card and shall govern the issuance and use of the credit card to other officials and employees of the Town.

Section 3. Spending limit of the use of the credit card. The credit card described in Section 1 of this Ordinance may have a credit line of not greater than six thousand Dollars (\$ 6,000⁰⁰).

Section 4. Purposes for which the credit card may be used. The credit card described in Section 1 may be used for the following purposes, only: Any Town Purpose.

Section 5. Accounting System or Log. As the person responsible for the credit card, the Clerk Treasurer shall maintain an accounting system or log which includes at least the following minimum information: the name of the individuals requesting usage of the credit card, his or her position, the estimated amounts to be charged, the fund and account numbers to be charged, and the date the card is issued and returned.

Section 6. Payment of expenses incurred via the credit card. Procedures for making a claim for expenses incurred via the credit card shall be no different than the procedure for making a claim for expenses incurred otherwise. To wit, supporting documents (e.g., paid bills and receipts) for the expenses must be available

Section 7. Interest. Any interest or penalty incurred due to the late filing or furnishing of documentation by an officer or an employee of the Town shall be the responsibility of that officer or employee.

Section 8. Annual Fee. An annual fee for the credit is/is not hereby authorized. If authorized, a maximum annual fee of county-
fine Dollars (\$ 75⁰⁰) is authorized.

Section 9. Effective Date. This Ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED this 12th day of March, 2002.

**TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA**

William Smith
William Smith, Council President

Roger Henderson
Council Member

Brad A. Koff
Council Member

W. Dan M. Whipple
Council Member

ATTEST:

Jessica Mezo
Jessica Mezo, Clerk/Treasurer

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ORDINANCE NO. 2001- 2

AN ORDINANCE REGARDING PAYMENT OF
OFFICIALS AND EMPLOYEES OF
THE TOWN OF DARMSTADT FOR 2002

WHEREAS, the Town Council of the Town of Darmstadt, Indiana wishes to adopt a new ordinance defining the titles for employees of the Town and setting the maximum rates of compensation for all officials and employees.

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

SECTION 1: From and after the 1st day of January, 2002, the following titles for officials and employees, and salary ranges for basic compensation and designation of salaried (S) or hourly (H) employment, are established for the year 2002:

(S)	President of the Town Council	Not more than \$267.28 per month
(S)	Members of the Town Council except the President	Not more than \$216.84 per month
(S)	Clerk-Treasurer	Not more than \$666.71 per month
(S)	Deputy Clerk-Treasurer	Not more than \$666.71 per month
(H)	Street Superintendent	Not more than \$ 21.95 per hour
(H)	Assistant Street Superintendent /Field Supervisor	Not more than \$ 14.63 per hour
(H)	Part-Time Maintenance Worker	Not more than \$ 9.00 per hour

SECTION 2. All payment for overtime work shall be required by the Fair Labor Standards Act (FLSA). Such overtime compensation, use of the Town owned vehicle as directed and other benefits provided by the Town shall be in addition to the basic annual compensation

paid such employee and shall not be considered as any part of basic compensation as set out in SECTION 1 of this ordinance. Wage payments shall be made on a bi-weekly basis. Salary payments shall be made on a monthly basis.

SECTION 3. This ordinance shall be effective on and after January 1, 2002.

SECTION 4. All prior ordinances in conflict herewith are hereby repealed.

ADOPTED this 13th day of NOVEMBER, 2001.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William Smith
William Smith, Council President

Brad A Korff
Council Member

Don M Whipple
Council Member

Roger Stenback
Council Member

ATTEST:

Jessica M Mezo
Jessica Mezo, Clerk-Treasurer

RESOLUTION 2001-2

RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT
REDUCING THE APPROPRIATION OF THE LOCAL ROAD STREET FUND
FOR THE YEAR 2001

WHEREAS, the Town of Darmstadt, Indiana, has a fund commonly known as the Local Road and Street Fund ("LR&S Fund");

WHEREAS, the appropriation for the LR&S Fund for the year 2001 was Eighty-eight Thousand Fifty Dollars (\$88,050.00);

WHEREAS, the Town Council of the Town of Darmstadt has determined that it will not utilize all the entire LR&S Fund for the year 2001 in the amount of Eighty-eight Thousand Fifty Dollars (\$88,050.00);

WHEREAS, it is the intent of the Town Council of the Town of Darmstadt to reduce the appropriation of the LR&S Fund for the year 2001 by Forty-five Thousand Dollars (\$45,000.00) so that said Forty-five Thousand Dollars (\$45,000.00) can be appropriated for the year 2002;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

That the LR&S Fund appropriation for the year 2001 is reduced by the amount of Forty-five Thousand Dollars (\$45,000.00).

PASSED AND ADOPTED on the 11th day of September, 2001, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William Smith
William Smith, President

ATTEST:

By: Jessica Mezo
Jessica Mezo, Clerk/Treasurer

RESOLUTION OF THE TOWN COUNCIL OF TOWN OF DARMSTADT AN
ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS
FOR 2002 AND CASTING THE VOTES OF THE TOWN COUNCIL ON SAID ORDINANCE
RESOLUTION NO. 2001-1

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Darmstadt as follows:

SECTION 1. The Town Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2001.

SECTION 2. The Town Council casts its .8154 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The Town Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2001.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED on the 8th day of May, 2001, by the Town Council of Town of Darmstadt.

TOWN COUNCIL OF
TOWN OF DARMSTADT

By: William Smith
William Smith, President

ATTEST:

By: Jessica Mezo
Jessica Mezo, Clerk/Treasurer

ORDINANCE 2000- 10
ORDINANCE OF ADDITIONAL APPROPRIATION

WHEREAS, it has been determined that is now necessary to appropriate more money than was appropriated in the annual budget for the year 2000.

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

SECTION 1: The following sums of money are hereby appropriated and ordered set apart out of the funds herein named for the purpose herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED	AMOUNT APPROPRIATED
Capital Cumulative Improvement Fund	\$27,000.00	\$27,000.00

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Darmstadt Town Council and the same has been advertised and approved by the Office of the State Board of Tax Commissioners, all according to the requirements of the statutes of the State of Indiana.

APPROVED AND ADOPTED by the President and members of the Darmstadt Town Council on this 14th day of NOVEMBER, 2000.

DARMSTADT TOWN COUNCIL

William Smith
President

Roger Thompson
Member

Brad A. Koff
Member

Darin M. Whipple
Member

ATTEST:

Jessica May
Clerk Treasurer

ORDINANCE NO. 2000-9

**AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS
AMENDED, OF THE TOWN OF DARMSTADT, INDIANA
ENTITLED "A SEWER RATE ORDINANCE FIXING THE
SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY
THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF
PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN
AND OTHER MATTERS CONNECTED THEREWITH"**

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which was amended by Ordinance Nos. 1988-8, 1989-3 and 1992-1; and

WHEREAS, there has been a substantial increase in the sewer user rates charged by the City of Evansville, Indiana, into whose system the Town sewer system is connected; and

WHEREAS, the Town has commissioned Umbaugh & Associates ("Umbaugh") to perform a sewer rate analysis study, and Umbaugh has performed said work and made appropriate recommendations;

WHEREAS, it is therefore necessary to increase the sewer rates charged by the Town to its citizens.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2 (b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$5.20 per 1,000 gallons plus \$34.00 per year or \$2.83 per month for administrative costs.

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$33.25.

Section 2 (e) of said ordinance is hereby amended to provide as follows:

Section 2 (e) where two (2) or more users are connected to a pumping unit, there will be a surcharge for those users for electrical service of \$67.20 per year or \$5.60 per month.

Section 9 of Ordinance 1987-2 shall be amended to provide as follows:

SECTION 9

All statements for rates and charges shall be paid by the tenth (10th) day of the month following the billing date. Any statement not so paid is hereby declared delinquent and a penalty of ten percent (10%) of the amount of such statement shall attach thereto and become due and payable.

Paragraph 2. This Ordinance shall be effective five (5) days after passage.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of DECEMBER, 2000.

William M. Smith
President

Boyer
Member

Don M. Whipple
Member

Brad Kay
Member

ATTEST:

Jessica M. Mayo
Clerk-Treasurer

RESOLUTION NO. 2000-8

A RESOLUTION REGARDING THE ENFORCEMENT OF
THE ORDINANCES OF THE TOWN OF DARMSTADT, INDIANA

WHEREAS, the Town of Darmstadt, Indiana ("the Town") enacts ordinances from time to time;

WHEREAS, the Town contracts with the Sheriff's Department of Vanderburgh County to provide additional law enforcement to and for the Town's citizens and the Town does not have its own Police Department or Marshal at this point in time;

WHEREAS, the Town desires to formalize its position that the Sheriff's Department of Vanderburgh County has full power and authority, within the Town limits of the Town of Darmstadt, Indiana, to enforce the Ordinances which are duly and properly enacted by the Town of Darmstadt, Indiana, until notice to the contrary is issued by the Town; and

NOW, BE IT RESOLVED BY THE TOWN OF DARMSTADT:

The Sheriff's Department of Vanderburgh County has full power and authority to enforce the Ordinances which are duly and properly enacted by the Town of Darmstadt.

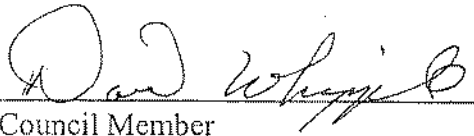
ADOPTED this 10th day of October, 2000.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

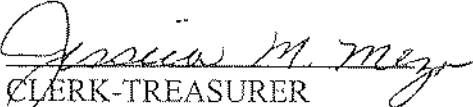
William Smith
President

Ray Stumpp
Council Member

Brad Korff
Council Member


Council Member

ATTEST:


CLERK-TREASURER

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TOWN BOARD OF DARMSTADT, INDIANA

ADOPTION RESOLUTION FOR
THE NATURAL HAZARDS ADDITION
TO THE PHYSICAL FEATURES SECTION OF
THE 1996-2015 COMPREHENSIVE PLAN

BE IT RESOLVED by the Town Board of Darmstadt, Indiana as follows:

WHEREAS, Indiana Code 36-7-4-501 states "A comprehensive plan shall be approved by resolution ... for the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development. The Area Plan Commission shall prepare a Comprehensive Plan."; and

WHEREAS, the adoption resolution for the 1996-2000 Comprehensive Plan for the City of Evansville, Town of Darmstadt, and Vanderburgh County calls for the Area Plan Commission to review and recommend changes or additions to the plan that the Commission considers necessary as part of a continuous planning process in order to fulfill this resolution; and

WHEREAS, the Area Plan Commission works as a coordinating agency within the City and County governmental structure in comprehensive plan development; and

WHEREAS, the Natural Hazards addition to the Physical Features Section of the Plan was a commitment by the City and County as part of their designation and participation in the Federal Emergency Management Agency's Disaster Resistant Community and the Institute of Business and Home Safety's Showcase Community programs; and

WHEREAS, public notice was given by the Area Plan Commission for the public hearing on this Comprehensive Plan addition, and the hearing was held to allow public comment and input; and

WHEREAS, the Area Plan Commission of Evansville and Vanderburgh County finds that this Natural Hazards addition to the Physical Features Section of the Comprehensive Plan constitutes a suitable, logical, reasonably balanced, and timely plan addition for the public safety and welfare for the Town of Darmstadt over the foreseeable future.

NOW, THEREFORE, Be it resolved that the document consisting of text, maps, and tables entitled "Natural Hazards", is hereby adopted as an addition to the Physical Features Section of the 1996-2000 Comprehensive Plan for the Town of Darmstadt.

BE IT FURTHER RESOLVED, that the Natural Hazards addition to the Physical Features Section of the 1996-2000 Comprehensive Plan shall be the policy guide for decision making that affects the physical development of the Town of Darmstadt.

Adopted by the Town Board of Darmstadt, Indiana on

OCTOBER 10, 2000.

William Smith
William Smith, President

Jessica Mezzo
Jessica Mezzo, Clerk-Treasurer

Brad Korff
Brad Korff

Roger Steinkuhl
Roger Steinkuhl

David Whipple
David Whipple

ORDINANCE 2000- 6
ORDINANCE OF ADDITIONAL APPROPRIATION

WHEREAS, it has been determined that is now necessary to appropriate more money than was appropriated in the annual budget for the year 2000.

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

SECTION 1: The following sums of money are hereby appropriated and ordered set apart out of the funds herein named for the purpose herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED	AMOUNT APPROPRIATED
Capital Cumulative Improvement Fund	\$ 25 ,000.00	\$ 25 ,000.00

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Darmstadt Town Council and the same has been advertised and approved by the Office of the State Board of Tax Commissioners, all according to the requirements of the statutes of the State of Indiana.

APPROVED AND ADOPTED by the President and members of the Darmstadt Town Council on this 12th day of SEPTEMBER, 2000.

DARMSTADT TOWN COUNCIL

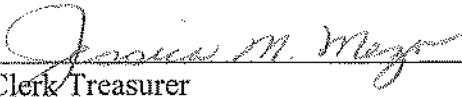
William M. Smith
President

Brad A. Kerff
Member

Don M. Whipple
Member

Roger Starnick
Member

ATTEST:


Clerk Treasurer

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ORDINANCE 2000-4

AN ORDINANCE AMENDING TITLE 17 (ZONING CODE) OF THE CODE OF ORDINANCES OF VANDERBURGH COUNTY TOWN OF DARMSTADT

WHEREAS, Indiana law allows local governments to provide ordinances for the purpose of securing adequate light, air, convenience of access and safety from fire, flood and other dangers; lessening or avoiding congestion in the public ways; and promoting the public health, safety, comfort, morals, convenience and general public welfare; and

WHEREAS, current land uses have necessitated a revision of Title 17 of the Code of Ordinances of Vanderburgh County, including those provisions of Title 17 which regulate the time, place, and manner in which telecommunication towers and facilities are erected within the boundaries of the Town of Darmstadt; and

WHEREAS, the Area Plan Commission of Evansville-Vanderburgh County has recommended that certain changes be made to the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

SECTION 1: AMENDMENT OF TITLE 17 CHAPTER 28 (SPECIAL USES) SECTIONS 17.28.30, 17.28.50, and 17.28.70.

§ 17.28.30 PROCEDURE is amended by the addition of the following subsections:

- I. In addition to all other limitations and provisions contained in the zoning code, all towers and installations permitted with SU 15 approval shall be required to submit the following additional information:
 1. Commercial site plans meeting the requirements for Commercial Review by the Site Review Committee, including a surveyor certification of the exact location of tower from property lines; center lines of abutting streets or rights-of-way; distance to the nearest residential district, residence, or recorded residential subdivision.
 2. Structural plans including elevation and plan views showing height above grade level and dimensions is required in addition to site plan.
 3. Information regarding the number of antennas that the proposed new tower or structure is designed to or can safely accommodate.
 4. Evidence demonstrating that no existing tower or structure can accommodate applicant's proposed antenna, either because there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to serve, or if there are towers or structures in the geographic area, evidence that such structures do not have sufficient height or structural strength to meet the applicant's engineering requirements.
- J. In addition to all other limitations and provisions contained in the zoning code, any tower permitted with SU 15 approval shall be set back from any residential dwelling, property line of an undeveloped residential district or recorded residential subdivision a distance of two feet for each foot of height of the tower or 300 feet, whichever is greater.
- K. Wireless communications facilities that include towers are not permitted in residential districts. However, in residential districts commercial telecommunications antennas attached to existing buildings or structures are permitted on any property with an institutional use such as church, park, library, government, school, hospital, utility or similar use. Commercial antennas mounted on roofs, walls, and existing structures may be approved by Site Review Committee, providing the antennas meet the requirements of the district in which they are located and do not exceed the building height by more than 20 feet.
- L. The use of a wireless telecommunications facility by more than one wireless telecommunications provider (co-location) is encouraged, and when new towers are necessary, construction that can accommodate multiple users is encouraged. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Special Use permitting process.
- M. Each operator of a telecommunications facility must send to the Area Plan Commission a copy of any notice sent to the FCC of intention to cease operations. All abandoned or unused towers and associated

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facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the Board of Zoning Appeals. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted prior to issuance of the required improvement location permit, shall be incorporated as part of the permit, and permit approval shall be conditioned upon removal of the structure(s) within six months after cessation of the use. In the event that the tower is not removed within 6 months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property.

§ 17.28.50 LIST OF SPECIAL USE DESIGNATIONS: SU-15 is amended to read as follows:

SU-15 Electric power or steam generating plants, radio or television towers, wireless communications towers and installations, cellular antenna towers, and similar uses excluding exempt public utilities

§ 17.28.70 TABLE S.U. is amended by the omission of the "X" under the columns R-1, R-2, R-3, R-4, R-5, CO-1, CO-2, C-1, and C-2 in the row indicating SU-15, and the addition of a footnote #2 to the "X" under the columns M-1, M-2, M-3, and W-1 in the row indicating SU-15. Footnote #2 shall be amended to read as follows: "Electric power or steam generating plants, radio and tv towers only. Wireless telecommunication facilities, cellular towers, and similar uses shall be permitted with Site Review approval subject to the provisions of 17.28.30 (I), (J), and (M)."

Section 2. This Ordinance shall be in full force and effect from and after its passage and execution by the Town Board of Darmstadt, Vanderburgh County, Indiana, and on said day signed by the Board of Commissioners and attested by the Auditor of Vanderburgh County..

APPROVED THIS 9th DAY OF MAY, 2000, BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA.

PRESIDENT

William Smith

VICE PRESIDENT

Robert Henderson

MEMBER

Don Whipple

MEMBER

Brad Koff

ORDINANCE 2000-4

AN ORDINANCE AMENDING TITLE 17 (ZONING CODE) OF THE CODE OF ORDINANCES OF VANDERBURGH COUNTY TOWN OF DARMSTADT

WHEREAS, Indiana law allows local governments to provide ordinances for the purpose of securing adequate light, air, convenience of access and safety from fire, flood and other dangers; lessening or avoiding congestion in the public ways; and promoting the public health, safety, comfort, morals, convenience and general public welfare; and

WHEREAS, current land uses have necessitated a revision of Title 17 of the Code of Ordinances of Vanderburgh County, including those provisions of Title 17 which regulate the time, place, and manner in which telecommunication towers and facilities are erected within the boundaries of the Town of Darmstadt; and

WHEREAS, the Area Plan Commission of Evansville-Vanderburgh County has recommended that certain changes be made to the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

SECTION 1: AMENDMENT OF TITLE 17 CHAPTER 28 (SPECIAL USES) SECTIONS 17.28.30, 17.28.50, and 17.28.70

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 4. Evidence demonstrating that no existing tower or structure can accommodate applicant's proposed antenna, either because there are no existing towers or structures meeting the applicant's engineering requirements within the geographic area that the antenna is intended to serve, or if there are towers or structures in the geographic area, evidence that such structures do not have sufficient height or structural strength to meet the applicant's engineering requirements.
- J. In addition to all other limitations and provisions contained in the zoning code, any tower permitted with SU 15 approval shall be set back from any residential dwelling, property line of an undeveloped residential district or recorded residential subdivision a distance of two feet for each foot of height of the tower or 300 feet, whichever is greater.
- K. Wireless communications facilities that include towers are not permitted in residential districts. However, in residential districts commercial telecommunications antennas attached to existing buildings or structures are permitted on any property with an institutional use such as church, park, library, government, school, hospital, utility or similar use. Commercial antennas mounted on roofs, walls, and existing structures may be approved by Site Review Committee, providing the antennas meet the requirements of the district in which they are located and do not exceed the building height by more than 20 feet.
- L. The use of a wireless telecommunications facility by more than one wireless telecommunications provider (co-location) is encouraged, and when new towers are necessary, construction that can accommodate multiple users is encouraged. Co-location of antennas on a single tower, antennas attached to existing structures/buildings, or replacement towers to be constructed at the site of a current tower are permitted uses and will not be subject to the Special Use permitting process.
- M. Each operator of a telecommunications facility must send to the Area Plan Commission a copy of any notice sent to the FCC of intention to cease operations. All abandoned or unused towers and associated

facilities shall be removed within 6 months of the cessation of operations at the site unless a time extension is approved by the Board of Zoning Appeals. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted prior to issuance of the required improvement location permit, shall be incorporated as part of the permit, and permit approval shall be conditioned upon removal of the structure(s) within six months after cessation of the use. In the event that the tower is not removed within 6 months of the cessation of operations at a site, the tower and associated facilities may be removed by the County and the costs of removal assessed against the property.

§ 17.28.50 LIST OF SPECIAL USE DESIGNATIONS: SU-15 is amended to read as follows:

SU-15 Electric power or steam generating plants, radio or television towers, wireless communications towers and installations, cellular antenna towers, and similar uses excluding exempt public utilities

§ 17.28.70 TABLE S.U. is amended by the omission of the "X" under the columns R-1, R-2, R-3, R-4, R-5, CO-1, CO-2, C-1, and C-2 in the row indicating SU-15, and the addition of a footnote #2 to the "X" under the columns M-1, M-2, M-3, and W-1 in the row indicating SU-15. Footnote #2 shall be amended to read as follows: "Electric power or steam generating plants, radio and tv towers only. Wireless telecommunication facilities, cellular towers, and similar uses shall be permitted with Site Review approval subject to the provisions of 17.28.30 (I), (J), and (M)."

Section 2. This Ordinance shall be in full force and effect from and after its passage and execution by the Town Board of Darmstadt, Vanderburgh County, Indiana, and on said day signed by the Board of Commissioners and attested by the Auditor of Vanderburgh County..

APPROVED THIS 9th DAY OF MAY, 2000, BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA.

PRESIDENT

William Smith

VICE PRESIDENT

Bob Stueber

MEMBER

Don Whipple

MEMBER

Brad Koff

ORDINANCE 2000- 3

AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING A WEIGHT
LIMIT ON THE STREETS OF THE TOWN OF DARMSTADT
AND ESTABLISHING EXCEPTIONS THERETO.

BE IT ORDAINED THAT SECTION 1 OF "THE ORDINANCE ESTABLISHING A WEIGHT
LIMIT ON THE STREETS OF THE TOWN OF DARMSTADT AND ESTABLISHING
EXCEPTIONS THERETO", ORDINANCE NO. 2000-3 IS HEREBY AMENDED TO READ
AS FOLLOWS:

SECTION 1: Any vehicle that has either a declared or actual gross vehicle weight in
excess of 30,000 pounds shall be prohibited from the streets and roads of the Town of Darmstadt,
except, the following shall not be prohibited vehicles.

1. A police vehicle;
2. A fire vehicle;
3. Other public safety vehicle;
4. A school bus;
5. A vehicle bearing a farm license plate issued by the Indiana Department of
Transportation to a farmer for carriage of such farmer's own goods or crops;
6. A vehicle making a local delivery within the corporate limits of the Town;
7. A vehicle leaving or returning to its usual and customary garage or place of
storage if such is within the corporate limits of the Town;
8. Any vehicle authorized by Indiana statutes or federal law to use the Town's
streets in disregard of this code;
9. Vehicles owned and operated by the Town.

ADOPTED THIS 13TH DAY OF JUNE, 2000.

William M. Smith
President, Darmstadt Town Council

David M. Whipple
Councilman

Brad A. Koff
Councilman

Ray Stenkul
Councilman

Councilman

ATTEST:

Jessica M. Meyer
Clerk/Treasurer

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ORDINANCE 2000- 3

AN ORDINANCE ESTABLISHING A WEIGHT
LIMIT ON THE STREETS OF THE TOWN OF DARMSTADT
AND ESTABLISHING EXCEPTIONS THERETO.

BE IT ORDAINED:

SECTION 1: Any vehicle that has either a declared or actual gross vehicle weight in excess of 11,000 pounds shall be prohibited from the streets and roads of the Town of Darmstadt, except, the following shall not be prohibited vehicles.

1. A police vehicle;
2. A fire vehicle;
3. Other public safety vehicle;
4. A school bus;
5. A vehicle bearing a farm license plate issued by the Indiana Department of Transportation to a farmer for carriage of such farmer's own goods or crops;
6. A vehicle making a local delivery within the corporate limits of the Town;
7. A vehicle leaving or returning to its usual and customary garage or place of storage if such is within the corporate limits of the Town;
8. Any vehicle authorized by Indiana statutes or federal law to use the Town's streets in disregard of this code;
9. Vehicles owned and operated by the Town.

SECTION 2: Where posted, no prohibited vehicle shall be operated on the streets of Darmstadt. Appropriate signage shall be erected regarding the weight limit in effect in the Town.

SECTION 3: Any person operating a vehicle in violation of this ordinance shall be fined in an amount not to exceed Fifty Dollars (\$50.00).

ADOPTED THIS 9th DAY OF MAY, 2000.

William Smith
President, Darmstadt Town Council

Brad Koffy
Councilman

David A. Whipple
Councilman

Roger Thompson
Councilman

Councilman

ATTEST:

Jessica M. Meyer
Clerk/Treasurer

ORDINANCE 2000- 3

AN ORDINANCE ESTABLISHING A WEIGHT
LIMIT ON THE STREETS OF THE TOWN OF DARMSTADT
AND ESTABLISHING EXCEPTIONS THERETO.

BE IT ORDAINED:

SECTION 1: Any vehicle that has either a declared or actual gross vehicle weight in excess of 11,000 pounds shall be prohibited from the streets and roads of the Town of Darmstadt, except, the following shall not be prohibited vehicles.

1. A police vehicle;
2. A fire vehicle;
3. Other public safety vehicle;
4. A school bus;
5. A vehicle bearing a farm license plate issued by the Indiana Department of Transportation to a farmer for carriage of such farmer's own goods or crops;
6. A vehicle making a local delivery within the corporate limits of the Town;
7. A vehicle leaving or returning to its usual and customary garage or place of storage if such is within the corporate limits of the Town;
8. Any vehicle authorized by Indiana statutes or federal law to use the Town's streets in disregard of this code;
9. Vehicles owned and operated by the Town.

SECTION 2: Where posted, no prohibited vehicle shall be operated on the streets of Darmstadt. Appropriate signage shall be erected regarding the weight limit in effect in the Town.

SECTION 3: Any person operating a vehicle in violation of this ordinance shall be fined in an amount not to exceed Fifty Dollars (\$50.00).

ADOPTED THIS 9th DAY OF MAY, 2000.

William Smith
President, Darmstadt Town Council

Brad Koffy
Councilman

Wan H. Whipple
Councilman

Roger Stump
Councilman

Councilman

ATTEST:

Jessica M. Meza
Clerk/Treasurer

ORDINANCE 2000-2

AN ORDINANCE CONCERNING THE INVENTORY OF
FIXED ASSETS OF THE TOWN OF DARMSTADT

WHEREAS, the Town Council is the governing body of the Town of Darmstadt in Vanderburgh County, in the State of Indiana, and

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

Be it ordained as follows:

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.

"Capital Outlays". Expenditures which benefit both the current and future fiscal periods. This includes costs 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.

"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 the periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, management control, accountability and other purposes.

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

"Fixed Asset". 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. 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).

"Historical Cost". The cash equivalent price exchanged for 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.

"Improvements Other Than Buildings". Improvements, other than buildings, to land for better enjoyment, attached or not easily removed, and with a life expectancy of greater than two years, such as walks, parking areas and drives, golf cart 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, Boonville-New Harmony Road is a public street with greatest value to the public. Roads or drives upon Town-owned land that provide support to Town 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 Town facility are capital assets.

"Infrastructures". Roads and streets, street lighting systems, bridges, overpasses, sidewalks, curbs, street signs, viaducts, wharfs and storm water collection systems.

"Machinery and Equipment". 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.

"Tangible Assets". Assets that can be observed by one or more of the physical senses.

SECTION 2. - CAPITALIZATION POLICY

A. LAND:

The Town will capitalize all land purchases, regardless of cost, except land purchased or donated for easements or rights-of-way for infrastructure.

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 worker salary and benefits), such as demolishing buildings, excavating, clean up, 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.

B. MACHINERY AND EQUIPMENT:

This Town will capitalize and tag items with an individual value equal to or greater than \$1,000.00. 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 worker 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 result of the change meets all of the following conditions:

- 1) total costs exceed \$1,000.00,
- 2) the useful life is extended two or more years, and
- 3) the total costs will be greater than the current book value and less than the fair market value.

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

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

C. BUILDINGS:

A department will capitalize buildings at full cost with no subcategories for tracking the cost of attachments. Examples of attachments are roofs, 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 improving or renovating an existing building will capitalize the cost only if the result meets all of the following conditions:

- 1) the total cost exceeds \$1,000.00,
- 2) the useful life is extended two or more years, and
- 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 cost (while under construction), accounting costs if material, and any costs directly attributable to the construction of a building.

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

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

D. IMPROVEMENTS OTHER THAN BUILDINGS:

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

- 1) the total cost exceeds \$1,000.00, and
- 2) the useful life is greater than two 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 \$1,000.00,
- 2) the asset's useful life is extended two or more years, and
- 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 the source funding policies and above procedures.

SECTION 3. - RECORDING AND ACCOUNTING:

The Town and its various departments shall classify capital expenditures as capital outlays within the fund from which the expenditure was made in accordance with the Chart of Accounts of the Cities and Towns Accounting 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 sewage works shall record acquisition of Fixed Assets in accordance with generally accepted accounting principles. When an asset is purchased for cash, the acquisition is recorded at the amount 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 deferred payment contract

3. Acquisition under capital lease
4. Acquisition by exchange of nonmonetary assets
5. Acquisition by issuance of securities
6. Acquisition by self-construction
7. Acquisition by donation or discovery

For purposes of recording fixed assets of the utility, the valuation of assets shall be based on historical cost or actual cash value at the time of acquisition.

An asset register (State Board of Accounts Form 211) shall be maintained to provide a detailed record of the capital assets of the governmental unit.

SECTION 4. - SAFEGUARDING OF ASSETS:

Accounting controls shall be designed and implemented to provide reasonable assurances that:

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

ORDINANCE 2000- 1
AN ORDINANCE AUTHORIZING PAYMENT OF CLAIMS
PRIOR TO BOARD ALLOWANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT AS FOLLOWS:

(a) The Clerk-Treasurer of the Town of Darmstadt is hereby authorized to make claim payments in advance of a board allowance for the following types of expenses:

- (1) Property or services purchased or leased from:
 - (A) The United States government; or
 - (B) An agency or a political subdivision of the United States government.
- (2) License fees or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) Federal grant programs if:
 - (A) Advance funding is not prohibited; and
 - (B) The contracting party provides sufficient security for the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance agreements or service agreements.
- (8) Lease agreements or rental agreements.
- (9) Principal and interest payments on bonds.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(b) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer.

(c) The town council shall review and allow the claim at the Town Council's next regular or special meeting following the pre-approved payment of the expense.

ORDINANCE 2000- 1
AN ORDINANCE AUTHORIZING PAYMENT OF CLAIMS
PRIOR TO BOARD ALLOWANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT
AS FOLLOWS:

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 - (A) The United States government; or
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 - (A) Advance funding is not prohibited; and
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- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

including - pre-approved expenses

(b) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer.

(c) The town council shall review and allow the claim at the Town Council's next regular or special meeting following the pre-approved payment of the expense.

PAY BILD

ADOPTED this 8th day of February, 2000.

William Smith.
President

W.D. Whipple
Member

Brad Koff
Member

Roger Stenlund
Member

ATTEST:

Jessica M. Mezo
Jessica Mezo, Clerk-Treasurer

**ORDINANCE GOVERNING THE ALLOCATION OF
SEWER TAPS IN THE TOWN OF DARMSTADT**

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA as follows:

Each request for the allocation of a sewer tap into the Town of Darmstadt septic tank effluent pumping sewer system ("tap") must be submitted by the property owner(s), in writing, to the Darmstadt Town Council ("Council"), with a non-refundable Application Fee of \$200.00 per tap, and must contain the following information: name of the requesting property owner(s); date of request; the common mailing address and legal description of the property for which the allocation is requested. For a single request of more than three (3) taps, the Application Fee for the fourth and all subsequent taps will be \$100.00 each.

The Council shall review each tap request, and either grant or deny such request by approving a motion, and if granted, confirm such grant to the requester(s) in writing.

The total cost of the tap will be \$4,270.00, said amount allocated as follows: (1) Tap Fee: \$1,000.00; (2) payment toward the cost of the pump station equipment and other cost factors: \$2,650.00; (3) non-refundable Application Fee: \$200.00, paid with the request for the application for the allocation of the sewer tap; and (4) charge of Evansville Water & Sewer Utility ("EWSU"), which must be paid to the Town which will forward said amount to EWSU: \$420.00.

In the event that the Council allocates a sewer tap to the applicant, a \$1,500.00 portion of the total tap cost must be paid within 90 days following the written confirmation of the grant of the tap allocation by the Council. If the \$1,500.00 is not paid within 90 days, the grant of tap allocation shall be automatically revoked. The remaining \$2,570.00 portion of the total tap cost must be paid prior to the connection of the tap.

Before the actual connection can be made, the property owner(s)' sewage disposal design must be approved by the Town of Darmstadt to assure the proper functioning of the system. The actual installation must also be inspected and approved by the Town of Darmstadt before the connection can be completed.

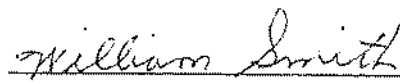
If the tap is revoked by the Council for any reason, any portion of the tap costs and fees previously paid will be refunded, without any accrued interest, but less any costs incurred, or fees assessed by, the Town.

The owner of a tap allocation may return the tap allocation to the Town, and upon approval by the Council, may receive a full refund of the tap costs and fees previously paid, with the exception of the non-refundable \$200.00 Application Fee, without any accrued interest, but less any costs incurred, or fees assessed by, the Town.

All sewer tap allocations shall be binding on, and benefits shall accrue, to the successors and assigns of the parties hereto. Any transfer or conveyance of property upon which a sewer tap has been allocated, shall act as a transfer of conveyance of the sewer tap allocation as well.

This ordinance supersedes all applicable ordinances previously passed by the Council.

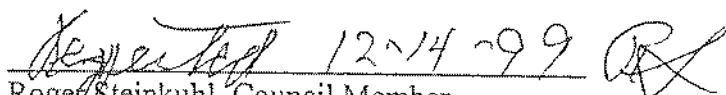

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on
the 9TH day of NOVEMBER, 1999.



William Smith, President



Brad Korff, Council Member

 12-14-99 

Roger Steinkuhl, Council Member



David Whipple, Council Member

ATTEST:



Gene Koch, Clerk-Treasurer

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PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 9TH day of NOVEMBER, 1999.

William Smith
William Smith, President

Brad Korff
Brad Korff, Council Member

Rejected 12-14-99 RS
Roger Steinkuhl, Council Member

David M. Whipple
David Whipple, Council Member

ATTEST:

Gene Koch
Gene Koch, Clerk-Treasurer

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PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 9TH day of NOVEMBER, 1999.

William Smith
William Smith, President

Brad Korff
Brad Korff, Council Member

Rejected 12-14-99 RS
Roger Steinkuhl, Council Member

David M. Whipple
David Whipple, Council Member

ATTEST:

Gene Koch
Gene Koch, Clerk-Treasurer

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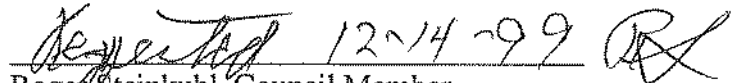
PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on
the 9TH day of NOVEMBER, 1999.



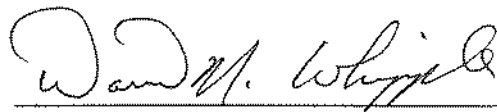
William Smith, President



Brad Korff, Council Member



Roger Steinkuhl, Council Member



David Whipple, Council Member

ATTEST:



Gene Koch, Clerk-Treasurer

**A RESOLUTION OF THE VANDERBURGH COUNTY PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS FOR 2000 AND CASTING THE VOTES OF THE COUNTY COUNCIL ON SAID ORDINANCE
RESOLUTION NO. CO.R-05-99-001**

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its County; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public bearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Vanderburgh County, Indiana as follows:

SECTION 1. The County Council hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2000.

SECTION 2. The County Council casts it 22,683 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

SECTION 3. The County Council shall deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

SECTION 4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each of the local units resolution, to the appropriate agency of the State of Indiana so that the local homestead credit will become effective in 2000.

SECTION 5. This Resolution shall be in full force and effect from and after its passage by the County Council.

PASSED AND ADOPTED on the 5th day of May, 1999 by the Vanderburgh County Council.

VANDERBURGH COUNTY COUNCIL

By: Curt Wortman
Curt Wortman, President

ATTEST:

By: Suzanne M Crouch
Suzanne Crouch, Auditor

200

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 2000 AND CASTING THE VOTES OF THE COMMON
COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana, hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 2000, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana, casts it 76.501 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

APR 13 1999

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 2000.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to establish the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby established at eight percent (8%) to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

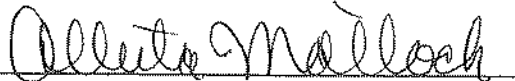
This Ordinance shall take effect January 1, 2000, and shall remain in effect until December 31, 2000.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



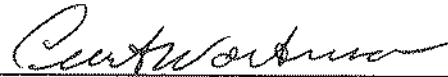
President, casting 76.501 votes

ATTEST:



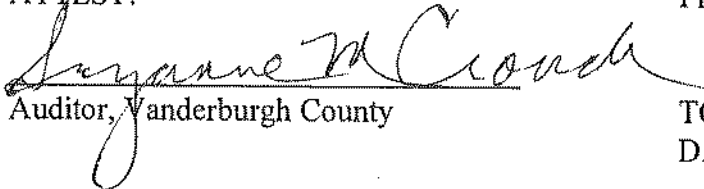
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 22.683 votes

ATTEST:



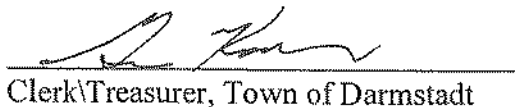
Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .8154 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

ORDINANCE 1999 - 1
ORDINANCE OF ADDITIONAL APPROPRIATION

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

NOW, THEREFORE BE IT ORDAINED by the Darmstadt, Indiana Town Council:

SECTION ONE: The following sums of money are hereby appropriated and ordered set apart out of the funds herein named for the purpose herein specified, subject to the laws governing the same:

	AMOUNT REQUESTED	AMOUNT APPROPRIATED
MOTOR VEHICLE HIGHWAY	\$40,000	\$40,000
LOCAL ROAD & STREET	\$40,000	\$40,000

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Darmstadt Town Council and approval by the Office of the State Board of Tax Commissioners, all according to the requirements of the statutes of the State of Indiana.

APPROVED AND ADOPTED by the President and Members of the Darmstadt Town Council on this 11th day of May, 1999.

William Smith.
William Smith, President

Brad Korff
Brad Korff, Council Member

Roger Steinkubl
Roger Steinkubl, Council Member

David Whipple
David Whipple, Council Member

ATTEST:

Gene Koch
Gene Koch, Clerk-Treasurer

JB

ORDINANCE PROHIBITING PARKING ALONG
A CERTAIN PORTION OF MARTIN ROAD

WHEREAS, the Town of Darmstadt, Indiana ("Town") desires to prohibit parking along a certain portion of Martin Road;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT as follows:

There shall be no standing or parking of vehicles along either side of Martin Road from Boonville-New Harmony Road to a point two-thousand (2000) feet north of Boonville-New Harmony Road.

This ordinance supersedes all applicable ordinances previously passed by the Town Council of the Town which may permit standing or parking of vehicles along roads located within the Town of Darmstadt, Indiana.

This ordinance shall be in full force and effect when signs giving notice of this ordinance are posted upon or at the affected portions of Martin Road by the Town Council of the Town of Darmstadt, Vanderburgh County, Indiana.

A violation of this ordinance shall result in a fine of fifty dollars (\$ 50.00).

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 10th day of NOVEMBER, 1998.

William Smith

William Smith, President

Roger Steinkuhl

Roger Steinkuhl, Board Member

Brad Korff

Brad Korff, Board Member

David M. Whipple

David Whipple, Board Member

ATTEST:

Gene Koch

Gene Koch, Clerk/Treasurer

JJA

ORDINANCE NO. 1998-5

ORDINANCE OF THE TOWN OF DARMSTADT, INDIANA
APPROVING THE TRANSFER OF ORDINANCE NO. 1982-1
GRANTING TO EVANSVILLE CABLE TV, INC. A FRANCHISE
FOR COMMUNITY ANTENNA, TELEVISION AND
AUDIO COMMUNICATION SYSTEM

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
DARMSTADT, VANDERBURGH COUNTY, INDIANA:

WHEREAS, UACC Midwest, Inc. ("Franchisee") owns, operates, and maintains a cable television system ("System") in the Town of Darmstadt, Indiana (the "Town"), pursuant to Ordinance No. 1982-1 dated July 12, 1982, as amended by Ordinance No. 1985-1 dated December 12, 1985 and by Ordinance No. 1989-2 dated February 9, 1989 (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee, Insight Communications Company, L.P. ("Insight"), and Insight Communications of Indiana, LLC ("Transferee"), together with certain other related parties, are parties to an Asset Exchange Agreement, an Asset Contribution Agreement, and an Operating Agreement, pursuant to which the System and the Franchise will be transferred first to Insight and then immediately from Insight to Transferee (the "Transfers").

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

SECTION 1. The Town hereby consents to the Transfers, all in accordance with the terms of the Franchise.

SECTION 2. This Ordinance shall be deemed effective upon the closing of the Transfers (the "Closing Date").

PASSED, ADOPTED AND APPROVED by the Board of Trustees of the Town of Darmstadt, Indiana and attested to by the Clerk/Treasurer of the Town of Darmstadt, Indiana this 11th day of AUGUST, 1998.

By:

Roger A. Thompson
Bud Kordt
Don W. Kopp
William M. Smith

ATTEST:

[Signature]
Clerk/Treasurer

ACCEPTANCE

Accepted this ___ day of _____, 1998.

INSIGHT COMMUNICATIONS OF INDIANA, LLC

By: _____

Printed Name and Office

ATTEST:

Printed Name and Office

23

ORDINANCE 1998- 4

AN ORDINANCE ESTABLISHING PROCEDURES FOR PUBLIC
PURCHASING IN THE TOWN OF DARMSTADT

WHEREAS, the General Assembly has created a new public purchasing law found at IC § 5-22, and

WHEREAS, certain actions need to be taken by the Town of Darmstadt ("Town") to Implement the new law.

NOW, THEREFORE, BE IT ORDAINED

SECTION 1: The Town Council is hereby designated the Purchasing Agency for the Town of Darmstadt within the meaning of IC § 5-22 and possesses all of the power granted by that statute.

SECTION 2: The Purchasing Agency may, in writing, designate one or more Purchasing Agents for the Town, and, may limit that agent's authority in such designation to a dollar amount "not to exceed" for any purchase and with regard to what is being purchased. The designation of a Purchasing Agent in the written minutes of the meetings of the Town Council shall constitute a "written designation."

SECTION 3: Pursuant to IC § 5-22-8, if supplies, as defined by IC § 5-22-2-38, are to be purchased which costs less than Twenty Five Thousand Dollars (\$25,000), the Purchasing Agent may purchase such items on the open market without the necessity of obtaining bids or quotes so long as the agent does not exceed the power designated to such agent by the Town Council.

SECTION 4: Pursuant to IC § 5-22-8, if the value of the supplies to be purchased exceeds Twenty Five Thousand Dollars (\$25,000), but does not exceed Seventy Five Thousand Dollars (\$75,000) and no other statutory exemption applies which allows the purchase without quotes, the Purchasing Agent shall:

- (a) invite three (3) quotes from persons, firms or corporations known to deal in such supplies; and
- (b) make such invitation by mailing the invitation to such person, firm or corporation not less than seven (7) days before the date set in such invitation to receive such quotes; and
- (c) award the purchase to the lowest responsible and responsive offeror, as defined by IC § 5-22-16 for the line or class of supplies sought.

SECTION 5: If the value of the supplies to be purchased exceeds Seventy Five Thousand Dollars (\$75,000) such supplies shall only be purchased upon competitive bidding pursuant to IC § 5-22-7.

SECTION 6: The purchase of services, pursuant to IC § 5-22-6, shall be controlled by this Section of this Ordinance. Services shall be purchased in what ever manner and by whatever criteria the Town deems to be reasonable and in the best interest of the Town. The Town may request proposals from service providers as a function of purchasing services, but such proposals are not deemed a Request for Proposal under IC § 5-22-9.

SECTION 7: The purchasing agent shall purchase supplies, if available, from the Rehabilitation Center, pursuant to IC §5-22-12, and the Indiana Department of Corrections, pursuant to IC § 5-22-11.

SECTION 8. In the event that an offeror relating to supplies shall claim a preference under IC § 5-22-15, the purchasing agent shall recalculate the offer pursuant to that statute.

SECTION 9: Pursuant to IC § 5-22-15-21 each specification for the purchase of supplies shall specify that only goods made in the United States of America shall be offered unless the Purchasing Agent determines that:

- (a) the needed supply is not manufactured in the United States of America in reasonably available quantities, or
- (b) the price of the supplies manufactured in the United States exceeds by an unreasonable amount the price of available and comparable supplies manufactured elsewhere, or
- (c) the quality of the needed supply manufactured in the United States is substantially less than the quality of comparable priced available supplies manufactured elsewhere, or
- (d) that the requirement that the purchase of supplies be limited to those manufactured in the United States is not in the public interest.

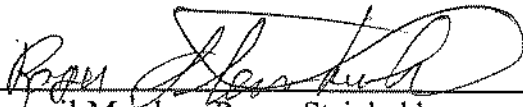
SECTION 10: The purchasing agent, with regard to the purchase of supplies, shall maintain a Register of Proposals, Special Purchase Contract File List, a Bid Record for Invitations to Bid or Quote on each project bid or quoted, and an Index to Specifications for all bids and quotes.

SECTION 11: Each bid or quote shall be accompanied by the non-collusion affidavit in a form prescribed by IC §5-22-16-6. Each bid shall also require a current financial statement of the bidder. Such financial statement is not required if the supplies are acquired by quotation.

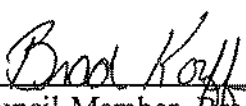
ADOPTED this 8TH day of SEPTEMBER, 1998.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

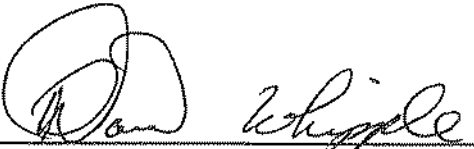
William Smith
President, William Smith



Council Member, Roger Steinkuhl




Council Member, Brad Korff



Council Member, David Whipple

ATTEST:



CLERK-TREASURER, GENE KOCH

182643.1

2-10

ORDINANCE SPECIFYING THE MINIMUM BUILDING LOT SIZE IN
THE TOWN OF DARMSTADT, INDIANA

WHEREAS, the Town of Darmstadt, Indiana ("Town") desires to establish the minimum size of a building lot with the Town;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT as follows:

For lots on which the building will utilize the Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system, the minimum lot size is one (1) acre.

For lots on which the building will utilize any type of sewer system other than the Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system, the minimum lot size is two and one-half (2 1/2) acres, and the lot must meet or exceed the appropriate Vanderburgh County Health Department regulations with regard to the type of sewer system utilized.

Subdivisions approved prior to the date of this ordinance, and lots of record prior to 1957 shall not be required to meet the above stipulations.

This ordinance supersedes all applicable ordinances previously passed by the Town Council of the Town permitting a smaller lot size.

Any amendment to the General Ordinances of the County of Vanderburgh, Indiana shall not constitute an amendment to this ordinance.

This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Darmstadt, Vanderburgh County, Indiana.

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 8TH day of SEPTEMBER, 1998.



William Smith, President

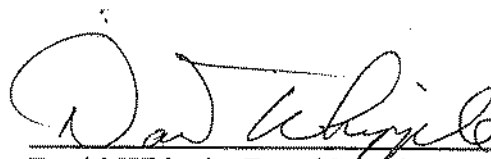


Roger Steinkuhl, Board Member



Brad Korff, Board Member

all



David Whipple, Board Member

ATTEST:



Gene Koch, Clerk/Treasurer

182888.1

1998-2

Resolution No. C-98-15

Introduced by: Mosby
Committee: Finance

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 1999 AND CASTING THE VOTES OF THE COMMON
COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana, hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 1999, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana, casts it 76.50 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

APR 29 1998

Alberta Matlock
CITY CLERK

JAC

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 1999.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

JAY

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to establish the Homestead Credit Percentage; and

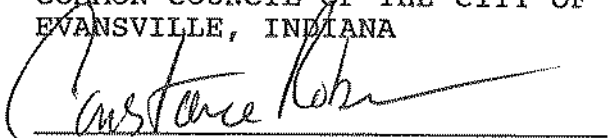
WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby established at eight percent (8%) to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect January 1, 1999, and shall remain in effect until December 31, 1999.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA



President, casting 76.50 votes

ATTEST:



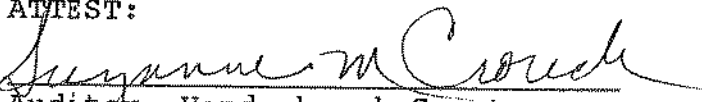
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH



President, casting 22.68 votes

ATTEST:



Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA



President, casting .82 vote

ATTEST:



Clerk/Treasurer, Town of Darmstadt

RESOLUTION NO. 1998 - 1

A RESOLUTION REGARDING THE FUTURE OF
BOONVILLE-NEW HARMONY ROAD

WHEREAS, the Town of Darmstadt ["the Town"] is concerned about the safety and comfort of it's citizens, especially those who reside along Boonville-New Harmony Road; and

WHEREAS, The Town was incorporated July 2, 1973 by Ordinance of the Board of Commissioners of Vanderburgh County, Indiana; and

WHEREAS, the Town is a legally incorporated political subdivision under I.C. 36-5-1-1 et seq.; and

WHEREAS, the Town has responsibility for maintenance of all accepted roads in the Town including Boonville-New Harmony Road, and receives Motor Vehicle Highway and Local Road & Street funds for such maintenance; and

WHEREAS, I.C. 36-1-3-9 states that "a municipality has exclusive jurisdiction over bridges (subject to I.C. 8-16-3-1), streets, alleys, sidewalks, watercourses, sewers, drains, and public grounds inside its corporate boundaries, unless a statute provides otherwise."; and

WHEREAS, the Town wishes to maintain the existing structure, routing, dimensions, and character of Boonville-New Harmony Road within the Town and is opposed to any modifications to or use of Boonville-New Harmony Road which will adversely affect the quality of life of the Town's residents; and

WHEREAS, the Town strongly opposes any actions which will result in increased non-resident traffic through the Town including, but not limited to, through-truck traffic; and

WHEREAS, the Town residents living on that portion of Boonville-New Harmony Road which lies within the Town's jurisdiction were adamantly opposed to Evansville Urban Transportation Study proposals of 1993, 1997, and currently to use Boonville-New Harmony Road as a major east-west traffic corridor; and,

WHEREAS, it is in the best interest of the Town's citizens for the Town Council to establish a policy regarding the future of Boonville-New Harmony Road and the safety and comfort of its citizens;

NOW, BE IT RESOLVED BY THE TOWN OF DARMSTADT:

The Town requests the Evansville Urban Transportation Study (EUTS) to find another option for its desired major east-west traffic corridor which does not involve Boonville-New Harmony Road or any area inside the corporate boundaries of the Town of Darmstadt.

ADOPTED this 14th day of APRIL, 1998.

TOWN COUNCIL OF THE
TOWN OF DARMSTADT, INDIANA

William M. Smith
President

Ryan Stewart
Council Member

Brad Koff
Council Member

David M. Whipple
Council Member

ATTEST:

[Signature]
Clerk-Treasurer

20

AN ORDINANCE PROVIDING FOR SEWER TAP ALLOCATIONS
IN THE TOWN OF DARMSTADT

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA, as follows:

1. All requests for sewer tap allocation must be submitted, in writing, to the Darmstadt Town Council.
2. The written requests must contain the name of the party/parties requesting sewer tap allocation, the common mailing address of the property for which the sewer tap allocation is requested, the legal description of the property for which the sewer tap allocation is requested and the date on which such sewer tap allocation is requested.
3. The Darmstadt Town Council shall review all requests and either grant or deny each request by approving a motion and by delivering such grant or denial to the requesting party/parties in writing.
4. The party/parties requesting the sewer tap allocation shall pay all costs related to the determination of tap availability or non-availability, in addition to all costs of the said tap. The Darmstadt Town Council may at its sole discretion collect from the party/parties requesting the sewer tap allocation the estimated cost of determining tap availability or non-availability prior to any such determining activity.
5. The cost for tap allocation will be \$3,500.00. Said amount consists of a \$1,000.00 general tap fee and a \$2,500.00 payment toward the cost of the pump station equipment and other cost factors. To reserve said tap allocation a \$1,500.00 portion of the above cost must be paid within 90 days following formal allocation by the Darmstadt Town Council. If the \$1,500.00 portion of the Darmstadt tap cost is not paid within the 90 day time period the allocation shall be revoked.
6. The remaining \$2,000.00 portion of the tap allocation fee shall be paid prior to the connection of the allocated sewer tap. In addition, the Darmstadt Town Council reserves the right to increase the sewer tap fee. In the event such fee is increased, the party/parties allocated the sewer tap shall pay the difference between the increased fee and the portion previously paid, prior to the connection of the allocated sewer tap.
7. If the sewer tap allocation is revoked by the Darmstadt Town Council for non-payment, any portion of the tap allocation costs previously paid will be refunded, without interest.

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8. The owner of an allocated sewer tap may return the tap allocation to the Town, and upon approval by the Darmstadt Town Council, may receive a full refund of the tap allocation costs paid, without interest.

9. All sewer tap allocations shall run with the land. Any transfer or conveyance of property upon which a sewer tap has been allocated shall act as a transfer or conveyance of the sewer tap allocation as well.

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 14 day of OCTOBER, 1997.

Teena Preske
Teena Preske, President

Roger Steinkuhl
Roger Steinkuhl, Board Member

Brad Korff
Brad Korff, Board Member

William M. Smith
William Smith, Board Member

ATTEST:

Gene Koch
Gene Koch, Clerk/Treasurer

"TOWN COUNCIL"

2019

ORDINANCE NO. 1997 - 2

AN ORDINANCE CONCERNING
EROSION AND SEDIMENT CONTROL

WHEREAS, uncontrolled erosion and sedimentation constitute a threat to the health, safety and welfare of the residents of the Town of Darmstadt;

WHEREAS, I.C. 36-1-4-11 authorizes the Town Council of the Town of Darmstadt to establish reasonable regulations for the protection of the health and property of its residents;

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA, as follows:

Purpose. The purpose of this ordinance is to conserve natural resources, protect the quality of the air and water and to protect and promote the health, safety and general welfare of the residents of the Town of Darmstadt (hereinafter "Town"), by preventing soil erosion and sediment from being transported onto public and private properties as a result of land disturbing activities.

Policy. It is the policy of the Town Council of the Town of Darmstadt (hereinafter referred to as the "Town Council") to require that erosion and sediment control measures be employed prior to any land disturbing activities to prevent off-site damage due to erosion and sedimentation of drainage ditches, storm sewers, ponds, lakes, streets or other property, public and private, due to the change in land use or rerouting of surface water. All erosion and sedimentation control measures employed shall comply with the design criteria, standards and specifications as set forth in the "Indiana Handbook For Erosion Control in Developing Areas", and its updates and amendments, as published by the Indiana Department of Natural Resources.

Applicability. This ordinance applies to all land disturbing activities on real property located within the Town of Darmstadt. Agricultural land disturbing activities, as defined herein, are excepted from the requirements of this ordinance.

Definitions. For the purpose of this ordinance the following definitions shall apply. Any pertinent word or term not a part of this listing shall be construed to have its usual legal meaning. Additional definitions may be found in the "Indiana Handbook For Erosion Control in Developing Areas".

"Agricultural land disturbing activities" means the disturbance of land for the production of animal or plant life, including forestry pasturing of livestock, and planting, growing, cultivating, and harvesting crops for

addition to any other requirements which may be set forth according to local, state or federal law.

1. No property owner shall begin, cause to begin, or continue any land disturbing activity prior to installing the required erosion and sediment control practices.

2. During construction activity at a site, erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained, at all times.

3. On-site sediment shall be detained-on-site by erosion and sediment control measures.

4. Water shall not be discharged from the site in a manner that causes erosion or sedimentation at or downstream of the point of discharge.

5. All access to building sites that cross a natural watercourse, drainage easement, or swale/channel shall have an appropriately designed culvert or crossing.

6. Public or private roadways and drains off-site and on-site shall be kept cleared of sediment by the property owner.

7. All storm drain inlets shall be protected against sedimentation.

8. Drainage ways and swales shall be protected adequately to prevent channel or outlet scouring and to prevent reduction of flow capacity by sedimentation.

Enforcement, Violations, Penalties. When an erosion or sediment control incident is reported to the Town Council or its agents, the procedures set out below will be followed.

1. The SWCD, or their representatives or authorized agents of the Town of Darmstadt, are authorized to enter the site for the purpose of investigating non-compliance reports and to verify compliance measures. If entry is denied by the property owner, a court order may be sought and obtained by SWCD or their representatives to permit such entry upon the property.

2. A SWCD representative will investigate the incident at the site, and make corrective recommendations to the property owner or the property owner's agent.

3. After corrective recommendations have been made, SWCD will conduct an inspection to determine compliance or non-compliance. If the site is found to be in compliance, no further enforcement action will be taken.

human or livestock consumption. This definition does not include the construction of farm facilities such as dwellings, barns, sheds or other structures.

"Corrective measures" means the employment of erosion and sediment control measures at a non-compliance site, and shall also include, but not be limited to, clean-up and repair of public or private property negatively affected as a result of non-compliance.

"Design Storm" means a 25 year storm as measured by the National Weather Service, i.e. a storm having a probable frequency of at least one (1) time every twenty-five (25) years.

"Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

"Erosion control measure" means a practice or a combination of practices employed to control erosion and resulting sedimentation.

"Land disturbing activity" means any change of the land surface, including removing vegetative cover, excavating, filling, transporting, grading and stockpiling or movement of soil, sand, gravel, stone or other material.

"Runoff" means the portion of precipitation from such sources as rainfall, snow melt, or irrigation water that flows over the ground surface.

"Sediment" is solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from site of origin.

"Site" means the entire area included in the legal description of the land on which land disturbing activity occurs.

"SWCD" means Soil and Water Conservation District, a subdivision of Indiana state government charged with the responsibility of establishing programs and setting policy to protect the natural resources within their district boundaries.

"Working day" means a calendar day, exclusive of Saturdays, Sundays and Town recognized holidays, during which weather and other conditions permit work for at least fifty percent (50%) of the day.

Requirements. The following is a listing of minimum requirements which must be complied with on all sites, in

4. The property owner of a non-compliance site will be issued a notice by a SWCD representative informing the property owner that the site must be brought into compliance within ten (10) days of the date in which the notice is mailed or delivered to the property owner.

5. After the ten (10) working days notice has expired, a SWCD representative will conduct a second inspection of the property to determine compliance. If the site is found to be in compliance, no further enforcement action will be taken.

6. If, after the second site inspection, continued non-compliance is determined, the Town Council will issue a non-compliance citation to the property owner. The civil penalty for the first citation will be no less than One Hundred (\$100.00) and no more than Two Hundred Fifty Dollars (\$250.00). If the civil penalty for the first violation is paid to the Town of Darmstadt within thirty (30) days from the date of the citation notice, the penalty will be in the amount of One Hundred Dollars (\$100.00). If the penalty is not paid to the Town of Darmstadt within thirty (30) days, a lawsuit concerning the citation will be filed against the property owner in the Vanderburgh County Superior Court (Small Claims Division) and any penalty imposed by the Court shall include court costs and a reasonable attorney's fee.

7. After the first citation has been issued, a SWCD representative will conduct a third inspection to determine compliance. If the Site is found to be in compliance, no further enforcement action will be taken.

8. If, after the third site inspection continued non-compliance is determined, the Town Council will issue a second non-compliance citation to the property owner. The civil penalty for the second citation will be no less than Five Hundred Dollars (\$500.00) and no more than Seven Hundred Fifty Dollars (\$750.00). If the penalty for the second violation is not paid to the Town of Darmstadt within thirty (30) days from the date of the citation notice, a lawsuit concerning the citation will be filed against the property owner in the Vanderburgh Superior Court (Small Claims Division), and any penalty imposed by the Court shall include court costs and a reasonable attorney's fee.

9. If a second citation is issued, a stop work order for the non-compliance site will also be issued, and the Town Council may contract to have the recommended corrective measures completed, at the expense of the property owner.

10. If it is necessary for the Town Council to contract to have the recommended corrective measures completed as a result of a violation of this ordinance, the property owner shall, following written notice, pay the cost of any such work performed within ten (10) days from the date of such notice. If the

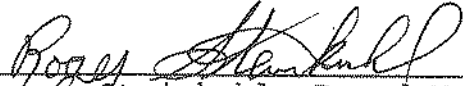
property owner does not pay the cost of such work within ten (10) days from the date of written notice to pay, the Town Council shall pay the contractor who performed the work, and all costs incurred by the Town Council shall be entered on the tax duplicate for the property on which the non-compliance site is located, and the total amount of liability shall be subject to interest, penalty and collection in the same manner as all other special assessments.

11. Any stop work order issued pursuant to this ordinance shall not be rescinded until all recommended corrective measures have been completed, and, either the contractor employed by the Town Council has been paid by the property owner, or the Town Council has been reimbursed for all its expended costs.

Dated this 10TH day of JUNE, 1997.



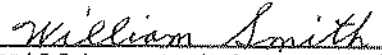
Teena Preske, President



Roger Steinkuhl, Board Member



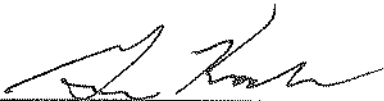
Brad Korff, Board Member



William Smith, Board Member

"TOWN COUNCIL"

ATTEST:



Gene Koch, Clerk/Treasurer

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to establish the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby established at eight percent (8%) to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect January 1, 1998, and shall remain in effect until December 31, 1998.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

Steve Boyer
President, casting 76.50 votes

ATTEST:

Alberta Mattocks
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

Curt Workman
President, casting 22.68 votes

ATTEST:

Suzanne M. Crouch
Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

Leona Preske
President, casting .82 vote

ATTEST:

Don Kuhn
Clerk/Treasurer, Town of Darmstadt

Resolution No. C-97-13

Introduced by: Mosby
Committee: Finance

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 1998 AND CASTING THE VOTES OF THE COMMON
COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana, hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 1998, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana, casts it 76.50 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

APR 16 1997

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 1998.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

Stent Bayley
Connie Robins
Earl Piecher
Paul Mosby
Carly
Angela Koller Walden
Taylor Ryan
Steph Miller
Mary A. Fenneman

ATTEST
Albina Matloch
City Clerk

PRESENTED by me, the undersigned City Clerk of the City of Evansville, Indiana, to the Mayor of said City, this 28 day of April, 1997, at o'clock 9:00 A.M., for his consideration and action thereon.

Albina Matloch
City Clerk of the City of
Evansville, Indiana

HAVING EXAMINED the foregoing Resolution, I do now, as Mayor of the said City of Evansville, Indiana, approve said Resolution and return the same to the City Clerk, this 29 day of April, 1997, at 3:00 o'clock P. M.

Frank H. Donaldson
Mayor of the City of
Evansville, Indiana

APPROVED AS TO FORM:

By: Toby D. Shaw
Corporate Counsel

TOWN OF
DARMSTADT, INDIANA

SETTLED 1822

INCORPORATED 1973

TOWN COUNCIL:

Roger Steinkuhl, President
William Smith, Councilman
Teena Preske, Councilwoman
Brad Korff, Councilman

CLERK-TREASURER:

Gene Koch
1821 W. Bnvl New Har Road
Evansville, IN 47711

January 14, 1997

Resolution # 1996 - 8

On January 14, 1997 at the regular meeting of the Darmstadt Town Council, the Town Council resolved to transfer the sum of \$1,500 from Street Fund Appropriation # 300 (Other Services & Charges) to Street Fund Appropriation # 100 (Personal Services), resulting in new 1996 Appropriations in those accounts of \$65,162 and \$48,870, respectively.

The Town Council further resolved to transfer the sum of \$1,200 from Sewer Fund Appropriation # 100 (Personal Services) to Sewer Fund Appropriation # 300 (Other Services & Charges), resulting in new 1996 Appropriations in those accounts of \$36,160 and \$92,338, respectively.


Signed:



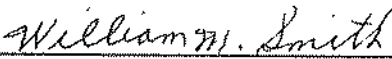
Council President



Council Member



Council Member



Council Member



Clerk-Treasurer

1996-7

ORDINANCE NO. VC- 18-96

TAX CODE: _____

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA.
MORE COMMONLY KNOWN AS 13400 Darmstadt Road
(here insert common address)

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

See Attached

By changing the zoning classification of the above described real estate from R-1 to C-01, and said real estate is hereby so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt of Vanderburgh County, State of Indiana, and its publication as required by law, which publication is now ordered.

APPROVED THIS 10th DAY OF December, 19 96
BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA.

Roger Stenkoff
PRESIDENT

Teena Preske
~~VICE-PRESIDENT~~
member

William M. Smith
MEMBER

Brad Koff
MEMBER

1996-6

ORDINANCE NO. VC- 11-96 AS AMENDED TAX CODE: 13-10-35-91-12

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA.
MORE COMMONLY KNOWN AS 13330 Darmstadt Road
(here insert common address)

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

HERE ATTACHED

by changing the zoning classification of the above described real estate from R-1 to CO-1, and said real estate is hereby so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Altas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt of Vanderburgh County, State of Indiana, and its publication as required by law, which publication is now ordered.

Section 4: The subject property herein rezoned shall be used and developed only in accordance with the use or development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use or development commitment in the Office of the Recorder of Vanderburgh County.

APPROVED THIS 10th DAY OF December, 19 96.
by THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA.

Roger Stenback
PRESIDENT
Veena Preske
VICE-PRESIDENT
member
William M. Smith
MEMBER
Brad Koff
MEMBER

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the Undersigned, Viven Tucker petitioner,
is the owner of certain real estate situated in the Vanderburgh County, Indiana,
commonly described as 13330 Darmstadt. Road
(common address)
Vanderburgh County, Indiana, which Real Estate is more particularly described as
follows, to wit:

SEE ATTACHED

(here insert complete legal description)

WHEREAS, as the Real Estate is currently classified as a(n) R1 zoning
district under the Vanderburgh County Zoning Code and is so indicated on the zoning
maps maintained by the staff of the Evansville-Vanderburgh County Area Plan
Commission; and WHEREAS, petitioner has requested that the Real Estate be reclassified
to zoning district CO1; and

WHEREAS, petitioner is desirous of accommodating the concerns of the surrounding
property owners by making a written commitment concerning the use and development of
the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following
use and development commitment:

1. Use of the Real Estate shall be limited to the following:

A doctor's Office

Bauer/Tucker

Part of the Northeast Quarter of the Southeast Quarter of Section 12, Township 5 South, Range 11 West, Vanderburgh County, Indiana described as follows:

Beginning at a point on the East line of the Northeast Quarter of the Southeast Quarter of said Section 12 which lies South 0 degrees 00 minutes East a distance of 359.25 feet from the Northeast corner thereof, thence continue South 0 degrees 00 minutes East along said East line a distance of 241.0 feet to an old iron pin, thence N 85 degrees 57 minutes West a distance of 323.94 feet to an old iron pin on the East line of a 20 foot road, thence North 0 degrees 00 minutes West along said East line thereof a distance of 241.0 feet to a 5/8 inch iron pin, thence South 85 degrees 57 minutes East a distance of 323.5 feet more or less to the place of beginning, containing 1.78 acres more or less.

Subject to all easements and right of way affecting said property.

Also an easement for egress and ingress as described as follows:

Part of the Southwest Quarter of Section 7, Township 5 South, Range 10 West, and part of the Southeast Quarter of Section 12, Township 5 South, Range 11 West in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at a point in the East line of the right of way of the Evansville and Princeton Traction Company 438.7 feet South of the North line of the Southwest Quarter of Section 7, Township 5 South, Range 10 West and 15 feet East of the West line of the said Quarter Section; said point being 10 feet North of the Southerly corner of Harris property; thence Westerly and parallel to the South line of said Quarter Sections 30 feet to the East line of the Bauer property, and being the West line of the Evansville and Princeton Traction Company's right of way; thence North, along the East line of the Bauer property, 12 feet; thence Easterly and parallel to the South line of said Quarter Sections 38.5 feet to the West right of way of the Owensville Road (now known as Darmstadt Road); thence South 19 degrees 42 minutes 51 seconds West along said right of way a distance of 12.75 feet to a point due East of the point of beginning, thence West 4.2 feet to the point of beginning.

AN ORDINANCE PROVIDING FOR THE INDEMNIFICATION
OF DARMSTADT TOWN COUNCIL MEMBERS, CLERK-TREASURER
AND TOWN OF DARMSTADT EMPLOYEES

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA, as follows:

SECTION 1: DEFINITIONS.

(A) For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Eligible Person." Every person (including their heirs, successors and personal representatives) who is or was a Darmstadt Town Council Member, Clerk-Treasurer or Employee of the Town of Darmstadt.

"Claim." Shall include every pending, threatened, or completed claim, action, suit or proceeding and all appeals thereof, whether civil, criminal, administrative, or investigative, formal or informal in which an Eligible Person may become involved, as a party or otherwise, excepting however claims which arise out of acts of willful misconduct or unlawful misconduct.

"Liability and Expense." Shall include, but shall not be limited to attorney fees and disbursements and amounts of judgments, fines or penalties against, and amounts paid in settlement by or on behalf of, an Eligible Person.

SECTION 2: INDEMNIFICATION.

The Town of Darmstadt shall hold harmless, protect and indemnify all Eligible Persons against any and all claims and liabilities of whatsoever kind or nature to which such Eligible Person has or may become subject by reason of serving or having served in his/her official capacity, or by reason of any action alleged to have been taken, omitted, or neglected by him/her as such Eligible Person, provided, however, no such person shall be indemnified by the Town of Darmstadt against any claim or liability which may arise out of acts of willful misconduct or unlawful misconduct.

SECTION 3: MANNER OF INDEMNIFICATION

The Town of Darmstadt shall choose either (A) to provide diligently for the defense of any claim and promptly do all things necessary or appropriate to cause the settlement of any claim, or (B) to reimburse promptly the Eligible Person for any payment, expense or expenditure made or incurred in the defending

of any claim. Further, the Town of Darmstadt shall promptly reimburse Eligible Persons for any payment of judgments, fines or penalties incurred.

SECTION 4: AMOUNT OF INDEMNIFICATION

The amount or amounts which shall be paid to and for the use and benefit of any Eligible Person by way of indemnification as aforesaid shall not exceed the actual expenses incurred in defending any such claims and/or the amount of actual judgment of record taken against such Eligible Person, by reason of his/her action, all as may be incurred in connection with any claims made against said Eligible Person, by reason of his/her actions in his/her official capacity. The foregoing right of indemnification shall not exclude any other rights to which such Eligible Person may be entitled as a matter of law.

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 8th day of October, 1996.

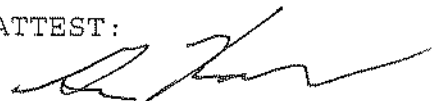

Roger Steinkuhl, President


Teena Preske, Board Member


Brad Korff, Board Member


William Smith, Board Member

ATTEST:


Gene Koch, Clerk/Treasurer

"TOWN COUNCIL"

1996-4

TOWN BOARD OF DARMSTADT, INDIANA

1996-2015 COMPREHENSIVE PLAN ADOPTION RESOLUTION

RESOLUTION ADOPTING THE CITY EVANSVILLE AND VANDERBURGH COUNTY 1996-2015 COMPREHENSIVE PLAN ON SEPTEMBER 10, 1996.

BE IT RESOLVED by the Town Board of Darmstadt, Indiana as follows:

WHEREAS, the Area Plan Commission of Evansville and Vanderburgh County was established on the tenth day of April, Nineteen Hundred and Sixty-eight, by action of the Common Council of the City of Evansville, by Ordinance 6-68-9 and by action of the Board of Commissioners of Vanderburgh County by Ordinance #1152, under the authority of the State of Indiana Code 36-7-4-202; and

WHEREAS, Indiana Code 36-7-4-501 states "For the protection of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development. The Area Plan Commission shall prepare a Comprehensive Plan"; and

WHEREAS, public notice has been given by the Area Plan Commission and public hearings on the Comprehensive Plan have been held to allow public comment and input; and

WHEREAS, the Town Board of Darmstadt, Indiana has, from time to time, reviewed, updated and adopted sections of the Comprehensive Plan as part of a continuous planning process; and

WHEREAS, the Comprehensive Plan contains policies which should serve as a guide and must be given due consideration as the general policy for the pattern of physical development in Town of Darmstadt; and

WHEREAS, the Town of Darmstadt, Indiana finds that the Comprehensive Plan constitutes a suitable, logical, reasonably balanced, and timely plan for the physical development of the Town of Darmstadt, over the foreseeable future.

NOW, THEREFORE, Be it resolved that the document consisting of text, maps, and tables entitled "The City of Evansville and Vanderburgh County 1996-2015 Comprehensive Plan", is hereby adopted as the Comprehensive Plan for the Town of Darmstadt.

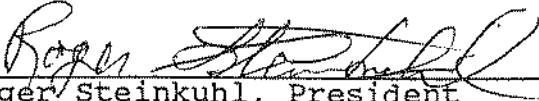
BE IT FURTHER RESOLVED, the Comprehensive Plan shall at all times be current with the needs of the Town of Darmstadt. The Plan shall represent the best thinking of the Darmstadt Town Board, Area Plan Commission, and boards, commissions, and departments of the City and County in light of changing conditions. Area Plan Commission shall bi-annually review the Comprehensive Plan and recommend to the Town Board, and County Commissioners changes or additions to the Plan which

the Commission considers necessary in order to fulfill this resolution.

RESOLVED, FURTHER, that the Comprehensive Plan shall be the policy guide for decision making that affects the physical development of the Town of Darmstadt, Indiana.

RESOLVED, FURTHER, that all matters affecting physical development of the City and County submitted to the Area Plan Commission shall be reviewed and a report shall be prepared to the City Council, Darmstadt Town Board, and County Commissioners as to consistency with the Comprehensive Plan.


Adopted by the Town Board of Darmstadt, Indiana.



Roger Steinkuhl, President




Gene Koch, Clerk-Treasurer



William Smith



Teena Preske



Brad Korff

ORDINANCE SPECIFYING THE MINIMUM BUILDING LOT SIZE IN
THE TOWN OF DARMSTADT, INDIANA

NO. 1996 - 3

WHEREAS, the Town of Darmstadt, Indiana ("Town") desires to establish the minimum size of a building lot within the Town;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT as follows:

That the Town Council of Darmstadt, Indiana hereby establishes THE MINIMUM BUILDING LOT WITHIN THE TOWN TO BE ONE ACRE. No residence may be constructed on less than one (1) acre except as hereinafter provided.

This minimum size applies to ALL building lots within the Town, regardless of the type of sanitary sewage disposal system to be used including, but not limited to, the Town of Darmstadt septic tank effluent pumping (S.T.E.P) sewer system, a private sewage disposal system, a septic system, and the Evansville water and sewer utilities system.

For any building lot within the Town for which Vanderburgh County has established or may establish a greater minimum building lot size, such greater minimum lot size shall apply to such lots within the Town.

Subdivisions approved prior to the date of this ordinance, and lots of record prior to 1957 shall not be required to meet the above stipulations.

This ordinance supersedes all applicable ordinances previously passed by the Town Council of the Town permitting a smaller lot size.

Any amendment to the General Ordinances of the County of Vanderburgh, Indiana shall not constitute an amendment to this ordinance.

This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Darmstadt, Vanderburgh County, Indiana.

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the
26th day of JUNE, 1996.



Roger Steinkuhl, President



William Smith, Councilman



Teena Preske, Councilwoman



Brad Korff, Councilman

ATTEST:



Gene Koch, Clerk-Treasurer

Resolution No. C-96-18

Introduced by: Mosby
Committee: Finance

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF EVANSVILLE
PROPOSING AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX
COUNCIL ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR
HOMESTEADS FOR 1997 AND CASTING THE VOTES OF THE COMMON
COUNCIL OF THE CITY OF EVANSVILLE ON SAID ORDINANCE

WHEREAS, I.C. 6-3.5-6-2 establishes a County Income Tax Council, provides that the membership consists of the fiscal body of the county and the fiscal body of each city or town that lies within the county, and authorizes the County Income Tax Council to establish the homestead credit in its county; and

WHEREAS, I.C. 6-3.5-6-4 provides that a member casts its votes by passing a resolution and transmitting the resolution to the Auditor of the County; and

WHEREAS, I.C. 6-3.5-6-7 provides that before a member may propose an ordinance or vote on a proposed ordinance the member must hold a public hearing on the proposed ordinance and provide the public with notice of the time and place where the public hearing will be held; and

WHEREAS, I.C. 6-3.5-6-13 provides that an ordinance may be adopted after January 1 but before June 1 of a calendar year establishing the homestead credit for the following calendar year;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, Indiana, as follows:

1. That the Common Council of the City of Evansville, Indiana, hereby proposes an ordinance of the Vanderburgh County Income Tax Council establishing the percentage credit allowed for homesteads at eight percent (8%), to be funded out of local income taxes in 1997, a copy of said ordinance is attached hereto.

2. That the Common Council of the City of Evansville, Indiana, casts it 76.50 votes for the proposed ordinance of the Vanderburgh County Income Tax Council, which ordinance reads as follows:

(Ordinance attached hereto is hereby incorporated herein.)

3. That the City Clerk of the City of Evansville is hereby directed to deliver an original executed copy of this Resolution and the proposed Ordinance of the Vanderburgh County Income Tax Council to the Auditor of Vanderburgh County forthwith.

FILED

APR 10 1996

Alberta Matlock
CITY CLERK

4. The County Auditor is hereby requested to deliver an original executed copy of the Ordinance of the Vanderburgh County Income Tax Council, along with each local units resolution, to the appropriate State of Indiana agency so that the local homestead credit will become effective in 1997.

5. This Resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

AN ORDINANCE OF THE VANDERBURGH COUNTY INCOME TAX COUNCIL
ESTABLISHING THE PERCENTAGE CREDIT ALLOWED FOR HOMESTEADS

WHEREAS, I.C. 6-3.5-6-2 established an Income Tax Council for Vanderburgh County consisting of the Common Council of the City of Evansville, the County Council of Vanderburgh County and the Town Board of the Town of Darmstadt; and

WHEREAS, the Vanderburgh County Income Tax Council desires to establish the Homestead Credit Percentage; and

WHEREAS, an Ordinance establishing the Homestead Credit Percentage must be passed after January 1 but before June 1 of a calendar year and takes effect on January 1 of the succeeding calendar year;

NOW, THEREFORE, BE IT ORDAINED by the Vanderburgh County Income Tax Council, as follows:

That the Homestead Credit Percentage is hereby established at eight percent (8%) to be funded out of local income taxes, pursuant to I.C. 6-3.5-6-13.

This Ordinance shall take effect January 1, 1997, and shall remain in effect until December 31, 1997.

COMMON COUNCIL OF THE CITY OF
EVANSVILLE, INDIANA

Steph R. Miller

vice-President, casting 76.50 votes

ATTEST:

Alberta Matlock
Clerk, City of Evansville

COUNTY COUNCIL OF VANDERBURGH

Betty Lou Jerrel
President, casting 22.68 votes

ATTEST:

Raymond M. Couch
Auditor, Vanderburgh County

TOWN BOARD OF THE TOWN OF
DARMSTADT, INDIANA

Roger L. Starnes
President, casting .82 vote

ATTEST:

[Signature]
Clerk/Treasurer, Town of Darmstadt

PASSED BY THE COMMON COUNCIL of the City of Evansville,
Indiana, on the 22 day of April, 1996, and on said day
signed by the President of the Common Council and attested by the
City Clerk.

Stephen R. M...
Vice President, Common Council

ATTEST:

Alberta Matlock

PRESENTED by me, the undersigned City Clerk of the City of
Evansville, Indiana, to the Mayor of said City, this 22 day
of April, 1996, at 9 o'clock P.m., for his
consideration and action thereon.

Alberta Matlock
City Clerk of the City of
Evansville Indiana

HAVING EXAMINED the foregoing Resolution, I do now, as Mayor
of the said City of Evansville, Indiana, approve said Resolution
and return the same to the City Clerk, this 23 day of April,
1996, at 3 o'clock P.m.

Frank H. ...
Mayor of the City of
Evansville, Indiana

APPROVED AS TO FORM:

by: Toby D. Shaw
Corporation Counsel

ORDINANCE REAFFIRMING THE ADOPTION OF THE
GENERAL ORDINANCES OF THE COUNTY OF VANDERBURGH, INDIANA

NO. 1996 - 1

WHEREAS, the Town of Darmstadt ("Town"), desires to reaffirm the adoption of the General Ordinances of the County of Vanderburgh, Indiana which was first adopted on or about the time the Town was incorporated in 1973; and

WHEREAS, the Town desires the current General Ordinances of the County of Vanderburgh, Indiana, containing ordinances through Ordinances dated September 11, 1995, to apply to all residents and property within the Town, unless preempted by a Motion, Resolution, or Ordinance passed by the Town Council of Darmstadt, Indiana;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT as follows:

That the Town Council of Darmstadt, Indiana hereby reaffirms the adoption of the current General Ordinances of the County of Vanderburgh, Indiana, except as hereinafter modified and unless preempted by a Motion, Resolution, or Ordinance passed by the Town Council of Darmstadt, Indiana.

Where the word "Auditor" appears in the County Ordinance, the same is hereby modified to mean, as far as the Town is concerned, the Clerk-Treasurer of the Town.

Where the words "Board of Commissioners of Vanderburgh County" appears in the County Ordinance, the same is hereby modified to mean, as far as the Town is concerned, the Town Council of the Town of Darmstadt.

Any amendment to the General Ordinances of the County of Vanderburgh, Indiana shall not constitute an amendment to this ordinance.

This ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Darmstadt, Vanderburgh County, Indiana.

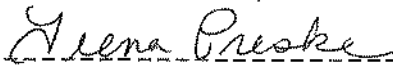
PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the _____ day of _____, 1996.



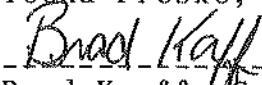
Roger Steinkuhl, President



William Smith, Councilman



Teena Preske, Councilwoman



Brad Korff, Councilman

ATTEST:

Gene Koch, Clerk-Treasurer

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
MOTOR VEHICLE TRAFFIC LIMITATIONS ON STREETS

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA, as follows:

SECTION 1: DEFINITIONS.

(A) For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Maintenance Department." Maintenance department of the Town.

"Motor Vehicles." Includes, but is not limited to, automobiles, motorcycles, recreational vehicles, trucks, semi-trailers, and truck-tractors.

"Street." Includes and applies to any avenue, boulevard, road, drive, court, place, circle, highway, lane and all other public ways, highways or thoroughfares used for travel.

"Town." The Town of Darmstadt, Indiana.

"Town Council." The Town Council of the Town of Darmstadt.

(B) All pronouns in this Ordinance shall refer to both the masculine and feminine gender.

SECTION 2: LIMITATIONS AND RESTRICTIONS ON STREETS

Whenever the Town Council of the Town shall determine that any street is in a deteriorating state or that a street may be damaged or destroyed, the Town Council may prohibit the operation of trucks or commercial vehicles or impose limitations as to the weight, size, or use of motor vehicles on designated streets which it may determine within its sole discretion.

SECTION 3: DURATION

Any such limitation or restriction shall not exceed a period of 120 days without further consideration by the Town Council.

SECTION 4: SIGNS

Appropriate signs shall be erected and maintained on each affected street designating the applicable limitations or restrictions and penalty pursuant to this ordinance.

SECTION 5: PERMITS

Any person wishing to operate a Motor Vehicle on an affected street in contravention of the limitations and restrictions imposed herein may petition the Maintenance Department for the issuance of a permit. If the Maintenance Department determines that a permit should be issued, the petitioner may be required to post a bond in an amount to be determined by the Maintenance Department in its sole discretion.

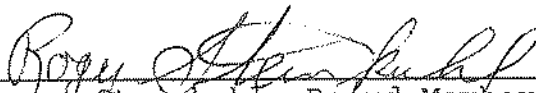
SECTION 6: PENALTY

Any person violating the limitations or restrictions imposed pursuant to this Ordinance without a permit shall be subject to a fine of One Thousand Dollars (\$1,000.00).

PASSED AND ADOPTED by the Town Council of Darmstadt, Indiana on the 14TH day of NOVEMBER, 1995.




Bernie Kahre, President



Roger Steinkuhl, Board Member

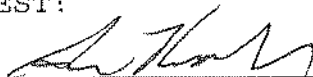


Ronald Smith, Board Member



William Smith, Board Member

ATTEST:



Gene Koch, Clerk/Treasurer

"TOWN COUNCIL"

ORDINANCE NO. 1994 - 1

AN ORDINANCE TO ESTABLISH A CUMULATIVE
CAPITAL DEVELOPMENT FUND

WHEREAS, I.C. 36-9-15.5 allows municipalities to establish and continue a Cumulative Capital Development Fund; and

WHEREAS, the Town of Darmstadt finds that such a fund is necessary and prudent for the financial well being of the municipality;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT as follows:

SECTION 1. That there is hereby established the Town of Darmstadt Cumulative Capital Development Fund.

SECTION 2. That an ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Darmstadt Cumulative Capital Development Fund.

SECTION 3. That the maximum rate of levy under SECTION 2 will not exceed:

A. Five Cents (\$0.05) per One Hundred Dollars (\$100.00) assessed valuation for 1995.

B. Ten Cents (\$0.10) per One Hundred Dollars (\$100.00) assessed valuation for 1996.

C. Fifteen Cents (\$0.15) per One Hundred Dollars (\$100.00) assessed valuation for 1997.

SECTION 4. That the Darmstadt Cumulative Capital Development Fund is established for the years 1995, 1996 and 1997.

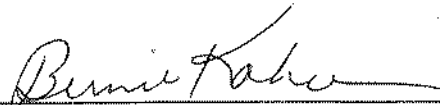
SECTION 5. That the funds in the Darmstadt Cumulative Capital Development Fund will be used for the improvement and extension of sewers, as provided in I.C. 36-9-26-2.

SECTION 6. Notwithstanding SECTION 5, funds accumulated in the Darmstadt Cumulative Capital Development Fund may be spent for purposes other than the purposes stated in SECTION 5, if the purpose is to protect the public health, welfare or safety in an emergency situation which demands immediate action. Money may be spent under the authority of this

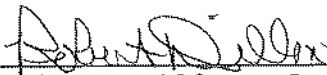
section only after the Town Council President issues a declaration that the public health, welfare or safety is in immediate danger that requires the expenditure of money in the fund.

SECTION 7. This fund take effect upon approval of the State Board of Tax Commissioners.

ADOPTED, THIS THE 12 DAY OF April, 1994:


Bernie Kahre, President


Roger Steinkuhl, Board Member


Robert Dillon, Board Member


Ronald Smith, Board Member

ATTEST:


Gene Koch, Clerk/Treasurer

ORDINANCE NO. 1993 - 1

AN ORDINANCE REQUIRING PERMITS
FOR THE CONSTRUCTION OF DRIVEWAY CULVERTS

WHEREAS, there have been inconsistencies in the construction of driveway culverts and the requirements for such culverts; and

WHEREAS, the Town of Darmstadt has determined that it is necessary to establish a consistent procedure for approving driveway culverts in order to protect its interests in the streets and roadways and for the flow of water.

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

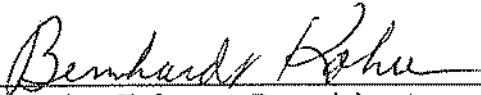
SECTION 1. A driveway permit shall be required for any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right of way in the town or whenever any person desires to construct a culvert under any such driveway connecting to or joining any public road, street or highway or other right of way in the town. The form of driveway permit shall be obtained from, and issued by the Town of Darmstadt, Maintenance Department.

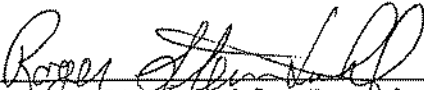
SECTION 2. Before any driveway permit shall be issued, the applicant shall submit the proposed plan, on an approved application, to the Maintenance Department of the Town of Darmstadt.

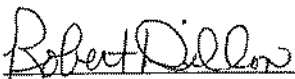
SECTION 3. The Town Council shall from time to time, establish standards which shall be used and considered as a basis for the issuance of any driveway permit.

SECTION 4. Any person violating any provision of this Ordinance shall be subject to a fine of up to, but not more than \$2,500.00, plus costs.

ADOPTED, THIS 12th day of October, 1993.



Bernie Kahre, President


Roger Steinkuhl, Board Member


Robert Dillon, Board Member


Ronald Smith, Board Member

ATTEST:


George Krietemeyer, Clerk/
Treasurer

ORDINANCE NO. 1993 - 2

AN ORDINANCE REGULATING DRIVEWAY CULVERTS AND
WATER FLOWING ONTO PUBLIC WAYS

WHEREAS, the Town of Darmstadt has determined that it is necessary to establish an ordinance preventing water from flowing onto public ways and requiring that driveway culverts be maintained properly.

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

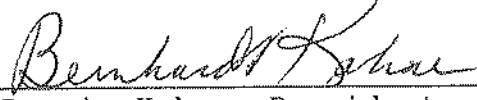
SECTION 1. No person shall allow water other than normal runoff from a rainfall to flow from premises belonging to or occupied by such person onto a public way.

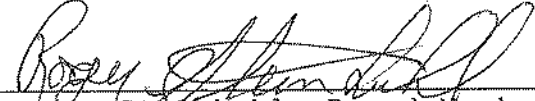
SECTION 2. No person shall allow a driveway culvert on land owned or occupied by such person to deteriorate or become filled or otherwise exist in such a manner that it does not allow normal runoff from rainfalls to flow through said culvert without passing over or onto a public way.

SECTION 3. No driveway or roadway shall be so constructed or maintained as to prevent free and unobstructed passage over, on or across it or in any manner as to interfere with the proper drainage and safe grading of the street.

SECTION 4. Any person violating any provisions of this Ordinance shall be subject to fine of up to, but not more than Two Thousand Five Hundred Dollars (\$2,500.00), plus costs.

ADOPTED, THIS 14 day of DEC., 1993.


Bernie Kahre, President


Roger Steinkuhl, Board Member

Robert Dillon
Robert Dillon, Board Member

Ronald Smith
Ronald Smith, Board Member

ATTEST:

George Krietemeyer
George Krietemeyer, Clerk/
Treasurer

1992-3

ORDINANCE NO. VC- 1992-3 AS AMENDED TAX CODE: 35-110-6

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN VANDERBURGH COUNTY, STATE OF INDIANA. MORE COMMONLY KNOWN AS 13301 DARMSTADT ROAD, EVANSVILLE, IN.
(here insert common address)

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

MICHAEL BAVERS SUB LOT #1

by changing the zoning classification of the above described real estate from C-1 to C-2, and said real estate is hereby so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt of Vanderburgh County, State of Indiana, and its publication as required by law, which publication is now ordered.

Section 4: The subject property herein rezoned shall be used and developed only in accordance with the use or development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use or development commitment in the Office of the Recorder of Vanderburgh County.

APPROVED THIS 11 DAY OF August, 19 92.
by THE TOWN BOARD OF DARMSTADT OF VANDERBURGH COUNTY, STATE OF INDIANA.

Bernhardt Kahre
PRESIDENT

VANDERBURGH COUNTY
FILED

JUL 15 1992

Sam Thompson
AUDITOR

VICE-PRESIDENT

Boon Stenhouse
MEMBER

Jan W.
MEMBER

ATTEST: Georg Kuestemeyer

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the Undersigned, ROBERT DILLON petitioner,
is the owner of certain real estate situated in the Vanderburgh County, Indiana,
commonly described as 13301 DARMSTADT ROAD
(common address)
Vanderburgh County, Indiana, which Real Estate is more particularly described as
follows, to wit: MICHAEL BAUERS SUB LT-1

(here insert complete legal description)

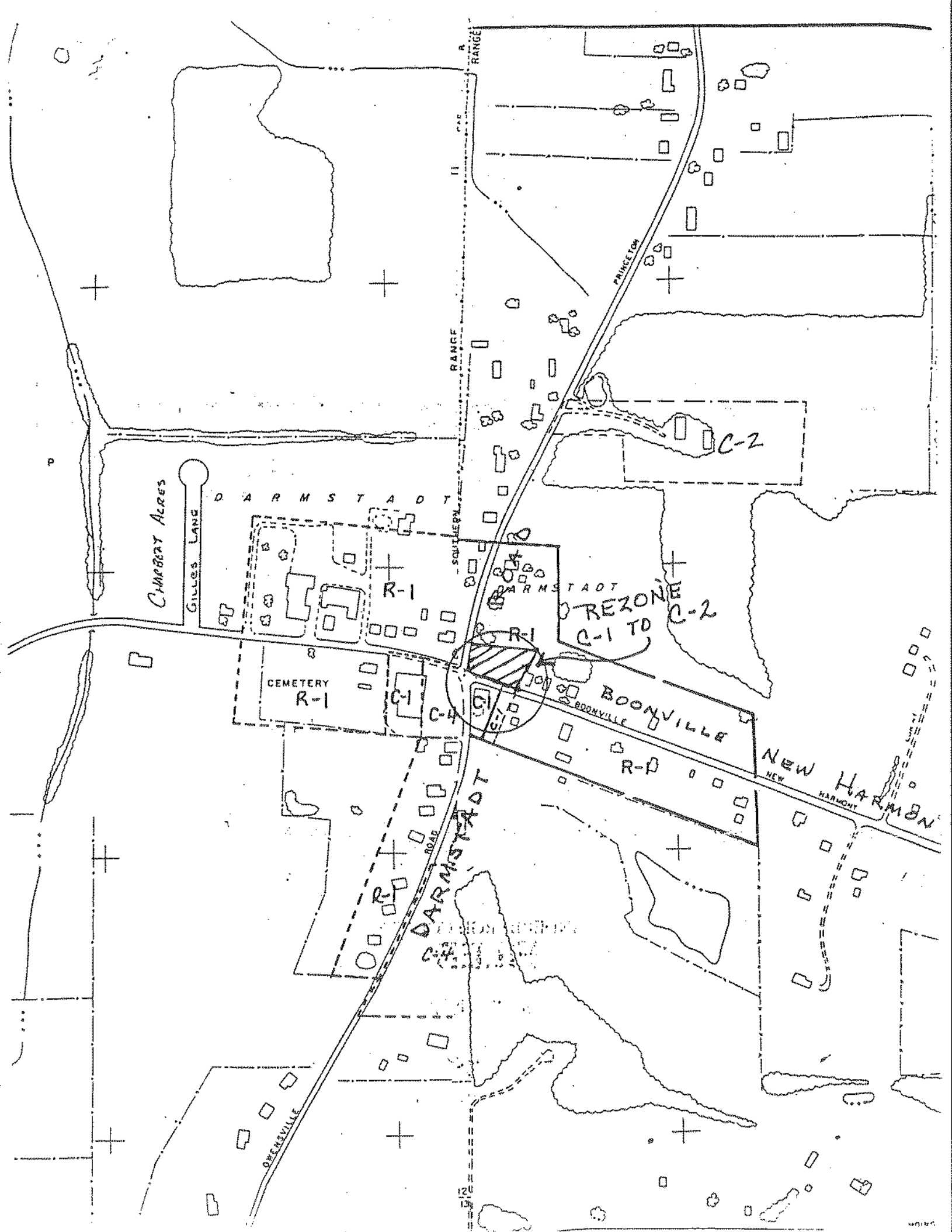
WHEREAS, as the Real Estate is currently classified as a(n) C-1 zoning
district under the Vanderburgh County Zoning Code and is so indicated on the zoning
maps maintained by the staff of the Evansville-Vanderburgh County Area Plan
Commission; and WHEREAS, petitioner has requested that the Real Estate be reclassified
to zoning district C-2; and

WHEREAS, petitioner is desirous of accommodating the concerns of the surrounding
property owners by making a written commitment concerning the use and development of
the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following
use and development commitment:

1. Use of the Real Estate shall be limited to the following:

THE CONTINUED USE OF ALL C-1 ZONING USES WITH
THE ADDITION OF PACKAGE LIQUOR STORE AND THREE (3)
BUSINESS RETAIL CENTER ONLY; FOUND WITHIN THE
C-2 ZONING USE.



AREA PLAN COMMISSION
STAFF FIELD REPORT

UPDATED
DATE July 22, 1992

PLAN COMMISSION NUMBER 92-25-PC REZONING ORDINANCE VC-3-92

LOCATION 13301 Darmstadt Road SUBDIVISION Michael Bauers

OWNER Darmstadt Plaza, Inc.

PETITIONER Robert Dillon REPRESENTATIVE Robert Dillon

PRESENT ZONING C-1 REQUESTED ZONING C-2

FLOOD ZONE

VARIANCE REQUIRED? no SUBDIVISION REQUIRED? no

SANITARY SEWER AVAILABLE? Darmstadt sewers

STORM SEWER AVAILABLE? no

CITY WATER AVAILABLE? yes

PRESENT USE OF THE PROPERTY * 3 unit retail center with liquor store

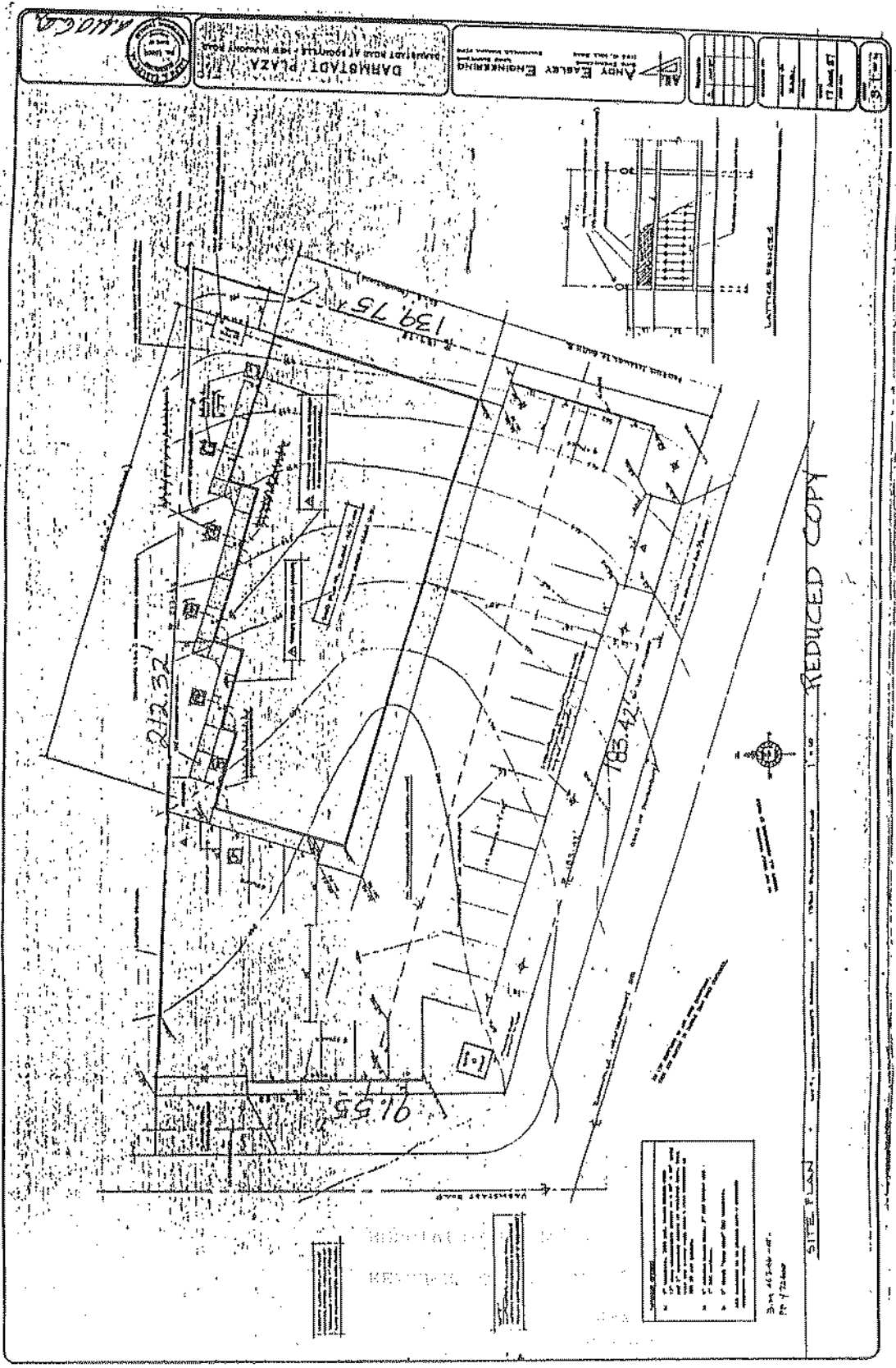
PROPOSED USE OF THE PROPERTY 3 unit retail center with liquor store

ARE THE PARKING REQUIREMENTS COMPLIED WITH? Plan approved by Site Review
7-17-89.

NUMBER PARKING SPACES REQUIRED NUMBER PROVIDED 26

ANY ADDITIONAL CIRCUMSTANCES PERTINENT TO THE REQUEST * Liquor store
established without required permits at this location.

COMMENTS Applicant is seeking a change in zoning from C-1 to C-2 for
Darmstadt Plaza, located at the northeast corner of Darmstadt and Boonville-
New Harmony Roads. This site is within the corporate limits of the Town of
Darmstadt. Applicant obtained a permit (#89-1088) in July, 1989 for
construction of a new two-unit (hardware store and real estate office)
retail structure on this site. C-1 zoning classification allows 1 or 2
business enterprises. A building which accommodates three or more business
enterprises requires at least a C-2 zoning classification. The C-2
classification is also required for liquor stores. This change in zoning
from C-1 to C-2 would allow the continuation of the liquor store at this
address. Applicant must satisfy all other local, state and federal
requirements for this new use. This site is part of the commercial "node"
in Darmstadt. UPDATED INFORMATION - JULY 22, 1992 - This petition has been
returned to Area Plan Commission by the Town Board of Darmstadt. Petitioner
has filed a use and development commitment which limits future uses to C-1
uses only, with the exception of a package liquor store and a 3-business
retail center that are allowed under the C-2 classification.



92-25-PC VC-3-92
 ROBERT L. DILLON

AREA PLAN COMMISSION
EVANSVILLE-VANDEBURGH COUNTY

Room 312 Civic Center Complex
1 N. W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708
Phone (812) 426-5226

August 7, 1992

Darmstadt Town Board
c/o Mr. Bernhardt Kahre
13425 St. Joseph Avenue
Evansville, IN 47711


Dear Mr. Kahre:

This is to certify that the following County Rezoning was considered by the Area Plan Commission of Evansville and Vanderburgh County at a public hearing held Wednesday, August 5, 1992. There were eight voting members present.

COUNTY REZONING

Docket No: 92-25-PC V-3-92 Petitioner: Robert L. Dillon
Premises Affected: (Complete legal on file.) More commonly known as 13301 Darmstadt Road. Nature of Case: Petitioner requests change from a C-1 zone to a C-2 zone with a use and development commitment. This petition was approved with a use and development commitment, with seven affirmative votes and one abstention.

Sincerely,


Barbara L. Cunningham
Executive Secretary/Director

BLC/kly

cc: Jeff Bosse

Mrs. Cunningham: He has no objection, but he is going to have certain requirements that are needed and they will have to be accepted by him or a letter of credit will have to be placed before that can be recorded.

Mr. Easley: He felt that he would deal with Mr. Nurrenbern.

Mr. Bauer: Have the Reeferts purchased a sewer tap?

Mr. Easley: They have paid Mr. Nurrenbern.

Mr. Bauer: Seeing no remonstrators, I will entertain a motion for approval. Call the roll, please.

Ayes: Mr. Raider, Mr. Scales, Mr. Wade, Mr. Wortman, Mr. Herrin, Ms. Hite, Ms. Lowe, Mr. Baur.

There being eight affirmative votes, Docket No. 27-MS-92 goes forward with approval.

Mr. Bauer: The reason why that petition was here was because it was a replat, and all replats, as you recall, do come before us.

Docket No: 92-25-PC VC-3-92 Petitioner: Robert L. Dillon
Premises affected: (Complete legal on file.) More commonly known as 13301 Darmstadt Road. Nature of Case: Petitioner requests change from a C-1 zone to a C-2 zone with a use and development commitment.

Mr. Dillon: My name is Robert Dillon. I was here July 1, and we were changing from a C-1 to a C-2. I am here tonight to limit my use of that C-2. What I want to do is have a use and development commitment for the continued use of all my C-1 zoning uses with the addition of a package liquor store and three business retail operation only. These are found within the C-2 zoning. We want to limit our use.

Mr. Bauer: I believe that is the request of the Town Board of Darmstadt. They sent it back to us for a use and development commitment. Are there any questions of the petitioner?

Mr. Dillon: Actually, what happened was that we found out that, I was here last month, and the use and development commitment that I believe would have to be used, in the past, there had been some restrictions or covenants granted and I guess that was unenforceable.

Mr. Herrin: I am confused on reading this. It is now a C-1. He is asking for a C-2 to allow the liquor store only.

Mrs. Cunningham: He is asking for a C-2 to allow a liquor store and a three business operation. The code has changed too.

Mr. Herrin: So a liquor store and a three business that is there now. But that is not what that says. There is going to be a C-2 classification.

Mrs. Cunningham: Limited only to a liquor and three business. No other C-2 uses.

Mr. Herrin: To me, it should say "with the exception of a package liquor store and a three business retail center that are allowed under the C-1 classification. If he is asking for all retail business under this one C-2 classification, what are we limiting?

Mrs. Cunningham: He is asking for all retail business under the continued use of all C-1 zoning uses. So he is asking for all to remain under C-1 with the addition of a package liquor store and three business retail center only found within the C-2.

Mr. Dillon: The use and development commitment would be the better way to do this. I have already my C-2 according to this body or a recommendation. Now, I am here to limit the use of what I can actually do in the C-2. That's what I am asking. It says the continued use of all of my C-1 zonings, which I have now: a two-business and whatever falls underneath that, with the addition of a package liquor and three business retail center, which are specified under the C-2.

Mr. Herrin: So the only thing that you are going to use in the C-2 is a liquor store and the three business.

Mrs. Cunningham: And the three businesses will be C-1 businesses because he doesn't have any other C-2 except the liquor store.

Mr. Bauer: Are there any remonstrators here on this petition? Seeing none, I will entertain a motion for approval. Ms. Hite made a motion and Mr. Scales seconded. Roll call, please.

Ayes: Mr. Scales, Mr. Wade, Mr. Herrin, Ms. Hite, Ms. Lowe, Mr. Raider, Mr. Bauer

Abstain: Mr. Wortman

There being seven affirmative votes, Docket No. 92-25-PC VC-3-92 goes forward.

Docket No: 92-29-PC R-92-22 Petitioner: Donald and Karen Siscel
Premises affected: (Complete legal on file.) More commonly known as 3401 Washington Avenue. Nature of Case: Petitioner requests change from an R-1 zone to an R-2 zone.

Mr. Bohleber: My name is Steve Bohleber. I represent Donald and Karen Siscel at 3401 Washington Avenue. My clients are requesting a change in zoning classification of their residence to allow them

AN ORDINANCE AMENDING DISTRICTS
FOR TOWN ELECTIONS AND REDISTRICTING

WHEREAS, The Town of Darmstadt has been divided into districts for the purpose of conducting elections of town officers;

WHEREAS, Indiana Code 36-5-1-10.1 and 36-5-2-4.1(b)) sets forth the following requirements for the creation of town council districts by the town legislative body:

1. The districts must be composed of contiguous territory;
2. The districts must be reasonably compact;
3. The districts must contain, as nearly as is possible, equal population; and
4. The boundary of a town council district may cross a precinct boundary line only if all members of the town council are to be elected at large by the voters of the whole town;

WHEREAS, The Town Council is the legislative body of the Town of Darmstadt by virtue of Indiana Code 36-5-2-2;

WHEREAS, Indiana Code 36-5-2-4.1(d) requires that the legislative body of the Town make a new division of the Town into districts during 1992 if the Town wishes to use districts for the purpose of conducting town elections after that date;

WHEREAS, The Town Council has determined that the division of the Town into districts for the purpose of conducting elections of town officers would be desirable and beneficial for the voters of the Town and for the convenient administration of Town government;

WHEREAS, The Town Council has determined that the Council should have the same number of members that the Council had prior to this division into districts; and

WHEREAS, The Town Council has examined the district boundaries set forth in this Ordinance and finds that the districts:

1. are composed of contiguous territory;
2. are reasonably compact;
3. contain, as nearly as is possible, equal population;
and
4. cross precinct boundary lines in the manner permitted under Indiana Code 36-5-2-4.1 (b) since all members of the Town Council are to be elected at large by the voters of the whole Town;

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

SECTION 1. As used in this Ordinance:

1. "Council" refers to the Town Council of the Town of Darmstadt.
2. "Town" refers to the Town of Darmstadt.

SECTION 2. The Council consists of Four (4) members.

SECTION 3. The members of the Council shall be elected at large by the voters of the whole town, in accordance with Indiana Code 36-5-2-5.

SECTION 4. The Council divides the Town into the following districts for the purpose of conducting elections of town officers:

DISTRICT 1

Beginning at the Northwest corner of the Corporate Limits of Darmstadt, Indiana; thence South along the West line of the Corporate limits of Darmstadt, Indiana to the South West corner of said Corporate Limits, thence East along the South line of said Corporate Limits to the center line of St. Joseph Avenue, thence North along the center of St. Joseph Avenue to its intersection of the center of Boonville New Harmony Road, thence Easterly along the center line of Boonville New Harmony Road to the center of Section Twelve (12), Township Five (5) South, Range Eleven (11) West, thence South along the center of said section to a point which lies due West of the intersection of the center lines of Hoing Road and Darmstadt Road, thence East to the intersection of the center lines of Hoing Road and Darmstadt Road, thence in a Northerly direction along the centerline of Darmstadt Road to said North Corporate Limit line, thence westerly along the North Corporate Limit line to the place of beginning.

DISTRICT 2

Beginning at the intersection of the center of Darmstadt Road and the center of Inglefield Road, thence in a Southerly direction along the center of Darmstadt Road to the center of Boonville-New Harmony Road, thence Southeasterly along the center of Boonville-New Harmony Road to the center of Tibarand Drive, thence South along the center of Tibarand Drive to the center of Hoing Road, thence continue South approximately One Thousand Four Hundred Fifty (1450) feet to the center of a Ditch, thence South 23 Degrees West to the center of Oak Trail Drive, thence in a Southerly direction along the center of Oak Trial Drive to its intersection with the center of Wortman Road, thence continue due South to the South Corporate Limit line of Darmstadt, Indiana; thence East along the South line of said Corporate limits to the South East corner of said Corporate Limits, thence North along the East line of said Corporate Limits to the North East corner of said Corporate Limits, thence West along the said North Corporate Limits line to the place of beginning.

DISTRICT 3

Beginning at a point being the intersection of the South Section Line of Section Thirteen (13) Township Five (5) South, Range Eleven (11) West and center of Ridge Knoll Drive, thence in a Northerly direction along the center of Ridge Knoll Drive to its intersection with the center of West Hillsdale Road, thence in an Easterly direction along the center of West Hillsdale Road to its intersection with the center of Darmstadt Road, thence in a Northerly direction along the center of Darmstadt Road to intersection with the center of Boonville-New Harmony Road, thence in a Southeasterly direction along the center of Boonville-New Harmony Road to its intersection with the center of Tibarand Drive, thence in a Southerly direction along the center of Tibarand Drive to center of Hoing Road, thence continue South approximately One Thousand Four Hundred Fifty (1450) feet to the center of a ditch, thence South 23 Degrees West to the center of Oak Trail Drive, thence in a Southerly direction along the center of Oak Trail Drive, thence in a Southerly direction along the center of Oak Trail Drive to its intersection with the center of Wortman Road, thence continue due South to the South Corporate Limits line of Darmstadt, Indiana; thence West along the said South Corporate Limit line to the place of beginning.

DISTRICT 4

Beginning at the intersection of the center lines of St. Joseph Avenue and Boonville New Harmony Road, thence in an Easterly direction along the center of Boonville New Harmony Road to the

center of Section Twelve (12), Township Five (5) South, Range Eleven (11) West, thence South along the center of said section to a point which lies due West of the center line intersection of Darmstadt Road and Hoing Road, thence East to the center of Darmstadt Road and Hoing Road, thence Southerly along the center of Darmstadt Road to the center line intersection of Darmstadt Road and West Hillsdale Road, thence Westerly along the center of West Hillsdale Road to the intersection of Ridge Knoll Drive, thence Southerly along the center of Ridge Knoll Drive to the Southern most Corporate Limit line of Darmstadt, Indiana; thence in a West, North, Westerly direction along the South Corporate Limit line of Darmstadt, Indiana; to the center of St. Joseph Avenue, thence North along the center of St. Joseph Avenue to the place of beginning.

SECTION 5. If any part of the Town is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

1. is contiguous to that territory; and
2. contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5).

SECTION 6. If any part of the Town is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

1. is one (1) of the districts in which the territory is described in this Ordinance;
2. is contiguous to that territory; and
3. contains the smallest population (as "population is defined in Indiana Code 1-1-4-5).

SECTION 7. The Clerk-Treasurer may reside anywhere in the Town and shall be elected at large by the voters of the whole Town.

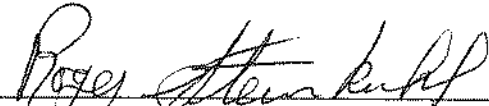
SECTION 8. The Clerk-Treasurer of the Town shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Vanderburgh County and shall request the Clerk to include the copy of this Ordinance in the records of the Vanderburgh County Election Board.


SECTION 9. All ordinances of the Town of Darmstadt in conflict herewith are hereby repealed.

SECTION 10. As provided by Indiana Code 36-5-2-10, this Ordinance takes effect when duly signed by the President of the Town Council as town executive and upon publication.

ADOPTED, THIS THE 9TH DAY OF DECEMBER, 1992:

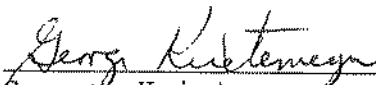

Bernie Kahre, President


Roger Steinkuhl, Board Member


Robert Dillon, Board Member


Jerry Akin, Board Member

ATTEST:


George Krietemeyer, Clerk/
Treasurer

ORDINANCE NO. 1992-1

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2, AS AMENDED, OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustee of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-2, which was amended by Ordinance No. 1988-7 and also amended by Ordinance No. 1989-3; and

WHEREAS, there has been a substantial increase in the sewer user rates charged by the City of Evansville, Indiana, into whose system the Town sewer system is connected; and

WHEREAS, it is therefore necessary to increase the sewer rates charged by the Town to its citizens.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Paragraph 1. Section 2(b) of Ordinance 1987-2, as previously amended, is hereby amended to provide as follows:

Section 2(b). The user charge schedule on which the amount of said sewer rates and charges shall be determined shall be \$2.60 per 1,000 gallons plus \$17.00 per year (administrative costs).

Section 2(c) of said Ordinance is hereby amended to provide as follows:

Section 2(c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$16.58.

Section 2(e) of said ordinance is hereby amended to provide as follows:

Section 2(e) Where two (2) or more users are connected to a pumping unit, there will be a surcharge for those users for electrical service of thirty three dollars (\$33.60) and sixty cent per year.

Paragraph 2. This Ordinance shall be effective as of Sept. 1st, 1992.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 14 day of July, 1992.

Bernie Kahre

Bernie Kahre, President

Roger Steinkuhl

Roger Steinkuhl, Board Member

Robert Dillon

Robert Dillon, Board Member

Jerry Akin

Jerry Akin, Board Member

ATTEST:

George Krietemeyer

George Krietemeyer, Clerk/
Treasurer

Resolution

1991 COMPREHENSIVE PLAN ADOPTION RESOLUTION

RESOLUTION ADOPTING THE 1991 COMPREHENSIVE PLAN FOR EVANSVILLE, DARMSTADT, AND VANDERBURGH COUNTY.

BE IT RESOLVED by the Town Board of Darmstadt as follows:

WHEREAS, the Area Plan Commission of Evansville and Vanderburgh County was established on the tenth day of April, Nineteen Hundred and Sixty-eight, by action of the City Council of the City of Evansville, by Ordinance 6-68-9 and by action of the Vanderburgh County Commissioners by Ordinance #1152, under the authority of the State of Indiana Code 36-7-4; and

WHEREAS, Indiana code 36-7-4 Section 501 states "For the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development, the Plan Commission shall prepare a comprehensive plan...;" and

WHEREAS, the Area Plan Commission has from time to time reviewed and adopted certain segments of the Comprehensive Plan as part of a continuous planning process, and

WHEREAS, the Area Plan Commission works as a coordinating agency within the city and county governmental structure in comprehensive plan development; and

WHEREAS, the Area Plan Commission has given notice and held public hearing on the Comprehensive Plan and has public input and comment; and

WHEREAS, the Comprehensive Plan contains comprehensive policies which should serve as a guide and be given due consideration as the general policy for the pattern of physical development in the City of Evansville, the Town of Darmstadt, and Vanderburgh County; and

WHEREAS, the Town Board of Darmstadt finds that the Comprehensive Plan constitutes a suitable, logical, reasonably balanced, and timely plan for the physical development of the City of Evansville, Town of Darmstadt and Vanderburgh County over the foreseeable future.

NOW, THEREFORE, Be it resolved by the Town Board of Darmstadt, that the document consisting of text, maps, and charts entitled "The Comprehensive Plan for Evansville and Vanderburgh County" and dated 1991-2010, is hereby adopted as the Comprehensive Plan of the Town of Darmstadt.

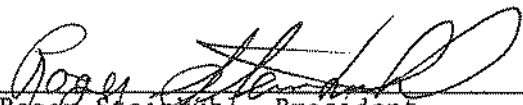
RESOLVED, FURTHER, that in order that the Comprehensive Plan shall at all times be current with the needs of the City of Evansville, the Town of Darmstadt, and Vanderburgh County, and shall represent the best thinking of the City Council, Mayor, County Commissioners, Area Plan Commission, Darmstadt Town Board, and boards, commissions, and departments of the City and County in light of changing conditions, the Area Plan Commission shall bi-annually review the Comprehensive Plan and recommend to the City Council, the Town Board and County Commissioners extensions, changes, or additions to the Plan which the Plan Commission considers necessary in order to fulfill this resolution.

RESOLVED, FURTHER, that the Comprehensive Plan shall be the policy guide for decision making that affects the physical development of the Town of Darmstadt.

RESOLVED, FURTHER, that all matters affecting physical development of the City and County submitted to the Area Plan Commission shall be reviewed and a report shall be prepared to the City Council, Town Board of Darmstadt, and County Commissioners as to consistency with the Comprehensive Plan.


Adopted by the Town Board of Darmstadt this 9th day of May, 1991, and upon said day signed and executed by the members of said Board.

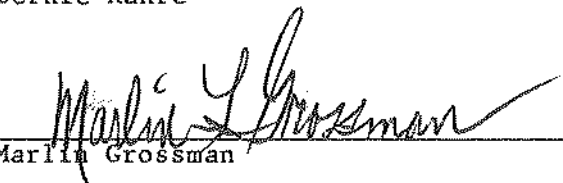
TOWN OF DARMSTADT, INDIANA


Roger Steinkuhl, President


George Kraetemeyer, Clerk Treasurer


William Smith


Bernie Kahre


Marlin Grossman

ORDINANCE NO. 1991-2

An Ordinance Establishing Charges and Fees for Work
Which is not the Responsibility of the Town of
Darmstadt.

WHEREAS, occasionally for work related to sewage facilities
or other work, town employees may perform work for residents of
the Town of Darmstadt where such work is not the responsibility
of the Town of Darmstadt; and

WHEREAS, it is necessary to establish fees to be paid by the
owners of the property where such work is performed.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT,
INDIANA:

SECTION 1

In the event the employees, agents or representatives of the Town
of Darmstadt at the request of any property owner or his
representative to perform any work upon any private property,
which work is not properly the responsibility of the Town of
Darmstadt, then the Town of Darmstadt shall charge such land
owner where the work was performed a charge of Twenty-five
Dollars (\$25.00) per hour per person employed by The Town of
Darmstadt for such work with a minimum charge of Twenty-five
Dollars (\$25.00).


SECTION 2

The Town may enforce the terms of this ordinance pursuant to the
provisions of I.C.36-1-6-1 through 36-1-6-4


SECTION 3

This ordinance shall be in full force and effect from and after
its passage and publication.


PASSED AND ADOPTED by the Board of Trustees of the Town of Darmstadt on the 14TH day of APRIL, 1992.



Roger Steinkuhl,



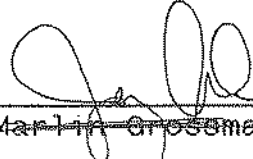
George Krietemeyer, Clerk-Treasurer



~~William Smith~~ Robert Dillon



Bernie Kahre, President



~~Marlin Grossman~~ Jerry Akin

Board of Trustees

Attest:



George Krietemeyer, Clerk-Treasurer

NO. 1991- /

AN ORDINANCE APPROVING AN AMBULANCE SERVICE PROGRAM FOR
ALEXANDER AMBULANCE SERVICE, INC.

WHEREAS, I.C. 27-4-5-2(a) (10) exempts ambulance service providers who transact business in the state from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the City in which it operates and if the ambulance service provider does not offer any membership program that includes benefits exceeding one year in duration; and

WHEREAS, Alexander Ambulance Service, Inc. requests such approval of its "All Care Program" from the Board of Trustees of the Town of Darmstadt; and

WHEREAS, Alexander Ambulance Service, Inc. represents that it is duly qualified under the provisions of I.C. 27-4-5-2(a), that its All Care Program is in compliance with all applicable laws and program will be of benefit to the citizens of the Town of Darmstadt;

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

Section 1. Findings.

The Board of Trustees finds that the "All Care Program" of Alexander Ambulance Service, Inc., substantially complies with I.C. 27-4-5-2(a), and approval of this Board is necessary for said Alexander Ambulance Service, Inc. to offer said program to the citizens of the Town of Darmstadt.

Section 2. Approval of Program.

The Board of Trustees of the Town of Darmstadt, Indiana hereby approves the "All Care Program" of Alexander Ambulance Service, Inc., for the purposes of complying with I.C. 27-4-5-2(a) only.

Section 3. Effective Date.

This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees and the signing of said Board and attested by the Clerk/Treasurer.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA
AND ATTESTED TO BY THE CLERK/TREASURER OF THE TOWN OF DARMSTADT, THIS
14 OF ~~FEBRUARY~~ ^{MARCH}, 1991.

BOARD OF TRUSTEES OF THE TOWN
OF DARMSTADT, INDIANA

Bernhardt Kahre

Mark J. Grossman

William M. Smith

Roger Stenlund

ATTEST:

George Kistemeyer
CLERK/TREASURER

ORDINANCE NO. 1990-4

AN ORDINANCE AMENDING ORDINANCE NO. 1987-1
OF THE TOWN OF DARMSTADT, INDIANA ENTITLED
"AN ORDINANCE REGULATING THE CONNECTION TO AND
USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS,
THE INSTALLATION AND CONNECTION OF ON-SITE SEWERS,
AND THE DISCHARGE OF WATERS AND WASTES INTO THE
PUBLIC SEWER SYSTEM OF THE TOWN OF DARMSTADT,
INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

WHEREAS, the Board of Trustees of the Town of Darmstadt,
Indiana on the 12th day of MARCH, 1987 adopted Ordinance
No. 1987-1; and

WHEREAS, the Board of Trustees of the Town of Darmstadt
desire to adopt an amendment to Ordinance No. 1987-1.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
DARMSTADT, INDIANA:

Section 1. Section 4(b) of Ordinance No. 1987-1 is
hereby deleted in its entirety.

Section 2. The following hereby replaces Section 4(b) of
Ordinance No. 1987-1:

There shall be two (2) classes of on-site sewer
permits: (1) for residential and commercial service,
and (2) for service to establishments producing
industrial wastes. In either case, the owner or his
agent shall make application on a special form
furnished by the said Town. The permit application
shall be supplemented by any plans, specifications, or
other information considered pertinent in the judgment
of the Inspector. A permit and inspection fee of Fifty
Dollars (\$50.00) for a residential or commercial
building sewer permit and Seventy-five Dollars (\$75.00)
for an industrial building sewer permit shall be paid
to the Clerk-Treasurer at the time the application is
filed. In addition, for both classes, an initial
connection fee of One Thousand Dollars (\$1,000.00)
shall be paid to the Clerk-Treasurer at the time the
application is filed. The initial connection fee shall
apply to all structures constructed prior to January 1,
1986. The initial connection fee shall be adjusted


either upward or downward, depending upon final determination of the Town's share of costs for the construction and installation of the sewer system. In the event it is determined that an additional connection fee should be paid by the Owner, then it shall be paid within thirty (30) days from the date the Town notifies the Owner of the additional connection fee. If it is determined that the connection fee is less than the initial connection fee, the Owner shall receive a credit against his monthly sewer user charge. For any structure constructed after December 31, 1985, the connection fee shall be One Thousand Dollars (\$1,000.00). In addition, all Owners connecting into the Sanitary Sewer System shall pay to the Town all connecting fees and charges due the City of Evansville, Indiana.


Section 3. - This Ordinance shall be effective as of the first day of February, 1991.

Passed and adopted by the Board of Trustees of the Town of Darmstadt, Indiana, on the 13 day of DECEMBER, 1990.



ROGER STEINKUHL, PRESIDENT


BOARD MEMBER


BOARD MEMBER


BOARD MEMBER

ATTEST:


GEORGE KRIETEMEYER,
CLERK/TREASURER

JEFFREY A. BOSSE
ATTORNEY AT LAW
522 MAIN STREET
EVANSVILLE, INDIANA 47708
(812) 423-4218

October 15, 1990

Mr. Roger Steinkuhl
13425 N. St. Joseph
Evansville, IN 47711

Mr. William Smith
745 W. Boonville-New Harmony Road
Evansville, IN 47711

Mr. George Krietemeyer
2200 W. Boonville-New Harmony Road
Evansville, IN 47711

Mr. Bernie Kahre
11415 Darmstadt Road
Evansville, IN 47711

Mr. Marlin Grossman
2340 W. Boonville-New Harmony Road
Evansville, IN 47711

Gentlemen:

Enclosed herewith for your review is a proposed Ordinance No. 1990-4 which would have the effect of increasing the charges for sewer permits and connection fees.

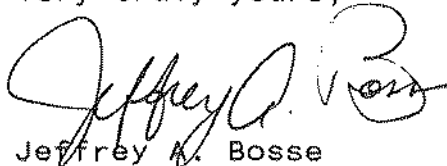
I am also enclosing herewith for your review a copy of the floodplain management ordinance to be adopted by Vanderburgh County.

I have also checked with Mark Reitman who is the attorney for the Town of Haubstadt and he indicated that he did not think there was an ordinance of the Town of Haubstadt which imposed a curfew. There is a state statute which imposes a curfew. Indiana Code 31-6-4-2 provides it is a curfew violation for a child aged 15, 16 or 17 to be in a public place (1) between 1:00 A.M. and 5:00 A.M. on Saturday or Sunday; (2) after 11:00 P.M. on Sunday, Monday, Tuesday, Wednesday or Thursday; or (3) before 5:00 A.M. on Monday, Tuesday, Wednesday, Thursday or Friday. The same statute provides that it is also a curfew violation for a child under 15 years of age to be in a public place after 11:00 P.M. or before 5:00 A.M. on any day. This statute does not apply to a child who is accompanied by his parent, guardian or custodian; or accompanied by an adult specified by his parent,

guardian or custodian; or participating in, going to, or returning from lawful employment, a school sanctioned activity or a religious event. This statute further provides that whenever a city, town or county determines that any curfew time established in this statute is later than is reasonable for public safety under the conditions found to exist in that town, then that town may, by ordinance, advance the curfew time within its jurisdiction by not more than one (1) hour. ..

If any of you have any questions about any of the matters contained herein, please feel free to contact me at your convenience.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeffrey A. Bosse". The signature is written in dark ink and is positioned above the printed name.

Jeffrey A. Bosse

JAB:rgf

ORDINANCE NO. 1990-3

An Ordinance of the Town of Darmstadt, Indiana, amending Ordinance No. 1974-1 entitled "An Ordinance of the Town of Darmstadt, Indiana regulating the use of stop and yield signs on certain corners, providing for speed limits on certain other streets, roads, drives, lanes and avenues in said Town and providing for penalties for the violation thereof."

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana previously enacted Ordinance No. 1974-1 on the 24th day of June, 1974 and subsequently made amendments thereto, and

WHEREAS, the Board of Trustees deems it necessary to lower the speed limit on Martin Road within the Town limits.

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

Section 1. Section 3 of said Ordinance is amended to provide that the speed limit on Martin Road shall be 30 miles per hour.


Section 2. This Ordinance shall become effective on the first day of December, 1990.

Passed by the Board of Trustees of Darmstadt, Indiana on the 13th day of September, 1990.




ROGER STEINKUHL, President

WILLIAM M. SMITH




BERNHARDT KAHRÉ



MARLIN GROSSMAN

ATTEST:



GEORGE KRIETEMEYER,
Clerk/Treasurer

PARADE PERMIT

No person, firm, organization, or group of individuals shall hold or participate in a parade (which shall include road races and walk-a-thons or any other similar demonstrations) in the Town of Darmstadt unless first having obtained a permit therefor and paid a fee of Five Dollars (\$5.00) to the CLERK TREASURER. The Town Board shall adopt regulations pertaining to parades and the application for permits therefor, and upon approval of such application by the Town Board and the payment of said fee, such permit shall be granted and said permit shall be valid only for the date, hour and route specified in said permit. No application shall be considered unless submitted to the Town Board at the monthly meeting prior to the scheduled time of said parade. The Town Board meets at 7:30 p.m. (local time) on the second Thursday of each month.

Pursuant to the rules and regulations adopted by the Town Board, the undersigned submits the following information and does respectfully request that a Parade Permit be granted and approved.

1. NAME, ADDRESS AND PHONE NUMBER OF PERSON, FIRM OR ORGANIZATION REQUESTING PERMIT.
2. NAME, ADDRESS AND PHONE NUMBER OF PERSON MAKING APPLICATION AND OFFICE OR AUTHORITY HELD BY SUCH PERSON.
3. NAME, ADDRESS AND PHONE NUMBER OF PERSON WHO WILL BE RESPONSIBLE FOR THE CONDUCT OF THE PARADE.
4. DATE OF PARADE
5. STARTING TIME AND DURATION OF PARADE.
6. ROUTE OF PARADE (ATTACH MAP).
7. PERSONS IN PARADE.
8. NUMBER OF VEHICLES IN PARADE.
9. PURPOSE OF PARADE.
10. HAS THE TOWN MARSHAL BEEN CONTACTED FOR APPROVAL OF THIS PERMIT?
11. WHAT ARRANGEMENTS HAVE BEEN MADE TO SECURE THE SAFETY AND PROTECTION OF THE PARTICIPANTS IN THIS EVENT FROM TRAFFIC HAZARDS AND TO PREVENT DELAYS FOR VEHICULAR TRAFFIC DURING THE EVENT?

Parade Permit
Page Two

I, _____ state the facts in the foregoing Application for Parade Permit are true as he/she is informed and does verily believe.

(Signature of Applicant)

Subscribed and sworn to before me, a Notary Public in and for the County of _____, State of Indiana, this _____ day of _____, 19____.

Notary Public

My Commission Expires

Printed Name


Having examined the above Application for Parade Permit, the Town Board does hereby approve the same and authorize the CLERK TREASURER to issue a Parade Permit in accordance with the facts contained in the said Application.

Dated this _____ day of _____, 19____.

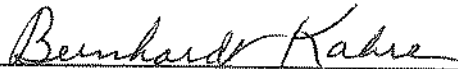
TOWN OF DARMSTADT
BOARD OF TRUSTEES



ROGER STEINKUHL



WILLIAM SMITH

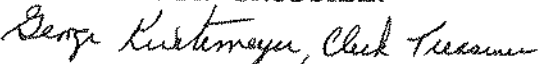


BERNIE KAHRE



MARLIN GROSSMAN

ORDINANCE APPROVED MAY 19, 1990


George Kustmayer, Clerk Treasurer

ORIGINAL AND FIVE (5) COPIES OF APPLICATION MUST BE SUBMITTED TO THE TOWN BOARD. APPLICATION MUST BE NOTARIZED BEFORE IT WILL BE CONSIDERED BY THE TOWN BOARD. SUBMIT COPY OF INSURANCE ENDORSEMENT PROVIDING:

\$600,000.00 Aggregate

\$500,000.00 Bodily injury,
per occurrence &
\$100,000.00 Property damage,

OR

WITH TOWN OF DARMSTADT AS ADDITIONAL INSURED.

Office Use Only:

Copies of the following:

--Town Board President

--Fire Chief, Scott Volunteer Fire Department

--Town Marshal

--Town Attorney

NO. 1990-1

AN ORDINANCE APPROVING AN AMBULANCE SERVICE PROGRAM FOR
ALEXANDER AMBULANCE SERVICE, INC.

WHEREAS, I.C. 27-4-5-2(a) (10) exempts ambulance service providers who transact business in the state from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the City in which it operates and if the ambulance service provider does not offer any membership program that includes benefits exceeding one year in duration; and

WHEREAS, Alexander Ambulance Service, Inc. requests such approval of its "All Care Program" from the Town Council of the Town of Darmstadt; and

WHEREAS, Alexander Ambulance Service, Inc. represents that it is duly qualified under the provisions of I.C. 27-4-5-2(a), that its All Care Program is in compliance with all applicable laws and program will be of benefit to the citizens of the Town of Darmstadt;

NOW, THEREFORE, BE IT ORDAINED BY the Town Council of the Town of Darmstadt, Indiana, as follows:

Section 1. Findings.

The Town Council finds that the "All Care Program" of Alexander Ambulance Service, Inc. substantially complies with I.C. 27-4-5-2(a), and approval of the Council is necessary for said Alexander Ambulance Service, Inc. to offer said program to the citizens of the Town of Darmstadt.

Section 2. Approval of Program.

The Town Council of the Town of Darmstadt, Indiana hereby approves the "All Care Program" of Alexander Ambulance Service, Inc., for the purposes of complying with I.C. 27-4-5-2(a) only.

Section 3. Effective Date.

This Ordinance shall be in full force and effect from and after its passage by the Town Council and the signing of said Council and attested by the Clerk/Treasurer.

PASSED BY THE TOWN COUNCIL OF THE TOWN OF DARMSTADT, INDIANA AND
ATTESTED TO BY THE CLERK/TREASURER OF THE TOWN OF DARMSTADT, THIS
10 OF MAY, 1990.

TOWN COUNCIL OF THE TOWN OF
DARMSTADT, INDIANA

Marlin L. Grossman

Bernhardt Kabre

William M. Smith

Ryan Stenshoff

ATTEST:

George Kustemeyer
CLERK/TREASURER

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 1982-1 ENTITLED "AN ORDINANCE GRANTING TO EVANSVILLE CABLE TV, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER AND UNDER THE STREETS, ALLEYS, PUBLIC WAYS, AND PUBLIC PLACES NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS THERETO IN THE TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA"

On May 19, 1982, the Board of Trustees of the town of Darmstadt, Indiana enacted ordinance No. 1982-1 which outlines the procedure for granting and renewing a cable TV franchise within the town of Darmstadt. Evansville Cable TV, Inc., was granted a non-exclusive franchise to provide cable TV services within the town of Darmstadt by said ordinance. Said franchise commenced on or about July 12, 1982 and will expire on or about midnight, July 11, 1997. Evansville Cable TV, Inc., has applied and asked for an extension and renewal of said franchise under terms and conditions as exist with the current franchise to commence on July 12, 1982, and to terminate midnight, April 13, 2006.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Trustees by the town of Darmstadt, Indiana as follows:

Section 1. Findings. The Board of Trustees finds that Evansville Cable TV, Inc., has substantially complied with the material terms of the existing franchise and with applicable law. Evansville Cable TV, Inc., proposal to extend the existing franchise to midnight, April 13, 2006, is reasonable to meet the future cable-related community needs and interests.

Section 2. Extension and Renewal of Franchise. The Board of Trustees of the town of Darmstadt hereby extends and renews the current franchise to Evansville Cable TV, Inc., commencing on July 12, 1997 and terminating midnight, April 13, 2006. The terms and conditions of said franchise shall be the same as they exist on the date of the adoption of this ordinance. This franchise shall be non-exclusive.

Section 3. Effective Date. The franchise granted by this ordinance shall be effective as of the date of the adoption of this ordinance and the written acceptance of the franchise by Evansville Cable TV, Inc.

Passed by the Board of Trustees of the town of Darmstadt, Indiana, and attested to by the Clerk/Treasurer of the town of Darmstadt, Indiana, this 9TH day of FEBRUARY, 1989.

BOARD OF TRUSTEES OF THE TOWN OF
DARMSTADT, INDIANA

Robert J. ...
William M. Smith
Mark L. Grossman
Bernard ...

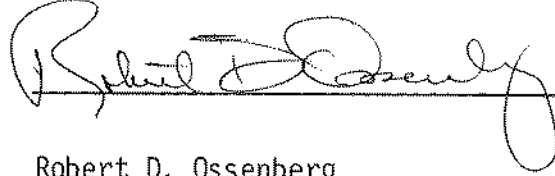
ATTEST:

George Kustmeyer
Clerk/Treasurer

ACCEPTANCE

Accepted this 9th day of February, 1989.

EVANSVILLE CABLE TV, INC.



Robert D. Ossenberg
General Manager

PRINTED NAME AND OFFICE

ATTEST:



Alice J. Meyers
Secretary

PRINTED NAME AND OFFICE

1990-1

NO. 1989- /

AN ORDINANCE APPROVING AN AMBULANCE SERVICE PROGRAM FOR
ALEXANDER AMBULANCE SERVICE, INC.

WHEREAS, I.C. 27-4-5-2(a) (10) exempts ambulance service providers who transact business in the state from obtaining a certificate of authority from the Insurance Commissioner of the State of Indiana if the ambulance service program is approved by the legislative body of the City in which it operates and if the ambulance service provider does not offer any membership program that includes benefits exceeding one year in duration; and

WHEREAS, Alexander Ambulance Service, Inc. requests such approval of its "All Care Program" from the Board of Trustees of the Town of Darmstadt; and

WHEREAS, Alexander Ambulance Service, Inc. represents that it is duly qualified under the provisions of I.C. 27-4-5-2(a), that its All Care Program is in compliance with all applicable laws and program will be of benefit to the citizens of the Town of Darmstadt;

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

Section 1. Findings.

The Board of Trustees finds that the "All Care Program" of Alexander Ambulance Service, Inc., substantially complies with I.C. 27-4-5-2(a), and approval of this Board is necessary for said Alexander Ambulance Service, Inc. to offer said program to the citizens of the Town of Darmstadt.

Section 2. Approval of Program.

The Board of Trustees of the Town of Darmstadt, Indiana hereby approves the "All Care Program" of Alexander Ambulance Service, Inc., for the purposes of complying with I.C. 27-4-5-2(a) only.

Section 3. Effective Date.

This Ordinance shall be in full force and effect from and after its passage by the Board of Trustees and the signing of said Board and attested by the Clerk/Treasurer.

PASSED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA
AND ATTESTED TO BY THE CLERK/TREASURER OF THE TOWN OF DARMSTADT, THIS
9 OF FEBRUARY, 1989.

BOARD OF TRUSTEES OF THE TOWN
OF DARMSTADT, INDIANA

Marlin L. Grossman

William M. Smith

Bernhard Kabe

Raymond L. Luff

ATTEST:

George Kustemyn
CLERK/TREASURER

1988-10

ORDINANCE NO. VC- 23-88

TAX CODE: 35-93-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, COUNTY OF VANDERBURGH, STATE OF INDIANA. MORE COMMONLY KNOWN AS:

12400 DARMSTADT ROAD

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, IN THE COUNTY OF VANDERBURGH, STATE OF INDIANA AS FOLLOWS, TO-WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

(insert legal description)

ATTACHED

By changing the zoning classification of the above described real estate from A, to C-4, and said real estate so rezoned and reclassified:

Section 2: The Executive Director of the Area Plan Commission of Evansville, and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, County of Vanderburgh, State of Indiana, and its publication as required by law, which publication is ordered.

Section 4: The subject property herein zoned shall be used and developed only in accordance with the use or development commitment which is attached hereto.

APPROVED THIS 13th day of OCTOBER, 1988.

Roger Steinkuhl
ROGER STEINKUHL, President

William Smith
WILLIAM SMITH, Member

Marlin Grossman
MARLIN GROSSMAN, Member

Bernhardt Kahre
BERNHARDT KAHRE, Member

ATTEST:

George Kriete Meyer
GEORGE KRIETEMEYER
Clerk/Treasurer

88-19064

USE COMMITMENT

WHEREAS, the undersigned, Dennis R. Bittner (herein "Petitioner"), with his principal residence in Vanderburgh County, Indiana, is the title owner of the real estate commonly described as 12400 Darmstadt Road, Evanville, Indiana, which real estate is more particularly described as follows, to-wit:

Part of the Northeast quarter of Section Thirteen (13), Township Five (5) South, Range Eleven (11) West in Vanderburgh County, Indiana and more particularly described as follows:

Beginning on the West line nine hundred sixty-seven and eighty-six hundredths (967.86) feet South of the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 13; thence South along said West line sixty (60.00) feet; thence South 89 degrees 04 minutes East two hundred eighty-nine and sixty-five hundredths (289.65) feet to the Darmstadt Road; thence South along the Darmstadt Road forty (40.00) feet; thence North 89 degrees 04 minutes West four hundred eighty-three and sixty-five (483.65) feet; thence North one hundred (100.00) feet; thence South 89 degrees 04 minutes East one hundred ninety-four (194.00) feet to the point of beginning containing 0.71 acres more or less.

(herein the "Real Estate"); and

WHEREAS, the Petitioner desires to rezone said Real Estate for the purpose of a storage warehouse for the distribution of freight which use is permissable within a C-4 District pursuant to Title XV, Chapter 153 of the Vanderburgh County, Indiana, Code of Ordinances, as amended (herein the "County Zoning Code"); and

WHEREAS, the Real Estate currently is classified as an A District under the County Zoning Code as is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh Area Plan Commission (the "Plan Commission"); and

WHEREAS, the Real Estate is currently subject to a Petition by the Petitioner to amend the zoning classification from an A District to a C-4 District, such Petition having been set for hearing by the Plan Commission as Docket No. 88-76 PC, and such Petition having been assigned Rezoning Ordinance No. VC-23-88, by the Auditor of Vanderburgh County, Indiana; and

WHEREAS, in order to accommodate the concerns of certain neighbors to the Real Estate and certain members of the Plan Commission, the Petitioner has indicated his willingness to make a written commitment concerning the use and development of the Real Estate, pursuant to I.C. 36-7-4-613 and 614.

RECEIVED FOR RECORD
at 2:46 P.M.
Oct 14 1988
BOB STEELE, RECORDER
VANDERBURGH COUNTY

NOW, THEREFORE, pursuant to I.C. 36-7-4-613 and 614, and in order to assure the Town Board of Darmstadt, Indiana, concerning the use of the Real Estate, the Petitioner makes the following commitment concerning the use of the Real Estate:

1. That the use and development commitment would provide that the owner restrict the use to the uses that are permitted in Use Group 10 of the Vanderburgh County Code for a storage warehouse only; and

2. That all of the commitments and undertakings herein expressed shall run in favor of all of the owners of real estate living within a radius of one (1) mile from the Real Estate and in favor of the Plan Commission and the County of Vanderburgh County, Indiana; and

3. That all of the commitments and undertakings herein expressed shall also be enforceable by any property owner within said one (1) mile radius from the Real Estate by an order in equity for specific performance, injunction or other equitable relief by any court having proper jurisdiction of the premises; and

4. That the commitments and undertakings herein made and expressed shall terminate, expire and be of no further force or effect if the Real Estate should be rezoned due to the filing of some subsequent petition to amend the zoning classification of the Real Estate; and

5. That this commitment shall be recorded in the office of the Recorder of Vanderburgh County, Indiana, and shall take effect upon the adoption of the amendment to the zoning classification of the Real Estate from an A District to a C-4 District with uses limited as herein set forth, said recorded use commitment to be attached to said ordinance; and

6. That Petitioner will rezone the above described property from C-4 District back to A District classification prior to listing the property for sale or transferring or otherwise changing ownership of said property.

IN WITNESS WHEREOF, this Development Plan Commitment is hereby made and entered into this 13th day of October, 1988, by Dennis R. Bittner, for the purposes set forth herein.

Dennis R. Bittner
Petitioner

STATE OF INDIANA)
COUNTY OF VANDERBURGH) SS:

Sworn to before me a Notary Public in and for said County and State this 13th day of October, 1988.

WITNESS, my hand and notarial seal.

P.M. Mitchell 4/3/92
Printed Name and Expiration Date

Don Mitchell
Notary Public, a resident of
Vanderburgh County, Indiana

ORDINANCE NO. VC- 23-88

TAX CODE: 35-93-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, COUNTY OF VANDERBURGH, STATE OF INDIANA. MORE COMMONLY KNOWN AS:

12400 DARMSTADT ROAD

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, IN THE COUNTY OF VANDERBURGH, STATE OF INDIANA AS FOLLOWS, TO-WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

(insert legal description)

ATTACHED

By changing the zoning classification of the above described real estate from A, to C-4, and said real estate so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville, and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, County of Vanderburgh, State of Indiana, and its publication as required by law, which publication is ordered.

Section 4: The subject property herein zoned shall be used and developed only in accordance with the use or development commitment which is attached hereto.

APPROVED THIS 13th day of OCTOBER 1988.



ROGER STEINKUHL, President

ATTEST:



GEORGE KRIEMEYER
Clerk/Treasurer



WILLIAM SMITH, Member



MARLIN GROSSMAN, Member



BERNHARDT KAHRE, Member

From the Desk of

Daniel J. Kuester

To Whom It May Concern:

Mr. Dannie Bittner has contacted me concerning the request for zoning approval. It is my understanding that this approval would allow only he & his immediate family to operate a business for the sole purpose of Home Interiors freight delivery. Furthermore he explained that if any circumstance concerning the business changed, the approval would be void at that time. With this in mind, I, as a surrounding landowner, am in favor of approval.

Sincerely,

Date 7/28/88

Daniel J. Kuester

APC Meeting
Oct. 5, 1988
Page 20

Mr. Bauer - Dennis question, Docket No: 88-77-PC R-88-44
Petitioner: Jerry Turner - Is anyone here on this petition? We will continue this until the November meeting and if no one is here at that time, then it will be removed from the agenda.

Beverly Kempf - I am the President of Star Neighborhood Association. I would like for you all to go by and take a look at this property then you will know why we are here opposing it. We will be back next month.

Mr. Bauer - We have a motion and a second to continue this until next month. All those in favor of this signify by saying aye, those opposed nay. This will be placed on the agenda at the November meeting.

Docket No: 88-82-PC R-88-48 Petitioner: Gerald A. Seib
Premises affected: (Complete legal on file) More commonly known as 518, 520 E. Illinois Street. Nature of Case: Petitioner requests change from a C-4 zone to an R-2 zone.

Gerald Seib presented the petition. I own the property located at 518-520 E. Illinois Street. These two properties are both rental properties. We had a fire at 518 E. Illinois on July 2, 1988 and with a C-4 I cannot repair the property since it is zoned commercial. I would like to have it rezoned to R-2 so that I can repair it and rent it out.

Mr. Bauer - Are there any questions by Members of the Board? Are there any remonstrators present on this petition? The chair will entertain a motion for approval of this petition. Ms. Hite seconded the motion and the secretary called the roll.

Ayes: Borries; Finch; Helfrich; Herrin; Hite; Laughlin; Mabrey; Tornatta; Wade; Woehler; Bauer.

Nays: None.

There being 11 ayes and 0 nays, Docket No: 88-82-PC R-88-48 has been approved.

COUNTY REZONINGS

Docket No: 88-76-PC VC-23-88 Petitioner: Dennis Bittner
Premises affected: (Complete legal on file) More commonly known as 12400 Darmstadt Road. Nature of Case: Petitioner requests change from an agricultural zone to a C-4 zone.

Dennis Bittner presented the petition. I live at 12420 Darmstadt Road. I am here this evening to get your approval to rezone a piece of property that I own located at 12400 Darmstadt Road. I purchased my dad's farm approximately 1 1/2 years ago which contained 71 acres. I still own two acres adjacent to where I live. I would like to rezone .71 acre of the farm ground from Agricultural to C-4 for a business that I have been lucky enough to get. I work part-time at UPS, Monday through Friday and two days each week on Thursday and Friday, I deliver home interiors which consists of wall decorations. My boss is retiring at the end of this year and has given me the opportunity to take over. With home interiors, I receive my freight from Dallas, Texas once a week by Roadway, either on Wednesday night or Thursday morning. I unload the freight and store it and deliver it two days each week. I do not do any selling. There will not be any additional traffic on Darmstadt Road as a result of this except once a week by Roadway. The building that I propose to erect is a 40 x 64 pole barn which will set 300 feet back off of the road with the unloading area in the back of the building facing the farmground so even when the Roadway truck is there, it will not be seen from the road. Presently there is a lane on the farm which the farmers use with their heavy equipment. This lane is 38 feet wide for easy access with the large equipment. This will be the same lane that Roadway will use and there will be no other changes other than a small sign or a mailbox with the address so that the driver of the Roadway truck will know where to turn. I will keep the property looking as close to residential as possible. I am only asking to rezone .71 acre of ground to C-4. I realize that there are 189 different businesses under a C-4 so in order to protect the neighbors, I have added a Section IV, Use Group Commitment which indicates that I am only asking to have a storage warehouse, therefore, that would eliminate all the other things that could go in a C-4. I have also included in this Section IV that I will petition to have this property rezoned back to agricultural before I ever sell this property. By doing this, no one else could purchase the property and use it for something other than what I have indicated. I have talked to the neighbors in the area and have had them sign a petition indicated that they are not against this rezoning. I own property on three sides of the proposed rezoned area. I also provide home delivery service for approximately 120 women who sell the home interior products. I would like to ask for your approval of this petition.

Mr. Bauer - Dennis, you have had a chance to review the Section IV, is that what we are looking at this evening. Is it a restricted use?

Mr. Vowels - In my opinion it can't be enforced as written. It is not binding upon subsequent owners of the property and that, at time of sale, we could not force it to be rezoned back to Agricultural. With regard to the Use Group #10 in a C-4, the way it is written, I believe that we could enforce that because it is an ordinance, however, the way that we have adopted procedures within the past 12 months is in the form of a Use Commitment which it is recordable in the County Recorder's office which binds you and anyone that you sell it to. You would have to come back and actually ask that it be amended in public hearing and you would have to notify all the abutting property owners so with regard to the use, it would be my preference that this be reduced to a development commitment consistent with our existing practice and the use commitment be recorded in the

Recorder's Office if, in fact, the Darmstadt Town Board approved of this rezoning.

Ms. Cunningham - I believe that this Commitment was initiated at the Darmstadt Town Board, is that correct?

Mr. Bittner - Yes.

Ms. Cunningham - This was approved by them and sent to us after first reading.

Mr. Bittner - That is correct and I am supposed to get your approval and then I will go back to the Darmstadt Town Board for final approval.

Ms. Hite - Did we have this document in advance of the meeting for you and Dennis to review before tonight because we adopted that policy. If we did not have it five working days before the meeting, it was automatically continued.

Mr. Vowels - Let me see if I can't give you a suggestion for a motion on the floor and then if that motion is adopted, it is certified to the legislative body and that is what the State Law requires. I would suggest that a Member of this Commission make a motion that would allow the Section IV to read as follows. The subject property herein rezoned shall be used and developed only in accordance with the Use or Development Commitment which shall be made in writing and forwarded to the Darmstadt Town Board as follows. That the Use and Development Commitment would provide that the owner restrict the uses to those uses permitted in Use Group #10 of the County code for Vanderburgh County of the storage warehouse only and, the Use Commitment be required to be recorded by the County Recorder. That would be my suggestion as to the amendment. I can't make a suggestion as to the mandatory reversion zoning since I have not come across any law that indicates it is enforceable.

Mr. Laughlin - I so move.

Mr. Borries - I second the motion.

Mr. Borries - Question for counsel, are you saying that if he, in good faith, says that is what he wants to do in terms of reverting the rezoning back, can he do that?

Mr. Vowels - He certainly can and I guess as an additional inducement, if this petitioner has told the abutting property owners that he intends to reversionary zone it back to its agricultural status upon his sale to someone else and they relied upon that promise and they didn't show up at this meeting because of that, then they would have private causes of action against him. The minutes of this meeting would be evidence in a Court of Law that he has made that promise. That is outside the scope of our authority, that would be a private cause of action for abutting property owners.

Mr. Bittner - When I obtained the petition from the neighbors, I showed them the Section IV, so they all know what is in it. They know that the way it is written is what will be done.

Mr. Vowels - If someone wants to make a motion to amend the petition, they can.

Mr. Bauer - Mr. Laughlin has already made a motion to amend the petition to include the Section IV, Use Group Commitment. Mr. Borries seconded the motion and the secretary called the roll.

Ayes: Borries; Finch; Helfrich; Herrin; Hite; Laughlin; Mabrey; Tornatta; Wade; Woehler; Bauer.

Nays: None.

There being 11 ayes and 0 nays, Docket 88-76-PC VC-23-88 has been amended.

Mr. Bauer - Are there any remonstrators present on this petition? The chair will entertain a motion for approval of the amended petition. Mr. Laughlin moved to approve the petition as amended. Ms. Hite seconded the motion and the secretary called the roll.

Ayes: Borries; Finch; Helfrich; Herrin; Hite; Laughlin; Mabrey; Tornatta; Wade; Woehler; Bauer.

Nays: None.

There being 11 ayes and 0 nays, Docket NO: 88-76-PC VC-23-88 has been approved as amended.

BUSINESS MEETING

Ms. Cunningham - I have three or four quick things to discuss. On your desk you have a listing of outdoor advertising display permits issued January, 1988 through September, 1988. If you will note, we are getting a lot more outdoor sign permits in the areas of our new highway, Division Street, I-164 and Lloyd Expressway as well as Highway 41, Highway 57, Highway 62 and these are the ones that are before you. If you recall a few months ago, we sent you a copy of the Zoning News from the American Planning Association where it also talked about the billboards. This is information for you and it is up to you to determine if you would like staff or Dennis to make any changes or if this is acceptable to you. As the City-County Planning Agency, it is an issue that I must bring before you.

Mr. Bauer - Could I have a motion for Dennis to begin working on the amendment to the zoning ordinance to allow outdoor advertising displays to be restricted.

*** P E T I T I O N ***

DATE: September 24, 1988

RE: Dennis R. Bittner
12420 Darmstadt Rd.
Amendment of the Comprehensive Zoning Ordinance

I have discussed with Dennis R. Bittner the amendment of the comprehensive zoning ordinance for which he has applied. I am signing his petition agreeing with his proposed amendment from A to C-4 for storage warehouse for the property commonly described as 12400 Darmstadt Road.

Signed: Warren J. Hartig +
Dorine C. Hartig
Earl A. Bittner
Julianne Bittner
Mrs C. R. Burkstra
Mrs. Jeff Ungethem
Jeff Ungethem
Joe L. Reisinger
K. A. Smith
Bob Morgan
Mildred M. Morgan
Juanita Ungethem
Eugene C. Ungethem
Arthur Schwartz (Eugene C. Ungethem's P.A.)

ORDINANCE NO. VC- 23-88

TAX CODE: 35-93-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, COUNTY OF VANDERBURGH, STATE OF INDIANA. MORE COMMONLY KNOWN AS:

12420 DARMSTADT RD

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, IN THE COUNTY OF VANDERBURGH, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

(insert legal description)

ATTACHED

By changing the zoning classification of the above described real estate from A to C-4, and said real estate so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, County of Vanderburgh, State of Indiana, and its publication as required by law, which publication is ordered.

Section 4: This Ordinance is enacted with the express stipulation and agreement of the Petitioner, Dennis R. Bittner, that the use of the above-described real estate within the C-4 zoning classification be limited to the use permitted in Use Group 10 (Section 153.077 of Title XV), of storage warehouse only. Also, before the time of sale of above real estate, the Petitioner shall petition said real estate from C-4 back to A, in order to accommodate the concerns of certain neighbors.

APPROVED THIS 28 day of Sept, 1988.

ROGER STEINKUHL, President

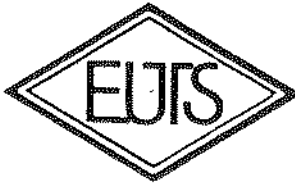
WILLIAM SMITH, Member

ATTEST:

GEORGE KRIETEMEYER
Clerk/Treasurer

MARLIN GROSSMAN, Member

BERNHARDT KAHRE, Member



EVANSVILLE URBAN TRANSPORTATION STUDY

Room 312, Civic Center Complex • Evansville, Indiana 47708 • (812) 426-5230

ROSE M. ZIGENFUS, M.P.A.
EXECUTIVE DIRECTOR

TO: Area Plan Commission Members
City Council Members
Vanderburgh County Commissioners

FROM: Rose M. Zigenfus *JR for RZ*

SUBJECT: October Rezoning

DATE: September 23, 1988

CONTINUED FROM LAST MONTH

1. R-88-39 5314 First Avenue

5314 First Avenue is located at the signalized intersection of First Avenue, which carries 13,786 vehicles per day, and Bryan Road, a low volume street. The traffic impacts and curb cut size and location of the proposed development will be evaluated when a site plan is submitted. EUTS recommends that access be on Bryan Road with no curb cut on First Avenue.

2. R-88-41 11 S. Vann Avenue

11 S. Vann Avenue is located at the signalized intersection of Vann Avenue, which carries 12,326 vehicles per day, and approximately 13,981 vehicles per day eastbound on the Lloyd Expressway. EUTS recommends that the curb cut providing access to the site be a minimum of 24' to allow for two way traffic flow, so that the impacts to this high volume intersection are minimized.

CITY REZONINGS

1. R-88-44 1113-15 W. Columbia Street

1113-15 W. Columbia Street has a 1988 AADT of 11,486 vehicles per day. The site does not have any curb cuts on Columbia Street. Access to the off-street parking is through a narrow alley on the east side of the site. The proposed use of the site is a low traffic generator and will not adversely affect traffic flow.

2. R-88-45 2615 Buchanan Road

2615 Buchanan Road is located on a low volume local street. EUTS recommends that the driveway be widened to 24' to meet the minimum commercial curb cut width requirement. The proposed development is a low traffic generator.

3. R-88-46

909, 921, 929, & 951 Kenmore Drive

909, 921, 929, & 951 Kenmore Drive are located on a low volume dead end street that intersects with Hebron Avenue. Hebron Avenue carries 3,831 vehicles per day at this location. The proposed uses of the sites will not adversely impact traffic flow on Hebron Avenue.

4. R-88-47

1605 Jeanette Avenue

1605 Jeanette Avenue is located at the intersection of Covert Avenue, which carries 13,500 vehicles per day, and Jeanette Avenue, a low volume residential street. The proposed width of the driveway on Jeanette Avenue is adequate for the development. The office building will be a low traffic generator.

5. R-88-48

518 & 520 E. Illinois Street

518 & 520 E. Illinois Street are located at the intersection of Illinois Street, a low volume local street, and Garvin Street, a one-way northbound street that carries 4,333 vehicles per day. The only driveway at the site is on Garvin Street to provide access to the garage on the north side of the property. The proposed use will not affect traffic flow.

COUNTY REZONINGS

1. VC-23-88

12400 Darmstadt Road

12400 Darmstadt Road has an AADT of approximately 3,900 vehicles per day. The location of the driveway provides adequate sight distance along Darmstadt Road. The proposed development will generate approximately 15 trips per day. The development will not adversely affect traffic flow on Darmstadt Road.

2. VC-24-88

2195 Commercial Court

2195 Commercial Court is located on a low volume dead end street that intersects with St. Joseph Avenue. AADT on St. Joseph Avenue at this intersection is 13,143 vehicles per day. The proposed 30' driveway meets the minimum commercial curb cut width requirement. The proposed rezoning could affect traffic flow on St. Joseph Avenue, since there is no southbound left turn lane on St. Joseph Avenue for vehicles to turn onto Commercial Court. This results in left turning vehicles blocking one of the southbound through lanes.

3. VC-25-88

2340 N. Burkhardt Road

2340 N. Burkhardt Road has an AADT of 2,497 vehicles per day. EUTS recommends that a 30' driveway be constructed to provide access to Burkhardt Road. The proposed use will not be a major traffic generator.

12
PETITION FOR REZONING

88-76 - PC

ORDINANCE NO. VC - 23-88

PETITIONER DENNIS BITTNER ADDRESS 12420 DARMSTADT RD PHONE 867-2839

OWNER OF RECORD SAME ADDRESS _____ PHONE _____

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to Indiana Code and Vanderburgh County Code of Ordinances.
2. Premises affected are on the WEST side of DARMSTADT RD a distance of 750 feet SOUTH (N.S.E.W.) of the corner formed by the intersection of HOING RD and DARMSTADT RD.

LEGAL DESCRIPTION:
SUBDIVISION _____
BLOCK _____

LOT NO. _____ (where applicable)

(If not in a subdivision, insert legal here or attach to ordinance)
ATTACHED

3. The commonly known address is 12400 DARMSTADT RD
4. The real estate is located in the Zone District designated as A
5. The requested change is to C-4
6. Present existing land use is CROPLAND
7. The proposed land use is WAREHOUSE / DISTRIBUTION
8. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the above described real estate.

DATE 8-9-88 (when signed) PETITIONER _____

OWNER OF RECORD Dennis Bittner Signatures

REPRESENTATIVE FOR PETITIONER OR OWNER (if applicable)	NAME _____
	ADDRESS _____
	PHONE _____

HIGHWAY ENGINEER'S CERTIFICATION

1. Legal description correct? YES
2. R-O-W required? No Amount? _____
3. Signature [Signature]

TRAFFIC ENGINEER'S CERTIFICATION

1. Approval of State Highway Commission required? No
2. Recommendations APC MEETING
3. Signature [Signature]

Utilities provided: (Check all that apply)

City Water Electric Gas _____ Storm Sewer _____

Sewer: Private _____ Public _____ Septic _____

FRED J. KUESTER
 ENGINEER & LAND SURVEYOR
 R.R. #2 - FT. BRANCH, INDIANA 47648
 PHONE 753-4843

DESCRIPTION

Part of the Northeast quarter of Section thirteen (13), Township five (5) South, Range eleven (11) West in Vanderburgh County, Indiana and more particularly described as follows:

Beginning at a point on the West line nine hundred sixty-seven and eighty-six hundredths (967.86) feet South of the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 13; thence South along said West line sixty (60.00) feet; thence South 89 degrees 04 minutes East two hundred eighty-nine and sixty-five hundredths (289.65) feet to the Darmstadt Road; thence South along the Darmstadt Road forty (40.00) feet; thence North 89 degrees 04 minutes West four hundred eighty-three and sixty-five hundredths (483.65) feet; thence North one hundred (100.00) feet; thence South 89 degrees 04 minutes East one hundred ninety-four (194.00) feet to the point of beginning.

Containing 0.71 acres more or less.

Subject to all legal right-of-ways and/or easements.

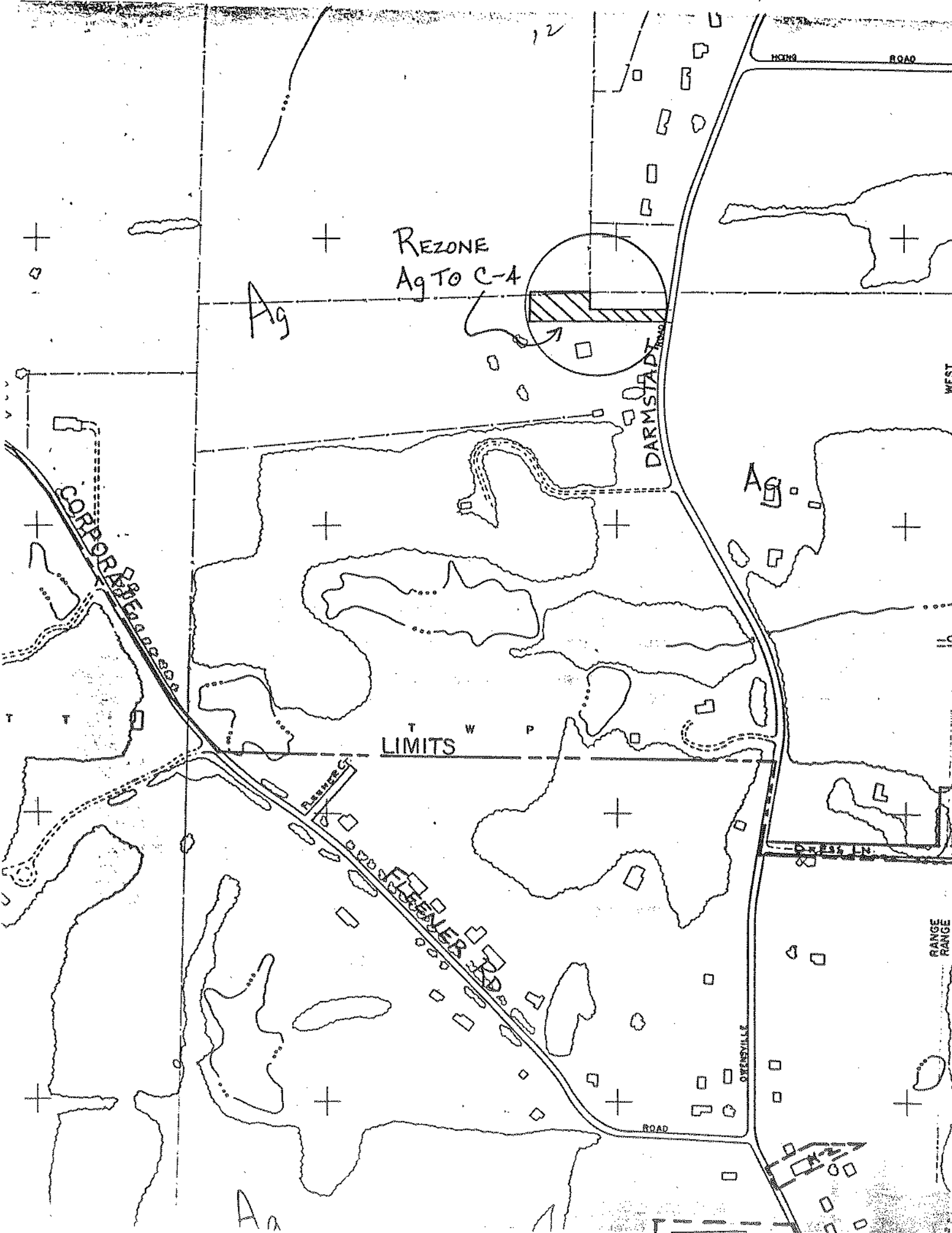
SURVEYORS CERTIFICATE

I, Fred J. Kuester, a Registered Land Surveyor in the state of Indiana, do hereby certify that the above description is true and correct and was composed after a field survey of the area.

Witness my hand and seal this 03rd day of August, 1988.



Fred J. Kuester
 Fred J. Kuester, L.S.
 Ind. Registration #S0137



12
REZONE
Ag TO C-4

Ag

DARMSTADT ROAD

Ag

T W P
LIMITS

FRASER

STANLEY

OWENSVILLE ROAD

ROAD

Ag

HIGH ROAD

WEST

RANGE RANGE

ORDINANCE NO. VC- _____

TAX CODE: 35-93-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, COUNTY OF VANDERBURGH, STATE OF INDIANA. MORE COMMONLY KNOWN AS:

12400 DARMSTADT RD
(here insert common address)

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, IN THE COUNTY OF VANDERBURGH, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.
(insert legal description)

ATTACHED

By changing the zoning classification of the above described real estate from A to C-4, and said real estate so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, County of Vanderburgh, State of Indiana, and its publication as required by law, which publication is ordered.

APPROVED THIS _____ day of _____, 1988.

ROGER STEINKUHL, President

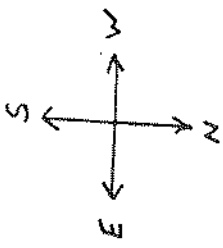
WILLIAM SMITH, Member

MARLIN GROSSMAN, Member

ATTEST:

GEORGE KRIETEMEYER
Clerk/Treasurer

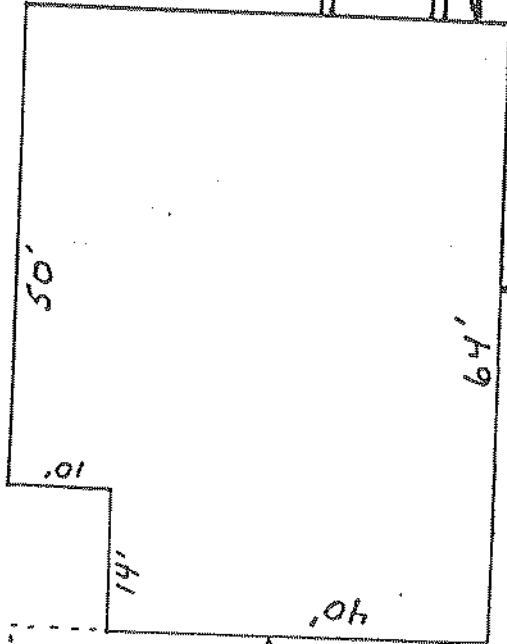
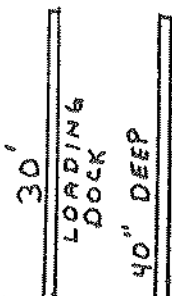
BERNHARDT KAHRE, Member



484' TO ROAD

GRAVEL DRIVE

GRAVEL LOT



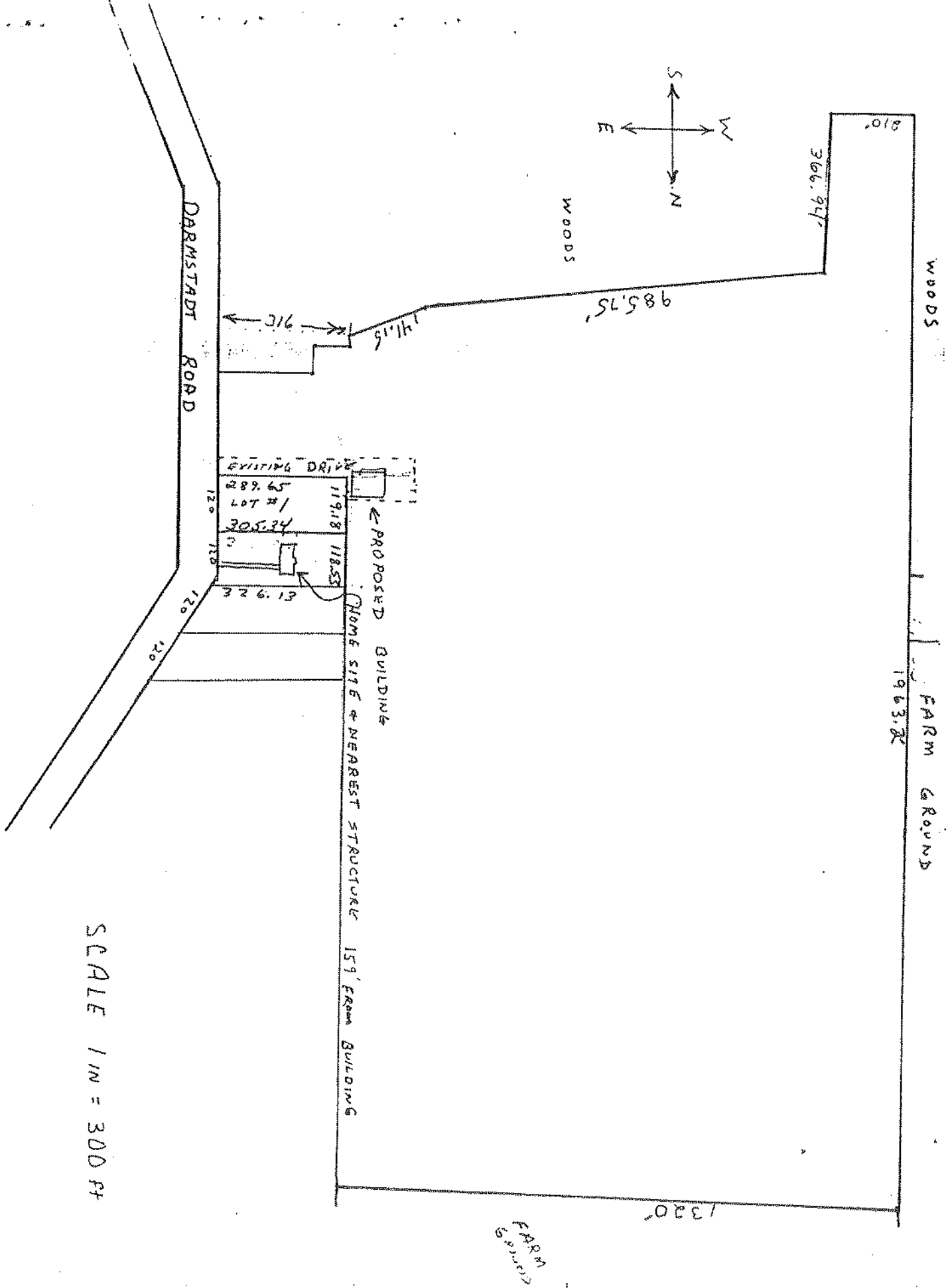
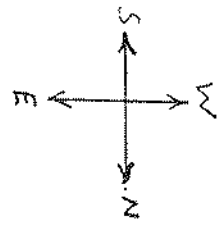
GRASS

290' TO ROAD

EVERGREEN TREES (LINE LENGTH OF DRIVE)

SCALE 1/4" = 20 FT

ELECTRICAL LINES WILL GO UNDERGROUND ALONG DRIVE FROM LINES ON DARMSTADT RD



SCALE 1 IN = 300 FT

1988-9

ORDINANCE NO. VC- 21-88

TAX CODE:

13-20-35-152-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, COUNTY OF VANDERBURGH, STATE OF INDIANA. MORE COMMONLY KNOWN AS:
14020-14030 Martin Road, Evansville, IN. 47711

(here insert common address)

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, IN THE COUNTY OF VANDERBURGH, STATE OF INDIANA AS FOLLOWS, TO WIT:

Section 1: That the Vanderburgh County, Indiana, Code of Ordinances, and more particularly being Title XV, Chapter 153, and the same is hereby amended by making certain changes in Atlas 1, which is made a part of said section as amended, with respect to the following described real estate located in Vanderburgh County, State of Indiana.

(insert legal description)

LOTS 1 & 2 INGLEHILLS SUBDIVISION

By changing the zoning classification of the above described real estate from A to C-2, and said real estate so rezoned and reclassified.

Section 2: The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this ordinance.

Section 3: This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, County of Vanderburgh, State of Indiana, and its publication as required by law, which publication is ordered.

Section 4: This Ordinance is enacted with the expressed stipulation and agreement of the petitioner, Harry Bassemier, that certain uses of the above described real estate within the C-2 zoning classification be excluded from permissable uses are: Bar; Dance halls; Party houses; nightclubs; taverns; restaurants serving alcoholic beverages; package liquor store and any other use serving alcoholic beverages.

APPROVED THIS 11th day of August, 1988.

Roger Steinkuhl
ROGER STEINKUHL, President

William Smith
WILLIAM SMITH, Member

Marlin Grossman
MARLIN GROSSMAN, Member

Bernhardt Kahre
BERNHARDT KAHRE, Member

George Kriete Meyer
GEORGE KRIETEMEYER
Clerk/Treasurer

ORDINANCE NO. 1988- 8

AN ORDINANCE AMENDING AN ORDINANCE OF THE TOWN OF DARMSTADT, INDIANA ENTITLED "AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF ON-SITE SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF DARMSTADT, INDIANA, AND PROVIDING PENALITIES FOR VIOLATIONS THEREOF."

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-1; and

WHEREAS, the Town Board deems it necessary to amend said Ordinance in order to clarify provisions therein.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Section 1: Section 2 (e) of Ordinance 1987-1 is hereby amended to provide as follows:

Section 2 (e). The owner of any future house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and, at his expense, install the necessary on-site sewer system and connect directly with the proper pressure sewer main or gravity service line in accordance with the provisions of this Ordinance, prior to occupying said house, building, or property, provided that a pressure sewer main or gravity service line is within 300 feet of the owner's property line.

Section 2. This Ordinance shall be effective as of January 1, 1989.

Passed and adopted by the Board of Trustees of the Town of
Darmstadt, Indiana, on the 10 day of November, 1988.

Bernhardt Kohre
BOARD MEMBER

Roger Stenkuhl
ROGER STENKUHIL, PRESIDENT

William M. Smith
BOARD MEMBER

Walter L. Grossman
BOARD MEMBER

ATTEST:

George Krietemeyer
GEORGE KRIETEMEYER, CLERK/
TREASURER

ORDINANCE NO. 1988- 7

AN ORDINANCE AMENDING ORDINANCE NO. 1987-2
OF THE TOWN OF DARMSTADT, INDIANA ENTITLED
"A SEWER RATE ORDINANCE FIXING THE SCHEDULE OF RATES
AND CHARGES TO BE COLLECTED BY THE TOWN OF
DARMSTADT, INDIANA FROM THE OWNER OF PROPERTY
SERVED BY THE SEWERAGE WORKS OF SAID TOWN AND OTHER
MATTERS CONNECTED THEREWITH"

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana, on the 12th day of March, 1987, adopted Ordinance No. 1987-2; and

WHEREAS, there has been a substantial increase in the sewer user rates charged by the City of Evansville, Indiana, into whose system the Town sewer system is connected; and

WHEREAS, it is therefore necessary to increase the sewer rates charged by the Town to its citizens.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

Section 1. Section 2 (b) of Ordinance 1987-2 is hereby amended to provide as follows:

Section 2 (b). The user charge schedule on which the amount of said sewerage rates and charges shall be determined shall be \$2.30 per 1,000 gallons plus \$17.00 per year (administrative costs).

Section 2 (c) of said Ordinance is hereby amended to provide as follows:

Section 2 (c). The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5,830 gallons per month), shall be \$14.82.

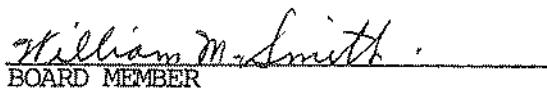
Section 3. This Ordinance shall be effective as of January 1, 1989.

Passed and adopted by the Board of Trustees of the Town of
Darmstadt, Indiana, on the 10 day of November, 1988.


ROGER STEINKUHL, PRESIDENT


BOARD MEMBER


BOARD MEMBER


BOARD MEMBER

ATTEST:


GEORGE KRIETEMEYER, CLERK/
TREASURER

AN ORDINANCE AMENDING CHAPTER 151.31 AND
CHAPTER 151.33 OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

WHEREAS, the Board of Commissioners of Vanderburgh County adopted its Ordinance Chapter 151 on september 10, 1984; and

WHEREAS, Chapter 151.31 and Chapter 151.33 should be amended to provide for those circumstances existing in the Town of Darmstadt.

NOW, THEREFORE:

Section I The following is hereby added to the Vanderburgh Code of Ordinances:

"Section 151.31 (G)

Section 151.31(G) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the Superintendent of Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the requirements of Ordinance No. 1987-1, as from time to time amended, of the Town of Darmstadt, Indiana. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED FOR CONNECTION TO AND USE OF SAID SEPTIC TANK EFFLUENT PUMPING (S.T.E.P.) SEWER SYSTEM. Subdivisions approved prior to the date of this Ordinance and recorded within the prescribed 18 month period and lots of record prior to 1957, shall not be required to meet the above stipulations. However, as to the installation of a private sewage disposal system, Section 151.31(C) (1) of this Ordinance shall apply."

Section II The following is hereby added to the Vanderburgh Code of Ordinances:

"Section 151.33(C)

Section 151.33(C) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the Superintendent of Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the requirements of Ordinance No. 1987-1, as from time to time

amended, of the Town of Darmstadt, Indiana. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED IN ANY SUBDIVISION OR PART OF A SUBDIVISION PROPOSED FOR RESIDENTIAL USES WHERE AN OUTLET OR TRUNK LINES IS AVAILABLE FOR CONNECTION TO AND USE OF THE TOWN OF DARMSTADT SEPTIC TANK EFFLUENT PUMPING (S.T.E.P.) SEWER SYSTEM. A subdivider must obtain the appropriate permit from the Superintendent of the Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the connection to and use of said sewer system. Subdivision approved prior to the date of this Ordinance and recorded within the prescribed 18 month period and lots of record prior to 1957, shall not be required to meet the above stipulations. Where the Town of Darmstadt sewer system is not available, the subdivider shall conform with the provisions of paragraph (B) (1) of this Chapter 151.33. All other provisions of Chapter 151.33 are applicable to the subdivision within the Town of Darmstadt."

PASSED ON FIRST READING by the Board of Commissioners of Vanderburgh County, Indiana, this _____ day of _____, 1988.

ADOPTED by the County of Commissioners of Vanderburgh County, Indiana, this _____ day of _____, 1988.

RICHARD J. BORRIES, President

ROBERT WILLNER, Vice-President

SHIRLEY JEAN COX, Member

ATTEST:

APPROVED:

SAM HUMPHREY, Auditor

DENNIS A. VOWELS
Area Plan Commission Attorney

ORDINANCE NO. 1988 - 6

An Ordinance of the Town of Darmstadt, Indiana, amending Ordinance No. 1974-1 entitled "An Ordinance of the Town of Darmstadt, Indiana regulating the use of stop and yield signs on certain corners, providing for speed limits on certain other streets, roads, drives, lanes and avenues in said Town and providing for penalties for the violation thereof."

WHEREAS, The Board of Trustees of the Town of Darmstadt, Indiana previously enacted Ordinance No. 1974-1 on the 24th day of June, 1974; and,

WHEREAS, The Board of Trustees deems it necessary to provide stop signs on certain streets within the Town limits.

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

Section 1. Section 1 of said Ordinance is hereby amended by adding to it the following streets and intersections:

Center Street at intersection with Martin Road (Hopkins), East stop and West stop.

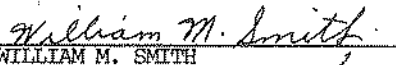
Ingle Street at intersection with Martin (Hopkins), East stop and West stop.

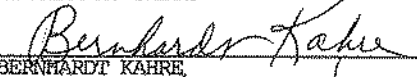
Center Street at intersection with Warner Street, West stop.

Section 2. This Ordinance shall become effective on the first day of December, 1988.

Passed by the Board of Trustees of Darmstadt, Indiana on the 13th day of October 1988.


ROGER STEINHILBER, PRESIDENT


WILLIAM M. SMITH


BERNHARDT KAHRE


MARLIN GROSSMAN

ATTEST:


CLERK/TREASURER

ORDINANCE NO. 1988 - 5

An Ordinance of the Town of Darmstadt, Indiana, amending Ordinance No. 1974-1 entitled "An Ordinance of the Town of Darmstadt, Indiana regulating the use of stop and yield signs on certain corners, providing for speed limits on certain other streets, roads, drives, lanes and avenues in said Town and providing for penalties for the violation thereof."

WHEREAS, The Board of Trustees of the Town of Darmstadt, Indiana previously enacted Ordinance No. 1974-1 on the 24th day of June, 1974; and,

WHEREAS, The Board of Trustees deems it necessary to lower the speed limit on Wortman Road within the Town limits.

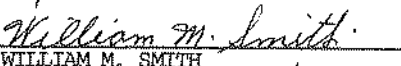
NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA:

Section 1. Section 3 of said Ordinance is amended to provide that the speed limit on Wortman Road shall be 30 miles per hour.

Section 2. This Ordinance shall become effective on the first day of October, 1988.

Passed by the Board of Trustees of Darmstadt, Indiana on the 11th day of August 1988.


ROGER STEINKUHL, PRESIDENT


WILLIAM M. SMITH


BERNHARDT KAHRH


MARLIN GROSSMAN

ATTEST:


CLERK/TREASURER

TOWN OF
DARMSTADT, INDIANA

SETTLED 1822

Town Board

Roger Steinkuhl, President
William Smith, Trustee
Bernie Kahre, Trustee
Marlin Grossman, Trustee

INCORPORATED 1973
Clerk Treasurer
George Krietemeyer
2200 W. Boonville-N. H. Rd.
Evansville, Indiana 47711

MINUTES OF JULY 14, 1988

THE MEETING OF THE TOWN BOARD WAS CALLED TO ORDER AT 7:30 PM BY PRESIDENT ROGER STEINKUHL WITH ALL BOARD MEMBERS PRESENT. THE MINUTES OF THE PRIOR MEETING WERE APPROVED. THE TREASURER'S REPORT WAS ACCEPTED AS GIVEN (COPY ATTACHED).

THE FOLLOWING CLAIMS WERE READ AND APPROVED FOR PAYMENT:

GF-151	\$	54.97	SIGECO
GF-152		255.30	GEORGE KRIETEMEYER
GF-153		372.35	JOHN STASER
GF-154		81.26	RUSSELL WOODSON
GF-155		631.50	GEO. S. OLIVE & CO.
GF-156		25.00	ASAY AUTO SERVICE
GF-157		26.50	M & S FIRE & SAFETY CO.
SF-133		32.14	NICK BALBACH
SF-134		77.80	BUSLER ENTERPRISES
SF-135		40.70	KUESTER'S, INC.
SF-136		98.36	DOMTAR INDUSTRIES
SF-137	19,422.84		ROGERS GROUP
SW-117		327.35	SIGECO
SW-118		7.50	QUAD CO.
SW-119		5.36	EVANSVILLE WATERWORKS DEPT.
SW-120		51.49	INDIANA BELL TELEPHONE CO.
SW-121	2,313.57		EVANSVILLE WATER & SEWER UTILITY
SW-122		100.00	POSTMASTER
SP-054		220.00	MEISLER TRAILER RENTAL
SP-055	135,374.76		PEYRONNIN CONSTRUCTION CO.
SP-056	15,336.91		PEYRONNIN CONSTRUCTION CO.

BARBARA CUNNINGHAM, DIRECTOR OF AREA PLAN COMMISSION, WAS PRESENT TO EXPLAIN AMENDMENTS TO THE VANDERBURGH COUNTY CODE OF ORDINANCES, CHAPTERS 153.126, 153.136, 153.137, 153.138, 153.139, 153.140 AND 153.141. THESE AMENDMENTS CHANGE SOME OF THE SPECIAL USES FOR ZONING IN THE COUNTY CODE. SINCE DARMSTADT HAS ADOPTED THE VANDERBURGH COUNTY CODE, THE BOARD WAS ASKED TO APPROVE THESE AMENDMENTS. BILL SMITH MADE A MOTION TO APPROVE ORDINANCE 1988-3 AND 1988-4 ON FIRST READING AND MOVE TO FINAL READING. BERNIE KAHRE SECONDED. MOTION PASSED. BILL SMITH MADE A MOTION TO APPROVE ORDINANCE 1988-3 AND 1988-4 ON FINAL READING. BERNIE KAHRE SECONDED. MOTION PASSED.

MARLIN GROSSMAN COMMENTED THAT HE WAS HAPPY TO SEE WORTMAN ROAD HAS BEEN PAVED. LINE STRIPING NEEDS TO BE DONE ON THE DARMSTADT ROADS. THE COUNTY WILL BE CONTACTED ABOUT DOING THIS FOR US.

BERNIE KAHRE REPORTED THAT ROBERT ROTHSCHILD HAS ASKED TO RESIGN AS TOWN MARSHALL BECAUSE OF HIS HEAVY PERSONAL WORK LOAD. OFFICIAL LETTER OF RESIGNATION HAS NOT YET BEEN RECEIVED. BERNIE KAHRE MADE A MOTION TO APPOINT KEVIN ZEHNER AS DEPUTY MARSHALL FOR THE TIME BEING. BILL SMITH SECONDED. MOTION PASSED.

NICK BALBACH ASKED ABOUT STOP SIGNS IN INGELFIELD AND WHICH STEETS SHOULD HAVE THEM. JOHN STASER STATED HE WOULD CHECK THE ORDINANCE TO ANSWER THIS QUESTION.

A MOTION WAS MADE BY BILL SMITH TO NOTIFY MYERS PUMP CO. THAT WE WILL ACCEPT TIGER FLEX HOSE TO BE INSTALLED ON OUR SEWER PUMPS. BERNIE KAHRE SECONDED. MOTION PASSED.

THE MEETING WAS ADJOURNED AT 8:55 PM.

RESPECTFULLY SUBMITTED,



GEORGE KRIETEMEYER
CLERK-TREASURER

FINANCIAL REPORT FOR MONTH OF July 1988

BALANCE CHECKING ACCOUNT AS OF 7/1/88

GENERAL FUND BALANCE AS OF 7/1/88

RECEIPTS: Alcohol Gallonage Tax

INTEREST

DISBURSEMENTS:

Sigeco

George Krietzmeier

John Stasse

Russell Woodson

Geo. S Olive & Co.

Assay Auto Service

M & S Fire & Safety

GENERAL FUND BALANCE AS OF 7/31/88

STREET FUND BALANCE AS OF 7/1/88

RECEIPTS: MUH Dist.

INTEREST

DISBURSEMENTS:

Gusler Enterprises

Kuester's, Inc.

Dymtar Industries

Transfer to Petty Cash

NICK BALACH

NICK BALACH

Rogers Group

STREET FUND BALANCE AS OF 7/31/88

\$186,460.44

\$16,361.09

828.75

676.58

5497

255.30

372.35

81.26

631.50

25.00

26.50

1446.88

\$16,419.54

\$13,055.50

2801.90

334.07

77.80

40.70

98.36

100.00

527.31

527.31

19,422.87

20,794.32

\$146,028.85

CUMULATIVE CAPITAL IMPROVEMENT FUND BAL. AS OF 7/1/88

RECEIPTS: INTEREST

DISBURSEMENTS:

CUMULATIVE CAPITAL IMPROVEMENT FUND BAL. AS OF 7/31/88

RECEIPTS: SEWER CHARGES COLLECTED

DISBURSEMENTS: SEWER EXPENSES

LOCAL ROAD AND STREET FUND BAL. AS OF 7/31/88

RECEIPTS: SEWER FUND BAL. AS OF

DISBURSEMENTS:

LOCAL ROAD AND STREET FUND BAL. AS OF 7/31/88

RECEIPTS: SEWER PROJECT FUND BAL. AS OF

DISBURSEMENTS: STATE #11

PARTIALS

PAYMENTS - CONTRACTS

SEWER PROJECT FUND BALANCE AS OF 7/31/88

BALANCE CHECKING ACCOUNT AS OF 7/31/88

Investments as of 7/31/88

GENERAL FUND

STREET FUND

CUMULATIVE CAPITAL IMPROVEMENT FUND

FEDERAL REVENUE SHARING TRUST FUND

LOCAL R & S FUND

SEWER PROJECT FUND

TOTAL INVESTMENTS

\$6,700.23

56.15

\$6,756.38

\$4,793.62

5,444.18

(2,805.27)

(2,154.71)

\$11,553.06

1,611.78

\$13,220.31

\$43,584.18

132,570.60

150,931.67

\$25,223.11

\$54,861.78

\$121,189.44

66,207.41

18,354.79

10,316.88

202,068.52

1988.4

AN ORDINANCE AMENDING CHAPTER 153 OF THE VANDERBURGH COUNTY CODE OF
ORDINANCES CONCERNING GROUP HOMES/COMMUNITY RESIDENTIAL FACILITIES

WHEREAS, group homes/community residential facilities are types of facilities with unique characteristics from other uses requiring their own use group classification;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana as follows:

Section I. Amendments

A. Section 153.003 shall be amended by the addition of the following:

"Group Home/Community Residential Facility."

A group home/community residential facility is a facility which provides residential services for persons in a supervised group living program.

B. Subsection 153.045(A) shall be amended to read as follows:

(A) Uses in R-3 District. A building or land may not be used, and a building may not be erected or altered except for one or more of the following uses.

1. Use Group 1 (See §153.153)
2. Use Group 2 (See §153.154) subject to the same restrictions as shown in §153.043(A)(2).
3. Use Group 3 (See §153.155)
4. Use Group 4 (See §153.156).
5. Use Group 19 (See §153.171).

6. Special Uses. (See §§153.135 through 153.139).
7. Accessory uses to any of the above (See §153.022).

C. Subsection 153.047(A) shall be amended to read as follows:

(A) Uses in R-4 District. A building or land may not be used, and a building may not be erected or altered except for one or more of the following uses.

1. Use Group 1 (See §153.153)
2. Use Group 2 (See §153.154) subject to the same restrictions as shown in §153.043(A)(2).
3. Use Group 3 (See §153.155)
4. Use Group 4 (See §153.156).
5. Use Group 6 (See §153.158).
6. Use Group 19 (See §153.171).
7. Special Uses. (See §§153.135 through 153.139).
8. Accessory uses to any of the above (See §153.022).

D. Section 153.150 shall be amended by the addition of a new Subpart S which shall read as follows:

(S) Uses Group 19. Supervised residential facilities which are compatible in higher density residential areas (group homes/ community residential facilities), subject to exemptions from local zoning ordinances as provided by state statute.

E. Chapter 153 shall be amended by the addition of a new Section 153.171 which shall read as follows:

Section 153.171 Use Group 19

List of uses permitted in R-3 and R-4 Districts, which meet the requirements and restrictions of that zone.

Group Home/Community Residential Facility and similar facilities which provide residential services for persons in a supervised group living program. A Use Group 19 use may not be located within Three Thousand Feet (3,000.00) of another group home/community residential facility.

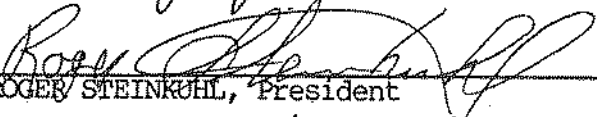
F. Subpart A of Section 153.082 is hereby amended by the addition of a new Subpart 15 which shall read as follows:

(15) Use Group 19

Group Home/Community Residential Facility:
one parking space per each three residents
and one parking space for each staff member
of the largest working shift.

PASSED ON FIRST READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of July, 1988.

ADOPTED ON FINAL READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of July, 1988.



ROGER STEINKOHL, President



WILLIAM SMITH, Member



MARLIN GROSSMAN, Member



BERNHARDT KAHRE, Member

ATTEST:



GEORGE KRIETEMEYER
Clerk/Treasurer

Ordinance 1988-3

ORDINANCE AMENDING CHAPTERS 153.126, 153.136,
153.137, 153.138, 153.139, 153.140 AND 153.141,
OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

WHEREAS, the Board of Commissioners of Vanderburgh County adopted Chapters 153.126, 153.136, 153.137, 153.138, 153.139, 153.140 and 153.141 on January 1, 1980; and

WHEREAS, Chapters 153.126, 153.136, 153.137, 153.138, 153.139, 153.140 and 153.141 should be amended;

NOW, THEREFORE:

Section I Current Chapters 153.126, 153.136, 153.137, 153.138, 153.139, 153.140 and 153.141 be, and the same are hereby, deleted from the Vanderburgh County Code of Ordinances;

Section II The following be and the same are hereby added to the Vanderburgh County Code of Ordinances:

A. Section 153.126 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.126 TIME LIMITS

(A) The denial of a petition for a variance by the Board of Zoning Appeals or the withdrawal of such a petition by the petitioner shall prohibit the Board of Zoning Appeals from hearing a petition for a variance for the subject property or a part thereof for 12 months from the date of the denial or withdrawal.

(B) An exception may be made to § 153.126 upon unanimous vote of the Board of Zoning Appeals.

B. Section 153.136 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.136 SPECIAL USES AS SECONDARY CLASSIFICATIONS

Special uses are secondary classifications. If property is approved by the Board of Zoning Appeals for a special use, the special use designation shall be placed on the zoning map in addition to its primary zoning classification.

C. Section 153.137 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.137 PROCEDURE

(A) A person desiring a special use classification must submit an application to the Board of Zoning Appeals at the Plan Commission Office. The application must contain a site plan showing the following:

- (1) The proposed use of the land;
- (2) The location and size of all buildings and structures, including signs;
- (3) Location of streets, access drives, and off-street parking and loading facilities; and
- (4) Buffer landscaping and required green space.

(B) After receipt of the application, the Board of Zoning Appeals shall conduct a public hearing pursuant to I.C. 36-7-4 for which ten days' prior notice has been given by the applicant by certified mail, return receipt requested, to abutting property owners, and to the public by legal advertisement. Also, no less than ten days prior to the hearing, a notice containing the date, time, place and purpose of the hearing must be posted conspicuously on the property by the petitioner. After public hearing, the Board of Zoning Appeals shall make its determination for approval, denial, or modification of the special use classification based on the following criteria:

- (1) Whether the specific site is an appropriate location for the use;

- (2) Whether the use as developed will adversely affect the surrounding area;
- (3) Whether there will be a nuisance or serious hazard to vehicles, pedestrians, or residents;
- (4) Whether adequate and appropriate facilities will be provided for proper operation of the use;
- (5) Whether the use is in harmony with the Evansville and Vanderburgh County Comprehensive Plan; and
- (6) Whether the use is essential or desirable to the public convenience and welfare.

(C) The Board of Zoning Appeals' approval or modification of a special use classification may include whatever reasonable conditions, limitations, or temporary uses are necessary for the protection of the public interest including the following:

- (1) Greater front, side and rear yard than the minimums for that area;
- (2) More off-street parking and screening;
- (3) Modification of exterior design or materials;
- (4) Limitations on the lot coverage and occupancy of the building or structure;
- (5) Limitations on signs and sign coverage; and
- (6) Time limitations.

(D) To protect the public interest and insure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

(E) In addition to all other limitations and provisions containing in the Zoning code, "S.U. #32" shall be limited as follows:

Can always be brought up

- (1) No identifying or business sign shall be erected or placed on any site for which a "S.U. #32" has been granted by the Board of Zoning Appeals.
- (2) Except for the shipment and receipt of goods, products or items necessary for the "S.U. #32", the use shall not be visible from the exterior of the premises.
- (3) The maximum time for which the first "S.U. #32" may be granted is two years from the date of approval; thereafter, a subsequent grant of a "S.U. #32" for the same parcel of property for the same use shall be for such length of time as determined by the Board of Zoning Appeals.
- (4) No person or persons may be employed in the "S.U. #32" home occupation at the site other than the resident (or residents) of the site for whom the "S.U. #32" has been granted.
- (5) The use may not be varied from the specified home occupation identified by the applicant for which it is granted.

D. Section 153.138 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.138 DISCONTINUANCE OF SPECIAL USE

(A) If a special use is abandoned for one year or has not been established within one year after the date it was granted, the special use classification shall be null and void.

(B) A special use may not be altered to become any other use other than that approved by the Board of Zoning Appeals.

E. Section 153.139 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.139 LIST OF SPECIAL USE DESIGNATIONS

The following uses are subject to the requirements of this subchapter:

<u>USE</u>	<u>DESIGNATIONS</u>
Schools	SU-1
Churches	SU-2
Hospitals, Nursing Homes, Convalescent or Custodial Care Centers	SU-3
Golf Courses or Golf Driving Ranges (excluding miniature golf)	SU-4
Charitable or philanthropic institutions	SU-5
Cemetery, mausoleum, columbarium, or crematorium	SU-6
Public parks or public recreational facilities	SU-7
Mobile home parks	SU-8
Junkyards, salvage yards, building use principally for the storage of junk, shops selling principally junk	SU-9
Parking lots or parking garages open to the public	SU-10
Bus or railroad passenger stations, garages or lots	SU-11
Airports or heliports	SU-12
Electronic message boards and/or signs with flashing, moving intermittent lights	SU-13
Public buildings and public uses other than permitted uses	SU-14
Utility installations including, but not limited to, electric power or steam generating plants; radio or television towers	SU-15
Stadiums, auditoriums, or arenas	SU-16
Sale of gasoline except in all districts where specifically permitted	SU-17
One-operator barber or beauty shops	SU-18
Mineral extraction, storage, and processing, limited to that reasonably related to the preparation for sale of the type of mineral primarily extracted from	

the site (limited processing shall not include the refining of oil products)	SU-19
Sanitary landfill, including garbage dumping	SU-20
Livestock sales or auctions, stockpens	SU-21
Animal breeding and raising for fur production or experimental use	SU-22
Gun clubs, skeet shoots, or target ranges	SU-23
Private recreational uses	SU-24
All uses contained in Use Group 18	SU-25
Mobile offices (not used for living or sleeping quarters)	SU-26
Uses desiring outside storage displays or sale of merchandise	SU-27
Child care facility or nursery school that keeps six to ten children on a full-time (8 or more hours per day) basis and no more than five children on a part-time (less than 8 hours per day) basis	SU-28
Adult bookstore, adult theatre; massage parlor	SU-29
Tourist home or bed-and-breakfast facility (limited to two rental rooms)	SU-30
Accessory living quarters clearly complimentary to main use & not for rental purposes	SU-31
Home occupations not specifically listed in 153.154 (subject to the additional requirements listed in 153.137(E))	SU-32

F. Section 153.140 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.140 TIME LIMITS

(A) The denial of a petition for a special use by the Board of Zoning Appeals or the withdrawal of such a petition by the petitioner shall prohibit the Board of Zoning Appeals from hearing a petition for a special use for the subject property or a part thereof for 12 months from the date of the denial or withdrawal.

(B) An exception may be made to § 153.140 upon unanimous vote of the Board of Zoning Appeals.


G. Section 153.141 of the Vanderburgh County Code of Ordinances is hereby amended to read as follows:

153.141 LIMITATIONS ON SPECIAL USE

Only those special uses which are indicated on the following Table S.U. shall be permitted in the zoning districts indicated by the table.

PASSED ON FIRST READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of July, 1988.

ADOPTED ON FINAL READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of July, 1988.



ROGER STEINKUHL, President



WILLIAM SMITH, Member



MARLIN GROSSMAN, Member



BERNHARDT KAHRE, Member

ATTEST:



GEORGE KRIETEMEYER
Clerk/Treasurer

ORDINANCE NO. 1988-2

AN ORDINANCE AMENDING CHAPTER 151.31 AND CHAPTER 151.33 OF THE VANDERBURGH COUNTY CODE OF ORDINANCES

WHEREAS, the Board of Commissioners of Vanderburgh County adopted its Ordinance Chapter 151 on September 10, 1984; and

WHEREAS, Chapter 151.31 and Chapter 151.33 should be amended to provide for those circumstances existing in the Town of Darmstadt.

NOW, THEREFORE: BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

SECTION 1

The current Chapter 151.31 of the Vanderburgh County Code of Ordinances is hereby amended to add Chapter 151.31(G) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system:

"Section 151.31(G) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the Superintendent of Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the requirements of Ordinance No. 1987-1, as from time to time amended, of the Town of Darmstadt, Indiana. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED FOR CONNECTION TO AND USE OF SAID SEPTIC TANK EFFLUENT PUMPING (S.T.E.P) SEWER SYSTEM. However, as to the installation of a private sewage disposal system, Section 151.31(C) (1) of this Ordinance shall apply."

SECTION 2

The current Chapter 151.33 of the Vanderburgh County Code of Ordinances is hereby amended to add Chapter 151.33(C) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system:

"Section 151.33(C) Town of Darmstadt septic tank effluent pumping (S.T.E.P.) sewer system. When there is available the septic tank effluent pumping (S.T.E.P.) sewer system approved by the Superintendent of Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the issuance of a building permit, the subdivider shall provide the subdivision with an ample sanitary sewer system to be connected to the approved outlet or trunk lines of the septic tank effluent pumping (S.T.E.P.) sewer system. All subdividers must comply with the

requirements of Ordinance No. 1987-1, as from time to time amended, of the Town of Darmstadt, Indiana. A MINIMUM OF ONE (1) ACRE LOT IS REQUIRED IN ANY SUBDIVISION OR PART OF A SUBDIVISION PROPOSED FOR RESIDENTIAL USES WHERE AN OUTLET OR TRUNK LINES IS AVAILABLE FOR CONNECTION TO AND USE OF THE TOWN OF DARMSTADT SEPTIC TANK EFFLUENT PUMPING (S.T.E.P) SEWER SYSTEM. A subdivider must obtain the appropriate permit from the Superintendent of the Municipal Sewage Works of the Town of Darmstadt, Indiana, prior to the connection to and use of said sewer system. Where the town of Darmstadt sewer system is not available, the subdivider shall conform with the provisions of paragraph (B) (1) of this Chapter 151.33. All other provisions of Chapter 151.33 are applicable to subdivision within the Town of Darmstadt."

PASSED ON FIRST READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of April, 1988.

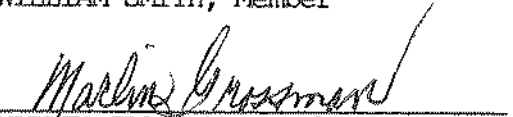
ADOPTED ON FINAL READING by the Board of Trustees of the Town of Darmstadt, Indiana, this 14 day of April, 1988.



ROGER STEINKOHL, President



WILLIAM SMITH, Member



MARTIN GROSSMAN, Member



BERNHARDT KAHRE, Member

ATTEST:



GEORGE KRIETEMEYER
Clerk/Treasurer

PASSED AND ADOPTED by the Board of Commissioners of Vanderburgh County, Indiana, this _____ day of _____, 1988.

ROBERT WILLNER, President

RICHARD J. BORRIES, Vice
President

SHIRLEY JEAN COX, Member

ATTEST:

SAM HUMPHREY, Auditor

DENNIS A. VOWELS
Area Plan Commission Attorney

ORDINANCE NO. 1988-1

AN ORDINANCE CONSENTING TO THE ISSUANCE OF LIQUOR RETAILER'S PERMITS TO APPLICANTS IN RESPECT TO PREMISES LOCATED WITHIN THE TOWN OF DARMSTADT, INDIANA.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

SECTION 1

The Town of Darmstadt, Indiana does hereby consent to the issuance of liquor retailer's permits issued to applicants in accordance with Indiana statutes in respect to premises located within the limits of the Town of Darmstadt, Indiana.

SECTION 2

This ordinance may not be altered, amended or repealed for a period of two (2) years and sixty (60) days after the date of its enactment. During the period of the two (2) years and sixty (60) days from the enactment of this ordinance, no other ordinances on this subject may be enacted.

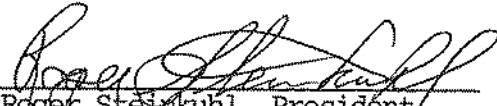
SECTION 3

The Clerk/Treasurer of the Town of Darmstadt shall, immediately upon the enactment of this ordinance, certify a copy of the ordinance and mail it by registered mail to the Indiana Alcoholic Beverage Commission created pursuant to Indiana Code 7.1-1-3-12.


SECTION 4

This ordinance shall be in full force and effect from and after its passage and approval by the Board of Trustees of the Town of Darmstadt, Indiana.

PASSED AND ADOPTED by the Board of Trustees of the Town of Darmstadt,
Indiana on the 11th day of February, 1988.


Roger Steinkuhl, President


William Smith, Member


Marlin Grossman, Member


Bernhardt Kahre, Member

ATTEST:


George Krietemeyer, Clerk/Treasurer

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE, \$300

SENDER INSTRUCTIONS
 Print your name, address, and ZIP Code in the space below.
 • Complete items 1, 2, 3, and 4 on the reverse.
 • Attach to front of article if space permits, otherwise affix to back of article.
 • Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Town Of Darmstadt - c/o George Kristemeyer
 (Name of Sender)
2200 West Boonville - New Harmony Rd.
 (No. and Street, Apt., Suite, P.O. Box or R.D. No.)
Evansville, IN 47711
 (City, State, and ZIP Code)

PS Form 3811, July 1983

● **SENDER: Complete items 1, 2, 3 and 4.**
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery.
 2. Restricted Delivery.

3. Article Addressed to:
 Indiana Alcoholic Beverage Comm.
 State Office Building
 Indianapolis, IN 46204

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail	P-500 110 794

Always obtain signature of addressee or agent and **DATE DELIVERED:**

5. Signature - Addressee
 X *Jerry Leary*

6. Signature - Agent
 X

7. Date of Delivery
 2-17-88

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

ORDINANCE NO. 1987-4

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 1987-1
THE TOWN OF DARMSTADT, INDIANA

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana on the 12th day of March, 1987 adopted Ordinance No. 1987-1; and

WHEREAS, the Town Board deems it necessary to amend Section 5 of said ordinance.

Be it ordained by the Board of Trustees of the Town of Darmstadt, Indiana:

SECTION 1

Section 5 of Ordinance No. 1987-1 is hereby repealed and there shall be substituted in its place the following Section 5:

SECTION 5

(a) No person shall discharge or cause to be discharged to any public sewer any of the following described substances, materials, waters, or waste.

(1) Any liquid or vapor having a temperature higher than 150°F. (65°C).

(2) Any water or wastes which contain grease, oil, or some other substance that will solidify or become discernibly viscous at temperatures between 32°F. to 150°F.

(3) Any water or wastes containing emulsified oil or grease exceeding, on analysis, an average of 100 parts per million floatable and 600 parts per million dispersed of either soluble matter.

(4) Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.

(5) Any water or wastes that contain more than ten parts per million by weight of the following gases: hydrogen sulphide; sulphur dioxide; or nitrous oxide.

(6) Any garbage that has not been properly comminuted or triturated.

(7) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, beer or distillery slops, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

(8) Any water or wastes that contain phenols in excess of 0.50 parts per million by weight (500 parts per billion). These limits may be modified by the City of Evansville Water and Sewer Utility Board if after a public hearing thereon, the Board finds that the aggregate of contributions throughout the area being serviced creates treatment difficulties or produces a plant effluent discharge to the receiving waters which may be prohibitive.

(9) Any waters or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel of the sewage works. Free acids and alkalis of such wastes must be neutralized within a permissible range of pH, between four, five, and ten.

(10) Any waters or wastes containing a toxic or poisonous substance or of high chloride demand, in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows, such as copper, zinc, chromium, and similar toxic substances, shall be limited to the following average quantities in the sewage as it arrives at the City of Evansville sewage treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration.

Chromium as Cr (hexavalent)	5 parts per million
Copper as Cu	3 parts per million
Zinc as Zn	2 parts per million
Chlorine demand	30 parts per million
Mercury	0.002 parts per million
Lead	0.1 parts per million
Cadmium	0.002 parts per million

Contributions of greater volume or concentration from individual establishments shall be subject to control by the Town Board of Trustees.

(11) Any cyanides in excess of two parts per million by weight as CN in the wastes from any outlet into the public sewers.

(12) Any water or wastes containing the discharge of acid pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any obstruction, damage, or corrosion in the sewers or the sewage treatment plant.

(13) Any waters containing suspended solids of such character and quantity that unusual provision, attention, or expense is required to handle the materials at the City of Evansville sewage treatment plant.

(14) Any noxious or malodorous gas or substance which either singly 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.

(15) Any radioactive wastes or isotopes having a half-life of more than 100 days or a concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations, without special permit, to be issued by the City of Evansville Water and Sewage Utility Board.

(16) Any wastes that, for a duration of 15 minutes have a concentration greater than five times the average concentration of the wastes as measured by suspended solids and B.O.D.

(17) Any water or waste containing iron-bearing compounds or substances in quantities sufficient to cause the average concentration in the sewage as it arrives at the City of Evansville sewage treatment plant to exceed 25 mg. per litre total iron or five mg. per litre soluble iron.

(18) Any water or waste which may result in a violation of any provision of the City of Evansville N.P.D.E.S. permits.

(b) Concentrated dye, wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids, or composition, as, for example, in total suspended solids or inert nature such as fullers earth, or in total dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate, or unusual in bio-chemical oxygen demand shall be subject to determination by the Town Board of Trustees for the following.

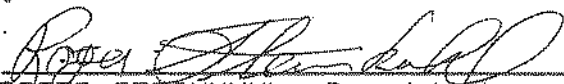
- (1) Approval of rejection of admission to the public sewers.
 - (2) Modification at the point of origin to permit admissions.
 - (3) Pretreatment by owner to permit admission.
- (c) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in the objectionable concentration, or create any other condition deleterious to structures and treatment processes shall constitute a violation under Section 5(a)(18).
 - (d) The Town Board of Trustees shall have the power to reject or require pretreatment of any substance which constitutes a violation of division (c) above.
 - (e) Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
 - (f) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
 - (g) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- (h) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
- (i) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town, subject to payment therefor, by the industrial concern.

SECTION 2

This ordinance shall be in full force and effect from and after its passage and approval by the Board of Trustees of the Town of Darmstadt, Indiana.

PASSED AND ADOPTED by the Board of Trustees of the Town of Darmstadt, Indiana on the 24TH day of AUGUST, 1987.



ROGER STEINKUHL, President



~~FRED FORTE~~, Member BERNHARDT G. KANKE



MILDRED KEIL, Member



WILLIAM SMITH, Member

ATTEST:



GEORGE KRIETEMEYER, Clerk Treasurer

ORDINANCE NO. 1987-3

An Ordinance Amending Ordinance No. 1987-1 and Establishing a Date for Payment of Sewer Connection Fees.

WHEREAS, the Board of Trustees of the Town of Darmstadt, Indiana on the 12th day of March, 1987 adopted Ordinance No. 1987-1 which among other things established a connection fee into the Town of Darmstadt sanitary sewer system; and

WHEREAS, the Town Board desires to amend Ordinance No. 1987-1.

Be it ordained by the Board of Trustees of the Town of Darmstadt, Indiana:

SECTION 1.

Section 4 paragraph (b) of Ordinance No. 1987-1 is hereby amended by adding to the end of said paragraph the following:

All connection fees applicable to the Owner of any structure which will be required to connect to the Town's sanitary sewer system upon its installation and completion shall be required to pay to the Town the initial connection fee in the amount of \$870.00, or an amount to be later determined by the Town Board, by May 31, 1987, or such other date as the Town Board may adopt by resolution.

SECTION 2.

This ordinance shall be in full force and effect from and after its passage and approval by the Board of Trustees of the Town of Darmstadt, Indiana.

PASSED AND ADOPTED by the Board of Trustees of the Town of Darmstadt, Indiana on the 14 day of May, 1987.



ROGER STEINKÜHL, President



FRED TODTE, Member



MILDRED KEIL, Member



WILLIAM SMITH, Member

ATTEST:



GEORGE KRIETEMEYER, Clerk/Treasurer

ORDINANCE NO. 1987-2

A Sewer Rate Ordinance fixing the schedule of rates and charges to be collected by the Town of Darmstadt, Indiana, from the owners of property served by the sewage works of said Town, and other matters connected therewith.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

SECTION 1

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- (b) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- (c) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (d) "Septic Tank Effluent Pumping (S.T.E.P.) Sewer System" shall mean a sanitary sewer system for the collection and transportation of sewage that pumps the effluent from septic tanks through a network of pipes to a point of disposal.
- (e) "Public Sewer" shall mean the Septic Tank Effluent Pumping (S.T.E.P.) sewer system of the Town of Darmstadt, including, but not limited to, on-site septic tanks, gravity service lines to an effluent pumping station, effluent pumping stations, pressure service lines to a pressure sewer main, pressure sewer mains, and all the appurtenances thereof.

- (f) "On-Site Sewer" shall mean that portion of the public sewer that is generally located on private property, including but not limited to, septic tanks, gravity service lines to an effluent pumping station, effluent pumping stations, pressure service lines to a pressure sewer main, and all the appurtenances thereof.
- (g) "Pressure Sewer Main" shall mean a pipe or conduit for collecting and transporting sewage under pressure from multiple pumping stations.
- (h) "Pressure Service Line" shall mean a pipe or conduit for transporting sewage under pressure from a single pumping station.
- (i) "Gravity Service Line" shall mean a pipe or conduit for collecting and transporting sewage from one or more septic tanks to a pumping station.
- (j) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (k) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 Degrees C., expressed in milligrams per liter (mg/l).
- (l) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (m) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (n) "Shall" is mandatory; "May" is permissive.
- (o) "Town" shall mean the Town of Darmstadt, Indiana.
- (p) "User" shall mean any person or persons and any establishment of any kind discharging or causing the discharge of wastewater into the sewer system of the city.
- (q) "Normal Strength Sewage" shall mean sewage that has a 5-day biochemical oxygen demand (BOD) concentration of 200 mg/l (milligrams per liter) and a suspended solids (SS) concentration of 200 mg/l (milligrams per liter).

- (r) "User Charge" shall mean the charge per 1000 gallons of wastewater discharged to the sewer system to recover the Operation and Maintenance costs (including replacement) of the system associated with the transportation and treatment of wastewater.
- (s) "Administrative Costs" shall mean those costs of operating the sewer system not attributable to flow volume or electrical costs for pumping wastewater.
- (t) "Electrical Service Surcharge" shall mean a charge to users of shared pumping units to recover the utility costs to such pumping units.
- (u) "Nonresidential Users" shall mean any structure connected to the sewer system of which the primary use is not as a private residence.

SECTION 2

For the use of and the service rendered by the Town of Darmstadt ("TOWN"), rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the Town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the Town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (a) Except as herein otherwise provided, sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a charge for Administrative costs.
- (b) The user charge schedule on which the amount of said sewage rates and charges shall be determined shall be \$1.50 per 1000 gallons plus \$17 per year (Administrative costs).
- (c) The monthly charge (exclusive of any surcharges) for unmetered single family residential users, and any unmetered commercial/institutional users not generating or not expected to generate flows greater than a single family residential user (5830 gallons per month), shall be \$10.17.

- (d) The monthly charge (exclusive of any surcharges) for any nonresidential users generating or expected to generate flows greater than a single family residential user (5830 gallons per month) shall be computed on the basis of the rates set forth in Section 2(b). In the case of unmetered users, the amount of flow for each case will be determined as set forth in Section 3(a).
- (e) Where two (2) or more users are connected to a pumping unit, there will be a surcharge for those users for electrical service of nineteen dollars and fifty cents (\$19.50) per year.
- (f) Users which are connected during the construction of the Darmstadt Sanitary Sewer System will have a surcharge of Two (\$2) dollars per month for 160 months (deferred connection fee to the City of Evansville).
- (g) The user charge schedule and electrical service surcharge, hereinabove set forth, shall be reviewed annually and revised if necessary.
- (h) If the Town is charged or is required to pay a surcharge for the treatment of any wastewater having a strength greater than "Normal Strength" sewage, said surcharge shall be paid by the user or users responsible for the excessive strength.

SECTION 3

- (a) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the Town's sanitary sewer system, either directly or indirectly, and the water, or any portion thereof, used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town; in accordance with I.S.B.H. Bulletin S.E. 13, Table 4, latest edition, in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.

- (b) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water, or other liquids into the Town's sanitary sewer system, either directly or indirectly, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) Where a metered water supply is used for fire protection, the Town may, in its discretion, make adjustments in the user charge as may be equitable.
- (d) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided or to rates and charges established in harmony therewith.

SECTION 4

In order that the rates and charges may be justly and equitably adjusted to the services rendered, the Town shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to dispose of. The Town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the Town's sanitary sewer system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case in order to determine the proper charge. Any and all commercial and industrial installations shall be so controlled and/or treated as to the sewage strength that their effluent discharge to the Town's sewers shall have a B.O.D. (biochemical oxygen demand) not to exceed 200 mg/l (milligrams per liter) and suspended solids not to exceed 250 mg/l (milligrams per liter) at any time. The Board of Trustees is authorized to prohibit the dumping of wastes into the Town's sewer system which, in its discretion, are deemed harmful. In the event that the Town incurs a surcharge from the City of Evansville due to the discharge of sewage of excessive strength by any user or users, then the amount of the surcharge shall be borne by said user or users.

SECTION 5

The rates and charges shall be prepared and billed by the Town monthly, as the Town may deem appropriate and as determined by the by-laws and regulations of the Town as hereinafter provided for, and shall be collected in the manner provided by law and

ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

SECTION 6

The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economic and efficient management of the Town sewer system and for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

SECTION 7

Except as otherwise provided, the rates and charges as herein set forth shall become effective on the date that any lot, parcel of real estate, or building is connected to the public sewer.

SECTION 8

The Town of Darmstadt is hereby authorized to prohibit dumping of wastes into the Town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of said wastes to alter the characteristics of the waste satisfactory to the Town.

SECTION 9

All statements for rates and charges shall be paid by the first day of the month following the billing date. Any statement not so paid is hereby declared delinquent and a penalty of ten percent (10%) of the amount of such statement shall attach thereto and become due and payable.

SECTION 10

To ensure the continued adequacy of revenues in relation to Operation and Maintenance costs (including replacement) the Town's shall annually review the costs of operating the sewer system and adjust the User Charge and Electrical Service surcharge as necessary to align revenues with costs.

Annually, each user shall be notified as to the basis for the various charges to be in effect for the following year.

SECTION 11

In the event any person shall be in violation of the terms and conditions of this ordinance, that person shall have the right within ten (10) days from the receipt of a notice of violation of this ordinance to appeal to the Town Board, by written notice, setting forth the reasons the person does not believe he is in violation of the terms and provisions of this ordinance, and the Town Board shall have thirty (30) days thereafter to either void or affirm the violation notice.

SECTION 12

The Town may enforce the terms of this ordinance pursuant to the provisions of IC 36-1-6-1 through 36-1-6-4.

SECTION 13

All ordinances or parts of ordinances in conflict herewith are hereby repealed. the invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 14

This ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Board of Trustees of the Town of
Darmstadt on the 12TH day
of MARCH, 1987.



Roger Steinkuhl, President



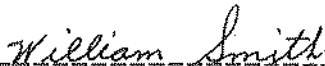
George Krietemeyer, Clerk-Treasurer



Fred Todte



Mildred Keil



William Smith
Board of Trustees

Attest:



George Krietemeyer,
Clerk-Treasurer

ORDINANCE NO. 1987-1

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of on-site sewers, and the discharge of waters and wastes into the public sewer system of the Town of Darmstadt, Indiana, and providing penalties for violations thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA:

SECTION 1

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
- (b) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Darmstadt, Indiana, or his authorized deputy, agent, or representative.
- (c) "Inspector" shall mean the person or persons duly authorized by the Town, through its Board of Trustees, to inspect and approve the installation of building and on-site sewers, extensions of the public sewer system, and their connection to the pressure sewer mains.
- (d) "Sewage" shall mean a combination of the watercarried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground waters as may be present.
- (e) "Sewer" shall mean a pipe or conduit for carrying sewage.

- (f) "Septic Tank Effluent Pumping (S.T.E.P.) Sewer System" shall mean a sanitary sewer system for the collection and transportation of sewage that pumps the effluent from septic tanks through a network of pipes to a point of disposal.
- (g) "Public Sewer" shall mean the Septic Tank Effluent Pumping (S.T.E.P.) sewer system of the Town of Darmstadt, including, but not limited to, on-site septic tanks, gravity service lines to an effluent pumping station, effluent pumping stations, pressure service lines to a pressure sewer main, pressure sewer mains, and all the appurtenances thereof.
- (h) "On-Site Sewer" shall mean that portion of the public sewer that is generally located on private property, including but not limited to, septic tanks, gravity service lines to an effluent pumping station, effluent pumping stations, pressure service lines to a pressure sewer main, and all the appurtenances thereof.
- (i) "Pressure Sewer Main" shall mean a pipe or conduit for collecting and transporting sewage under pressure from multiple pumping stations.
- (j) "Pressure Service Line" shall mean a pipe or conduit for transporting sewage under pressure from a single pumping station.
- (k) "Gravity Service Line" shall mean a pipe or conduit for collecting and transporting sewage from one or more septic tanks to a pumping station.
- (l) "Mound System" shall mean a septic tank-soil absorption system which functions by pumping the septic tank effluent to an aggregate filled bed supported above the original ground by sand fill.
- (m) "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (n) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

- (o) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (p) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (q) "Sanitary Building Drain" shall mean that part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point outside the building walls where it connects with its respective on-site sewer.
- (r) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 Degrees C., expressed in milligrams per liter (mg/l).
- (s) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter (gm/l) of solution.
- (t) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (u) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (v) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
- (w) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (x) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

- (y) "Shall" is mandatory; "May" is permissive.
- (z) "Health Officer" shall mean any representative of the Vanderburgh County Health Department.
- (aa) "Town" shall mean the Town of Darmstadt, Indiana.
- (bb) "User" shall mean any person or persons and any establishment of any kind discharging or causing the discharge of wastewater into the sewer system of the city.
- (cc) "A.S.T.M." shall mean American Society for Testing and Materials.
- (dd) "W.P.C.F." shall mean Water Pollution Control Federation.
- (ee) "N.P.D.E.S." shall mean National Pollutant Discharge Elimination System.
- (ff) "Normal Strength Sewage" shall mean sewage that has a 5-day biochemical oxygen demand (BOD₅) concentration of 200 mg/l (milligrams per liter) and a suspended solids (SS) concentration of 200 mg/l (milligrams per liter).

SECTION 2

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or any other waste likely to cause a nuisance or damage to persons or property.
- (b) It shall be unlawful to discharge to any natural outlet within said Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, septic tank or other privately maintained facility intended or used for the disposal of sewage.
- (d) The owner of all existing houses, buildings, or properties used for human occupancy, employment,

recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to allow such facilities to be connected directly with the proper public sewer in accordance with the provisions of this ordinance.

- (e) The owner of any future house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and, at his expense, install the necessary on-site sewer system and connect directly with the proper pressure sewer main in accordance with the provisions of this ordinance, prior to occupying said house, building, or property, provided that a pressure sewer main is within three hundred (300) feet of the property line.

SECTION 3

- (a) Where a public sanitary sewer is not available under the provisions of Section 2 (e), the building sewer shall be connected to a private sewage disposal mound system or other approved system complying with the provisions of this section.
- (b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of Twenty-five Dollars (\$25.00) shall be paid to the Town at the time the application is filed.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

- (d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Town of Darmstadt and State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system where the area of the lot is less than one (1) acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3 (e), a direct connection of any private sewage disposal facilities with appropriate on-site sewer shall be made to the public sewer in compliance with this ordinance and that applicable portion of the on-site sewer shall be assumed by the Town for operation and maintenance.
- (f) The owner shall operate and maintain the private sewage disposal system in a sanitary manner at all times, at no expense to the Town.
- (g) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- (h) When a pressure sewer main becomes available, the private sewage disposal system shall be cleaned of sludge, shall conform to all applicable rules and regulations of the Town and shall be connected to said sewer within ninety (90) days and the on-site sewer shall be assumed by the Town for operation and maintenance.

SECTION 4

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- (b) There shall be two (2) classes of on-site sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee of Twenty-five Dollars (\$25.00) for a residential

or commercial building sewer permit and Forty Dollars \$40.00 for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed. In addition, for both classes, an initial connection fee of Seven Hundred Seventy Dollars (\$770) shall be paid to the Clerk-Treasurer at the time the application is filed. The initial connection fee shall apply to all structures constructed prior to January 1, 1986. The initial connection fee shall be adjusted either upward or downward, depending upon final determination of the Town's share of costs for the construction and installation of the sewer system. In the event it is determined that an additional connection fee should be paid by the Owner, then it shall be paid within thirty (30) days from the date the Town notifies the Owner of the additional connection fee. If it is determined that the connection fee is less than the initial connection fee, the Owner shall receive a credit against his monthly sewer user charge. For any structure constructed after December 31, 1985, the connection fee shall be Seven Hundred Seventy Dollars (\$770). In addition, all Owners connecting into the Sanitary Sewer System shall pay to the Town all connection fees and charges due the City of Evansville, Indiana.

- (c) All costs and expense incident to the installation and connection of the on-site sewer shall be borne by the owner. The owner shall indemnify the Town for any loss or damage that may directly or indirectly be occasioned by the installation of the on-site sewer.
- (d) A separate and independent on-site sewer shall be provided for every building; except where the superintendent determines that a shared system is more appropriate.
- (e) Old on-site sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- (f) The size, slope, alignment, materials of construction of an on-site sewer, and the methods to be used in installation, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M and W.P.C.F. Manual of Practice No. 9 shall apply.

- (g) Whenever possible, the on-site sewer shall be brought to the building at an elevation below the basement floor.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to an on-site sewer or building drain which in turn is connected directly or indirectly to the "Public Sewer" system.
- (i) The connection of the on-site sewer into the pressure sewer main shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9, copies of which are filed herewith. All such connections shall be made by the Town. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.
- (j) The applicant for the on-site sewer permit shall notify the said Inspector when the on-site sewer is ready for connection to the pressure sewer main. The connection shall be made by the said Inspector or his representative.
- (k) All excavations for on-site sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town.

SECTION 5

- (a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the said Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the said Superintendent, to a storm sewer, or natural outlet.

- (c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any noxious or malodorous gas or substance or any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders, lime, slurry, lime residues, beer or distillery slops, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.
- (d) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers,

materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, rules and regulations of the City of Evansville and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty degrees (150) F. (65 Degrees C.).
- (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32) and one hundred fifty degrees (150) F. (0 and 65 Degrees C.).
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing a toxic or poisonous substance or of high chlorine demand, in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows, such as copper, zinc, chromium, and similar toxic substances, shall be limited to the following average quantities in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration.

	<u>Parts per Million</u>
Chromium as Cr (hexavalent)	5
Copper as Cu	3
Zinc as Zn	2
Chlorine demand	30
Mercury	0.002
Lead	0.1
Cadmium	0.002

Contributions of greater volume or concentration from individual establishments shall be subject to control by the Town Board of Trustees, Town of Darmstadt, Indiana.

- (6) Any water or wastes that contain phenols in excess of 0.50 parts per million by weight (500 parts per billion). These limits may be modified by the City of Evansville Water and Sewer Utility if, after a public hearing thereon, the Board finds that the aggregate of contributions throughout the area being serviced creates treatment difficulties or produces a plant effluent discharge to the receiving waters which may be prohibitive.
- (7) Any radioactive wastes or isotopes having a half-life of more than 100 days or a concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations, without special permit, to be issued by the Internal Board of Public Works.
- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
 - (i) Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iii) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are

amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (11) Any cyanides in excess of two (2) parts per million by weight as CN in the wastes from any outlet into the public sewers.
 - (12) Any wastes that, for a duration of 15 minutes have a concentration greater than five times the average concentration of the wastes as measured by suspended solids and B.O.D.
 - (13) Any water or waste containing iron-bearing compounds or substances in quantities sufficient to cause the average concentration in the sewage as it arrives at the treatment plant to exceed 25 mg/l total iron or five mg/l soluble iron.
 - (14) Any water or waste which may result in a violation of any provision of the City of Evansville's N.P.D.E.S. permit.
- (e) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5 (d) of this section, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; and/or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 5 (j) of this section.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

- (f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (g) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- (h) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

- (i) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town, subject to payment therefor, by the industrial concern.

SECTION 6

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

SECTION 7

- (a) The Superintendent, Inspector, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section 7 (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town's employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5 (h).

- (c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement or right of entry Agreement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, operation, and maintenance of any portion of the sewage works lying within said easement, or covered by said Agreement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 8

- (a) Any person found to be violating any provisions of this ordinance except Section 6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

In the event any person shall be in violation of the terms and conditions of this ordinance, that person shall have the right within ten (10) days from the receipt of a notice of violation of this ordinance to appeal to the Town Board, by written notice, setting forth the reasons the person does not believe he is in violation of the terms and provisions of this ordinance, and the Town Board shall have thirty (30) days thereafter to either void or affirm the violation notice.

- (b) Any person who shall continue any violation beyond the time limit provided for in Section 8 (a) shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not to exceed Fifty Dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

SECTION 9

The Town may enforce the terms of this ordinance pursuant to the provisions of IC 36-1-6-1 through 36-1-6-4.

SECTION 10

All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 11

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

PASSED AND ADOPTED by the Board of Trustees of the Town of Darmstadt, Indiana on the 12th day of March, 1987.

Roger Steinkuhl
Roger Steinkuhl, President

George Krietemeyer
George Krietemeyer, Clerk-Treasurer

Fred Todte
Fred Todte

Mildred Keil
Mildred Keil

William Smith
William Smith
Board of Trustees

Attest:

George Krietemeyer
George Krietemeyer,
Clerk-Treasurer

AN ORDINANCE OF THE TOWN OF DARMSTADT,
VANDERBURGH COUNTY, INDIANA, AMENDING SPECIAL
ANNEXATION ORDINANCE NO. 1977-2

WHEREAS, on October 3, 1977, the Board of Trustees of the Town of Darmstadt, Vanderburgh County, Indiana, did adopt and approve Special Annexation Ordinance No. 1977-2, annexing certain contiguous territory adjacent to the Town of Darmstadt, Vanderburgh County, Indiana; and

WHEREAS, there appears a scrivener's error in the real estate described in said Ordinance No. 1977-2; and

WHEREAS, the Board of Trustees of the Town of Darmstadt desire to clarify and correct said description;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA, AS FOLLOWS:

1. That this Ordinance hereby amends and corrects the real estate description set forth in Special Annexation Ordinance No. 1977-2.

2. That the correct real estate description of the property so annexed by Special Annexation Ordinance No. 1977-2 with that portion of the description so amended being underscored, is as follows:

A part of the Southwest Quarter of Section 17, Township 5 South, Range 10 West; part of the South Half of Section 18, Township 5 South, Range 10 West; part of Section 13, Township 5 South, Range 11 West; the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 24, Township 5 South, Range 11 West; the East Half of the East Half of the East Half of Section 14, Township 5 South, Range 11 West, and the East Half of the East Half of the East Half of Section 11, Township 5 South, Range 11 West, all lying in Vanderburgh County, Indiana, and more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter of said section 17, T. 5 S., R. 10 W. and

the Westerly right-of-way of the Louisville and Nashville Railroad, thence Southeasterly along said right-of-way to the South line of the Southwest Quarter of said Section 17, T. 5 S., R. 10 W., thence West along the South line of said Section 17 T. 5 S., R. 10 W., the South line of said Section 18, T. 5 S., R. 10 W., and the South line of Section 13, T. 5 S. R. 11 W. to the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W, thence South along the East line of the Northwest Quarter of the Northeast Quarter of section 24, T. 5 S., R. 10 W., to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., thence West along the South line of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., to the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., thence North along the West line of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., to the North line of Section 24, T. 5 S., R. 11 W., said line also being the South line of Section 13, T. 5 S., R. 11 W., thence West along the South line of Section 13, T. 5 S., R. 11 W., and the South line of the East Half of the East Half of the East Half of Section 14, T. 5 S., R. 11 W., to the West line of the East Half of the East Half of the East Half of Section 14, T. 5 S., R. 11 W., thence North along the West line of the East Half of the East Half of the East Half of Section 14, T. 5 S., R. 11 W. and the West line of the East Half of the East Half of the East Half of Section 11, T. 5 S., R. 11 W., to the North line of Section 11, T. 5 S., R. 11 W., thence East along the North line of Section 11, T. 5 S., R. 11 W., to the Northeast corner of Section 11, T. 5 S., R. 11 W., said corner also being the Northwest corner of Section 12, T. 5 S., R. 11 W., thence South along the East line of Section 11, T. 5 S., R. 1 W., the East line of Section 14, T. 5 S., R. 11 W., said line also being the West line of Section 12, T. 5 S., R. 11 W., and Section 13, T. 5 S., R. 11 W., said line also being the Center line of St. Joseph Ave. to the intersection of the center line of St. Joseph Avenue and the center line of Fleener Road, thence Southeasterly along the center line of Fleener Road to the intersection of the center line of Fleener Road and the North line of the South Half of Section 13, T. 5 S., R. 11 W., thence East along the North line of the Southeast Quarter of Section 13, T. 5 S., R. 11 W., to the center line of the Darmstadt and Owensville Road, thence South along the center line of the Darmstadt and Owensville Road to the South line of Dress Subdivision as recorded in Plat Book J, Page 224 in the office of the Recorder of Vanderburgh County, Indiana, thence East 679.65 feet, to a point of the East line of Section 13, T. 5 S., R. 11 W., said line also being the West line of Section 18, T. 5 S., R 10 W., thence South along said line 346 feet, thence East 30 feet, thence, Northeasterly 508.11 feet, thence East 471.4 Feet to a point on the East line of the Northwest Quarter of the Southwest Quarter of Section 18, T. 5 S., R. 10 W., thence North along said line 590.0 feet to a point on the North line of the

South Half of Section 18, T. 5 S., R. 10 W., thence East along the North line of the South Half of Section 18, T. 5 S., R. 10 W., and the North line of the Southwest Quarter of Section 17, T. 5 S., R. 10 W., to the place of beginning and containing 959.5 acres more or less.

3. That this Ordinance does not in any way expand the territory annexed by Special Annexation Ordinance No. 1977-2.

4. That upon adoption of this Ordinance, the Clerk/Treasurer shall file a copy with the Vanderburgh County Auditor.

5. That except to the extent amended herein, Special Annexation Ordinance No 1977-2 is hereby reaffirmed and ratified.

Passed by the Board of Trustees of the Town of Darmstadt, Vanderburgh County, Indiana, this 13 day of FEB, 1986.



Roger Steinkuhl, President
Board of Trustees



Mildred Keil, Member

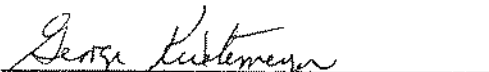


William Smith, Member



Frederick C. Todte, Member

Attest:



George Krietemeyer,
Clerk/Treasurer

ORDINANCE NO. 1985- 1

AN ORDINANCE AMENDING ORDINANCE NO. 1982-1
GRANTING TO EVANSVILLE CABLE TV, INC. A
FRANCHISE FOR COMMUNITY ANIENNA, TELEVISION AND
AUDIO COMMUNICATION SYSTEM

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT,
VANDERBURGH COUNTY, INDIANA:

On July 12, 1982, the Board of Trustees of the Town of Darmstadt, Vanderburgh County, Indiana ("Town"), adopted Ordinance No. 1982-1 granting to Evansville Cable TV, Inc., an Indiana corporation ("Corporation"), a franchise for a community antenna, television and audio communication system.

The Town and the Corporation desire to amend certain portions of said Ordinance.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. The monthly basic service rate charge set forth in Section 9 is hereby increased from Ten Dollars (\$10.00) per month to Thirteen Dollars (\$13.00) per month.

2. Section 14 of said Ordinance is hereby amended to provide as follows:

"Section 14. Payment. In consideration of the rights, privileges and permit hereby granted, and in compensation to the Town for the use of its public places, the Corporation agrees to pay to the Town no later than March 1 for the preceding calendar year, five percent (5%) of the annual gross subscriber revenues.

The term "annual gross subscriber revenues" shall mean the total amount of money received by the Corporation from its monthly service charges to its subscribers.

The Corporation shall file with the Clerk/Treasurer of the Town an Annual Report of all revenues and expenses within the Town at the time of making the annual compensation payment. The Town may at any

reasonable time have access to the Corporation's books and records for audit purposes."

3. The effective date of the changes hereby made shall be May 1, 1986.

4. In all other respects, Ordinance 1982-1 is hereby ratified and affirmed.

Passed by the Board of Trustees of the Town of Darmstadt, Indiana, and attested to by the Clerk/Treasurer of the Town of Darmstadt, Indiana, this 12th day of December, 1985.

Roger Shank

William M. Smith

Fred C. Sode

Attest:

George O. Kistmeyer
Clerk/Treasurer

Acceptance

Accepted this 12th day of December, 1985.

EVANSVILLE CABLE TV, INC.

By [Signature]

R.W. OSWALD V.P.
Printed Name and Office

Attest:

[Signature]
GR GUTHING JR
MGR OPS PLNG & SUPPORT
Printed Name and Office

APPROVED AS TO FORM:

By John S. Staser,
Town Attorney

MITCHELL STASER & SHAW

ATTORNEYS AT LAW
522 MAIN STREET "ON THE WALKWAY"
EVANSVILLE, INDIANA 47708
TELEPHONE (812) 423-4216

R. MICHAEL MITCHELL
JOHN STUFF STASER
DAVID M. SHAW

June 23, 1986

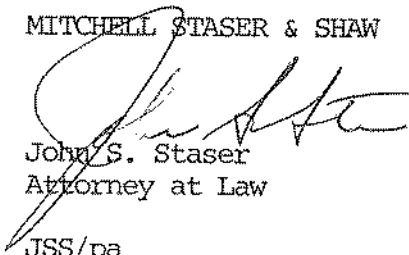
Mr. George Krietemeyer
R. R. #5, Box 386
Evansville, Indiana 47711

Dear George:

I am returning for your files three copies of the amendment to the
Darmstadt Cable TV Ordinance.

Very truly yours,

MITCHELL STASER & SHAW



John S. Staser
Attorney at Law

JSS/pa

Enclosures

RESOLUTION

Resolution of municipality authorizing the filing of an application for a State and Federal grant for construction of a water pollution control project.

WHEREAS, Chapter 397, Acts of the 1969 Indiana General Assembly and the Federal Water Pollution Control Act provide financial aid for the construction of sewage treatment works; and

WHEREAS, the Town of Darmstadt, herein called the Municipality, has plans for a municipal water pollution control project generally described as Sanitary Sewage Collection System and Waste Water Treatment Facilities which plans have been prepared or will be completed by January, 1983, and the Municipality intends to proceed with the construction of such works;

NOW, THEREFORE, BE IT RESOLVED by The Board of Trustees, the governing body of said Municipality, as follows:

1. That the President of the Board, be authorized to make applications for State and Federal grants and provide the Stream Pollution Control Board such information, data, and documents pertaining to the application for the grants as may be required, and otherwise act as the authorized representative of the Municipality in connection with said application.
2. That the Municipality agrees that if a Federal grant and State assistance for the Project are provided pursuant to Section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 446 et seq.), and the Board of Trustees will pay the remaining costs of the approved construction.
3. That all statements, data, and supporting documents made or submitted by the Municipality in connection with any application for Federal assistance for the proposed construction are to be deemed a part of the application for State assistance.
4. That the Municipality agrees to comply with the requirements of the Stream Pollution Control Board.
5. That the Municipality agrees to enact an industrial waste treatment cost recovery system satisfactory to the Environmental Protection Agency if the project ever treats industrial waste.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

(seal)

OWNER: Town of Darmstadt, Indiana

By Roger Steinkuhl
Roger Steinkuhl, President

Date: Nov. 11, 1982

Attest:

George Krietemeyer
George Krietemeyer, Clerk Treasurer

ENGINEER: ANDY EASLEY ENGINEERING

(seal)

By Ralph A. Easley, Jr.
Ralph A. Easley, Jr., President

Date: _____

Attest:

APPROVED:

By: _____

MITCHELL STASER & FRANK

ATTORNEYS AT LAW
522 MAIN STREET "ON THE WALKWAY"
EVANSVILLE, INDIANA 47708
TELEPHONE (812) 423-4216

P. MICHAEL MITCHELL
JOHN STUFF STASER
JEFFREY R. FRANK

January 5, 1982

Mr. Urban Keil
R. R. #5, Box 87
Evansville, Indiana 47711

Mr. Fred Todte
945 Hoing Road
Evansville, Indiana 47711

Mr. George Krietemeyer
R. R. #5, Box 386
Evansville, Indiana 47711

Mr. Roger Steinkuhl
13425 North St. Joseph Avenue
Evansville, Indiana 47711

Mr. William Smith
R. R. #5, Box 342
Evansville, Indiana 47711

Re: Franchise Agreement for Cable Television

Gentlemen:

Enclosed is a proposed draft of the Ordinance and Franchise Agreement with Evansville Cable TV, Inc. for cable television for the Darmstadt Area.

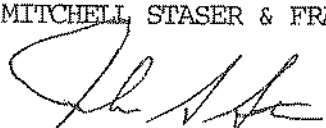
Please review the Ordinance prior to the next Board meeting. A representative from Evansville Cable TV, Inc. will be there for purposes of discussing the Agreement and making any appropriate changes.

If all details are worked out at the next meeting, the Ordinance can be set for public hearing and final passage at the February meeting.

I have forwarded a copy of the enclosed Ordinance to Evansville Cable TV, Inc. for consideration.

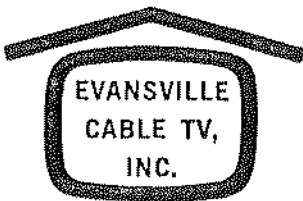
Very truly yours,

MITCHELL STASER & FRANK


John S. Staser
Attorney at Law

JSS/pa

Enclosures



AFFILIATE OF GENERAL ELECTRIC CABLEVISION CORPORATION

1900 NORTH FARES AVENUE — EVANSVILLE, IND. 47711 — (812) 422-1167

August 2, 1982

FOR YOUR INFORMATION
John S. Staser

John Staser
522 Main Street
Evansville, Indiana 47708

Dear John:

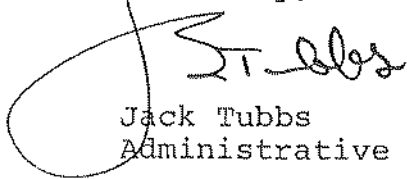
Please find enclosed two fully executed copies of Ordinance 1982-1 for cable TV to the Town of Darmstadt.

We will now supply a copy of the Ordinance to Indiana Bell and Southern Indiana Gas and Electric Company for pole attachment agreements. Upon receipt of the pole attachment agreement from both utilities, we then will be able to process documents to them for pole make ready. Upon completion of the pole make ready, then we will be able to supply you with a definite timetable for construction of the cable system to and including the Town of Darmstadt.

If you have any questions, please feel free to contact either myself or Bob Ossenber.

Thank you very much.

Sincerely,



Jack Tubbs
Administrative Manager

JT:ajm

enclosures

ORDINANCE TO ESTABLISH PROMOTIONAL
ACCOUNT AND TO PROVIDE FOR THE PAYMENT OF
MEMBERSHIP DUES TO ORGANIZATIONS

WHEREAS, the Indiana General Assembly has adopted a policy to grant local units of government all the powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, the participation in membership organizations and expenditures of a promotional nature are necessary for the efficient operation and betterment of government;

THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, INDIANA,
THAT:

Section 1. A fund, the Darmstadt Promotional Fund, is hereby established. The Town Board is hereby authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality.

Section 2. Expenditures from this fund may include, but are not necessarily limited to, the following:

A) Membership Dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.

B) Direct expenses for travel, meals and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.

C) Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.

D) Commemorative plaques, certificates, or objects such as commemorative keys.

E) Other purposes which are deemed by the Town Board to directly relate to the promotion or betterment of the Town.

Section 3. No expenses shall be allowed from this fund without prior authorization and approval of the Town Board. Claims for expenses under this Section will be allowed as prescribed by law.

Section 4. All Ordinances in conflict herewith are hereby repealed.

Adopted this 9 day of Sept., 1982.

TOWN OF DARMSTADT, INDIANA

Roger [Signature]

Melred Keil

William M. Smith

Fred C. [Signature]

Attest:

George Kistemeyer
Clerk/Treasurer

APPROVED AS TO FORM:
JOHN S. STASER,
TOWN ATTORNEY

Good copy

NO. 1982-1

ORDINANCE

AN ORDINANCE GRANTING TO EVANSVILLE CABLE TV, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN, UPON, ALONG, ACROSS, ABOVE, OVER AND UNDER THE STREETS, ALLEYS, PUBLIC WAYS, AND PUBLIC PLACES NOW LAID OUT OR DEDICATED, AND ALL EXTENSIONS THEREOF AND ADDITIONS THEREYO IN THE TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA:

It is mutually agreed between the parties hereto that Evansville Cable TV, Inc., an Indiana Corporation, hereinafter at all times referred to as "Corporation", or its successors, is hereby granted by the Town of Darmstadt, Indiana, hereinafter at all times referred to as "Town", a franchise, right and authority, subject to limitations imposed, to sell and supply to individuals, firms and corporations, public or private, at any and all places within the corporate limits of the Town of Darmstadt, Indiana, as said limits now are or hereafter at any time and times may be or be established, a community antenna television and audio communications system.

For the purposes herein stated, and subject to the conditions hereinafter provided:

SECTION 1. Grant of Authority. Town grants to Corporation, its successors and assigns, the right to erect, install, construct, reconstruct, replace, remove, repair, maintain and operate in or upon,

under, above, across, and from the streets, avenues, highways, sidewalks, bridges and other public ways, easements, rights of way and lands, and as now existing and all extensions thereof and additions thereto, in the Town, all equipment, facilities, appurtenances, and apparatus of any nature, for the purpose of receiving, amplifying, transmitting and distributing by studios, cameras, projectors, recorders, antennas, transmitters, microwaves, wires, cables, coaxial cables, wave guides and cables of television, radio, electrical and electronic energy, pictures, sounds, signals, impulses and communications, uni-directional and multi-directional of every nature and description, audio and video, embracing any and all of the frequencies of the electromagnetic spectrum, and to otherwise engage in the business, services and activities generally known as and practiced now and in the future by community antenna television and audio communications services in accordance with the laws of the United States of America, the State of Indiana, and the Town. The Town makes no warranties whatsoever as to its power to grant the foregoing rights and privileges to the Corporation; and the Town assumes no responsibility whatsoever in the event a court of competent jurisdiction or other legal authority would determine that the Town does not have the power to grant the use of any streets or public ways.

SECTION 2. Distribution System Poles. The poles used for the Corporation's distribution system shall be those erected and maintained by the Indiana Bell Telephone Company or the Southern Indiana Gas and Electric Company, when and where practicable, providing mutually satisfactory rental agreements can be entered into with said companies.

Where the use of poles owned by the Bell Telephone Company, or the Southern Indiana Gas and Electric Company, is not practicable or mutually satisfactory rental agreements cannot be entered into with said companies, the Corporation shall have the right to erect and maintain its own poles, as may be necessary for the proper construction and maintenance of the television distribution system, with the approval of locating poles by Town officials, provided, however, it is agreed and understood that:

(a) The Corporation shall not place poles or other fixtures when the same will interfere with any gas, electric or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said street, alleys and public ways.

(b) The Corporation shall, on the request of any person holding a building moving permit issued by the Town temporarily, raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Corporation shall have the authority to require such payment in advance. The Corporation shall be given not less than five (5) working days advance notice to arrange for such temporary wire changes.

Section 3: Distribution System Erection and Maintenance. The Corporation's transmission and distribution system poles, wires, and appurtenances shall be located, erected and maintained so as not to

endanger or interfere with the lives of persons, or to interfere with new improvements the Town may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, highways, rights of way, easements, alleys, bridges, or other public property; removal of poles to avoid such interference shall be at the Corporation's expense.

Construction and maintenance of the transmission distribution system, including house connections, 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 ordinances, statutes and regulations of the Town and of the State of Indiana, affecting electrical installations, which may be presently in effect, or changed by future ordinances, statutes or regulations.

The Corporation, at its own expense, shall place its facilities underground in those areas of the Town where all of the utilities are underground.

All installation of equipment shall be of permanent nature, durable, and installed in accordance with good engineering practice. The Corporation's service drops shall be uniform throughout the system and shall be made in a neat and workmanlike manner including the house attachments so as to preserve the best overall appearance. The Corporation shall be free to change its hardware and installation procedure as the industry progresses.

In the event a customer discontinues community antenna television service and requests removal of the Corporation's service drop, such removal shall be accomplished in a neat and workmanlike manner at the Corporation's expense.

Anything contained herein to the contrary notwithstanding, the award of any franchise hereunder for the purposes herein contained shall not impart to the Corporation any right of ownership of streets, highways, rights of way, easements or Town owned property.

Section 4. Distributing System Repairs, Operation and Relocation.

In the maintenance and operation of its television transmission and distribution system in the streets, alleys, and other public places, and in the course of any new construction or addition to its facilities, the Corporation shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places made by the Corporation in the course of its operations shall be guarded and protected at all times by the placement of adequate barriers, fences, or boardings, the bounds of which, during periods of dusk and darkness, shall be clearly designated by amber warning lights. Any streets, alleys, sidewalks or other public places disturbed or damaged in the construction or maintenance of said system shall be promptly repaired to the satisfaction of the Town by and at the expense of the Corporation.

In the event that at any time during the period of this Agreement, the Town shall elect to alter or change the grade of any streets, alleys, or other public ways, or if the Town reasonably believes that the television transmission and distribution system is interfering with the use of any street, alley or other public way, the Corporation, upon reasonable notice by the Town shall remove, release, and relocate its poles, wires, cables and underground conduits, manholes and other fixtures at its own expense. Should the poles moved be the property of the holder of any public franchise within the Town, the Corporation

shall move its cables and appurtenances attached to the poles at its own expense.

SECTION 5. Non-Interference with Present TV Reception.

- (a) Installations shall be maintained so as not to interfere with TV reception already in existence.
- (b) Installation and maintenance of equipment shall be such that standard color signals shall be transmitted to any subscriber receiver, and shall be capable of being received on any television set of standard manufacture.
- (c) Corporation shall not require the removal or offer to remove or provide any inducement for removal of any potential or existing subscribers' antenna as a condition or provision of service of the Corporation.

SECTION 6. Tree Trimming. The Corporation shall have the authority and is hereby required to trim trees upon and overhanging streets, alleys, sidewalks, easements and public places of the Town to prevent the branches of such trees from coming in contact with the wires, cables and distribution system components of the Corporation, all trimming to be done under the supervision and direction of the Town and at the sole expense of the Corporation.

SECTION 7. Damages to Private or Municipal Property. The Corporation shall exercise special precaution to avoid damage to facilities of the Town and of others supported on said poles; and hereby assumes all responsibility for and agrees to indemnify the Town, including reasonable attorneys' fees, from and against any and all loss or damage, or claims therefor, resulting from the attachment to such poles of the Corporation's facilities and from any and all acts or

omissions of the Corporation in connection therewith. The Corporation shall make an immediate report to the Town of the occurrence of any loss or damage and hereby agrees to pay the cost incurred in making repairs to such facilities of the Town or others.

SECTION 8. Insurance. The Corporation shall indemnify, including reasonable attorneys' fees, protect and save harmless the Town from and against losses and physical damage to property, and bodily injury or death to persons, including payments made under any workmen's compensation law, which may arise out of or be caused by the erection, maintenance, presence, use or removal of all Corporation equipment of any kind or nature whatsoever within the Town, or by any act of the Corporation, its agents or employees, or in any way arising out of the granting of this franchise. The Corporation shall carry insurance to protect itself and the Town from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly from or by reason of such loss, injury or damage. Such insurance policy shall specifically provide that the Town shall be a named insured. The amounts of such insurance against liability due to physical damage to property shall be not less than One Hundred Thousand Dollars (\$100,000.00) as to any one claim and not less than Five Hundred Thousand Dollars (\$500,000.00) aggregate in any single policy year; and against liability due to bodily injury or to death of persons, not less than Five Hundred Thousand Dollars (\$500,000.00) as to any one person, and not less than One Million Dollars (\$1,000,000.00) as to all such claims arising from any one accident. The Corporation shall also carry such insurance as it deems necessary to protect it and the Town from all claims under the workmen's compensation laws in effect

that may be applicable to the Corporation. All insurance required by this Agreement shall be and remain in full force and effect for the entire period of this Agreement. The policies of insurance, or a certified copy or copies thereof, shall be approved by the Town Attorney of said Town and shall be deposited with and kept on file by the Clerk-Treasurer of said Town.

The insurance policies referred to above shall contain an endorsement stating that the policies are extended to cover the liability assumed by the Corporation under the terms of this Ordinance and shall contain the following endorsement.

It is hereby understood and agreed that this policy may not be cancelled nor the amount of coverage thereof reduced until thirty (30) days after receipt by the Town of Darmstadt Clerk-Treasurer by registered mail of written notice of such intent to cancel or reduce the coverage.

SECTION 9. Rates. The Corporation agrees that all rates charged to subscribers to its service shall be standard, uniform and reasonable. A copy of the Corporation's schedule of charges for installation and furnishing of basic service shall be filed with the Clerk-Treasurer not less than sixty (60) days prior to the effective date of such charges. The schedule of such rates and charges, and any amendments thereto, shall be subject to the approval of the Town Board of Trustees.

The monthly basic service rate charged to a subscriber shall not exceed \$8.50 per month for the first basic outlet, plus an additional \$2.00 per month for each additional outlet.

The initial basic cable charge, or the installation charge for basic service reconnected after having been previously furnished and then disconnected, shall not exceed \$20.00 before the first basic installation or basic reconnection.

Installation of additional outlets which are installed after the original installation or after installation where service is reconnected after having been previously furnished and then disconnected shall not exceed the rate of \$10.00 per installation, relocation or reconnection.

Disconnection shall be free of charge at the Corporation's expense and shall be carried out with immediate dispatch upon request of the subscriber.

Termination of service due to a subscriber's delinquency in payment for said service shall be at the option of the Corporation.

Hotel and motel customer charges shall be charged for service based on the following rate schedule: 9 to 25 units at \$3.00 per month per unit; 26 to 50 units at \$2.75 per month per unit; 51 to 100 units at \$2.50 per month per unit; 101 and over units at \$2.25 per month per unit. All normal installations shall be charged the regular installation charges and installation charges for internal distribution systems shall be charged at the fair market value of the installation.

The residential monthly service rate as hereinabove provided for shall be in effect upon the signing of the Agreement, and shall continue thereafter; provided, however, that the Corporation reserves the right to increase this monthly rate, without prior approval of the Town, for the basic service by the sum of not more than fifty cents (\$.50) per calendar year and any higher increase than fifty cents (\$.50) shall be subject to the following procedure, namely:

The Corporation shall notify the Town in writing by registered mail of the proposed rate change in the single outlet monthly rate. Within twenty-one days of the receipt of the registered letter by the Town, the Town must arrange a meeting between the Corporation and the Town to discuss the proposed rate change. If the Town does not agree with the Corporation regarding the rate change within fifteen days of the first meeting

with the Corporation, then a Board of Arbitrators shall be selected within fifteen (15) days thereafter. The Board of Arbitrators shall be composed of five (5) members, two to be selected by the Corporation, two to be selected by the Town, and the fifth to be selected by the four aforementioned representatives on the Board of Arbitrators. Said Board of Arbitrators are to render a decision for or against the rate change after fifteen days from the date of their appointment to said Board. Any decision of such Board of Arbitrators shall be in writing and a copy thereof, duly authenticated, shall be delivered on the date said decision is rendered to each the Corporation and the Town, and shall be binding upon all parties concerned.

The Corporation shall be responsible to pay any fees incurred by said Board of Arbitrators, including a reasonable fee for services provided by said Board.

Notwithstanding the foregoing, the rates charged by the Corporation shall not be in excess of those rates charged by the Corporation within the corporate limits of the City of Evansville, Indiana, so long as the Corporation has a franchise agreement with the City of Evansville, Indiana.

The determination of the Corporation's rates shall be subject to the Rules and Regulations of any State or Federal Authority which may, by due process of law, acquire jurisdiction over this type of industry or enterprise.

SECTION 10. Unauthorized Use of Service. Persons receiving the Corporation's service may not alter, extend or otherwise tamper with the Corporation's facilities to serve more equipment than being contracted for.

SECTION 11. Sales and Service. Neither the Corporation nor any of its officers or employees shall engage in the business of selling, renting, repairing or adjusting television sets other than those owned by the Corporation. This paragraph shall not be construed to restrict

the Corporation from connecting their distribution system to television sets or other electronic instruments.

SECTION 12. Installation of Facilities. The Corporation will proceed as follows pursuant to Federal Communications Commission's regulations:

- (a) Apply for all necessary grants and/or waivers within ninety (90) days of issuance of franchise.
- (b) Apply for pole attachment agreements with the appropriate companies within ninety (90) days after issuance of franchise.
- (c) Submit to the Town detailed system layout plans within six (6) months after obtaining necessary pole attachment agreements.
- (d) Begin construction within thirty (30) days after written approval by the Town on system layout plans.
- (e) Render service to customers no later than nine (9) months after commencement of construction.
- (f) Render services to all feasible areas within the Town within eighteen (18) months after commencement of construction.

SECTION 13. Service to Municipal Buildings and Schools. The Corporation agrees to and shall furnish without installation charge or monthly service fee one connection for basic service, when such service is available, to all firehouses and other municipal buildings designated by the Town Board of Trustees and to all public and parochial elementary, secondary and college level schools located within the Town.

SECTION 14. Payment. In consideration of the rights, privileges and permit hereby granted and in compensation to the Town for the use of its public places, the Corporation agrees to pay to the Town no later

than March 1 for the preceding calendar year, three percent (3%) of the annual gross subscriber revenues.

The term "annual gross subscriber revenues" shall mean the total amount of money received by the Corporation from its monthly service charges to its subscribers less its costs of pay cable TV service for HBO, Cinemax or any other pay cable TV service in addition or substitution thereof contemplated by this Ordinance within the corporate limits of the Town.

The Corporation shall file with the Clerk-Treasurer of the Town an Annual Report of all revenues and expenses within the Town at the time of making the annual compensation payment. The Town may at any reasonable time have access to the Corporation's books and records for audit purposes.

SECTION 15. Purpose of Payment. The payments provided for in this Agreement to be made to the Town are in payment by the Corporation to the Town for the use of the streets and alleys, and additional supervision, maintenance, inspection, regulation, burdens and costs to the Town occasioned by reason of the granting of the rights hereunder.

SECTION 16. Acceptance of Terms. The Corporation accepts and agrees to be bound by the terms of this Ordinance and any regulation duly prescribed thereunder.

SECTION 17. Penalties. Any violation by the Corporation, its vendee, lessee or successor, of the material provisions of this franchise, shall be cause for the forfeiture of this franchise and all rights hereunder, provided that the Town shall first notify the Corporation in writing of the condition or act on which the violation is

charged, and the Corporation shall have thirty (30) days within which to remedy such condition or act, and provided further, that should it be impossible to correct the said violation within said thirty days, then the Corporation shall have a reasonable time to make said corrections so long as the Corporation is proceeding with due diligence and in good faith to correct said violation. Failure to pay all monies due from the Corporation to the Town hereunder after thirty (30) days written notice by the Town to the Corporation shall be grounds for revocation of the franchise and this Agreement.

SECTION 18. Term of Franchise. The franchise and rights herein granted shall continue in force and effect for a term of fifteen (15) years from the Effective Date.

SECTION 19. Notices. Notices under this Agreement except as otherwise indicated shall be addressed to the Corporation by addressing the same to the Corporation at 1900 North Fares Avenue, Evansville, Indiana 47711, or at such other address which the Corporation may designate in writing, and for the Town, to the Clerk-Treasurer, Town of Darmstadt, Darmstadt, Indiana 47711.

SECTION 20. Service and System Maintenance. The Corporation shall, at its own expense, at all times maintain and furnish telephone answering service and system maintenance service to subscribers daily from 7:00 a.m. until midnight for all major cable television outages. Normal system maintenance service to subscribers shall be from 7:00 a.m. to 8:00 p.m. daily. The Corporation, in addition to having its telephone listed in the local telephone directory, shall advise each of its subscribers in writing of such telephone number. The Corporation shall provide "same day" service response, seven days a week for all

complaints and request for repairs or adjustments received prior to 2:00 p.m. each day. In no event shall the response time for calls received subsequent to 2:00 p.m. exceed twenty-seven (27) hours.

SECTION 21. General Terms. Failure to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a waiver or relinquishment of any such terms or conditions, but the same shall be and remain at all times in full force and effect.

Nothing herein contained shall be construed as affecting the right or privileges previously conferred by the Town, by contract or otherwise, to others, not parties to this Agreement, to use any poles or space reserved for the Town's use on poles belonging to others, covered by this Agreement; and the Town shall have the right to continue and extend such rights or privileges. The attachment privileges herein granted shall at all times be subject to such contracts and arrangements.

No use under this Agreement however extended, of the Town's poles or of space reserved for the Town's use on poles belonging to others shall create or vest in the Corporation ownership or property rights in said poles, but the Corporation's rights therein shall be and remain a mere license. Nothing herein contained shall be construed to compel the Town to maintain any of said poles.

This franchise or authorization is granted for the entire incorporated area of the Town provided that the obligation of the Corporation to construct the cable television plant is contingent upon any appropriate federal or state authorization and, provided further, that the Corporation may be required to construct only in those areas

contiguous to existing cable facilities owned and operated by the Corporation where on established roads there are not less than fifty (50) dwelling units per mile.

SECTION 22. Police Power. The Corporation shall at all times during the life of this permit be subject to all lawful exercise of the police power of the Town and to such reasonable regulation as the Town shall hereafter by resolution or ordinance provide.

SECTION 23. Franchise Non-Exclusive. Notwithstanding any other provision of this Franchise Agreement, the rights and privileges granted to Corporation by the Town hereunder shall not be in any way deemed or construed to be exclusive. Corporation understands and agrees that Town is free to enter into such other agreements for the transmission of television or CATV systems as it deems necessary and proper.

SECTION 24. Assignments. The rights and privileges granted to Corporation hereunder shall not be assigned or transferred without the express written consent of the Board of Trustees of the Town, which consent shall not be unreasonably withheld.

SECTION 25. Effective Date. The franchise granted by this Ordinance shall be effective as of the date of the adoption of this Ordinance and the written acceptance of the franchise by the Corporation.

SECTION 26. Ordinance Repealed. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 27. Severability. If any portion of this Ordinance for any reason shall be held invalid by any court or regulatory body of competent jurisdiction, such holding shall not affect the validity of

the remaining portions hereof unless in the good faith opinion of the Town such holding shall materially affect the provisions of this Ordinance.

PASSED by the Board of Trustees of the Town of Darmstadt, Indiana, and attested to by the Clerk-Treasurer of the Town of Darmstadt, Indiana, this 19 day of may, 1982

BOARD OF TRUSTEES OF THE TOWN OF
DARMSTADT, INDIANA

Robert H. Keil

Robert Stenck

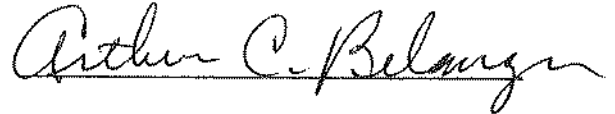
William M. Smith

ATTEST:

George O. Kustemeyer
CLERK-TREASURER

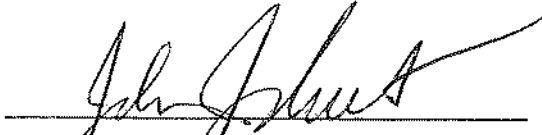
ACCEPTED this 12th day of July, 1982.

EVANSVILLE CABLE TV, INC.




Arthur C. Belanger-President
PRINTED NAME AND OFFICE

ATTEST:

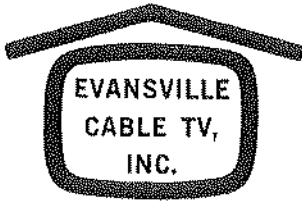


John J. Smith-Secretary
PRINTED NAME AND OFFICE

APPROVED AS TO FORM

BY 

JOHN S. STASER, TOWN ATTORNEY



AFFILIATE OF GENERAL ELECTRIC CABLEVISION CORPORATION
1900 NORTH FARES AVENUE — EVANSVILLE, IND. 47711 — (812) 422-1167

May 12, 1982

Mr. John Staser
Attorney at Law
522 Main Street
Evansville, Indiana 47708

Dear John:

Enclosing maps that we are proposing to build for Darmstadt as expansion areas.

We would:

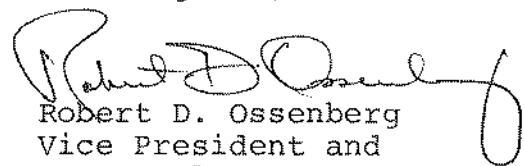
1. delete Martins Road and Boonville-New Harmony Road from Martins Road west to intersection of Boonville-New Harmony Road and Hoing Road - 4670' and 18 homes;
2. 1445' of Hoing Road just east of its intersection with Darmstadt Road - one home omitted;
3. 2476' of Darmstadt Road north of city limits;

This would add a total of 1.7 miles north, west and south of intersection of St. Joe and Boonville-New Harmony Road with 51 homes. This would make the new totals 401 homes in 13.23 miles of system for a homes per mile of 30.30.

We are prepared to build based off of an Ordinance of this type of franchise. Please inform of us your public notice so we can attend.

Thank you, and

Best regards,


Robert D. Ossenberg
Vice President and
General Manager

RDO:ajm

enclosures

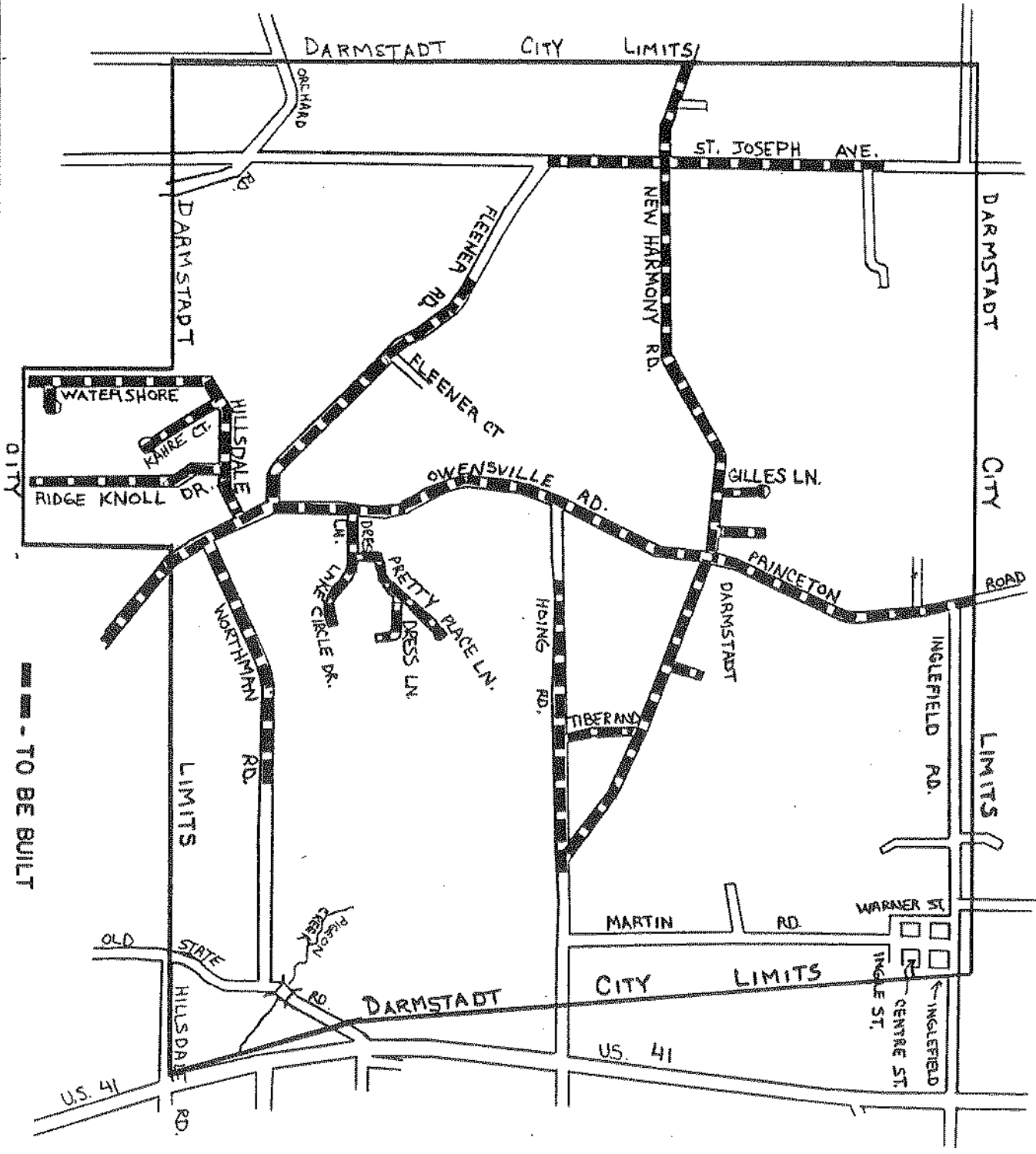
DRAWN BY *Donald Rustinger*

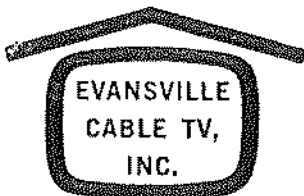
DARMSTADT PROPOSAL

EVANSVILLE CABLE TV
EVANSVILLE, INDIANA

EXHIBIT - A

--- TO BE BUILT





AFFILIATE OF GENERAL ELECTRIC CABLEVISION CORPORATION
1900 NORTH FARES AVENUE — EVANSVILLE, IND. 47711 — (812) 422-1167

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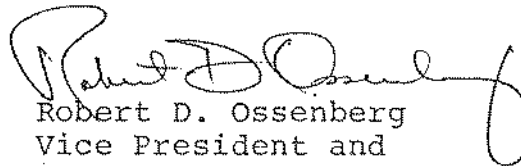
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Vice President and
General Manager

RDO:ajm

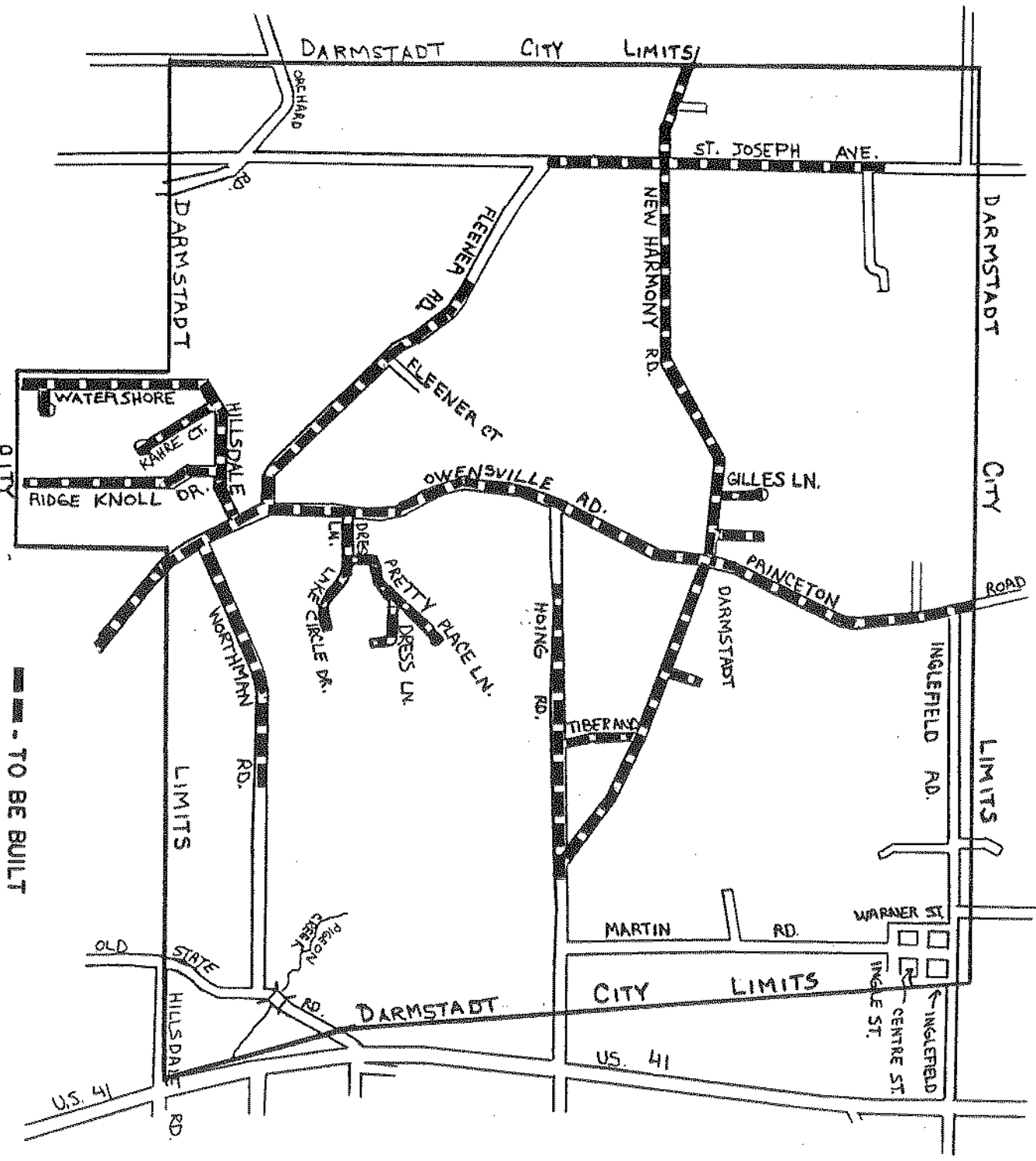
enclosures

DRAWN BY Donald Ruttinger

DARMSTADT PROPOSAL

EVANSVILLE CABLE TV
EVANSVILLE, INDIANA

EXHIBIT - A



TO BE BUILT



TOWN OF DARMSTADT
DARMSTADT, INDIANA 47711

President
Roger Steinkuhl

Clerk-Treasurer
George Krietemeyer

Town Board of Trustees
Fred Todte
William Smith
Mildred Keil

November 17, 1982

Indiana Facilities Planning Section
Environmental Protection Agency
Region V, OWP
230 South Dearborn Street
Chicago, Illinois 60606

THRU

Indiana Stream Pollution Control Board
1330 West Michigan Street
Indianapolis, Indiana 46206

Attention: Mr. Robert T. Penno, Chief
Construction Grants Section

Subject: Sewage Works Grant - Step 1
Darmstadt, Indiana
Budget Period Extension

Gentlemen:

The Town of Darmstadt received a Step I Grant for the preparation of a Facility Plan in May of 1981.

The town's consulting engineer had hoped to have the Facility Plan completed on schedule, but it has been delayed for several reasons. The senior engineer assigned to the project resigned from the consultant's firm to take a position in Florida. The severe recession and its impact on construction has caused a reduced workload and major cash flow problems for our consultant. For economic reasons, the consultant had been unable to hire another engineer to assign to the project. The consultant has recently hired a civil engineer who has been assigned to the project and is working on it exclusively.

Indiana Facilities Planning Section THRU
Indiana Stream Pollution Control Board
Subject: Sewage Works Grant - Step 1
Darmstadt, Indiana
Budget Period Extension

November 17, 1982
Page -2-

To date the following items have been completed on the Facility Plan:

1. Assessment of current conditions
 - A. Planning area description
 - B. Physical characteristics
 - C. Demographic data
 - D. Water quality
 - E. Environmental inventory
2. Current situation
3. Preliminary design and cost estimates
4. Arrangements for implementation
5. Summary of environmental conditions

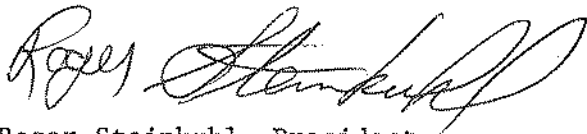
The consultant has advised us that the Facility Plan can be completed within 60 days.

It is requested that the Town of Darmstadt be granted an extension of the Budget Period for the project.

If any additional information is required, please contact the undersigned.

Very sincerely,

TOWN OF DARMSTADT



Roger Steinkuhl, President
Town Board of Trustees

RESOLUTION

Resolution of municipality authorizing the filing of an application for a State and Federal grant for construction of a water pollution control project.

WHEREAS, Chapter 397, Acts of the 1969 Indiana General Assembly and the Federal Water Pollution Control Act provide financial aid for the construction of sewage treatment works; and

WHEREAS, the Town of Darmstadt, herein called the Municipality, has plans for a municipal water pollution control project generally described as Sanitary Sewage Collection System and Waste Water Treatment Facilities which plans have been prepared or will be completed by January, 1983, and the Municipality intends to proceed with the construction of such works;

NOW, THEREFORE, BE IT RESOLVED by The Board of Trustees, the governing body of said Municipality, as follows:

1. That the President of the Board, be authorized to make applications for State and Federal grants and provide the Stream Pollution Control Board such information, data, and documents pertaining to the application for the grants as may be required; and otherwise act as the authorized representative of the Municipality in connection with said application.
2. That the Municipality agrees that if a Federal grant and State assistance for the Project are provided pursuant to Section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 446 et seq.), and the Board of Trustees will pay the remaining costs of the approved construction.
3. That all statements, data, and supporting documents made or submitted by the Municipality in connection with any application for Federal assistance for the proposed construction are to be deemed a part of the application for State assistance.
4. That the Municipality agrees to comply with the requirements of the Stream Pollution Control Board.
5. That the Municipality agrees to enact an industrial waste treatment cost recovery system satisfactory to the Environmental Protection Agency if the project ever treats industrial waste.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

(seal)

OWNER: Town of Darmstadt, Indiana

By

Roger Steinkuhl
Roger Steinkuhl, President

Date: Nov. 11, 1982

Attest:

George Krietemeyer
George Krietemeyer, Clerk Treasurer

ENGINEER: ANDY EASLEY ENGINEERING

(seal)

By

Ralph A. Easley, Jr.
Ralph A. Easley, Jr., President

Date: NOVEMBER 11, 1982

Attest:

Judith Hoodall
APPROVED:

By: _____

AGREEMENT OF RELEASE

THIS AGREEMENT executed in duplicate between TOWN OF DARMSTADT, INDIANA, hereinafter called First Party, and SOUTHERN INDIANA GAS AND ELECTRIC COMPANY, hereinafter called Second Party,

WITNESSETH:

WHEREAS, on or about December 17, 1979, at the intersection of St. Joe Avenue and Boonville New Harmony Road near Evansville, Indiana, a 3A phase conductor owned by Southern Indiana Gas and Electric Company fell onto a traffic signal control box owned by First Party, resulting in damage to traffic lights and the control box necessitating rewiring and replacement and repair to the stop and caution light and controls located at said intersection, for all of which damage the First Party claims Second Party is liable, which liability Second Party expressly denies:

NOW, THEREFORE, in consideration of the promise and agreement of Second Party hereinafter contained said First Party hereby agrees to and does hereby release and forever discharge Second Party of and from any and all claims, demands, actions or causes of action that First Party now has or may hereafter have by reason of or arising out of the damage to its traffic signal control box and traffic lights occurring on or about December 17, 1979, necessitating rewiring and replacement and repair to the stop and caution light and controls located at said intersection, and other damage known or unknown, and which now exist or which may arise in any manner in the future.

In consideration of said agreements of First Party, Second Party agrees to pay upon the execution of this agreement, the sum of Three Hundred Five Dollars and ninety-two cents (\$305.92) to First Party, it being understood and agreed that Second Part in making said agreement does not admit any liability for the said damages, past, present or future, and that said agreement is made solely as a compromise.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this 12 day of ~~May~~ June, 1980.

ATTEST:

BOARD OF TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA

George O. Kistemeyer
CLERK/TREASURER

By Robert G. Kell
MEMBER

Robert J. ...
MEMBER

Fred C. Jost
MEMBER

MEMBER

FIRST PARTY
SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

By Frank R. ...

SECOND PARTY

RECEIPT

RECEIVED from Southern Indiana Gas and Electric Company the sum of Three Hundred Five Dollars and ninety-two cents (\$305.92) this 12th day of ~~June~~ ^{May}, 1980, in accordance with and in full satisfaction of the agreements contained in the above and foregoing release.

ATTEST:

BOARD OF TRUSTEES OF THE TOWN OF
DARMSTADT, INDIANA

George O. Kistmeyer
CLERK/TREASURER

By Walter G. Kelly
MEMBER

Fred C. Josta
MEMBER

Robert H. Sull
MEMBER

MEMBER

ORDINANCE NO. 1980- / _____

An Ordinance of the Town of Darmstadt, Indiana, amending Ordinance No. 1974-1 entitled "An Ordinance of the Town of Darmstadt, Indiana regulating the use of stop and yield signs on certain corners, providing for speed limits on certain other streets, roads, drives, lanes and avenues in said Town and providing for penalties for the violation thereof".

WHEREAS, The Board of Trustees of the Town of Darmstadt, Indiana previously enacted Ordinance No. 1974-1 on the 24th day of June, 1974; and,

WHEREAS, that since the passage of said Ordinance, the Town of Darmstadt, Indiana has since annexed additional territory and areas into its town limits; and,

WHEREAS, it is now necessary to provide for additional traffic control by additional stop signs and speed limits within the town limits of the Town of Darmstadt, Indiana.

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

Section 1. Section 1. of said Ordinance is hereby amended by adding to it the following streets and intersections:

Kahre Court at its intersection with Hillsdale Road, north stop
Watershore Drive extension at its intersection with Kahre Court and Hillsdale Road, east stop
Ridge Knoll at its intersection with Hillsdale Road, north stop
Hillsdale Road at its intersection with Darmstadt Road, east stop
Hillsdale Road at its intersection with Old State Road, west stop
Wortman Road at its intersection with Darmstadt Road, west stop
Wortman Road at its intersection with Old State Road, east stop
Orchard Road at its intersection with St. Joe Avenue, west stop
Orchard Road at its intersection with St. Joe Avenue, east stop
Boonville-New Harmony Road at its intersection with St. Joe Avenue, east stop
Sensmeier Road at its intersection with St. Joe Avenue, east stop

Section 2. Section 3. of said Ordinance is amended to provide that speed shall be limited to 30 miles per hour on the following streets (in addition to those streets where the speed is already limited to 30 miles per hour by Ordinance No. 1974-1):

Ridge Knoll; Kahre Court; Hillsdale Road from its intersection at
Darmstadt Road westward to Watershore Drive.

Section 3. All other Ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall become effective on the 15th day of
SEPT., 1980.

PASSED by the Board of Trustees of Darmstadt, Indiana on this 7th
day of AUGUST, 1980.

Urban H. Keil

Fred C. Foster

Roger H. Hartsell

BOARD OF TRUSTEES

ATTEST:

George Kutenmayer
CLERK/TREASURER

APPROVED AS TO FORM:

JOHN S. STASER
TOWN ATTORNEY

TOWN ORDINANCE NO. 1977-4

AN ORDINANCE FOR THE REPEAL OF SPECIAL ORDINANCE NO. 1977-3, PASSED BY THE TOWN BOARD ON OCTOBER 31st, 1977, AND WHICH ORDINANCE WAS FOR THE PURPOSE OF ANNEXING CERTAIN TERRITORY TO THE TOWN OF DARMSTADT, VANDERBURGH COUNTY, INDIANA

WHEREAS, the Town Board of the Town of Darmstadt, Vanderburgh County, Indiana, by Special Annexation Ordinance No. 1977-3, passed by said Board on October 31, 1977, did annex certain contiguous ^{land} lying to the east of the Town of Darmstadt, and

WHEREAS, said annexation ordinance has not yet become effective, and

WHEREAS, the status of the land and of the landowners affected thereby have at all times remained unchanged, and

WHEREAS, no vested rights have accrued to the land or acquired by the landowners therein, now therefore,

BE IT ORDAINED by the Town Board of the Town of Darmstadt that Special Annexation Ordinance No. 1977-3, passed by the Town Board on October 31, 1977, which annexed the following territory to the Town of Darmstadt, to wit:

A part of Section 4, Section 5, Section 8, Section 9, Section 16 and Section 17, all in Township 5 South, Range 10 West in Vanderburgh County, Indiana, more particularly described as follows:

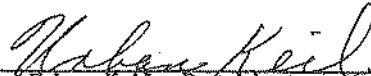
Beginning at the Northeast Corner of the corporate limits of the Town of Darmstadt, Indiana; thence Northwest along the Westerly right-of-way line of the Louisville and Nashville Railroad to a point which lays Twenty-five (25) feet North of the Center of the Inglefeld Road; thence East along a line Twenty-five (25) feet North of the center of Inglefeld Road to its intersection with a line which lays Twenty-five (25) feet Northwest of the center of the Old State Road; thence in a Northeasterly direction along a line Twenty-five (25) feet Northwest of the center of the Old State Road to its intersection with the extension of a line lying Twenty-five (25) feet Easterly from the center of the Browning Road; thence in a Southerly direction along the said extension and along a line which lays Twenty-five (25) feet Easterly of the center of the Browning Road to a point on a line which lays Twenty-Five (25) feet Northeast of the center of the Boonville-New Harmony Road; thence in a Easterly direction along a line which lays Twenty-five (25) feet from the center of the Boonville-New Harmony Road to a point on the line dividing Section 9 and Section 10 and along the line dividing Section 15 and Section 16 to a point 1100 feet South of the North line of Section 16; thence Southwest through the Northeast Quarter of said Section 16 to a point on the West line of the Northeast Quarter of said Section 16, which lays 1100 feet South of the Northwest corner thereof; thence Southwest through the Northwest Quarter of Section 16 to a point on the West line thereof, which lays 2200 feet South of the Northwest corner thereof; thence in a Southwest direction across the Southeast corner of the Northeast Quarter of Section 17 to a point on the South line thereof which

lays 1,000 feet West of the Southeast corner of the Northeast Quarter of said Section 17; thence West along the South line of said Northeast Quarter and the Northwest Quarter of said Section 17 to a point on the Westerly right-of-way line of the Louisville and Nashville Railroad at the Southeast Corner of the corporate limits of the Town of Darmstadt, Indiana; thence in a Northwesterly direction along the Easterly corporate line of the Town of Darmstadt and the Westerly right-of-way line of the Louisville and Nashville Railroad to the place of beginning and containing a gross area of 2.45 square miles,

be and the same is hereby repealed and the annexation of said territory is rescinded and set aside.

Immediately after the passage of this ordinance the same shall be published in the same manner as the ordinance being repealed was published.

Passed and adopted by majority vote of the Board of Trustees of the Town of Darmstadt, Vanderburgh County, this 12th day of December, 1977.



Urban Keil, President

William G. Phelps, Member

Fredrick C. Tedts, Member


Roger Stankuh, Member

Attest:


George Kristemeyer, Clerk-Treasurer

**BOUNDARY AND ANNEXATION SURVEY
INCORPORATED PLACES**

Boundaries as of -
JANUARY 1, 1978

A. Place, type, State

DARKESTADT TOWN, IN

B. County or counties (parish or parishes)

VANDERBURGH

CENSUS
USE ONLY

7

State
code

1

County
code

103

Place
code

0012

**GENERAL
INSTRUCTIONS**

Please prepare this survey form in an original and three copies. The form is printed on paper which requires no carbons. Type entries or use ball point pen (press hard). Return the white, green, and yellow copies together with the certified map within 15 days after receipt, using the enclosed preaddressed return label. Retain the pink copy of this form for your files.

**RETURN
TO**

Bureau of the Census
ATTN: Geographic Operations Br.
1201 East Tenth Street
Jeffersonville, Indiana 47132

NOTE - The data provided in this survey are also being used by the Bureau to fulfill, in part, its responsibilities under the Revenue Sharing Act (State and Local Fiscal Assistance Act of 1972). It is important that all questions be answered completely and that the certification statement on the map be signed and dated.

Question 1 - PERSON COMPLETING THIS FORM

Signature
George O. Krietemeyer

Name (Print or type)
George O. Krietemeyer

Title
Clerk-Treasurer

Date
Jan. 9, 1978

Telephone → Area code 312 Number 867-3854 Extension

Mailing address of this municipality (Make necessary corrections)

TOWN CLERK
DARKESTADT TOWN
EVANSVILLE IND 47711

Question 2 - NAME OR TYPE CHANGE Mark (X) applicable box and continue to the next question.

a. Are the name and type (i.e., city, town, village, borough) of this place correct as shown in item A above?

1 Yes - SKIP to Question 3

2 No

b. Enter -

the correct name and type

AND

the effective date of the change

Name			Type
Month	Day	Year	

Question 3 - BOUNDARY CHANGES DURING THE PERIOD - JANUARY 1, 1970 THROUGH JANUARY 1, 1977

Mark (X) applicable box(es) and continue to the next question.

a. Were there any changes in the boundaries of this municipality during the time period indicated at the beginning of this question?

1 Yes - Make the necessary corrections, deletions, or additions on the following page(s) and then go to Question 4.

2 No - Go to Question 4

Question 4 - ANNEXATIONS AND DETACHMENTS DURING THE PERIOD - JANUARY 2, 1977 THROUGH JANUARY 1, 1978

Mark (X) applicable box(es) and continue to the next question.

a. Have there been any annexations to or detachments from this municipality during the time period indicated at the beginning of this question?

1 Yes - Record all annexations and detachments that have occurred during this period on the following page(s) and correct the map USING THE ENCLOSED COLORED PENCIL and continue with item 5.

2 No - Please ascertain that the boundary shown on the map is correct and sign the certification statement.

Question 5 - OTHER TYPES OF BOUNDARY CHANGES DURING THE PERIOD - JANUARY 2, 1977 THROUGH JANUARY 1, 1978

Mark (X) the applicable box(es) below and supply the information requested for this municipality.

a. Have there been changes in the boundaries of this municipality other than annexations or detachments during the time period indicated at the beginning of this question?

1 Yes

2 No

b. This municipality has -
Mark (X) one

- 1 consolidated with
- 2 merged with
- 3 been annexed by
- 4 Other - Attach explanation

Name of area with which consolidated
Name of area with which merged
Name of municipality annexing this municipality

c. What is the number of the ordinance or resolution effecting change and the effective date of this change?

(1) Number of ordinance or resolution effecting change 1977-2	(2) Effective date of change Oct. 3, 1977
------------------------------------------------------------------	----------------------------------------------

SPECIAL INSTRUCTIONS (if any)

BLIND AND ALL OTHER CIVIL DIVISIONS
IN WHICH OUR RECORDS SHOW YOUR
MUNICIPALITY TO BE LOCATED - PLEASE

CENSUS USE ONLY

Question 4 - ANNEXATIONS AND DETACHMENTS DURING THE PERIOD - JANUARY 2, 1977 THROUGH JANUARY 1, 1978

Mark (X) applicable box(es) and continue to the next question.

- a. Have there been any annexations to or detachments from this municipality during the time period indicated at the beginning of this question?
- 1 Yes - Record all annexations and detachments that have occurred during this period on the following page(s) and correct the map USING THE ENCLOSED COLORED PENCIL and continue with item 5.
 - 2 No - Please ascertain that the boundary shown on the map is correct and sign the certification statement.

Question 5 - OTHER TYPES OF BOUNDARY CHANGES DURING THE PERIOD - JANUARY 2, 1977 THROUGH JANUARY 1, 1978

Mark (X) the applicable box(es) below and supply the information requested for this municipality.

- a. Have there been changes in the boundaries of this municipality other than annexations or detachments during the time period indicated at the beginning of this question?
- 1 Yes
 - 2 No

- b. This municipality has -
Mark (X) one:
- 1 consolidated with
 - 2 merged with
 - 3 been annexed by
 - 4 Other - Attach explanation

Name of area with which consolidated
Name of area with which merged
Name of municipality annexing this municipality

- c. What is the number of the ordinance or resolution effecting change and the effective date of this change?

(1) Number of ordinance or resolution effecting change 1994	(2) Effective date of change Oct. 3, 1977
----------------------------------------------------------------	----------------------------------------------

SPECIAL INSTRUCTIONS (if any)

BELOW ARE ALL MINOR CIVIL DIVISIONS IN WHICH OUR RECORDS SHOW YOUR MUNICIPALITY TO BE LOCATED. PLEASE MAKE ADDITIONS OR DELETIONS AS NECESSARY.

CENTER TOWNSHIP
SCOTT TOWNSHIP
Armstrong Township

CENSUS USE ONLY

SIGN AND COMPLETE QUESTION 1 ABOVE AND CONTINUE ON PAGE 2

BAS-1-L1
(10-77)

FORM APPROVED:
O.M.B. NO. 41-R2537



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Washington, D.C. 20233

OFFICE OF THE DIRECTOR

January 2, 1978

18 163 06120
TOWN CLERK
DARMSTADT TOWN
EVANSVILLE IND

47711

Dear Public Official:

The Bureau of the Census is currently conducting the 1978 Boundary and Annexation Survey. As you know, this is an annual survey of all municipalities in the United States designed to obtain information about changes in legal boundaries.

I am sure that you are well aware of the need for the Bureau of the Census to have accurate up-to-date boundary information for tabulating data for local areas. Moreover, results of this survey are used by the Bureau to fulfill, in part, its responsibilities under the Revenue Sharing Act (State and Local Fiscal Assistance Act of 1972). It is only with your help and cooperation that the Bureau can maintain up-to-date records.

Enclosed is a map of your municipality with the corporate boundaries as reported in previous Boundary and Annexation Surveys. Please review the map for accuracy of the municipal boundaries. If it does not reflect the correct boundaries as of January 1, 1978, mark the correct boundaries on the map with the enclosed blue pencil and indicate on the attached survey form (BAS-1) the nature of the change; e.g., annexation, detachment, consolidation, or merger. Please complete the certification statement shown in the margin of the map and return both the map and survey sheet to the Bureau of the Census within 15 days of receipt of this letter. Note that the map is to be certified and that both the map and Form BAS-1 are to be returned even if there were no boundary changes. A preaddressed label is enclosed for your convenience.

For your information, only those boundary changes effective on or before January 1, 1980, will be reflected in tabulations of the 1980 Census of Population and Housing. However, in order to assure that such changes are recorded in the early stages of Census data processing, it will be advantageous for action on any annexations which are under consideration to be completed by January 1, 1978. All boundary changes occurring through January 1, 1980, will be recognized, but boundary changes which can be entered in our files early during preparations for the enumeration will not have to be processed later when workloads will be heaviest.

If you have any questions concerning this request, please contact our Geographic Operations Branch at the address given below. Thank you for your cooperation with the surveys of the Bureau of the Census.

Sincerely,

MANUEL D. PLOTKIN
Director
Bureau of the Census

Enclosures

For further information,
please contact or telephone

Bureau of the Census
1201 East Tenth Street
Jeffersonville, Indiana 47132
TELEPHONE: Area Code (812) 283-1780

SPECIAL ANNEXATION ORDINANCE NO. 1977-3

A SPECIAL ORDINANCE FOR THE ANNEXATION OF CERTAIN
CONTIGUOUS TERRITORY ADJACENT TO THE TOWN OF DARMSTADT,
VANDERBURGH COUNTY, INDIANA.

WHEREAS, a petition for the annexation of certain contiguous territory adjacent to the Town of Darmstadt, Vanderburgh County, Indiana, has been filed with the Town Board of the Town of Darmstadt, and

WHEREAS, said petition includes a description of the territorial limits of the area sought to be annexed together with the signatures of more than 51% of the owners of land in said area, all of which is adjacent to the corporate limits of the town, and said petitioners request a special ordinance for the purpose of annexing the territory described in said petition, and

WHEREAS, the Board of Trustees of the Town of Darmstadt find that the area to be annexed is an economical and social part of said town and is needed for the orderly growth and development of said town, Now Therefore,

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

The following described real estate in Vanderburgh County, Indiana, to wit:

Being a part of Section 4, Section 5, Section 8, Section 9, Section 16 and Section 17, all in Township 5 South, Range 10 West in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of the corporate limits of the Town of Darmstadt, Indiana; thence Northwest along the Westerly right-of-way line of the Louisville and Nashville Railroad to a point which lays Twenty-five (25) feet North of the center of the Inglefield Road; thence East along a line Twenty-five (25) feet North of the center of Inglefield Road to its intersection with a line which lays Twenty-five (25) feet Northwest of the center of the Old State Road; thence in a Northeasterly direction along a line Twenty-five (25) feet Northwest of the center of the Old State Road to its intersection with the extension of a line lying Twenty-five (25) feet Easterly from the center of the Browning Road; thence in a Southerly direction along the said extension and along a line which lays Twenty-five (25) feet Easterly of the center of the Browning Road to a point on a line which lays Twenty-five (25) feet Northeast of the center of the Boonville-New Harmony Road; thence in a Easterly direction along a line which lays Twenty-five (25) feet from the center of the Boonville-New Harmony Road to a point on the line dividing Section 9 and Section 10; thence South along the line dividing Section 9 and Section 10 and along the line dividing Section 15 and Section 16 to a point 1100 feet South of the North line of Section 16; thence Southwest through the Northeast Quarter of said Section 16 to a point on the West line of the Northeast Quarter of said Section 16, which lays 1400 feet South of the Northwest corner thereof; thence Southwest through the Northwest Quarter of Section 16 to a point on the West line thereof, which lays 2200 feet South of the Northwest corner thereof; thence in a Southwest direction across the Southeast corner of the Northeast Quarter of Section 17 to a point on the South line thereof which

lays 1,000 feet West of the Southeast corner of the Northeast Quarter of said Section 17; thence West along the South line of said Northeast Quarter and the Northwest Quarter of said Section 17 to a point on the Westerly right-of-way line of the Louisville and Nashville Railroad at the Southeast corner of the corporate limits of the Town of Darmstadt, Indiana; thence in a Northwesterly direction along the Easterly corporate line of the Town of Darmstadt and the Westerly right-of-way line of the Louisville and Nashville Railroad to the place of beginning and containing a gross area of 2.45 square miles,

be and the same is hereby annexed to the Town of Darmstadt, Indiana, together with easements, rights -of-way, and without change with respect to existing restrictions pertaining thereto.

Passed and adopted by majority vote by the Board of Trustees of the Town of Darmstadt, Vanderburgh County, Indiana this 31st day of October, 1977.

Urban Keil
Urban Keil, President

William C. Phelps
William C. Phelps, Member

Fredrick C. Tadt
Fredrick C. Tadt, Member

Roger Steinkuhl
Roger Steinkuhl, Member

Attest:

George Krietemeyer
George Krietemeyer, Clerk-Treasurer

SPECIAL ANNEXATION ORDINANCE NO. 1977.2

A SPECIAL ORDINANCE FOR THE ANNEXATION OF CERTAIN
CONTIGUOUS TERRITORY ADJACENT TO THE TOWN OF DARMSTADT,
VANDERBURGH COUNTY, INDIANA.

WHEREAS, a petition for the annexation of certain contiguous territory adjacent to the Town of Darmstadt, Vanderburgh County, Indiana, has been filed with the Town Board of the Town of Darmstadt, and

WHEREAS, said petition includes a description of the territorial limits of the area sought to be annexed together with the signatures of 51% or more of the owners of land in said area, all of which is adjacent to the corporate limits of the town, and said petitioners request a special ordinance for the purpose of annexing the contiguous territory as described in said petition, and

WHEREAS, the Board of Trustees of the Town of Darmstadt find that the area to be annexed is an economical and social part of said town and is needed for the orderly growth and development of said town, now therefore,

BE IT ORDAINED BY THE BOARD OF TOWN TRUSTEES OF THE TOWN OF DARMSTADT, INDIANA, THAT:

The following described real estate in Vanderburgh County, Indiana, to wit:

A part of the Southwest Quarter of Section 17, Township 5 South, Range 10 West; part of the South Half of Section 18, Township 5 South, Range 10 West; part of Section 13, Township 5 South, Range 11 West; the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 24, Township 5 South, Range 11 West; the East Half of the East Half of Section 14, Township 5 South, Range 11 West, and the East Half of the East Half of Section 11, Township 5 South, Range 11 West, all lying in Vanderburgh County, Indiana, and more particularly described as follows:

Beginning at the intersection of the North line of the Southwest Quarter of said section 17, T. 5 S., R. 10 W., and the Westerly right-of-way of the Louisville and Nashville Railroad, thence Southeasterly along said right-of-way to the South line of the Southwest Quarter of said Section 17, T. 5 S., R. 10 W., thence West along the South line of said Section 17 T. 5 S., R. 10 W., the South line of said Section 18, T. 5 S., R. 10 W., and the South line of Section 13, T. 5 S., R. 11 W. to the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., thence South along the East line of the Northwest Quarter of the Northeast Quarter of section 24, T. 5 S., R. 10 W., to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., thence West along the South line of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., to the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., thence North along the West line of the Northwest Quarter of the Northeast Quarter of Section 24, T. 5 S., R. 11 W., to the North line of Section 24, T. 5 S., R. 11 W., said line also being the South line of Section 13, T. 5 S., R. 11 W., thence West along the South line of Section 13, T. 5 S., R. 11 W., and the South line of the East Half of the East Half of Section 14, T. 5 S., R. 11 W., to the West line of the East Half of the East Half of Section 14, T. 5 S., R. 11 W., thence North along the West line of the East Half of the East Half of Section 14, T. 5 S., R. 11 W., and the West line of the East Half of the East Half of Section 11, T. 5 S., R. 11 W., to the North line of Section 11, T. 5 S., R. 11 W., thence East along the North line of Section 11, T. 5 S., R. 11 W., to the Northeast corner of Section 11, T. 5 S., R. 11 W., said corner also being the Northwest corner of Section 12, T. 5 S., R. 11 W., thence South along the East line of Section 11, T. 5 S., R. 11 W., the East line of Section 14, T. 5 S., R. 11 W., said line also being the West line of Section 12, T. 5 S., R. 11 W., and Section 13, T. 5 S., R. 11 W., said line also being the Center line of St. Joseph Ave. to the intersection of the center line of St. Joseph Avenue and the center line of Fleener Road, thence Southeasterly along the center line of Fleener Road to the intersection of the center line of Fleener Road and the North line of the South Half of Section 13, T. 5 S., R. 11 W., thence East along the North line of the Southeast Quarter of Section 13, T. 5 S., R. 11 W., to the center line of the Darmstadt and Owensville Road, thence South along the center line of the Darmstadt and Owensville Road to the South line of Dress Subdivision as recorded in Plat Book J, Page 224 in the office of the Recorder of Vanderburgh County, Indiana, thence East 679.65 feet, to a point of the East line of Section 13, T. 5 S., R. 11 W., said line also being the West line of Section 18, T. 5 S., R. 10 W., thence South along said line 346 feet, thence East 30 feet, thence Northeasterly 508.11 feet, thence East 471.4 Feet to a point on the East line of the Northwest Quarter of the Southwest Quarter of Section 18, T. 5 S., R. 10 W., thence North along said line 590.0 feet to a point on the North line of the South Half of Section 18, T. 5 S., R. 10 W., thence East along the North line of the South Half of Section 18, T. 5 S., R. 10 W., and the North line of the Southwest Quarter of Section 17, T. 5 S., R. 10 W., to the place of beginning and containing 1119.5 acres more or less.

be, and the same is hereby annexed to the Town of Darnstadt, Indiana,
together with streets, easements and rights of way, subject to existing
restrictions pertaining thereto.

Passed by unanimous consent and adopted by unanimous vote by the
Board of Trustees, Town of Darnstadt on this 3rd day of October, 1977.

Urban Keil
Urban Keil, President, Board of Town Trustees

William C. Phelps
William C. Phelps, Member

Fredrick C. Todts
Fredrick C. Todts, Member

Roger Steinkuhl
Roger Steinkuhl, Member

Attest:

George Kristofey
George Kristofey, Clerk-Treasurer

AGREEMENT BETWEEN THE
CITY OF EVANSVILLE, INDIANA AND THE
TOWN OF DARMSTADT, INDIANA.

The following Agreement is entered into by and between the City of Evansville, Indiana, by its Common Council and its Mayor, Russell G. Lloyd, and the Town of Darmstadt, Indiana, by its Town Board. In consideration of the mutual promises made herein, the City of Evansville and the Town of Darmstadt are agreed as follows:

1. This Agreement shall come into effect and shall become binding as of the date upon which the last legal requirement for the taking effect of Ordinance G-77-38 of the Common Council of the City of Evansville is fulfilled.

2. This Agreement concerns certain real estate, i.e.:

Being a part of Section Four (4), Section Five (5), Section Eight (8), Section Nine (9), Section Sixteen (16), and Section Seventeen (17), all in Township Five (5) South, Range Ten (10) West in Vanderburgh County, Indiana, more particularly described as follows:

Beginning at the northeast corner of the Corporate Limits of the Town of Darmstadt, Indiana, proceed; thence northwest along the westerly right of way line of the Louisville and Nashville Railroad to a point Twenty-Five (25) feet north of the center of the Inglesfield Road; thence, east along a line Twenty-Five (25) feet north of the center of Inglesfield Road to its intersection with a line which lies Twenty-Five (25) feet northwest of the center of Old State Road; thence in a northeasterly direction along a line Twenty-Five (25) feet northwest of the center of Old State Road to the intersection of that line with the extension of a line lying Twenty-Five (25) feet eastward from the center of Browing Road; thence in a southerly direction along the said extension and along a line which lies Twenty-Five (25) feet westerly of the center of Browing Road to a point on a line which lies Twenty-Five (25) feet northeast of the center of the Bonville-New Harmony Road; thence in an easterly direction along a line which lies Twenty-Five (25) feet from the center of the Bonville-New Harmony Road to a point on the line dividing Section Nine (9) and Section Ten (10) of Township Five (5) South, Range Ten (10) West; thence south along the line dividing Section Nine (9) and Section Ten (10) and along the line dividing Section Fifteen (15) and Section Sixteen (16) to a

point One Thousand One Hundred (1100) feet South of the North line of Section Sixteen (16); thence Southwest through the Northeast quarter (1/4) of Section Sixteen (16) to a point on the West line of the Northeast quarter (1/4) of Section Sixteen, which point is located Fourteen Hundred (1400) feet South of the Northwest corner of the Northeast quarter (1/4) of Section Sixteen; thence Southwest through the Northwest quarter (1/4) of Section Sixteen (16) to a point on the West line thereof which lies Six Hundred Forty (640) feet North of the Southwest corner thereof; thence due West along a line Six Hundred Forty (640) feet North of the South line of the Northeast quarter (1/4) of Section Seventeen (17), Township Five (5) South, Range Ten (10) West and Six Hundred Forty (640) feet North of the South line of the Northwest quarter (1/4) of Section Seventeen (17), Township Five (5) South, Range Ten (10) West, to the intersection of that line with the Westerly right-of-way line of the Louisville and Nashville Railroad; thence in a Northwesterly direction along the Westerly right-of-way line of the Louisville and Nashville Railroad to the place of beginning.

3. The City of Evansville agrees that it will make no attempt to annex the above-described real estate, or any portion of the above-described real estate, for a period of ten years immediately following the effective date of this agreement.

4. The Town of Darmstadt agrees that it will make no attempt to annex the above-described real estate, or any part of the above-described real estate, for a period of ten years immediately following the effective date of this agreement.

SIGNED, at Evansville, Indiana, and at Darmstadt, Indiana, this _____ day of _____, 1977.

TOWN BOARD, TOWN OF DARMSTADT

BY: _____

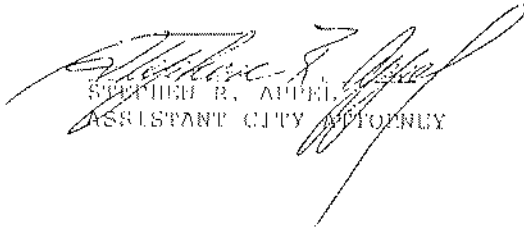
Approved:

ROBERT D. SCHUTTLER
Attorney for the
Town of Danmestadt

COMMON COUNCIL OF THE CITY OF
EVANSVILLE

BY: JAMES B. PRICE, PRESIDENT

Approved:


STEPHEN R. APPEL
ASSISTANT CITY ATTORNEY

RUSSELL C. LLOYD, MAYOR, CITY
OF EVANSVILLE

1977-1

RESOLUTION C-77-24

SPONSOR: PRICE

A RESOLUTION APPROVING AN AGREEMENT
BETWEEN THE CITY OF EVANSVILLE AND
THE TOWN OF DARMSTADT

BE IT RESOLVED BY THE COMMON COUNCIL of the City of Evansville
as follows:

1. The City of Evansville and the Town of Darmstadt have,
through the executive branches of their respective governments entered
into an agreement to the effect that neither the City of Evansville nor
the Town of Darmstadt will attempt to annex certain territories for a
period of ten years.

2. The executive branches of the two governmental units entered
into that agreement in order to promote the orderly expansion of the
City of Evansville, as well as the best interests of both the City and
the Town

THEREFORE:

The Common Council of the City of Evansville hereby ratifies
that certain "Agreement Between the City of Evansville, Indiana, and
the Town of Darmstadt, Indiana" which is attached hereto and made a part
hereof in all respects and authorizes the President of the Common Council
to sign that agreement on behalf of the Common Council.

FILED

DEC 26 1977

Nancy Woodard
CLERK

PASSED BY THE COMMON COUNCIL of the City of Evansville,
Indiana, on the 3 day of January, 1978,
and on said day signed by the President of the Common Council and
attested by the City Clerk.

x Thomas J. Shetler, Jr.

ATTEST:

Nancy E. Worden

PRESENTED by me, the undersigned City Clerk of the City of
Evansville, Indiana, to the Mayor of said City, this 4 day of
January, 1977, at 9:30
o'clock P.M., for his consideration and action thereon.

Nancy E. Worden

HAVING EXAMINED the foregoing ^{Resolution} Ordinance, I do now, as Mayor
of the said City of Evansville, Indiana, approve said Ordinance and
return the same to the City Clerk this 4 day of January
1978, at 4 o'clock P.M.

Russell H. Lloyd
MAYOR OF THE CITY OF EVANSVILLE,
INDIANA

APPROVED AS TO FORM:
JOHN C. COX
CORPORATION COUNSEL

AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH, INDIANA,

AND

1976-4

THE TOWN OF DARMSTADT, INDIANA

WHEREAS, the Town of Darmstadt is an incorporated town within Vanderburgh County and receives from the State of Indiana certain funds for road maintenance and repair for those roads located within the corporate limits of Darmstadt, and

WHEREAS, parts of the boundaries of the Town run along the center of portions of Fleener Road, St. Joseph Avenue and Inglefield Road, and

WHEREAS, Vanderburgh County receives all the road maintenance funds for those roads which constitute the boundary between the county and the corporation boundary line, and

WHEREAS, it is desired by both parties to formalize an understanding as to the responsibility for the care and maintenance of the portions of those roads in which the common boundary line is in the center of the road, now therefore,


IT IS MUTUALLY AGREED AS FOLLOWS:

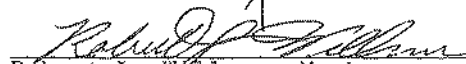
That for a period of four (4) years commencing upon the date of the proper adoption of this agreement by both parties, Vanderburgh County agrees to be responsible for all road maintenance, servicing and care, including ditch areas, along those county roads in which the common boundary line of the county and town runs down the center of the road and the Town of Darmstadt agrees that all monies due by reason of such maintenance and repair shall be the property of Vanderburgh County.

This agreement adopted and approved by The Board of Commissioners of the County of Vanderburgh this 10th day of February, 1976, at a regular meeting of said Board.

THE BOARD OF COMMISSIONERS OF THE
COUNTY OF VANDERBURGH, INDIANA


Bob Schaad, President


Tom Ossenberg, Vice President


Robert L. Willner, Member

ATTEST:

Curt W. John
Curt W. John, County Auditor

This agreement adopted and approved by the Town Board, Town of Darmstadt, Vanderburgh County, Indiana, this 4th day of MARCH, 1976, at a regular meeting of said Board.

TOWN BOARD, TOWN OF DARMSTADT,
VANDERBURGH COUNTY, INDIANA

William C. Phelps
Member

Roger Stankard
Member

Mark Kiel
Member

Sped. C. Indt
Member

ATTEST:

George Krietemeyer
George Krietemeyer,
Clerk-Treasurer

RESOLUTION NO. 76-3

SIGNATORY FOR FEDERAL GRANT APPLICATION

WHEREAS, funds have been appropriated under the Federal Water Pollution Control Act to provide financial aid for the construction of water pollution control projects, and

WHEREAS, the TOWN OF DARMSTADT, herein called the Municipality, has retained consulting engineers to provide necessary services to prepare for a municipal water pollution control project to meet current water quality standards set forth by the Indiana Stream Pollution Control Board and the Municipality intends to proceed with the construction of such works,

NOW THEREFORE, BE IT RESOLVED by the BOARD OF TRUSTEES, the governing body of said Municipality, as follows:

1. That George O. Krietemeyer, Clerk-Treasurer, be authorized and is hereby empowered and directed to make and to sign all applications and other supplemental papers necessary to make complete applications for Federal funds to assist in the financing of the said water pollution control project.
2. That, in the event Federal grants are offered to the Municipality in connection with the construction of said water pollution control project, the above named signatory is hereby empowered and directed to sign all forms necessary for the acceptance of such Federal grants, and to make all assurances as may be required.
3. That if Federal grants for said water pollution control project are offered and accepted, the Municipality will pay the remaining costs of the project and will provide proper and efficient operation and maintenance of the works after completion of construction thereof, and otherwise satisfy all other aforementioned assurances as may be required.
4. That the Municipality agrees to comply with the requirements of the Indiana Stream Pollution Control Board.

5. That certified copies of this Resolution be prepared in quadruplicate to be submitted to support application for a Federal grant for the construction of the said municipal water pollution control project.

ADOPTED by the governing body of said Municipality on this 12TH day of August, 1976, and signed by:

TOWN OF DARMSTADT

Urban J. Keil
William C. Phelps
Roger Steinbock
Its Town Board

Attest:

George O. Krietemeyer
Clerk-Treasurer

Having examined the foregoing resolution, I do now approve said Resolution and do hereby accept authorization as stipulated therein this 12TH day of August, 1976.

George O. Krietemeyer
George O. Krietemeyer,
Clerk-Treasurer

CERTIFICATE

The undersigned, duly qualified, certifies that the foregoing is a true and correct copy of a resolution adopted at a meeting of the governing body of said Municipality, held on the 12TH day of August, 1976.

(SEAL)

George O. Krietemeyer
Clerk-Treasurer

Dated this 12TH day of August, 1976.

RESOLUTION NO. 76-2

SIGNATORY FOR STATE GRANT APPLICATION

WHEREAS, the Indiana General Assembly has appropriated funds to provide financial aid for the construction of water pollution control projects in conjunction with the Federal Water Pollution Control Act and

WHEREAS, the TOWN OF DARMSTADT, herein called the Municipality, has retained consulting engineers to provide necessary services to prepare for a municipal water pollution control project to meet current water quality standards set forth by the Indiana Stream Pollution Control Board and the Municipality intends to proceed with the construction of such works,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees, the governing body of said Municipality, as follows:

1. That George O. Krietemeyer, Clerk-Treasurer, be authorized and empowered to make and directed to sign applications for State grants and provide the Indiana Stream Pollution Control Board such supplemental information, data, and documents pertaining to the Applications for grants as may be required, and otherwise act as the authorized representative of the Municipality in connection with said applications.
2. That the Municipality agrees that if Federal Grants and State assistance for the Project are provided, the said Municipality will pay the remaining costs of the approved construction project.
3. That all supplemental statements, data, and supporting documents made or submitted subsequently by the Municipality or their representatives in connection with any basic applications for Federal assistance for the proposed construction are to be deemed a part of the application for State assistance.
4. That the Municipality agrees to comply with the requirements of the Indiana Stream Pollution Control Board.

5. That certified copies of this resolution be prepared in quadruplicate to be submitted to support applications for a State grant for the construction of the said municipal water pollution control project.
6. That, in the event Federal and/or State grants are offered to the Municipality in connection with the construction of said municipal water pollution control project, the above named signatory is hereby empowered and directed to sign all forms necessary for the acceptance of such Federal grant and to make all assurances as may be required.

Adopted by the governing body of said Municipality on this 12 day of

August, 1976, and signed by:

TOWN OF DARMSTADT, INDIANA

Attest:

George Krietemeyer
Clerk-Treasurer

Thomas H. Keil
William C. Phelps
Roger Stark
Its Town Board

Having examined the foregoing resolution I do now approve said Resolution and do hereby accept authorization as stipulated therein this 12th day of August, 1976.

George O. Krietemeyer
George O. Krietemeyer, Clerk-Treasurer

CERTIFICATE

The undersigned, duly qualified, certifies that the foregoing is a true and correct copy of a resolution adopted at a meeting of the governing body of said Municipality, held on the 12th day of August, 1976.

(SEAL)

George O. Krietemeyer
Clerk-Treasurer

Dated this 12th day of August, 1976.

ORDINANCE NO. 76-1

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE TOWN OF DARMSTADT, SCOTT TOWNSHIP, VANDERBURGH COUNTY, INDIANA

BE IT ORDAINED BY THE TOWN BOARD OF DARMSTADT, INDIANA.

Section 1. That Ordinance No. 1053 as amended being the Comprehensive Zoning Ordinance of Vanderburgh County, Indiana 1963 and particularly Article III Section 2, be and the same hereby is amended by making certain changes in the Zoning District Maps which is made a part of said section, as amended, with respect to the following described real estate located in the County of Vanderburgh, State of Indiana:

That part of the Northeast Quarter of the Southeast Quarter of Section 12, Township 5 South, Range 11 West, described as follows:

Beginning at a point on the East line of said Quarter Quarter Section at a distance of 655.25 feet South of the Northeast corner thereof, and running thence North 85 degrees and 54 minutes West for a distance of 210.15 feet thence South 6 degrees and 54 minutes West for a distance of 102.6 feet to the center of the Boonville and New Harmony Road, thence along the center of said road South 84 degrees and 17 minutes East for a distance of 223.8 feet to the East line of said Quarter Quarter Section, thence North along said East line 109.1 feet to the place of beginning, containing .53 of an acre, more or less, and subject to an easement of 25 feet in width across the South side for the Boonville and New Harmony Road,

by changing the zoning classification of the above real estate from R-1 One Family Dwelling to R-0 Residential Office, and said real estate hereby is so rezoned and reclassified.

Section 2. The Executive Director of the Area Plan Commission of Evansville and Vanderburgh County hereby is authorized and directed upon the enactment and approval of this ordinance to cause the change to be made on said Zoning District Maps as set out in Section One (1) of this ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final passage of this amendatory ordinance; however failing to do so shall not invalidate this ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Town Board of Darmstadt, State of Indiana.

Passed by the Town Board of Darmstadt, Indiana, on this 6th day of May, 1976, and on this said day signed by the said Town Board Trustees and attested by the Town Board Clerk-Treasurer.

William Keil
President

Roger J. ...
Trustee

William C. Phelps
Trustee

Fred C. ...
Trustee

ATTEST:

George Kustanigan
Clerk-Treasurer

TOWN BOARD OF DARMSTADT, INDIANA

April 1, 1976

AREA PLAN COMMISSION OF EVANSVILLE
AND VANDERBURGH COUNTY

Gentlemen:

This is to inform you that a rezoning petition has been received by the Town Board of Darmstadt, from petitioner Chelsia A. Putler, to rezone the property on the Northwest Corner of Darmstadt Road and Boonville & New Harmony Road in Darmstadt; from the present R-1 One Family Dwelling zoning to R-0 Residential Office, in order that Patrick P. Johns can establish a dental office at this location.

This rezoning petition is being referred to the Area Plan Commission of Evansville and Vanderburgh County for your consideration, and then returned to the Town Board of Darmstadt for their final disposition. ORDINANCE 76-1

Yours Truly,



Clerk-Treasurer
TOWN BOARD OF DARMSTADT, INDIANA

~~VC 31-76~~
VC-31-76

PETITION

FOR CHANGE OF ZONING ORDINANCE MAPS

76-22 PC

ORDINANCE NO. 76-1

Petitioner:	<u>Chelsia A. Putler</u>	Address	<u>1708 N. Alvord Blvd., Evansville, Ind., 47711</u>
Owner of Record:	<u>Patrick P. Johns</u>	Address	<u>3510 Scarlet Oak, Indianapolis, Ind., 46222</u>
	<u>Paulette S. Johns</u>	Address	<u>3510 Scarlet Oak, Indianapolis, Ind., 46222</u>
	<u>Chelsia A. Putler</u>	Address	<u>1708 N. Alvord Blvd., Evansville, Ind., 47711</u>
	<u>Virginia L. Putler</u>	Address	<u>1708 N. Alvord Blvd., Evansville, Ind., 47711</u>
Lessee:	<u>not applicable</u>	Address	<u></u>

- Petition is hereby made for the change of "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to Section 52, Chapter 138, Acts 1957 (Burns Section 53-1052; 1971 Indiana Code 18-7-4-53) and the Comprehensive Zoning Ordinance for Vanderburgh County, Indiana, Ordinance No. 1053 adopted September 30, 1963.
- Premises affected are situated on Northwest Corner at the intersection of Darmstadt Road and Boonville & New Harmony Road, 109.1 feet on Darmstadt Road and 223.8 feet on Boonville & New Harmony Road.

Subdivision	<u>not applicable</u>	Block	<u>not applicable</u>	Lot No.	<u>not applicable</u>
	<u>not applicable</u>		<u>not applicable</u>		<u>not applicable</u>
	<u>not applicable</u>		<u>not applicable</u>		<u>not applicable</u>
	<u>not applicable</u>		<u>not applicable</u>		<u>not applicable</u>

- The commonly known address is R.R.#5, Northwest Corner Darmstadt Road and Boonville & New Harmony Road in Darmstadt, Evansville, Indiana 47711.
- The above real estate is located in Zone District designated as: 124 on Zoning Maps of the Area Plan Commission of Evansville and Vanderburgh County.
- The requested change is to Change zoning classification from R-1 to R-0.
- The present existing land use is R-1 One Family Dwelling with Garage.
- and the authority for said existing land use is In effect when Comprehensive Zoning Ordinance for Vanderburgh County, Indiana, Ordinance No. 1053, was adopted September 30, 1963.
- The proposed land use is: R-0 Residential Office, Dental Office and Parking Area.
- The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the above described real estate.

DATE: 3-2-76 PETITIONER Chelsia A. Putler OWNER Chelsia A. Putler
 ATTORNEY for Petitioner and Owner: _____ Address _____
 Telephone No. 476-8747

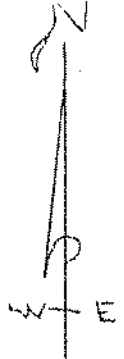
COUNTY SURVEYOR'S CERTIFICATION

- Legal description correct X
- Common known address correct X
- Right-of-way required None Required

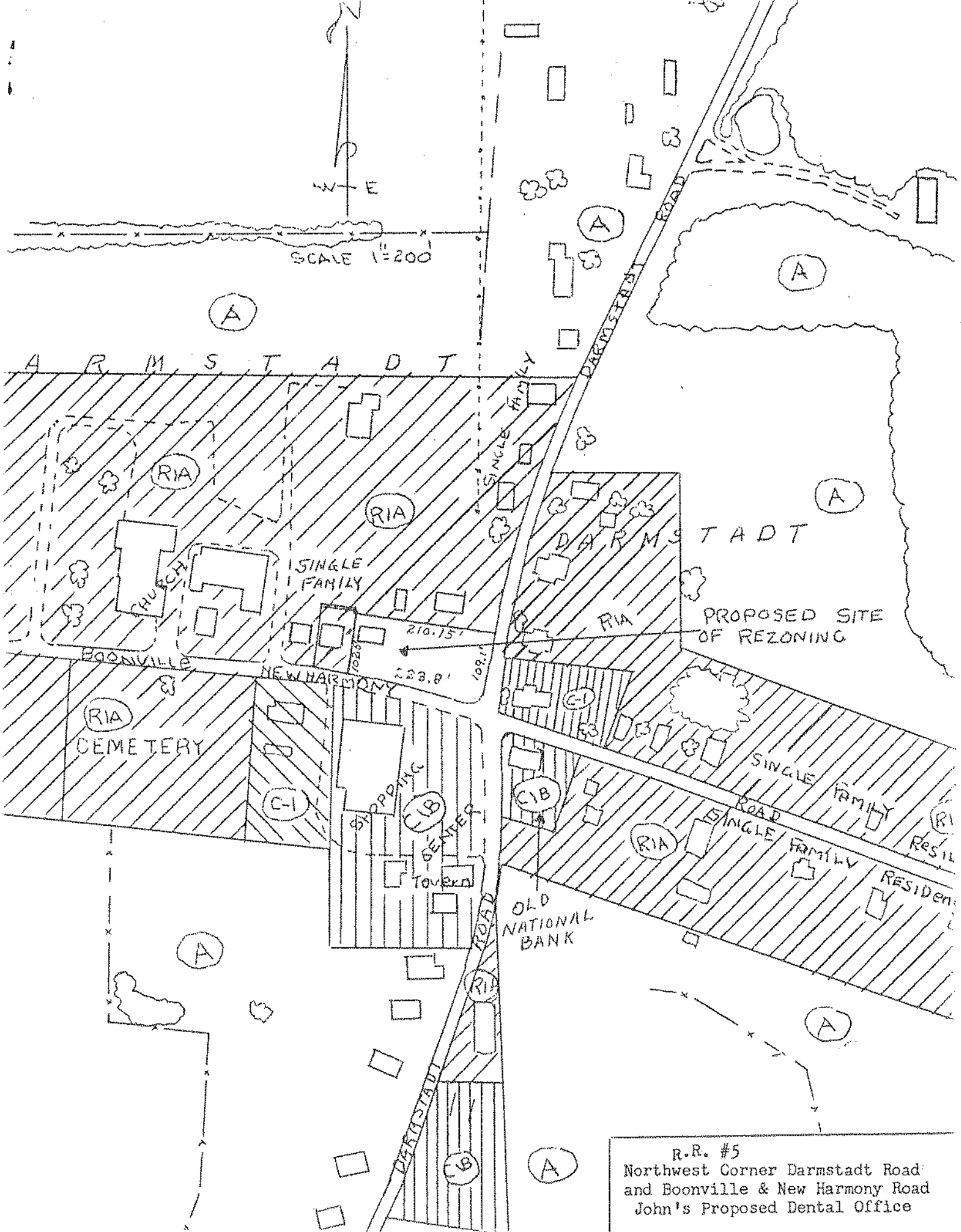
Richard W. Messinger by
K.M.L. deputy 3-2-76

TRAFFIC ENGINEER CERTIFICATION

- Approval of State Highway Commission required No
- Traffic problems which will be caused by contemplated use None Foreseen
- Recommendations SHALL TO PERFORM DETAILED TRAFFIC IS REQUIRED IF DEEMED NECESSARY



SCALE 1"=200'



R.R. #5
Northwest Corner Darmstadt Road
and Boonville & New Harmony Road
John's Proposed Dental Office

1975-2

RESOLUTION OF TOWN BOARD
DARMSTADT, INDIANA

WHEREAS, Chapter 118 of the Acts of the Indiana General Assembly of 1957 (IC 18-5-1), commonly known as the Interlocal Cooperation Act, authorizes local government units of this State to enter into agreements to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will best accord with the geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, certain counties and other governmental units in this State and the State of Kentucky have entered into an agreement to form an organization to carry out certain purposes authorized by said Act, said organization to be known and designated as the "Southwestern Indiana and Kentucky Regional Council of Governments, Region 13B"; and

WHEREAS, it is in the best interest of this community that the Town of Darmstadt become a party to said agreement; and

WHEREAS, said agreement complies, in all respects, with the requirements of the above mentioned Act, and under said Act it is necessary that appropriate action be taken by the Town Board of the Town of Darmstadt, by resolution, in order that said agreement may be in force so far as the Town of Darmstadt is concerned;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Darmstadt become a member of the organization known and designated as the "Southwestern Indiana and Kentucky Regional Council of Governments, Region 13B";

FURTHER RESOLVED, that the President of the Town Board be, and he is hereby, authorized to execute the agreement creating said organization forthwith in behalf of the Town of Darmstadt, and to deliver a copy of this resolution to said organization, said agreement to be effective and binding upon the Town of Darmstadt upon the adoption of this resolution.

TOWN BOARD OF DARMSTADT
DARMSTADT, INDIANA

By Richard Kiehl
President

By Fred C. Foster
Member

By William C. Pfeiffer
Member

ATTEST:

Georg Kietmeyer
Clerk Treasurer

CHANGES TO COMPREHENSIVE ZONING ORDINANCE
OF THE TOWN OF DARMSTADT

ORDINANCE NO. 1974-7

WHEREAS, the Town of Darmstadt, having duly enacted and adopted the Vanderburgh County Comprehensive Ordinance No. 1053, as amended, as its own Comprehensive Ordinance for the Town of Darmstadt, Ordinance No. _____, adopted August ____, 1974, and

WHEREAS, the Town of Darmstadt, acting by and through its duly elected Board of Trustees, desires to make certain changes in said Comprehensive Zoning Ordinance, the same being the Area Regulations set out in Article XXII, Section I, page 79 of the said Zoning Ordinance,

NOW THEREFORE, be it Ordained by the Board of Trustees, The Town of Darmstadt, as follows:

The Comprehensive Zoning Ordinance of the Town of Darmstadt, being Ordinance No. 1974, passed at the regular meeting of the Board on August _____, 1974, is hereby amended in part as follows:

The Minimum Width at Building Line in Feet and the Minimum Lot Area for Districts A, R-1, R-2 and R-3 are deleted and the following substituted in lieu thereof:

For District A and Districts R-1, R-2 and R-3, when established, the Minimum Width at Building Line in Feet shall be 120 feet and the Minimum Lot Area shall be 24,000 feet.

This Ordinance when introduced and read at any regular meeting of the Board of Town Trustees shall be voted on for passage or amendment at the following monthly meeting of the Board.

Introduced and read this ____ day of September, 1974, at the regular September meeting of the Board.

President, Board of Town Trustees

Member

Member

Member

Attest:

Clerk-Treasurer

COMPREHENSIVE ZONING
ORDINANCE OF THE TOWN OF
DARMSTADT

NO. 1974-3

WHEREAS, the Town of Darmstadt, having been recently incorporated, desires to adopt a comprehensive zoning ordinance, and

WHEREAS, the entire area of the town is located within Vanderburgh County and by resolution duly made and entered has elected to become a member of the Vanderburgh Area Plan Commission, and

WHEREAS, Vanderburgh County has heretofore adopted a complete Comprehensive Zoning Ordinance, the same being Ordinance 1053, effective September 30, 1963, as amended July 20, 1973, and which ordinance as so passed and amended, is in the following words and figures, to wit:

(H. I.)

and,

WHEREAS, The Board of Town Trustees of the Town of Darmstadt desires to adopt the provisions of said Comprehensive Zoning Ordinance, including the "Zoning District Maps" which are a part thereof, to the extent that the same is appropriate and applicable to the land, buildings and structures located within the said Town.

Now Therefore, be it ordained by the Board of Town Trustees of the Town of Darmstadt, Vanderburgh County, Indiana, that the Comprehensive Zoning Ordinance for the County of Vanderburgh, Indiana, be and the same is hereby adopted as the Comprehensive Zoning Ordinance of the Town of Darmstadt.

Where the word Auditor appears in the County Ordinance, the same is hereby modified to mean, as far as the Town of Darmstadt is concerned, the Clerk-Treasurer of the Town of Darmstadt.

For the words "Board of Commissioners of Vanderburgh County", there shall be substituted therefor the words "the Board of Trustees of the Town of Darmstadt".

Notice of any hearings required to be held under this ordinance shall be as directed by the Board of Town Trustees. Any amendment to the Vanderburgh Comprehensive Zoning Ordinance shall not constitute an amendment to this Ordinance.

This Ordinance shall be in full force and effect from and after its passage by the Board of Town Trustees of the Town of Darmstadt, Vanderburgh County, Indiana.

APPROVED THIS 11 day of July, 1974

William Keil
President of Board

Roger Alan Kull
Member

Fredrick C. Joste
Member

William C. Phelps
BOARD OF TRUSTEES OF
THE TOWN OF DARMSTADT

ATTEST:

George Kistemeier
Clerk-Treasurer

ORDINANCE NO. 1974 -1

An Ordinance of the Town of Darmstadt, Indiana regulating the use of stop and yield signs on certain corners, providing for speed limits on certain other streets, roads, drives, lanes and avenues in said Town and providing for penalties for the violation thereof.

BE IT ORDAINED BY THE TOWN OF DARMSTADT, INDIANA:

Section 1. From and after the effective date of this Ordinance, the following corners in said Town, motorists or other vehicles shall stop or yield right of way as designated below:

Darmstadt Road at intersection of Boonville-New Harmony Road, north, south, east and west stop.

Hoing Road at intersection with Darmstadt Road, west stop.

Salem Station Road at intersection with Darmstadt Road, east stop.

Inglefield Road at intersection with Darmstadt Road, west stop.

Boonville-New Harmony Road at intersection with St. Joseph Avenue, west stop.

Boonville-New Harmony Road at intersection with Hoing Road, east stop.

Hoing Road at intersection with Boonville-New Harmony Road, east stop.

Martin Road at intersection with Boonville-New Harmony Road, south stop.

Gilles Lane at intersection with Boonville-New Harmony Road, south stop.

Fleener Road at intersection with St. Joseph Avenue, west stop.

Railroad Street at intersection with Inglefield Road, north stop.

Hopkins Street at intersection with Inglefield Road, north stop.

Warner Street at intersection with Inglefield Road, north stop.

Section 2. The Board of Trustees shall cause appropriate signs indicating the restrictions in this ordinance to be placed at street intersections and other appropriate places, using standard recognized signs.

Section 3. Speed shall be limited after the effective date of this Ordinance in said Town as follows:

From 1500 feet north, south, east and west at the intersection of Darmstadt Road with Boonville-New Harmony Road, the limit shall be 30 miles per hour.

All other streets, roads, drives, lanes and avenues in said Town shall be limited to 40 miles per hour.

Section 4. The Board of Trustees may from time to time by resolution, add street corners to the above or remove street corners from the above and may change by resolution, speed limits and cause signs to be removed or other signs erected at any time as in their discretion by such resolution duly entered onto the minutes of the Board, the Board from time to time deem proper and such resolution shall become effective upon notice of same being posted in one public place in each ward of the Town at least ten days prior to the effective date.

Section 5. If any part of this Ordinance shall be held invalid by any Court of competent jurisdiction, the invalidity of such part shall not affect the remainder of said Ordinance.

Section 6. Persons violating the provisions of Section 1 of this Ordinance or any resolution made pursuant thereto by the Board of Trustees shall be punished on conviction by a fine of Twenty Dollars (\$20.00) for each offense, and shall be paid by the person guilty of such violation upon his receipt of a ticket signed by the Town Marshall or his Deputy, said payment to be made at the office of the Clerk-Treasurer of said Town.

Section 7. Persons violating the provisions of Section 3 of this Ordinance or any resolution made pursuant thereto by the Board of Trustees shall be punished on conviction as provided by law.

Section 8. This Ordinance shall become effective on the
24th day of June 1974.

Passed by vote of the Board of Trustees of said Town on
this, the 6th day of June 1974.

Robert Keil

Fredrick C. Jost

William C. Phelps

Roger Shankland
BOARD OF TRUSTEES

George Kusterman
CLERK-TREASURER